by the day aforesaid, Judgment will be rendered against them in default thereof; the same is given to the said Stephen West, there and so forth.

At which said second Tuesday in October being the fourteenth day of the same month in the year of our Lord One thousand seven hundred and eighty eight comes into the General Court here as well the aforesaid Henry, Godfrey and Frederick by their attorney aforesaid, as the aforesaid Stephen by his attornies aforesaid: And the said Stephen as to the replication of the said Plaintiffs to the second plea of him the said Stephen saith that the said Plaintiffs by any thing in their said Replication alledged to have and maintain their action aforesaid against him the said Stephen ought not because he the said Stephen saith that the said John Hobson in the Declaration and Replication of the said Plaintiffs mentioned at the time of the respective promises assumptions aforesaid to the said Plaintiffs by him the said John Hobson and the said Stephen alledged and long before and until the time of the death of the said Hobson which happened on or before the day of in the year One thousand seven hundred and seventy was residing and inhabiting in parts beyond sea to wit at London in the Kingdom of Great Britain, there continually resided all the time aforesaid and the said Stephen further saith that the said Plaintiffs also resided and inhabited in the same parts beyond sea to wit at London aforesaid all the time aforesaid Wherefore the said Stephen prays Judgment if the said Plaintiffs their action aforesaid against him the said Stephen to have or maintain ought and so forth.

Whereupon comes here into Court in his proper person William Stewart of Annandale County, and undertakes for the said, ~~Stephen West~~ Langhorne, Molling and Rasch that if the said ~~Stephen West~~ Langhorne, Molling and Rasch in the plea aforesaid, shall be nonsuited, or from having and maintaining their action aforesaid shall be precluded then the said, ~~Stephen West~~ Langhorne, Molling and Rasch shall pay unto the said ~~Plaintiffs~~ Stephen West all such Costs and charges by him about his Suit sustained, which shall be adjudged unto the said ~~Plaintiffs~~ Stephen West by the Court here or that he the said William Stewart will do the same for them.

And the aforesaid Stephen by his attornies aforesaid defends the force and injury when and so forth, and prays leave of the Court here to imparle until the second Tuesday of May next, and he hath it the same day is given to the aforesaid Plaintiffs also.

At which said second Tuesday in May being the twelfth day of the same month in the year of our Lord One thousand seven hundred and eighty nine, comes into the General Court

here,

here as well the aforesaid Henry, Godfrey and Frederick by their attorney aforesaid as the aforesaid Stephen by his Attornies aforesaid; And the said Stephen by his his attornies aforesaid, prays the Court here that Commission may issue to the City of London, in the Kingdom of Great Britain, to examine evidences in this cause and that the depositions returned with the said Commission may be read in evidence at the trial hereof, and it is granted him, whereupon the said Stephen and the said Henry, Godfrey and Frederick by their said attornies, pray the Court here that the same Commission on the part of the Defendant may be directed, as before to Joshua Johnson, William Murdock, Horatio Claggett and Alexander Contee, Gentleman of the City of London in the Kingdom of Great Britain aforesaid, and that they, or any three or any two of them, examine and so forth, returnable with all convenient speed, and thereupon the same Commission accordingly issues, and the aforesaid Stephen by his attornys as before defends the force and injury when and so forth, and prays leave of the Court here to imparle until the second Tuesday of October next, and he hath it the same day is give to the aforesaid Plaintiffs.

At which said second Tuesday in October being the thirteenth day of the same month in the year of our Lord One thousand seven hundred and eighty nine, comes again into the General Court here as well the aforesaid Henry, Godfrey, and Frederick by their attorney aforesaid, as the aforesaid Stephen by his Attornies aforesaid; Thereupon further process of and upon the premises aforesaid by consent of the parties aforesaid by their attornies aforesaid and by order of the Court here thereon is further continued until the second Tuesday of May next, and the said Stephen by his attorney aforesaid agreeing to release all errors by reason of misconteinuance and so forth.

At which said second Tuesday in May being the eleventh day of the same month in the year of our Lord One thousand seven hundred and ninety comes again into the General Court here the aforesaid Henry, Godfrey and Frederick by their attorney aforesaid, and the said Stephen doth not come; and the said Henry, Godfrey and Molling suggests to the Court here, that after the last continuance of the plea aforesaid, to wit after the second Tuesday of October last, and before this time, to wit, on the day of last past at the County aforesaid, the said Stephen departed this life, and the same is not denied; whereupon it is ordered by the Court here, on the prayer of the said Henry, Godfrey and Frederick that a —

summons,