

to pay or Cause to be paid unto the Said Henry Trueman his heires Executors Administrators or Assignes the full and Just Sume of twelve hundred pounds of good Sound Marchantable Leafe tobaccoe in Caske Convenient in Calvert County at or upon the tenth day of October next Ensueing the Date of the Said bill Obligatory Notwithstanding which the Said Thomas Orton the Said Sume of 1200 lbs. of tobaccoe in Caske According to the tennor of the Said bill Obligatory to him the Said Henry in his life time or to the Said Jane after his death whilst She was Sole to whome Letters Administration of the goods and Chattles of the Said Henry was by due course of Law Legally Comitted or to the Said Thomas and Jane or to Either of them after the Marryage between them had and Cellebrated Although often Required hath not paid but the Same to pay hath denyed in Retardation of the Administration aforesaid and to the Damage of the Said Thomas and Jane of 2400 lbs. of tobaccoe and thereupon the[y] bring this Suite etc.

James Cranford. Pledges etc. John Doe, Richard Roe.

And the Said plaintiffs bring into Court the Letters Administration etc. by which etc.

And the Said Thomas Orton by John Meriton his Attorney Cometh and Defendeth the force and Injury when etc. And prayeth Leave thereof to Imparle here untill the next Court and it is granted unto him the Same day is given to the plaintiffs Likewise etc.

Att which Said next Court (to witt) the 24th day of August Annoque Domini 1697 here Came as well the Said Thomas and Jane Administratrix aforesaid as the Said Thomas Orton by their Attorneys aforesaid And the Said Thomas and Jane prayeth that the Said Thomas Orton to their Decleration aforesaid may Answer etc.

[223] And the Said Thomas Orton by John Meriton his Attorney Cometh and defendeth the force and Injury when etc. And for a plea Saith he doth not owe the Debt Demanded as the plaintiffs in their Decleration doth Sett forth And of this he puts himselfe upon the Country. John Meriton.

And the Said Thomas and Jane by James Cranford their Attorney Says that they by any thing before Alledged ought not to be debarred from haveing their Action aforesaid and of this they puts themselves upon the Country. James Cranford.

And the plantiffe also John Meriton.

Therefore it is Comanded the Sheriffe that without delay he Cause to Come here twelve etc. by whome etc. And who neither etc. to Recognize etc. because as well etc. And now here at this day Came as well thee Said Thomas and Jane as the Said Thomas Orton by their Attorneys aforesaid And the Jurors thereon Impanelled being Called Likewise Came etc. (Viz.)

Hugh Ryley, foreman, Archable Edmonson, William Conley, John Forrest, Edward Willett, Allexander Magruder, Joshua Hall, Paul Busey, James Brooke, Christopher Baynes, Robert Orme, Guy White. Supoenaed per Thomas Greenfeild, Sheriffe.

Who to Speake the truth Conserving the premises being Elected tryed and Sworne Doe Say upon their Oath that they find for the Defendant.

Therefore it is Considered that the Said Thomas Taney and Jane his wife Administratrix Aforesaid take nothing by their Said writt but be in mercy etc. And that the Said Thomas Orton goe thereof without day etc. And that the Said Thomas and Jane pay no Costs because they are Administrators etc. by the Court here Adjudged etc.