At which said next Court to wit the 14th Day of April Anno Dom. 1747. Comes again as well the said Thomas Dell by Stephen Bordley his Attorney aforesd as the said Elizabeth Tippe Admx. as aforesd by James Calder her Attorney aforesd and the said Elizabeth by her said Attorney as before Defends the Force and Injury when &c. and saith that the aforesd Thomas Dell his Action aforesd thereof against her the same Elizabeth to have or maintain ought not because she saith that the same Henry Tippe in his lifetime did not receive the aforesd One hundred Pounds Sterling mentioned in the Condition aforesd by Virtue of the Power aforesd nor any other Sum of Money for the aforesd Legacys left by the aforesd Philip Dell in the same Condition mentioned to the same Thomas and this she is ready to Verify wherefore she prays Judgment if the aforesd Thomas his Action aforesd thereof against her to have or maintain ought &c. And the aforesd Thomas saith that by any thing by the aforesd Elizabeth above in her first Plea Alledged from having his Action aforesd he ought not to be Precluded because he saith that the aforesd Henry did in his lifetime to wit on the

day of Seventeen hundred and forty at the County aforesd receive the aforesd Sum of One hundred Pounds Sterling in the Condition aforesd mentioned and this he prays may be enquired of by the Country &c. and the Defendant also

And the aforesd Elizabeth with the leave of the Court here according to the form of the Statute in such Case lately made and provided comes and defends the Force and Injury when &c. and further says that the aforesd Thomas his Action aforesd thereof against her to have or maintain ought not because she saith that the aforesd Henry in his lifetime to wit on the second day of November in the Year of our Lord Seventeen hundred and thirty nine at Dorchester County aforesd did pay to the aforesd Thomas Dell the aforesd Sum of Two hundred and twenty five Pounds in the Condition aforesd mentioned according to the form and effect of the same Condition and this she the same Elizabeth is ready to Verify wherefore she prays Judgment if the aforesd Thomas Dell his Action aforesd thereof against her to have or maintain ought &c. And the aforesd Thomas saith that by any thing by the aforesd Eliz. above in her Second Plea Alledged from having his Action aforesd he ought not to be Precluded because he saith that the aforesd Henry did not at any time in his lifetime pay to him the said Thomas the aforesd Sum of Two hundred and twenty five Pounds in the aforesd Condition mentioned according to the form and effect of the said Condition and this he prays may be enquired of by the Country &c. And the Defendant also

And the same Elizabeth with the leave of the Court here according to the form of the Statute aforesd comes and defends the Force and Injury when &c. and further says that the aforesd Thomas his Action aforesd thereof against her to have or maintain ought not because she saith that she hath fully Administred all the Goods and Chattels which were of the aforesd Henry Tippe at the time of his Death in her hands to be Administred to wit at Dorchester County aforesd and that she hath not any Goods or Chattels which were of the same Henry at the time of his Death in her hands to be Administred nor had she at the time of the Impetration of the Original Writ of the same Thomas in the Plea aforesd nor at any time since and this she is ready to Verify wherefore she prays Judgment if the same Thomas his Action aforesd thereof against her to have or maintain ought &c. And the aforesd Thomas saith that by any thing by the aforesd Elizabeth above in her third and last Plea Alledged from having his Action aforesd against her he ought

(not)

not to be Precluded because he saith that the aforesd Elizabeth hath and on the day of the Impetration of the Original Writ aforesd of him the said Thomas to wit on the twenty eighth day of August Seventeen hundred and forty five had Divers Goods and Chattels which were of the aforesd Henry at the time of his Death in her hands to be Administred to the Value of the Debt of him the said Thomas whereby the said Thomas of his Debt aforesd might be Satisfyed to wit at the County aforesd and this he prays may be enquired of by the Country &c. and the Defendant also

Whereupon for Trying the several Issues aforesd Command is given to the Sheriff of Dorchester County that he cause to come before the Justices of the Provincial Court at Annapolis the third Tuesday of October next or before the Justices appointed to take the Assizes in his County if they shall before that time to wit on Monday the seventh day of September next to the County Court House in the said County come Twelve good and lawfull Men of his Bailiwick by whom &c. who neither &c. to Recognize &c. because as well &c.

Afterwards the Process continued between the Parties aforesd on the Plea aforesd by the Jury being put thereon in Respite here until the third Tuesday of October next unless the Justices of his Lordship the Lord Propry. to take the Assizes in the said County Assigned on Monday the Seventh day of September next to the County Court House in the said County shall come

And now here at this Day to wit the said third Tuesday of October being the 20th day of the same Month Anno Dom. 1747. Comes again into his Lordships Provincial Court here as well the said Thomas Dell by his Attorney aforesd as the said Elizabeth Tippe Admx. as aforesd by her Attorney aforesd But the said Sheriff hath not sent his Writ, Thereupon the said Cause is Continued untill next Court

At which said next Court to wit the 17th Day of May Anno Dom. 1748. Comes again as well the said Thomas Dell by his Attorney aforesd as the said Elizabeth Tippe Admx. as aforesd by her Attorney aforesd, Thereupon the said Cause is further continued untill next Court

At which said next Court to wit the 10th Day of October Anno Dom. 1748. Comes again as well the said Thomas Dell by his Attorney aforesd as the aforesd Elizabeth Tippe Admx. as aforesd by her Attorney aforesd, Thereupon the said Cause is further continued untill next Court

At which said next Court to wit the 16th Day of May Anno Dom. 1749. Comes again as well the said Thomas Dell by his Attorney aforesd as the aforesd Elizabeth Tippe Admx. as aforesd by her Attorney aforesd, Thereupon the said Cause is further continued untill next Court

At which said next Court to wit the 17th Day of October Anno Dom. 1749. Comes again as well the said Thomas Dell by his Attorney aforesd as the aforesd Elizabeth Tippe Admx. as aforesd by her Attorney aforesd Thereupon the said Cause is further continued untill next Court

At which said next Court to wit the 10th Day of April Anno Dom. 1750. Comes again as well the said Thomas Dell by his Attorney aforesd as the aforesd Elizabeth Tippe Admx. as aforesd by her Attorney aforesd Thereupon the said Cause is further Continued untill next Court

At which said next Court to wit the 11th Day of September Anno Dom. 1750. Comes again as well the said Thomas Dell by his Attorney aforesd as the aforesd Elizabeth Tippe Admx. as aforesd by her Attorney aforesd Thereupon the said Cause is further Continued untill next Court

At which said next Court to wit the 9th Day of April Anno Dom. 1751. Comes again as well the said Thomas Dell by his Attorney aforesd as the aforesd Elizabeth Tippe Admx. as aforesd by her Attorney aforesd Thereupon the said Cause is further Continued untill next Court

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