

3 The defend^t ought in his plea to have pleaded the body of the Act and not the title onely, if hee had pleaded the title right) otherwise the plea is Eronious and insufficient Liber W. C.

4. Itt is apparent by the Account and the Record of the proceedings aforesaid, that the Capias issued and was Returnable before the Act of Limtacon Could take place to barr the p^{lts} Accon aforesaid to any part of the said Account except the first Line for Two quarts of wine 50th tob. w^{ch} is wthin the Statute had it beene well pleaded, but the p^lt ought to have had Judgment for the Remaind^r of y^e debt

5. The Defend^t by his plea in barr admitts the debt to bee Just and noe need had there beene of proveing the Account or any order from the Defend^t for Changes, and Itt is Evident there was Just Cause of Accon for the plt. and if soe the order Erronious and Untrue,

And therefore and for the Reasons aforesaid the said Garret sayth the said Record of the proceedings and Judgment of the County Court of Charles County afores^d are Very Illegall and Erronious, and hee prayeth that the said Judgment of the County Court may bee Reversed and sett a side, and that the p^lt may haue Judgment for his debt aforesaid Wth Damages and Costs.

And the said Josias by Henry Bonner his Attorney aforesaid Prayed the hearing of the said Errors & they are Read unto him, and hee prayeth time to speake unto the same till the next Court, and Itt is granted unto him. the same day is granted to both parties

Att w^{ch} said next Provinciaall Court to witt the ffifteenth day of May in the ffifth yeare of the Dominion of Charles Lord Baltemore &c Annoq Dominj 1680 Came the said partyes by there Attorneys aforesaid, and the said Josias ffendall by his said Attorney sayth That the Judgm^t aforesaid in the writt of Error menconed given by the said Court is good and effectuall in Lawe, and ought not to bee Reversed for the Reasons above Alleaged. because hee saith.

1st As to the first Reason Supposed by the Plt, that the Defend^t ought to haue appeared by his Attorney, and not in his prop pson This Defend^t sayth that it is not absolutely necessary in Lawe for the partyes in there pleas to appeare by Atto^r for orriginally all appearances were made in person and noe Attorney wthout the writt of Attornato faciendo, and That itt is for the partyes ease to putt in an Attorney but noe man Obleiged thereunto:

2^{dly}: As to the second this Defend^t sayth whether the Act bee rightly Intituled yea or noe, The p^lt in case Itt had not beene rightly Intituled should haue pleaded. That there was noe such Act w^{ch} being matter of ffact hee should have Traversed it in Replyeing to the Defend^{ts} plea Itt being now too late to take such Advantage p. 180

3 As to the third that the Defend^t ought to have Pleased the body