

Same Writt be in all things allowed and ordered that the record be transmitted Accordingly

In Testimony whereof the Seale of the Said County is hereunto Affixed  
[Loco Sigilli] per Joh Beale Cl<sup>l</sup> AA<sup>l</sup> Co<sup>v</sup>

And Now this day To Witt the 10<sup>th</sup> Day of Aprill Anno Dom 1722 af<sup>d</sup> Comes as well the Said Thomas Gassaway by Thomas Bordley his Attorney as the Said John Gresham Daniel Dulany and Thomas Humphrys by Michael Howard their Attorney before his Lordships Justices of the Prov<sup>t</sup> Court here Thereupon the Said John Daniel and Thomas by Michael Howard their Attorney af<sup>d</sup> defend the force and Injury when etc. And Say that the Said Thomas Gassaway his Action af<sup>d</sup> Against them to have or Maintain Ought not because they Say that there is not any Such Record of the Recovery af<sup>d</sup> as the Said Thomas Gassaway in his Declaration af<sup>d</sup> hath above Supposed And this they are ready to Verifeye and therefore pray Judgment if the Said Thomas Gassaway his Action af<sup>d</sup> Against them to have or Mantain Ought etc.

And the Said Thomas Gassaway Protesting that there is Such Record of the Recovery af<sup>d</sup> as the aforesaid Thomas Gassaway in his Declaration aforesaid hath above Supposed Saith that the plea aforesaid of the aforesaid John Daniel and Thomas above pleaded and the Matter therein Contained are not Sufficient in Law to preclude him the said Thomas Gassaway from having his Action af<sup>d</sup> ag<sup>t</sup> the af<sup>d</sup> John Daniel and Thomas and that he to the plea aforesaid in manner and form as above pleaded hath no Need nor by the Law of the Land is held to Answer And this he is ready to Verifeye Wherefore for want of a Sufficient plea in this part the Same Thomas Gassaway prays Judgment and his Debt af<sup>d</sup> together with the Damages Occasioned by the Detention of the Same Debt to him to be Adjudged etc.

And the aforesaid John Gresham Daniel Dulany and Thomas Humphrys for that they have above in pleading Alledged Sufficient Matter in Law to bar the af<sup>d</sup> Thomas Gassaway from having his Action af<sup>d</sup> ag<sup>t</sup> them the Same John Gresham Daniel Dulany and Thomas Humphrys which they are ready to Verifeye Which Matter the aforesaid Thomas Gassaway hath not Gain-Sayed nor thereunto in anywise answered but the Same to Admit for true hath Altogether refused as before prays Judgment And that the aforesaid Thomas Gassaway from his Action aforesaid Against him the Said John Gresham Daniel Dulany and Thomas Humphrys be Barred etc.

[604] Whereupon all and Singular the premises being by the Court here Seen heard and fully Understood and Mature Deliberation thereupon had for that it Seems to the Court here that the plea of the af<sup>d</sup> John Gresham Daniel Dulany and Thomas Humphrys above pleaded and the Matter therein Contained are not Sufficient in Law to preclude him the Said Thomas Gassaway from having his Action aforesaid ag<sup>t</sup> them the Said John Gresham Daniel Dulany and Thomas Humphrys

Therefore it is Considered by the Justices here the 10<sup>th</sup> day of Aprill