Said Defendants Rejoinder to the third Replication of the said Thomas he the said Thomas ought not to be precluded from having and maintaining his action aforesaid against them because protesting the said Decree was fairly and equitably obtained without fraud or Collusion, for a just Debt due to the said Thomas he the said Thomas for answer to the said Rejoinder of the said Defendants saith that the aforesaid Decree yet remains in full force and virtue unreversed and unannulled and this he is ready to verify &c Wherefore he prays Judgment for his Debt and damages &c.

Luther Martin for Pltff.

And as to the aforesaid plea of the said Thomas Slop above by Surrejoining pleaded the said James and John say that the said Thomas Slop by anything contained in the said Plaintiffs Surrejoinder his action aforesaid against them to have a maintain ought not because protesting that the said Decree in the said Surrejoinder mentioned was not for a just Debt due to the said Thomas Slop and Protesting also that the said Decree does not yet remain in full force and virtue unreversed, for plea nevertheless by way of Rebutter to the said Surrejoinder the said James and John say that the said Decree was obtained by Fraud and Deceit of the said Thomas Slop and Levin Wilson with Intent to defraud and deceive the said Samuel of the money and Tobacco in the said Decree mentioned, and this the said James and John are ready to verify wherefore they pray Judgment if the said Thomas Slop his action aforesaid against them to have or maintain ought &c

Wm Cooke for Deft.

But because the Court here are not advised to give their Judgment of and upon the premises a day is therefore given to the parties aforesaid before the Judges of our General Court here until the second Tuesday of October next to hear their Judgment of and upon those premises because the court now here thereof not yet &c.

At which said second tuesday of October being the thirteenth day of the same month Anno Domini Seventeen hundred and eighty nine come again here into our General Court as well the aforesaid Thomas Slop by his attornies last aforesaid as the aforesaid James Cheston and John Galloway Executors aforesaid by their attornies last aforesaid But because the court here are not yet advised to give their Judgment of and upon the premises aforesaid day therefore is further given to the Parties aforesaid before the Judges of our General Court here untill the second Tuesday of may next to hear their Judgment of and upon those premises because the court now here thereof are not yet &c.

At which said second Tuesday of may being the eleventh day of the same month Anno Domini Seventeen hundred and ninety come again here into our General Court as well the aforesaid Thomas Slop by his Attornies last aforesaid as the aforesaid James Cheston and John Galloway Executors aforesaid by their attornies last aforesaid

And,

And the said Thomas Slop says that he by anything by the said James and John above by Rebutter pleaded, ought not to be barred from having his said action against the said James and John because he says that the said Rebutter by them the said James and John in manner and form above pleaded and the matter therein contained are not sufficient in Law to bar the said Thomas from having his said action against them to which said Rebutter he has no need nor is he bound by the Law of the Land in any manner to answer and this he is ready to verify &c Wherefore for want of a sufficient Rebutter in this behalf the said Thomas as before prays Judgment and his Debt together with his Damages by reason of detaining that Debt to be adjudged to him &c. And the said James and John say that the plea aforesaid by them the said James and John in manner and form aforesaid above by Rebutter pleaded and the matter in the same contained are good and sufficient in Law to preclude him the said Thomas from his action aforesaid thereof against them the said James and John had which said plea of Rebutter and the matter in the same contained, they the said James and John are ready to verify and prove as to the court &c and because the said Thomas doth not answer to that plea by Rebutter pleaded, nor hitherto any way deny the same they the said James and John as before pray Judgment and that the said Thomas may be precluded from his action aforesaid thereof against them had &c. But because the court here are not yet advised to give their Judgment of and upon the premises aforesaid day therefore is further given to the parties aforesaid by consent of the said parties and their Attornies aforesaid before the Judges of our General Court here until Tuesday the second day of November next to hear their Judgment of and upon those premises, because the court now here thereof are not yet &c. At which said Tuesday being the second day of November Anno Domini Seventeen hundred and ninety come again here into our General Court as well the aforesaid Thomas Slop by his attornies last aforesaid as the aforesaid James Cheston and John Galloway Executors as aforesaid by their attornies last aforesaid And hereupon on the prayer of the parties aforesaid with consent of the same parties and their attornies aforesaid leave is given by the court here to the said Thomas Slop to withdraw his Demurrers aforesaid above set forth and also that the said Thomas Slop may join Issue to the pleas aforesaid of the aforesaid James Cheston and John Galloway Executors aforesaid above likewise set forth.

Thereupon further process of and upon the premisses aforesaid between the Parties aforesaid by consent of the said Parties and their attornies last aforesaid and by order of the court here thereon is Continued untill the Second Tuesday of may next following.

At which said second Tuesday of may being the Tenth day of the same month Anno Domini Seventeen hundred and ninety one come again here into our General Court as well the aforesaid Thomas Slop by his attornies last aforesaid as the aforesaid James Cheston

and,