October next, and then to Reply to the answer aforesaid of the said William Beckwith in the plea aforesaid; and to him it is granted, the same day is given to the said William Beckwith also.

At which said Second tuesday of October, being the Eighth day of the same month in the year of our Lord One thousand Seven hundred and ninety three, to which said day the said Thomas Beatty had leave further to imparle, and then to Reply, come again into the General Court here, as well the said Thomas Beatty by his attorney aforesaid, as the said William Beckwith by his attorney aforesaid; and the said Thomas Beatty by his Attorney aforesaid saith that by any thing by the said William Beckwith above in pleading alleged from having or maintaining his action aforesaid, to be precluded ought not, because protesting that the said William Beckwith hath not performed all or any of the matters and things in the Condition of the writing obligatory aforesaid mentioned on his part to be performed, according to the form and effect of the said Condition, nevertheless the said Thomas Beatty by way of Replication to the said plea saith, that there were due for the year seventeen hundred and eighty six in the Districts in the Condition of the said writing obligatory mentioned for Taxes, assessments and Public dues properly annually and payable within the said Districts whereof the said William Beckwith was by him the said Thomas Beatty appointed Collector as in the said Condition is mentioned, the sum of three hundred pounds current money clear of all Insolvencies and that the said William Beckwith did not collect and pay to the said Thomas Beatty within the times prescribed in the said Condition or at any time afterwards the said Taxes, assessments and public dues which according to the form and effect of the said Condition he ought to have done: And this the said Thomas Beatty is ready to verify, wherefore he prays Judgment of this Debt and Damages for the detention thereof to him the said Thomas Beatty to be adjudged and so forth: And thereupon on motion of the said Thomas Beatty by his attorney aforesaid, It is Ruled by the Court here, that the said William Beckwith, Rejoin to the Reply aforesaid of the said Thomas Beatty in the plea aforesaid, or Judgment by the Court here will be rendered against him in default thereof: and the said William Beckwith by his attorney aforesaid as before defends the force and injury when and so forth, and prays leave of the Court here further to imparle until the Second tuesday of May next, and then to Rejoin to the Reply aforesaid of the said Thomas Beatty in the plea aforesaid; and to him it is granted, the same day is given to the said Thomas Beatty also.

And now at this day to wit, the said Second tuesday of May being the Thirteenth day of the same month, in the year of our Lord One thousand Seven hundred and ninety four, to which said day the said William Beckwith had leave further to imparle and then to Rejoin, come again into the General Court here, as well the said Thomas Beatty by Baker Johnson and Arthur Shaaff his attornies as the said William Beckwith by his attorney aforesaid; and the said William Beckwith by his attorney aforesaid saith, that the said Thomas

Thomas Beatty ought not to have and maintain his action aforesaid by reason of any thing by the said Thomas Beatty in his Replication aforesaid pleaded, because he saith that the said William Beckwith did collect and pay to the said Thomas Beatty within the times prescribed in the said Condition the said Taxes assessments and public dues as by the said Condition he ought, to wit, at the County aforesaid, and of this he puts himself upon the Country and so forth: and the said Thomas Beatty in like manner and so forth: Therefore let a Jury thereon come before the Court here immediately, by whom and so forth and who neither and so forth, to recognizance and so forth, because as well and so forth, who being called, come, that is to say, Walter Billingsley, John Blackiston, Upton Beall, Philip Briscoe, William Gordon, James Matthews, Richard Beall Junior, Edward Ball, Richard Merrihin, John Bruce, James Creasap and Spencer Cooper, who being duly elected, tried and Sworn to say the truth of and upon the premises aforesaid, were granted to withdraw from the Bar to commune among themselves, concerning their Verdict of and upon the premises aforesaid; and after the said Jurors had communed amongst themselves and were agreed, and to the said Bar of the Court here had returned, to render their Verdict of and upon the premises aforesaid, the said Thomas Beatty, although solemnly called, comes not, nor doth he further prosecute his writ aforesaid against the said William Beckwith: Therefore it is considered by the Court here that the said Thomas Beatty take nothing by his writ aforesaid, but that he and his pledges of prosecuting to wit, John Doe and Richard Roe be in mercy and so forth; and that the said William Beckwith go thereof without day and so forth: And it is also considered by the Court here, that the said William Beckwith recover against the said Thomas Beatty the quantity of Seven hundred and Sixty Six pounds tobacco for his costs and charges expended about his defence in this behalf, adjudged to the said William Beckwith with his assent, according to the Statute in such cases made and provided; and that the said William Beckwith have thereof his Execution: and the said Thomas Beatty in mercy and so forth.

Test John Gwinn Clk.

Thomas Beatty against Michael Troutman	Debt same as Thomas Beatty against William Beckwith page 39. Writ. - Declaration, and oyer of Bond as in the above case. - plea Performance Replication. - Rule Rejoinder. Nonpross.

Deft. Costs 752. Tob.

Test John Gwinn Clk.

Thomas Beatty against William Head.	Debt same as Thomas Beatty against William Beckwith page 39. - Writ. - Declaration, and oyer of Bond as ~~in the~~ above case. - Plea Performance. - Replication. - Rule Rejoinder. Non Pross.

Deft. costs 752. Tob.

Test John Gwinn Clk.