Attorney aforesaid, Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by order of the Court here thereon it is further continued until the second Tuesday of May next the same day is given to the Parties then and there and so forth.

At which said second Tuesday in May being the thirteenth day of the same month in the year of our Lord One thousand seven hundred and ninety four come again into the General Court here as well the aforesaid Langhoff, Molling and Rasch by their attorney aforesaid as the aforesaid Hannah Executrix aforesaid by her attorney aforesaid:

Molling, Rasch and Co. against Hannah West Executrix of Stephen West } It is agreed that should any sum be found due by the Verdict for the Plaintiffs it shall not be binding on the Executrix or her Securities so as to affect them or make them answerable beyond Assets which have or shall come to her hands which in course of legal administration would be liable for the Plaintiffs Claim. —

Mooke for Plaintiffs
Luther Martin for Defendant.

Whereupon the said Hannah by her Attorney aforesaid relinquishes her verifications aforesaid by her herein before fourthly and fifthly alleaged; and the said Langhoff, Molling and Rasch as to the first plea of the said Hannah above pleaded in like manner and so forth. and as to the second plea of the said Hannah above pleaded the said Langhoff Molling and Rasch say that they by any thing in the said second plea above alledged to be precluded from having and maintaining their said action ought not because they say that at the time of making the said promise and assumption of the said Stephen West and John Hobson in the declaration aforesaid of them the said Langhoff Molling and Rasch above mentioned they the said Langhoff Molling and Rasch were always since have been and yet are residing in parts beyond Sea to wit in London in the Kingdom of Great Britain and this they are ready to verify and so forth whereof they pray Judgment and so forth.

And as to the third plea of the said Hannah above pleaded the said Langhoff, Molling and Rasch say that they by any thing in the said third plea above alleaged to be precluded from having and maintaining their said action ought not because they say that the said plea and the matter therein contained

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is not sufficient in Law to bar or preclude them the said Langhoff, Molling and Rasch from having and maintaining their said action wherefore for want of a sufficient plea in this behalf the said Langhoff, Molling and Rasch do demand pray Judgment and so forth.

And as to the Replication aforesaid by the said Langhoff, Molling and Rasch to the second plea of her the said Hannah replied the the said Hannah saith that notwithstanding any thing therein contained the said Langhoff Molling and Rasch their action aforesaid thereof against her to maintain ought not because she saith that the said Langhoff, Molling and Rasch and the said John Hobson at the time of the assumptions aforesaid in the said Declaration alledged to have been made and being before were the subjects of Great Britain residing in that part of Great Britain called England and that the said Langhoff Molling and Rasch and the said John Hobson continued to be subjects of the King of Great Britain aforesaid until the death of the said John Hobson and that the said Langhoff, Molling and Rasch now are and ever since been subjects of the said King and residing in that part of Great Britain called England and that the assumptions and undertakings in the said Declaration alledged to have been made were made in the said Kingdom of Great Britain and that part thereof called England and she further saith that by a certain act of the Parliament of James first King of England at the parliament begun and holden the nineteenth day of February in the twenty first year of his Reign at Westminster in the County of Middlesex then made among other things it was enacted by the authority of the said Parliament that all actions of trespass Quare Clausum fregit all actions of Trespass, Detinue, actions sur Trover and Replevin for taking away goods and Chattels all actions of account and upon the Case other than such accounts as concern the trade between Merchant and Merchant their Factors or servants, all actions of Debt for arrearages of Rent and all actions of assault menace, Battery, Wounding and imprisonment and any of them which should be sued or brought at any time after the end of that session of Parliament should be commenced and sued within the time and limitation in the said Act afterwards expressed and not after that is to say the said actions upon the Case other than for Slander and the said actions for trespass, Quare

Clausum,