one of the returned terretenants aforesaid by his attorneys aforesaid files here in Court the following disclaimer to Wit.

Cyrus Houston vs James B. Dello and Terretenants

And the said Mercher Dello returned by the Sheriff in the above cause as one of the tenants of the land premises of which the said James B. Dello was seized at the time of the rendition of the Judgment recited in the said Writ of Scire Facias by Alexander Neill and Daniel Weisel his attorneys says that at the time of issuing said Writ of scire facias he was not, nor is he now a tenant or occupier of the said land premises whereof he is as aforesaid returned tenant, and that he hath not nor claims to have any thing in the demesne or in the reversion of the tenements, of the lands and premises aforesaid or any part thereof whereof he is as aforesaid returned tenant or of fee held or fee, nor had nor claimed to have any thing on the day of issuing of the said Writ of scire facias or ever after, but to have any thing in demand of the same land and tenements, with the appurtenances, or any part thereof, as of free hold or of fee, absolutely disavows and disclaims,

D. Weisel
Alex Neill Attys for said Defendants,

And forasmuch as the said Mercher having by his said plea above by him pleaded in this cause disclaimed all right title and interest in and to the land and premises aforesaid thereof it is considered by the Court here and with the consent of the plaintiff aforesaid that the plea and disclaimer of the said Mercher be allowed, And thereupon on motion of the said plaintiff by his attorneys aforesaid, it is ordered by the Court here that the said Joshua Dello Abraham Dello and Isaac Ankeney terretenants aforesaid answer to the Writ of scire facias aforesaid, or execution will be awarded against them in default thereof to be done &c.

Whereupon the terretenants aforesaid by their attorneys aforesaid come in Court here the following pleas to Wit.

Cyrus Houston vs James B. Dello and Terretenants

Scire facias in the Circuit Court for Washington County
No. 66 Issues July Term 1859.

And the said Joshua Dello, Abraham Dello and Isaac Ankeney returned by the Sheriff of said Washington County on the Writ of scire facias issued in the above cause as terretenants of the land and premises of which the said James B. Dello was seized at the time of the rendition of said Judgment in said Writ of scire facias mentioned and recited by Daniel Weisel and Alexander Neill their attorneys say that the said plaintiff ought not to have execution of the debt damages costs and charges aforesaid in the said Writ of scire facias mentioned against the said lands and tenements of which they are returned terretenants because they say. 1 That after the said recovery of said debt damages and costs, and before the issuing of the Writ of scire facias in this cause the said James B. Dello the defendant in said original Judgment paid to the said plaintiff the said debt and damages in form aforesaid recovered. 2d And for a second plea the said defendants say. That at the time of the rendition of the rendition of said Judgment in said Writ of scire facias mentioned and recited and afterwards the said James B. Dello against whom the same was rendered was and became seized in his demesne as of fee of divers other lands and tenements in said Washington County besides those named in the said Sheriffs return of said Writ of scire facias, namely Part of the "Resurvey on Chance" part of "Transport

West and part of "Delacarlia" containing together 181½ acres and conveyed to said James B. by Wm Miller Trustee by deed dated 25 Apl 1856 and recorded in Liber No 12 folios 134 and 135 one of the land records of said County, and also in his estate as of fee in a part of a tract of land called Good Neighborhood and Well Heal which was conveyed to Adam Michael Seibert Sr by deed dated 18 June 1840 and recorded in Liber No 5 folio 213 one of the land records of said County and that the time of issuing said Writ of Scire Facias and since and now there were and have been and are now other tenants of said lands and tenements in this plea mentioned to whom said Writ of Scire Facias ought to have been made known by said Sheriff, but to whom the same has not been made known and who have not been returned as terretenants of said last named lands and tenements and that Henry Dello is terretenant of said first named tract or parcel of land above mentioned and that Michael Seibert Sr was and is terretenants of the said last mentioned tract or parcel of land, 3 And for a third plea the said defendants say. That at the time the said original Judgment was rendered against the said James B. Dello the said Judgment was conditioned by him on certain terms and conditions expressed in his power of attorney filed in said cause, and that one of said conditions was that said Judgment should be entered but that all credits made to appear to Isaac Nesbitt should be allowed, and that at the time of said confession and entry was accordingly so made, but that the said credits were were overlooked by said Isaac Nesbitt and that defendants say that the said James B. had prior to the rendition of said Judgment paid all various large sums of money to the plaintiff as his original cause of action filed in said Judgment amounting in the whole to a large sum of money, to Wit to the sum of four thousand five hundred dollars, which ought to have been entered as credits in said Judgment but which was omitted to be done by the said Nesbitt, and that defendants further say that the said Nesbitt not only omitted so to enter said credits but afterwards refused to act in the premises as required by the terms and conditions of said Judgment by which said Judgment has failed to take effect according to the conditions thereof and has become null and void 4 And for a fourth plea the said defendants say that there is no such record of such Judgment in the said Court, as the said plaintiff hath alleged in his said Writ of scire facias suppose.

Alex Neill D. Weisel for said Defendants

And thereupon the plaintiff aforesaid by his attorneys aforesaid files in Court here the following Replies

Cyrus Houston vs James B. Dello and Terretenants

Scire facias in the Circuit Court for Washington County
July Term 1859

The plaintiff Cyrus Houston by his attorneys moves the Court here that the second plea in the series of pleas this day filed by the defendants be not received by the Court here but that the said second plea be stricken out and taken off the files of the Court, and as reasons for not receiving the second plea as defended to this ground the plaintiff assigns the following. 1st Because the said plea is not a plea in bar and not in abatement, and that the same is tendered and filed in this Court in violation of the following rules of this Court,