Judgment against the aff. John Tendall in the Plea aff. or that he shall be therein legally barred that then the said John Tendall shall pay the Condemnation of the Court thereupon or render his Body to the Custody of the Sheriff of Queen Anns County in satisfaction thereof or that he the said Arthur Lee will do the same for him — And the aff. John Tendall by his Attorney aff. comes and Defends the force and injury when and as fitt And prays oyer of the writing Obligatory aff. and to him it is read and he also prays oyer of the Condition of the same Writing and to him it is read in these words following viz. The Condition of the above Obligation is such that if the above Bound John Tendall and William Hemsford do shall well and truly pay or cause to be paid unto the aff. Capt. Judson Coolidge or his Assigns the full and just Sum of fifty two Pounds of like Money also upon the first Day of September next ensuing the Date hereof then the above Obligation for to be void and of no Effect or else for to stand remain & be in full force Power and virtue in Law — Which being read and heard the said John Tendall by his said Attorney saving to himself all manner of Advantages as well to the Writ as the Declaration aff. prays leave to imparle hereunto until next Court and he hath it and the same Day is given to the Plaintiff also — At which said next Court to wit the 11th Day of September Anno Dom: 1753 come again the said Parties Plaintiff and Defendant by their Attorneys aff. and the said Defendant by his said Attorney as before prays further leave to imparle hereunto until next Court & he hath it & the same Day is given to the Plaintiff also. At which said next Court to wit the 21st Day of May Anno Dom: 1754 comes again as well the said Judson Coolidge by his Attorney aff. as the said John Tendall by his Attorney aff. And the said John Tendall by his said Attorney as before defends the force and injury when and as fitt And saith that he ought not to be charged with the Debt aff. by virtue of the Writing aff. Because he saith that that writing is not his Deed and of this he puts himself upon the Country and so fitt and the aff. Judson in like manner &c.

And the said John by leave of the Court here and according to the form of the Statute in such Case made and provided comes and further Defends the force and injury when and as fitt and saith that the said Judson ought not to have or maintain his Action aff. thereof against him because he saith that he the said John in the Condition aff. above mentioned paid to the said Judson the said sum of fifty two Pounds Sterling Money of Great Britain with legal Interest thereon on the first Day of August next ensuing the Date of the Writing Obligatory aff. to wit at Queen Anns County aff. and this he is ready to Verify whereupon he prays Judgment if the said Judson ought to have or maintain his Action aff. thereof against him the said John and as fitt —

And the aff. Judson Coolidge saith that he by any thing pleaded by the aff. John Tendall above by pleading alledged from his Action aff. thereof against the same John Tendall to have ought not to be precluded because he saith that the Plea aff. by him the same John Tendall in manner and form aff. above Pleaded and the matter in the same contained are not sufficient in law to preclude him the said Judson Coolidge from his Action aff. thereof against the aff. John Tendall had to which same Plea he the same Judson Coolidge hath no necessity nor by the Law of the Land is bound in any manner to Answer and this he is ready to Verify whereupon for want of a sufficient Answer in this part he the said Judson Coolidge prays Judgment & the Debt aff. together with his Damage by Occasion of the Detention of that Debt to him to be Adjudged and as fitt And for Cause of Demurrer in Law in this behalf the same Judson Coolidge according to the form of the Statute in the like case lately made and provided sets down & expresses to the Court here declareth these Causes following to wit for that if such Payment was made by the aff. John Tendall of the aff. fifty two Pounds and the Interest thereon as the same John Tendall above hath pleaded the same John Tendall ought to Aver that Payment was made in the Day in the said Condition of the Writing aff. mentioned and that the matter aff. as pleaded is only matter of Evidence to prove that Issue And the aff. John Tendall ought to plead such

(Payment)

Payment in such manner that Issue might be thereon joined and for that the Plea aff. doth contain in itself many matter on which Issue can be joined and the Plea is uncertain double and wrong form and so fitt

Whereupon for Trying the Issue aff. Summons is given to the Sheriff of Queen Anns County that he cause to come before the Justices of the Provincial Court at Annapolis the third Tuesday of October next or before the Justices appointed to take the Assize in his County if they shall before that time to wit on Monday the 23d day of September next to the County Court House in the said County come twelve Good and Lawfull Men of his Bailiwick by whom &c. who neither &c. To Recognize &c. Because as well &c.

Afterwards the Pleas continued between the Parties aff. in the Plea aff. by the Jury being past thereon in Respite here until the third Tuesday of October next unless the Justices of his Lordship the Lord Propry to take the Assize in the said County Assigned on Monday the twenty third Day of September next to the County Court House in the said County shall come

And now here at this Day to wit the third Tuesday of October being the 15th Day of the same Month Anno Dom: 1754 comes into his Lordships Provincial Court here as well the said Judson Coolidge by his Attorney aff. as the said John Tendall by his Attorney aff. But the Sheriff hath not sent his Writ Nevertheless the said John Tendall by his Attorney aff. Relinquishes the Avernment above by him pretended saith that he cannot Deny the Action aff. of the said Judson Coolidge as aff. against him brought nor but that he Owes to the same Judson Coolidge the aff. Sum of One Hundred and four Pounds Sterling Money of Great Britain in manner and form as the aff. Judson Coolidge above against him hath Declared — Therefore it is Considered by the Justices here That the said Judson Coolidge Recover against the said John Tendall as well the Sum of One Hundred and four Pounds Sterling Money of Great Britain his Debt aff. in form aff. Confessed as also the Sum of

109 £ 4s

Pounds of Tobacco by the Court here unto him in his assent Adjudged as well for his Damages sustained by means of Detaining that Debt as for his Costs and Charges by him about his suit in this behalf laid out and Expended and the said Defendant in Mercy &c. The Plff. agrees to stay Execution until 10th February next

Test R. Bordley Clk

(2d) Jerom Williams } Maryland ff. John Tendall late of Queen Anns County Gentleman was attached to Answer
Plff. } John Tendall. } unto Jerom Williams of a Plea of Trespass upon the Case &c.

And Whereupon the said Jerom by Daniel Delaney his Attorney Complains that Whereas the aff. Jerom on the Day of in the Year of our Lord seventeen hundred and at Anne Arundel County being Possessed of a certain Horse of the Price of forty Pounds Current Money as of his own proper Horse and being thereof Possessed the said Jerom afterwards on the Day and year aff. at the said County the aff. Horse casually lost which said Horse afterwards to wit on the same Day and Year at the County aff. to the Hands and Possession of the aff. John by finding came Nevertheless the said John knowing the aff. Horse to be the proper Horse of the aff. Jerom and of Right to belong and appertain unto him the said Jerom contriving and fraudulently intending the said Jerom in this part Craftily and subtilly to deceive and defraud the after required so to do hath not hitherto delivered the aff. Horse to the said Jerom but the aff. Horse afterwards that is to say on the Day and Year aff. at the County aff. to the proper use and Benefit of him the said John Converted and Disposed to the Damage of the said Jerom fifty Pounds Current Money aff. and therefore he brings suit and so fitt

Bridges and so fitt { John Dorsey & Richard Rea,

And the said John Tendall by Jeremiah Chase his Attorney come and defends the force & injury when &c. And prays leave to imparle hereunto until next Court & he hath it and the same Day is given to the Plff. also At which said next Court to wit the 10th day of April Anno Dom: 1753 come again the said Parties Plff. & Defendant by their Attorneys aff. and the said Defendant by his said Attorney prays further

(leave)