necessary for the running of said Ferry or Buoy Boats, attach them to said Ferry Boat and make the same available to said defendant as a Ferry. Plaintiff did not nor would he build said Buoy Boats, and cork them well, and pitch them well with two coats of good pitch, and paint them with two coats of paint, and make them water tight, And he so unskillfully badly, and negligently constructed said Buoy Boats that during the night time said Buoy Boats would sink, and were of no avail, said plaintiff did not nor would he put said Ferry & Buoy Boats into operation so as to make the same available to said defendant as a Ferry and said Buoy Boats are wholly incomplete and unfinished

X By reason whereof and by failure of said plaintiff to fulfill his agreement as aforesaid the said defendant incurred and sustained damages to a large amount of money as follows Lowit; The Sum of Three Hundred Dollars ($300.)

Defence No. 3.

And for a further plea in this behalf, and for further answer to said plaintiffs supposed cause of action The said defendant says that in consideration that the said plaintiff