which were of the said John Stevenson at the time of his death in their hands to be administered except Goods and chattels to the value of nine hundred and eighty one pounds sixteen shillings and six pence current money and that they the said William and John have not nor on the day of Exhibiting the said Bill of the said John Lee Webster nor at any time afterwards had any goods or chattels which were of the said Stevenson at the time of his death in the hands of them the said William and John to be administered except the goods and chattels aforesaid to the said value of nine hundred and eighty one pounds sixteen shillings and six pence current money which are liable to and charged with the payment and satisfaction of the said sum due and payable by the Judgment aforesaid and the said William and John do aver that they had no notice of the Debt of him the said John Lee Webster before the suing out the writ of the said John Lee Webster, to wit, on the third day of February one Thousand seven hundred and ninety one, at the County aforesaid and this they are ready to verify wherefore they pray Judgment if the said John Lee Webster ought to have or maintain his said action against them &c.

David McMechen for Defendt.

And the said John Lee Webster saith that by any thing by the said William and John in their first plea above pleaded alledged he ought not to be precluded from having and maintaining his action aforesaid against them because he saith that the said John Stevenson in the Condition of the said Bill obligatory mentioned did not pay the aforesaid sum of one hundred and forty one pounds fifteen shillings current money in the said Bill obligatory mentioned and the interest thereon due at the day of payment in the said Bill obligatory mentioned or at any time before or since the said day of payment in the said Bill obligatory mentioned and this he prays be enquired of by the Country and soforth, and the said William and John in like manner and soforth.

And the said John Lee Webster saith that he by any above alledged ought not to be barred from having his action aforesaid because he saith that the sum of one thousand and seventy pounds current money hath been paid to the said Daniel in part of the said Judgment and in satisfaction of the same by the said William and John and that the said William and John on the day of the impetration of the writ of him the said John Lee Webster had divers goods

goods and chattels which were of the said John Stevenson at the time of his death in their hands to be administered over and above goods and chattels sufficient to satisfy the said sums of money then and now due and payable on the said writing obligatory - and Judgment aforesaid wherewith the said William and John could have satisfied the said John Lee Webster his Debt and Damages aforesaid to wit, at Baltimore County aforesaid and this he prays may be enquired of by the Country and the said William and John in like manner. - Ch. Hollingsworth, Clk.

Whereupon Command is given to the Sheriff of Baltimore County that he immediately cause to come here twelve good and Lawful men of his bailiwick who neither and soforth. To recognize and soforth - because as well and soforth. Which said Sheriff maketh return that he hath here twelve good and lawful men of his Bailiwick who and soforth. as he was commanded which said Jury being called come and are as follows Viz.

Charles Garts, Jacob Richelberger - William Allender - John McFaddon Henry Wilson - William Singleton - Michael Elder - Samuel Dodge - John Bankson - Richard Gittings - Thomas Moale and Richard Barry.

And now at the Trial of this cause before the Jurors aforesaid so as aforesaid sworn to try the issue aforesaid the Plaintiff by his Counsell offered in evidence to the said Jury to maintain the issue aforesaid on his part to be maintained that the said Hammond and Stevenson Executors as aforesaid had in the course of their said administration paid away Debts of Simple Contract to the amount of the Debt and Damages in this behalf claimed after the said executors had notice of the said bill in this cause filed and on which this suit is brought and the debt thereon to be due and owing to the said John Lee Webster by the said John Lee Webster shewing the said Bill to the said William Hammond. Whereupon the Court directed the said Jurors that in as much as there was no suit brought on the said Bill before the said payment so as aforesaid made of the said Simple Contract Debts that there was not sufficient evidence of notice to charge the said executors by reason of the paiments of the said Simple Contract Debts with the said Debt and Damages in this behalf claimed to which said Opinion of the Court the Plaintiff by his Counsil prays leave to except and prays that the Court here present would according to the Statute in such case made and provided thereto affix their hands and seals.

Jos.a Seney (Seal)

Who being duly elected tried and sworn to say the truth in the premises upon their oath do say that the said John