He saith that he with the Debt aforesaid by virtue of the writing obligatory aforesaid to be burthened ought not because he saith the said writing is not his Deed and this he prays may be enquired of by the Country and soforth.

On the 16th May 1794 Came Thomas Contee before me and made Oath that he never did sign Seal or deliver the writing obligatory above mentioned as his act or Deed or empower or Authorize any other person to do the same in his name or on his behalf.

Sworn before me. Samuel Chase,

And the aforesaid Walter Brooke Executor aforesaid as to the plea aforesaid by the aforesaid Thomas Contee above set forth in the manner and soforth, Whereupon for trying the issue aforesaid between the said Walter Brooke Executor aforesaid and the aforesaid Thomas Contee above joined to be tried by the Country, Let a Jury thereupon appear before the Judges of our General Court here on the second Tuesday of October next, by whom &c. and who neither &c. to recognize &c. because as well &c. the same day is given to the parties aforesaid then and there &c.

And the aforesaid Benjamin Contee by William Cooke his attorney comes and defends the force and injury, when and soforth and prays leave of the Court, to Imparle hereunto until next Court And he hath it, the same day is given to the aforesaid Walter Brooke Executor aforesaid also.

At which said next Court, to wit, the second Tuesday of October being the fourteenth day of the same month Anno Domini seventeen hundred and ninety four comes again here into our General Court as well the aforesaid Walter Brooke Executor as aforesaid by his Attorney aforesaid as the aforesaid Thomas Contee and Benjamin Contee by their Attorney aforesaid And the aforesaid Benjamin Contee by his attorney aforesaid as before defends the force and injury, when and soforth and saith that the aforesaid Walter Brooke Executor aforesaid his action aforesaid against him to have or maintain ought &c. because he saith that he the said Benjamin Contee did pay, unto the said Sarah Maslin in her life time the said sum of money, in the bill obligatory aforesaid mentioned with legal Interest thereon according, to the form and Effect of the said Bill obligatory, And this he is ready, to verify wherefore he prays Judgment if the aforesaid Walter Brooke Executor aforesaid his Action aforesaid against him to have or maintain ought &c.

And the said Walter Brooke Executor aforesaid saith that he by any

any thing by the aforesaid Benjamin Contee above in pleading alledged from having or maintaining his action aforesaid against him ought not to be precluded, because he saith that the aforesaid Benjamin Contee did not pay unto the said Sarah Maslin in her life time the aforesaid sum of money in the bill obligatory aforesaid mentioned with the Interest thereon in such manner and form as the aforesaid Benjamin Contee above by pleading hath alledged, And of this he prays may be enquired of by the Country &c. and the aforesaid Benjamin Contee in like manner and soforth.

Whereupon all well for trying the Issue aforesaid between the aforesaid Walter Brooke Executor aforesaid and the aforesaid Thomas Contee above joined to be tried by the Country as to try the Issue aforesaid between the same Walter Brooke Executor aforesaid, and the aforesaid Benjamin Contee likewise above joined to be tried by the Country, Let a Jury thereupon appear before the Judges of our General 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 then and there &c.

At which said second Tuesday of May being the twelfth day of the same month Anno Domini seventeen hundred and ninety five comes again here into our General Court as well the aforesaid Walter Brooke Executor aforesaid by his Attorney aforesaid as the aforesaid Thomas Contee and Benjamin Contee by their Attorney aforesaid. Thereupon further process of and upon the premises aforesaid, between the parties aforesaid by consent of the said parties and their Attornies aforesaid and by order of the Court here thereon is continued untill the second Tuesday of October next following.

At which said second Tuesday of October being the thirteenth day of the same month Anno Domini seventeen hundred and ninety five comes again here into our General Court as well the aforesaid Walter Brooke Executor aforesaid by his Attorney aforesaid, as the aforesaid Thomas Contee and Benjamin Contee by their Attorney aforesaid Whereupon as well for trying the Issues aforesaid between the aforesaid Walter Brooke Executor aforesaid, and Thomas Contee and Benjamin Contee above joined to be tried by the Country, Let a Jury thereupon appear before the Judges of our General 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 then and there &c.

And now here at this day to wit, the said second Tuesday of May being the tenth day of the same month Anno Domini seventeen hundred and ninety