

doe Say That the said defend^{ts} have fully administred all and singuler the goods Chattles and Credits w^{ch} were of the said John Desiardins at the time of his death in their hands to bee administred of, nor any goods and Chattles unadministred in their hands had of the deceaseds at the time of the plts suing out the originall Writ Upon this ac^{on} or at any time afterwards W^{ch} verdict of the Juro^{rs} aforesaid being heard the p^t by his Attorney afores^d Moved the Court here in arrest of Judgm^t. Day is thereupon given unto both pyes untill next Provincially Court: And Now here at this day to witt the Six and Twentyeth day of November in the ffifth yeare of the Dominion of the Right hono^{ble} Charles Lord Baltemore &c Annoq^{ue} Dommi 1680 Came the said partyes by their Attorneys aforesaid, and the said Archibold Arthur by his said Attorney sayth, That the said defend^{ts} pleaded that they had fully administred the goods and Chattles of the said John Desiardines, and the p^t had time allowed him to make appeare that the said Adm^{rs} had Assets in their hands, and Did shew to the Court and Jury here that the Seaverall Sumes hereafter mentioned (to bee payd by them) to bee assets in their hands as followeth.

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Liber W. C.

- (1)—First that the said Judgm^t is Erronious in this that the said defts have unjustly because Contrary to Lawe paid and allowed themselves by p^rtended Articles of agreem^t from the decd for building the said deceaseds house, when they have not built and finished the house as by the said Articles they were Obleiged to doe, w^{ch} must bee assets in their hands } }
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- (2)—Secondly the said Judgm^t is Erronious in this. That the said Sume of six thousand pounds of Tobacco was an Inferio^r debt, & of a Lower Nature then the p^{lts} by reason his was a Specialty and put in Suite, Therefore ought to bee payd before any other debt for pformance of Covenants
- (3)—Thirdly the said Judgm^t is Erronious in this. That the said defts have unjustly being contrary to Law paid and allowed themselves by acco^t from the dec^d The sume of three thousand ffifty and Nine pounds of Tobacco w^{ch} is also an Inferio^r debt to the said plts w^{ch} must bee Assets in their hands also. } }
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- (4)—Fourthly the said Judgm^t is Erronious in this That the s^d defts have unjustly being also Contrary to Lawe paid and allowed themselves by acco^t for a hyred Servant for ayding and Assisting the s^d Adm^{rs} in building the house, w^{ch} is a debt Contracted by themselves & must bee Assets also in their hands. } }
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