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Lambden his action against them the said Thomas Gardner and Thomas Billings to have and maintain ought &c. As to the first plea of the said Thomas Gardner and Thomas Billings the said Thomas Lambden putteth himself the Country in like manner. And the said Thomas Lambden further saith that by anything by the said Thomas Gardner & Thomas Billings as aforesaid above by their second plea by pleading alleged from having his action aforesaid to be precluded ought not, because he saith that the said Thomas Gardner & Thomas Billings as aforesaid the tenth day of February in the year of our Lord seventeen hundred and thirty three at Somerset County had divers Goods and Chattels which were of the said William Smith at the time of his death in their hands to be Administered to the Value of eighty four pounds five shillings and two pence half penny wherewith the said Thomas Lambden of his damages aforesaid might have been satisfied to wit at Somerset County aforesaid. And this he prays may be enquired by the Court and the said Thomas Billings and Thomas Gardner in like manner.

Thereupon as to the Tryng of the Issues aforesaid ^{above Joyned between the parties aforesaid} it is Comanded the Sheriffe of Somerset County that immediately he should cause to come here before the Justices of his Lordships County Court of Somerset now here sitting at Dwidney Beck in the same County twelve by whom it and who will be to Recognise &c. because as well &c. and afterwards immediately come thereof the Jury &c. and the Jurors of that same Jury by Joseph Maulster Gentleman Sheriffe of the County aforesaid to this Impannelled being called came to wit Robert Jones Joseph Warles Christopher Mutter Angello Aldersson Wm. Porter Thomas Gent Thomas Under Jonathan Sturges John Raddish Charles Townsend John Roach and Benjamin Townsend who to say the truth of the premises aforesaid being duly selected tryed and sworn upon their Oaths do say that the said William Smith in his life time did assume upon himself in manner and form as the said Thomas Lambden above hath Complain'd, and that the said Thomas Billings and Thomas Gardner had not fully Administered all the goods and Chattels which were of the said William Smith as by their plea aforesaid is above alleged, and aforesaid the damages of the same Thomas Lambden by occasion of the Nonperformance of the promise and assumption aforesaid further than his Costs and Charges by him about his suit in that part aforesaid to Eighty One pounds five Shillings and two pence half penny Currant money of Maryland and for those Costs and Charges to One pound of Tobacco.

Whereupon the said Thomas Billings and Thomas Gardner by their attorney aforesaid pray that noe Judgment may be given against them on the Verdict aforesaid on the behalf of the said Thomas Lambden so as aforesaid tendered for the Reasons following. That the Jurors have not found by their Verdict to what Value aforesaid were at the time of the Impetrating the Originale Writ in this Case in the said hands. Whereupon on all and Singular the premises being seen and by the Court now here fully understood and mature deliberation thereupon had it seemeth to the same Court ^{here} that the reason aforesaid to stay Judgment on the Verdict aforesaid