aforesaid, with the said Writ thereon endorsed "I have served on the Defendant, or left at his last place of abode" — At which said second Tuesday of September in the year of our Lord one thousand seven hundred and ninety seven being the day for the return of the aforegoing Writs came into our General Court the said Thomas P. Wharton and John Wharton by their Attorney aforesaid, and the Sheriff of Cecil County to whom the aforegoing Writ was in form aforesaid directed, likewise come and made return thereof to the said Court, this endorsed, to wit. — "Cepi, Copies left — Pere: Bruce Sheff" — And the said James Porter Administrator as aforesaid, being called, appeared in Court by Hugh Matthews Esquire his Attorney — Whereupon, on motion of the said Thomas P. Wharton and John Wharton by their attorney aforesaid, it was ruled by the Court that the said James Porter answer to the Declaration aforesaid of them the said Thomas P. Wharton and John Wharton in the plea aforesaid, or Judgment would be rendered against him independent thereof — And the said James Porter by his attorney aforesaid defends the wrong and injury when said, &c. saith, and prays leave of the Court to imparlance until the next Term, and be that it, the same day was given to the said Thomas P. Wharton and John Wharton there &c. — At which said next Term, to wit, the second Tuesday of April in the year of our Lord one thousand seven hundred and ninety eight, came again into Court, the parties aforesaid by their Attornies aforesaid; And the said James Porter by his Attorney aforesaid prays a hearing of the Bond &c. which being read and heard, he the said James saith, that the said Thomas P. Wharton and John Wharton junr. ought not to have or maintain, their action thereon against him the said James, because he says, that after making the said Writing Obligatory, and before the impetration of the Writ of the said Wharton, that is to say, on the third day of April in the year of our Lord one thousand seven hundred and ninety, at Cecil County aforesaid, he the said William Porter in his lifetime, gave to the said Thomas P. Wharton and John Wharton jr. the said sum of two hundred and thirty five pounds, three shillings Current money, contained in the said Condition, according to the form of the Statute in such Case made and provided, together with all Interest then due thereon; And this he is ready to verify, wherefore he prays Judgment whether the said Thomas P. Wharton, and John Wharton junr. ought to have or maintain their said action against him the said James Porter Administrator of the said William &c. — And the said Thomas P. Wharton and John Wharton by their Attorney aforesaid say, that they by any thing by him the said James Porter administrator as aforesaid above in pleading alledged, from having and maintaining their action aforesaid against him to be precluded ought not, because they say, that he the said William Porter in his lifetime, did not on the said third day of April in the year of our Lord one thousand seven hundred and ninety or at any other time, pay to them the said Thomas P. Wharton and John Wharton or either of them, the said sum of two hundred and thirty five pounds three shillings

Current money, or any part thereof, or the Interest thereon, and this they pray may be enquired of by the Country &c. — And the said James Porter Administrator &c. in like manner &c. — Therefore to try the issue aforesaid, between the parties aforesaid above joined let a Jury thereon appear before our General Court on the second Tuesday of September next, by whom &c. and who neither &c. to recognize &c. because as well &c. — the same day was given to the parties aforesaid there and there &c. — And now here at this day to wit, the second Tuesday of ~~April~~ September in the year of our Lord one thousand seven hundred and ninety eight, comes again into Court the parties aforesaid by their Attorneys aforesaid; And the said James Porter Administrator as aforesaid by his Attorney aforesaid, relinquishing his averment aforesaid by him above pleaded, says, that he cannot deny the action aforesaid of the said Thomas P. Wharton and John Wharton so as aforesaid against him brought, nor but that he the said James Porter Administrator as aforesaid detains from the said Thomas P. Wharton and John Wharton, the said sum of four hundred and seventy pounds six shillings Current money, in manner and form as the said Thomas P. Wharton and John Wharton above thereof in their Declaration Complains — Therefore it is considered by the Court here that the said Thomas P. Wharton & John Wharton, recover against the said James Porter Administrator as aforesaid, as well the sum of four hundred and seventy pounds six shillings Current money, their Debt aforesaid, in form aforesaid acknowledged, as the quantity of seven hundred and twenty five pounds of Tobacco for their Damages, which they have sustained as well by occasion of the detention of that Debt, as for their Costs and Charges by them about their suit in this behalf laid out and expended; To be levied of the Goods and Chattels which were of the said William Porter, deceased at the time of his death, in the hands of the said James Porter remaining to be Administered, if so much thereof in his hands to be Administered he hath, and if so much thereof in his hands to be Administered he hath not, then the Costs and Charges aforesaid to be levied of the proper Goods and Chattels of the said James Porter Administrator as aforesaid; And the said James Porter in mercy &c. —

Test, James Earle Junr. Clerk —

Memorandum, Judgment was confessed in this action on the fifteenth day of September 1795. for Penalty and Costs — Stay release on payment of the principal, Interest and Costs with Stay of Execution until the next Term — Payments if any to be allowed —

William Jane against James Porter Admr. of William

Be it remembered that on the twenty seventh day of April in the year of our Lord one thousand seven hundred and ninety seven Command was given to the Sheriff of Cecil County to take James Porter late of Cecil County Administrator of all and singular the Goods and Chattels Rights and Credits which were of William Porter late of Cecil County, deceased, if he should be found in his Bailiwick and him safe keep so that he might have his body before the Judges of our General Court, to be held at Easton in Talbot County, on the second Tuesday of September then