Come again the said Parties Plaintiff and Defendant by their attorneys aforesaid and the said Defendant by his said attorney prays further leave to Imparle herein unto next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the Eleventh day of September Anno Domini 1764 Come again the said Parties Plaintiff and Defendant by their attorneys aforesaid and the said Defendant by his said attorney prays further leave to Imparle herein unto next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the ninth day of April Anno Domini 1765 Come again as well the said Stephen West by his attorney aforesaid as the said James Draine by his attorney aforesaid And the aforesaid James by his attorney aforesaid as before, Defends the force and Injury when &c and saith that he with the Debt aforesaid by virtue of the writing obligatory ought not to be burthened because he saith that that writing is not his Deed and of this he puts himself upon the Country &c and the aforesaid Stephen in like manner &c

And the aforesaid James by leave of the Court here and according to the form of the Statute in such Case lately made & provided further defends the force and Injury &c and saith that the afsd Stephen his Action afsd against him the said James to have and maintain ought not because he saith that he the said James before the Institution of the Original Writ of him the said Stephen paid to the said Stephen the aforesaid Sum of Sixty nine pounds fifteen shillings & six pence Sterling and nine pounds & eleven pence Current money of Maryland with Legal Interest for the same and this he is ready to verify whereofore he prays Judgment if the said Stephen his Action aforesaid against him the said James to have or maintain ought &c

And the afsd James by leave of the Court here and according to the form of the Statute in such Case lately made and provided further defends the force and Injury when &c and says that the said Stephen his Action afsd against him to have and maintain ought not because he saith that he the said James in the Condition afsd above mentioned paid to the said Stephen the said Sum of Sixty nine pounds fifteen shillings & six pence Sterling and nine pounds and eleven pence Current Money with Legal Interest for the same on the days of next following the Date of the writing Obligatory aforesaid and this he is ready to verify whereofore he prays Judgment if the afsd Stephen his Action afsd against him the said James to have & maintain ought &c &c

And as to the second plea of him the said James above pleaded the afsd James saith that he by anything by the said James in his said second plea alledged from having or maintaining his Action afsd thereof against him the said James to be precluded ought not because he saith that the afsd James did not pay to him the same Stephen the afsd Sum of Sixty nine pounds fifteen shillings and six pence Sterling money and nine pounds and eleven pence Current money of Maryland in the Condition afsd mentioned with Legal Interest for the same in manner and form as the said James above hath alledged in his said

(Second)

second plea and this he prays may be enquired of by the Country &c and the said James in like manner and &c forth

And the afsd Stephen as to the third plea of him the said James above pleaded saith that he by anything by the said James in his said third plea alledged from having or maintaining his Action afsd thereof against him the said James to be precluded ought not because he saith that the afsd James did not pay unto him the said Stephen the afsd Sum of Sixty nine pounds fifteen shillings and six pence Sterling and nine pounds and eleven pence Current money in the Condition afsd mentioned with Legal Interest for the same on the days of next following the date of the writing Obligatory afsd in manner and form as the said James above in his said third plea hath alledged and this he prays may be enquired into by the Country &c and the aforesaid James in like manner &c forth

Nevertheless the aforesaid James Draine by his attorney aforesaid Relinquishing the Arrearments above by him pretended saith that he cannot deny the Action aforesaid of him the said Stephen West as aforesaid above against him brought nor that the writing Obligatory aforesaid is the Deed of him the said James Draine nor but that he owes unto the said Stephen West the sum of One hundred and thirty nine pounds ten shillings and six pence Sterling and Eighteen pounds one shilling and ten pence Current money of Maryland in manner and form as he the said Stephen West above against him hath declared

Therefore it is considered by the Justices here that the said Stephen West recover against the said James Draine as well the Sum of One hundred and thirty nine pounds ten shillings and six pence Sterling and Eighteen pounds one shilling and ten pence Current money of Maryland this Debt aforesaid in form aforesaid confessed as also the Sum of

Pounds of Tobacco by the Court here unto him in his Apeal adjudged as well for his Damages sustained by Occasion of the Detention of that Debt as for his Costs and Charges by him about his Suit in this behalf laid out and expended And the said Defendant &c Nous &c

Memorandum, The Plaintiff agrees to Release the Penalty on payment of the Principal Interest and Costs of Suit

Test Reverdy Ghiselin Clk