Death of the Said William Tower to wit at Prince Georges County aforesaid and that within three Years before the Impetration of the Original Writ of the Said John Gafsaway to wit on the day of in the Year of our Lord one thousand Seven hundred and fifty Administration to the Said John Gafsaway in due manner was Committed in form aforesaid to wit at Prince Georges County aforesaid by which Action accrued to the Said John Gafsaway within three Years before the Impetration of the Original Writ of the Said John Gafsaway and this he is ready to Verify wherefore he prays Judgment and his Damages by Occasion of the Premisses to him to be adjudged &c.

And the Said John Cooke saith that the Said Plea by the Said John Gafsaway in manner and form above by replying pleaded to the Second Plea aforesaid of the Said John Cooke and the Matter therein Contained are not Sufficient in Law for the Said John Gafsaway to have and Maintain his Action aforesaid against him the Said John Cooke and that he hath no need nor is he Obliged by the Law of the Land in any Manner to the Said Plea in manner and form above pleaded and this he is ready to verify &c. Wherefore for want of a Sufficient Replication in this behalf the Said John Cooke prays Judgment and that the Said John Gafsaway from having his Action aforesaid against him may be precluded &c.

And the aforesaid John Gafsaway Saith that the Plea aforesaid by him in manner and form aforesaid above by replying pleaded and the Matter in the Same Contained are good and Sufficient in Law to Maintain the Action aforesaid of him the Said John Gafsaway against him the Said John Cooke which said Plea and the Matter in the Same Contained he the Said John Gafsaway is ready to Verify and prove &c. and because the aforesaid John Cooke to that Replication hath not Answered nor the Same in any manner gainsayed he the Said John Gafsaway as before Prays Judgment and his Damages Occasioned of the Premisses to him to be adjudged and so forth.

Whereupon for Trying the Issue Command is given to the Sheriff of (Prince)

Prince Georges County that he Cause to come before the Justices of the Provincial Court at Annapolis the third Tuesday of May next or before the Justices appointed to take the Assizes in his County if they shall before that Time to wit on Thursday the Twenty Eighth day of April 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 aforesaid by the Jury being put thereon in respite here untill the third Tuesday of May next unless the Justices of his Lordship the Lord Proprietary to take the Assizes in the Said County Assigned on Thursday the Twenty Eighth day of April next to the County Court House in the Said County shall Come.

And now here at this day to wit the third Tuesday of May being the Seventeenth day of the Same Month Anno Dom. 1757 Comes again into his Lordships Provincial Court here as well the Said John Gafsaway Executor aforesaid by his Attorney aforesaid as the Said John Cooke by his Attorney aforesaid But the Sheriff hath not Sent his Writ.