abated and this the said James and John are ready to verify and so forth
wherefore they pray Judgment if the said Thomas his action aforesaid against
them to have or maintain ought and so forth.

And the said James and John by leave of the court here and according
to the form of the Statute in such case made and provided come and
further defend the force and injury when and so forth and say that
the said Thomas his action aforesaid against them to have or maintain
ought not because they say that after making the writing obligatory
aforesaid to wit on the nineteenth day of July in the year of our Lord one
thousand Seven hundred and Seventy it was Decreed by the said High
Court of Chancery in the cause in the condition of the said writing obligatory
mentioned that the said William McSwaine Should pay to the said Thomas
what on account should appear to be due and in order that the same
might be settled and liquidated that commissions Should Issue to John
Davidson, Thomas Harwood, Thomas Brooke Hodgkin and Thomas Hyde
And the said James and John in fact say that the said John Davidson
Thomas Harwood, Thomas Brooke Hodgkin, and Thomas Hyde did
not settle or liquidate any account matter or thing, in the said cause and
this the said James and John are ready to verify and so forth.
Wherefore they pray Judgment if the said Thomas his action aforesaid
against them to have or maintain ought and so forth.

And the said James and John by leave of the Court here and
According to the form of the Statute in such case made and provided
come and further defend the force and Injury when And so forth
And say that the said Thomas his action aforesaid against them to
have or maintain ought not because they say that after the
making of the writing obligatory aforesaid and before any final
Decree in the Cause in the aforesaid condition mentioned the
said William McSwaine departed this Life whereby the said
Cause abated and that afterwards to wit on the twenty first day of
August in the year of our Lord one thousand Seven hundred and
Seventy one administration of all the goods and Chattels Rights
and Credits which were of the said McSwaine at the time of his
decease was granted unto a Certain Levin Wilson of Somerset County by
Thomas Holbrook Gapaway Esquire Deputy Commissary of that
County and that afterwards to wit on the Seventh day of may
in the year aforesaid he the said Thomas did exhibit in the said
High Court of Chancery in the Cause aforesaid against the said
Levin Wilson administrator as aforesaid Hoc of the said McSwaine
his the said Thomas's Bill of Revivor to Revive against him the
said Levin the aforesaid Cause which said Levin appeared to the
said,

said Bill of Revivor and made himself Defendant in the said cause and that
then and there by order of the said High Court of Chancery the said Cause and
all the proceedings therein were revived against the said Levin and the said
James and John further say that afterwards in the said High Court of Chancery
it was so proceeded in the said Cause that on the eighteenth day of May in the
year of our Lord one thousand Seven hundred and Seventy three at a Court of
Chancery then held before his excellency Robert Eden Esquire Chancellor of
Maryland it was ordered adjudged and decreed by the said Chancellor and
by the Authority of the said High and Honourable Court that the said Levin
Wilson as administrator Should pay and Satisfy to the said Thomas the
sum of Four hundred and ninety Seven pounds five Shillings and Seven pence
three farthings common money the Balance which was due to the said Thomas
on the first day of January one thousand Seven hundred and fifty nine
together with legal Interest on Three hundred and Eighty nine pounds five
Shillings and three farthings part thereof from the said first day of January one
thousand Seven hundred and fifty nine until the Sixteenth day of February
Seventeen hundred and Seventy three and also with Interest on the said sum
of Four hundred and ninety Seven pounds five Shillings and Seven pence
three farthings from the said Sixteenth day of February Seventeen hundred
and Seventy three until the Same Should be paid and Satisfied And
further that the said Defendant Levin Wilson as administrator
aforesaid Should pay unto the said Thomas the further sum of three
hundred and twenty three ten Shillings and three pence half penny
Sterling money and Six hundred and eighty three pounds and
one half pound of Tobacco being the sum of money and Tobacco
which had been paid by the said Thomas to the said McSwaine
according to the Order of the same Court made on or about the
twentieth day of February Seventeen hundred and Sixty Seven with
Interest on the said Sum of Sterling money and Tobacco from the first
day of July Seventeen hundred and Sixty Seven until the same
Should be paid to the said Thomas and also that the said Levin as
administrator aforesaid Should pay to the said Thomas all
Costs by him expended in the said Suit as well as all Costs expended
by him in the action which had formerly been depending in the
provincial Court and which was mentioned in the same former
order and the Plaintiffs and Defendants costs of an Action which had
been brought in Somerset County Court by a Certain Thomas
Dashiell against the said Thomas Slop for Fees on the execution
which had been issued by the said McSwaine against the said
Thomas Slop and because it did not appear to the said Court of
Chancery that the said Levin Wilson as administrator aforesaid
had any Assets in his hands wherewith to Satisfy the said Decree it
was ordered that the same Should be paid and Satisfied out of
any Assets which might thereafter come to the hands of the said
Levin,