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that at the day and place mentioned in the same Condition the aforesaid Anthony McCulloch did well and truly pay and discharge unto the said Charles Carroll Esq.r the said sum of Seventy nine pounds Sterling money in the said Condition of the writing obligatory aforesaid mentioned according to the form and effect of the same Condition to wit at the County aforesaid and this he is ready to verify whereof he prays Judgment if the said Charles Carroll Esq.r his action aforesaid against him to have or maintain ought and the aforesaid Anthony Stewart by leave of the Court here according to the form of the Statute in such case lately made and provided further defends the force and injury when and so forth and says that the aforesaid Charles Carroll Esq.r his action aforesaid against him the said Anthony Stewart to have or maintain ought not because he says that he the said Anthony Stewart before the issuing of the writ aforesaid had fully administered all the goods and Chattels which were of the said Anthony McCulloch at the time of his death and that he hath no goods and Chattels which were of the said Anthony McCulloch at the time of his death in his hands to be administered nor had he at the day of Issuing the writ aforesaid nor at any time afterwards and this he is ready to verify wherefore he prays Judgment if the said Charles Carroll Esq.r ought to have or maintain his said action thereof against him &c And the aforesaid Charles Carroll saith that he from having and maintaining his aforesaid Action against the said Anthony Stewart ought not to be precluded because he saith that the aforesaid Anthony McCulloch at the day and place mentioned in the said Condition did not well and truly pay and discharge unto him the same Charles Carroll Esq.r the said Sum of Seventy nine pounds Sterling money in the said Condition of the writing obligatory aforesaid mentioned according to the Form and effect of the condition aforesaid in manner and form as the aforesaid Anthony Stewart above in pleading hath alledged and this he prays may be enquired of by the Country and the aforesaid Anthony Stewart in like manner Whereupon this cause standing for trial the same is continued until next Court according to Act of Assembly At which said next Court to wit the day of September Anno Domini 1776 come again the said parties plaintiff and defendant by their Attorneys aforesaid and thereupon the said Cause is further continued until next Court according to Act of Assembly At which said next Court to wit the day of April Anno Domini 1777 come again the said parties plaintiff and defendant by their Attornies aforesaid and thereupon the said cause is further Continued until next Court according to Act of Assembly At which said next Court to wit the day of September Anno Domini 1777 come again the said parties plaintiff and Defendant by their Attornies aforesaid And thereupon the said cause is further continued until next Court according to act of Assembly At which said next Court to wit the 12th day of May Anno Domini 1778 come again the said parties plaintiff and defendant by their Attornies aforesaid and thereupon the said cause is further continued until next Court according to Act of Assembly At which said next Court to wit the 13th day of October Anno Domini 1778 come again the said parties plaintiff and defendant by their Attornies aforesaid and thereupon the said cause is further continued until next Court according to Act of Assembly At which said next Court to wit the 11th day of May Anno Domini 1779 come again the said parties plaintiff and defendant by their Attornies aforesaid and thereupon the

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said cause is further Continued until next Court according to Act of Assembly At which said next Court to wit the 12th day of October Anno Domini 1779 come again the said parties plaintiff and defendant by their Attorneys aforesaid and thereupon the said cause is further continued until next Court according to Act of Assembly At which said next Court to wit the 22d day of May Anno Domini 1700 to wit the day May term 1700 was adjourned by Act of Assembly come again the said parties plaintiff and defendant by their Attorneys aforesaid and thereupon the said cause is further continued until next Court according to Act of Assembly At which said next Court to wit the 10th day of October Anno Domini 1700 come again the said parties plaintiff and defendant by their Attornies aforesaid and thereupon the said cause is further continued until next Court according to Act of Assembly At which said next Court to wit the 8th day of May Anno Domini 1701 come again the said parties plaintiff and defendant by their Attornies aforesaid and thereupon the said cause is further continued until next Court according to Act of Assembly At which said next Court to wit the 9th day of October Anno Domini 1701 come again the said parties plaintiff and defendant by their Attornies aforesaid and thereupon the said cause is further continued until next Court according to Act of Assembly At which said next Court to wit the 15th day of May Anno Domini 1702 comes again as well the said Charles Carroll Esq.r by his Attorney aforesaid as the said Anthony Stewart by his Attorney aforesaid and the said Anthony Stewart by his Attorney aforesaid as to his first plea of payment relinquishes his accounts aforesaid above by him pretended and saith that he cannot deny but that the aforesaid Anthony McCulloch did not well and truly pay and discharge unto him the said Charles Carroll Esq.r the said sum of Seventy nine pounds Sterling money in the said Condition of the writing obligatory aforesaid mentioned according to the form and effect of the said Condition - And the said Charles Carroll Esquire doth not deny but that the said Anthony Stewart hath fully administered all and singular the goods and Chattels which were of the said Anthony McCulloch at the time of his death and which hath come to the hands of the said Anthony Stewart to be administered as the said Anthony Stewart aforesaid by pleading hath alledged the said Charles Carroll Esq.r prays Judgment for his debt aforesaid together with his costs and charges by him about his suit in this part laid out and expended to be levied of the goods and Chattels which were of the said Anthony McCulloch and which shall hereafter come to the hands of the said Anthony Stewart Administrator as aforesaid to be administered Therefore it is considered by the Judges here the same 15th day of May Anno Domini 1702 That the said Charles Carroll Esq.r recover against the said Anthony Stewart Administrator as aforesaid as well the Sum of one hundred and fifty eight pounds Sterling money his debt aforesaid as also the Sum of pounds of Tobacco by the Court here unto him on his Assent adjudged for his costs and charges by him about his Suit in this behalf laid out and expended to be levied of the goods and Chattels of the said Anthony McCulloch at the time of his death and which shall hereafter come to the hands of the said Anthony Stewart Administrator as aforesaid to be administered and the said Defendant in mercy &c

Test Thos. B. Hodgkin Cl.