which has been remanded for new Audt.

Wm A Talbott Sheriff

Mar 24, 54.

The undersigned consent in this case Banks for Williams for Consent to receive as Endorsed the above statement of Wm A Talbott Sheriff to the same extent as if the Traverse therein certified had been proven under the commission issued to take testimony in this case It is also admitted that the Notes dated 30 July 1844 therein sued in this case before the Magistrate was seal down for hearing were not sued for dividends under Talbotts deed of Assd and remain Undividends undersd dated.

H. Ger. N. Teackle Solr for Complts
Brent and Mayo for defendants.

Palmers Comty to wit

Nathaniel Williams and Joseph B Williams Executors of the last Will and Testament of Hannah K Chase late of said County deceased were attached to answer unto Robert Kennick of all and singular the goods and Chattels rights and credits which were of Hannah K Chase late of Palmers County deceased in a plea &c, and thereupon the said plaintiff by James Malcolm his attorney complains. For that whereas the said Hannah K Chase died in his Life time hereinafter called on the 30 day of July AD 1844 that is to say at the County aforesaid made her certain Promissory Note in writing bearing date the day and year aforesaid and thereby then and there promised to pay ten years after date thereof to William Chase Barney or order ten thousand dollars for Value received. And the said William Chase Barney to whom or to whose order the payment of the said sum of Money in the said Note specified was to be made after the making of the said Note and before the payment of the said sum of money therein specified to Wit, on the day and year aforesaid at the County aforesaid indorsed the said Note to the said plaintiff. By which said endorsement the said William Chase Barney then and there ordered and appointed the said sum of money in the said Note specified to be paid to the said plaintiff

And the said William Chase Barney then and there endorsed and delivered the said Note so indorsed to the said plaintiff. By means whereof and by force of the Statute in such case made and provided the said Hannah K Chase in her life time then and there became liable to pay to the said plaintiff the sum of Money in the said Note specified according to the tenor and effect of the said Note, and being so able the said Hannah K Chase in her life time in consideration thereof afterwards to Wit on the same day and year aforesaid at the County aforesaid undertook and then and there faithfully promised the said plaintiff

to pay him the said sum of Money in the said Note specified according to the tenor and effect thereof. Nevertheless the said Hannah K Chase in her life time and the said Nathaniel Williams and Joseph B Williams Executors as aforesaid since the death of the said Hannah K Chase or either of them although often requested have not nor has either of them paid the said sum of Money or any part thereof to the said Robert Kennick since her death although so to do the said Hannah K Chase in her life time ought to have done on the day and year aforesaid and the said Nathaniel Williams and Joseph B Williams since the death of the said Hannah K Chase have not on the day and year aforesaid and often afterwards although the County aforesaid were requested to the said plaintiff but to pay the same the said defendants have hitherto altogether refused and still refuse so to do to the damage of the said plaintiff Sum thereof and therefore he brings his suit &c

J Malcolm
Plaintiffs Attorney

To Nathaniel Williams and Joseph B Williams the Defendants named in within declaration,

Take Notice that on the day of your appearance to these actions, Palmers County Court will be entered against you to plead within 15 days thereafter.

J Malcolm,
Plaintiffs Attorney

True Copy. Test Edward Dowling Clk

Robert Kennick
Pltff

Pltffs costs $32.34
Defts costs $16.87½
Nathaniel Williams and Joseph B Williams Exrs of Samuel K Chase

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30 July 1849 case ordered to Sh Augh 1849 Nat and Notice to plead $ damages $4000 Copi ambo Copy left and return'd Sheley, 10 Sept 1849 appeared plea 11 Sept 1849 pleas, 1. 2. 3. 4. 5. 6. 7 and 8 and Notice to reply to said sep. Same Service of Copy and Notice of rule admitted Same day interrogatories to be answered by plaintiff &c Same day Rule to answer order for and Service of Copy and Notice of said admitted 14 Sept 1849 Demurrer to 1st plea and Issue rep to 2d 3d 4. 5. 6. 7 and 8 pleas &c Service of Copy admitted 17 Oct 1849 answers to Interrogatories Service of Copy admitted and to Nov Term 1849 13 March 1850 exceptions to answer &c and day given Nov (Assent) &c Service of Copy admitted Same day rep to 9 plea and agreement to waive forms on Withdrawing &c Same day answers to Exceptions filed 14 March Jury sworn to Wm Robert Jenkins Elisha Carback Thomas Oliver Samuel Thawley, William H Cunningham absent