the rule of the court aforesaid, and to save the amercement aforesaid brings into court here the body of the said Caleb Dorsey and Thomas Worthington Executors as aforesaid. and the said Caleb Dorsey and Thomas Worthington Executors as aforesaid by Richard Hall Warwood their attorney appear in court here and thereupon on motion of the said Ely Dorsey of Ely by his attorney. It is ruled by the Court here that the said Caleb Dorsey and Thomas Worthington Executors as aforesaid answer to the Declaration aforesaid of the said Ely Dorsey of Ely in the plea aforesaid, or Judgment by the court here will be rendered against him in default thereof. and the said Caleb and Thomas by Richard Hall Warwood their attorney, come and defend the force and injury when and &c. saith they say that the said John in his lifetime did not assume upon himself in manner and form as the aforesaid Ely hath declared and of this the said Caleb and Thomas put themselves upon the Country and &c. saith.

And the said Caleb and Thomas by leave of the court here and according to the form & effect of the Statute in such Cases made and provided further defend the force and injury when and &c. saith and &c. say that the said Ely ought not to have his action aforesaid against them the said Caleb & Thomas because they say that the said John Worthington in his lifetime did not assume upon himself in manner & form as the said Ely above complaineth at any time within three years next before the day of suing the writ original in this cause and this they are ready to verify wherefore they pray Judgment if the aforesaid Ely his action aforesaid thereof against them the said Caleb and Thomas to have ought and &c. saith. and the said Caleb and Thomas by leave of the Court here and according to the form & effect of the Statute in such Cases made & provided come and further defend the force and injury when and &c. saith and say that the said Ely his action aforesaid against them to have ought not because they say that they the said Caleb & Thomas on the day of the impetration of the writ original aforesaid had fully administered all the goods and chattels which were of the aforesaid John at the time of his death in their hands to be administered; and that they have not nor on the day of the impetration of the writ aforesaid or ever afterwards had any goods or chattels which were of the aforesaid John at the time of his death in their hands to be administered to wherewith they the Debt aforesaid or any part thereof might pay. and this they are ready to verify. wherefore they pray judgment if the aforesaid Ely his action aforesaid thereof against them to have or maintain ought and &c. saith.

(And)

and the said Ely Dorsey of Ely by his attorney aforesaid as to the fourth plea of the said Caleb Dorsey and Thomas Worthington Executors as aforesaid above pleaded in like manner &c. and the said Ely Dorsey of Ely says that he by any thing by the said Caleb Dorsey and Thomas Worthington Executors as aforesaid in their second plea above alledged, ought not to be precluded from having his action aforesaid against them because he says that the said John Worthington within three years next before the day of the impetration of the original writ of him the said Ely Dorsey of Ely court on the first day of July fourteen hundred and ninety three at Anne Arundel County aforesaid did assume upon himself in manner and form as the said Ely Dorsey of Ely above against them complains; and this he prays may be inquired of by the country &c. and the said Defendants in like manner &c. and the said Ely Dorsey of Ely as to the third plea of the said Caleb Dorsey and Thomas Worthington by them above pleaded, by way of replication thereunto saith that he ought not to be precluded from having and maintaining his action aforesaid by any thing in the plea of the said Caleb Dorsey and Thomas Worthington alledged, because he saith that the said Caleb Dorsey and Thomas Worthington at the time of the impetration of the writ aforesaid in this Cause and since, had in their hands administered, goods and chattels rights and Credits which were of the said John Worthington at the time of his death, sufficient to have paid and satisfied the said Ely Dorsey of Ely his Damages aforesaid, by occasion of the nonperformance of the promises and assumptions aforesaid court at Anne Arundel County aforesaid. and this he prays may be inquired of by the country and the said Caleb Dorsey and Thomas Worthington in like manner &c. Thereupon let a Jury thereon appear before the court here on the second Tuesday of May next, by whom &c. and who neither &c. to recognize &c. because as well &c. the same day is given to the parties aforesaid there and there &c.

And now at this day court the said second Tuesday of May being the tenth day of the same month in the year of our Lord one thousand seven hundred and ninety six come again into the general Court here as well the said Ely Dorsey of Ely by his attorney aforesaid as the said Caleb Dorsey and Thomas Worthington Executors of John Worthington by their attorney aforesaid. and the said Ely Dorsey of Ely by his attorney aforesaid files in Court here the following account court.

Mr. John Worthington (deceased) To Ely Dorsey (of Ely) — Dr.

1787 Jany 28.	To Cash paid Jno. T Worthington for a Bond given 10: July 1755 fol. 21	£23. 8..

(1755)