October Term 1793.

Philip Richard Fendall use of Eleanor Lee — against Philip Stewart

Be it remembered that heretofore to wit, on the ninth day of June Anno Domini seventeen hundred and ninety three the Plaintiff by William Cooke his Attorney sued out of our General Court the State of Maryland Writ of Capias ad respondendum directed to the Sheriff of Charles County in the words and figures, following to wit. — The State of Maryland, sc, To the Sheriff of Charles County Greeting, We command you that you take Philip Stewart late of Charles County planter otherwise called Philip Stewart of Prince Georges County in the State of Maryland planter if he shall be found in your bailiwich, and him safe keep, so that you have his body before the Judges of our General Court, to be held at the City of Annapolis on the second Tuesday of October next, to answer unto Philip Richard Fendall of a plea that he render unto him the full and just sum of Two hundred and forty two pounds Current Money which to him he owes and from him unjustly detains and so forth hereof fail not at your peril, and have you then and there this writ Witness the honourable Samuel Chase Esquire Chief Judge of our said Court, the 1st. day of June Anno Domini 1793.

Issued the 9th. day of June 1793. (W Cooke) John Gwinn clk.

And the aforesaid Philip Richard Fendall by William Cooke his Attorney aforesaid declared against the aforesaid Philip Stewart in the plea aforesaid as follows, to wit. —

Western Shore State of Maryland, Charles County, sc, Philip Stewart late of Charles County planter otherwise called Philip Stewart of Prince Georges County in the State of Maryland planter was summoned to answer unto Philip Richard Fendall of a plea that he render unto him the full and just sum of Two hundred and forty two pounds Current Money which to him he owes and from him unjustly detains and so forth, And whereupon the said Philip Richard Fendall by William Cooke his Attorney saith that whereas the aforesaid Philip Stewart on the thirtieth day of August in the year one thousand seven hundred and ninety at Charles County aforesaid, by his certain writing obligatory acknowledged himself to be held and firmly bound unto him the aforesaid Philip Richard Fendall in the aforesaid sum of two hundred and forty two pounds Current Money to be paid to him the

(said)

said Philip Richard Fendall when afterwards he should be thereunto required, Nevertheless the aforesaid Philip Stewart (although often thereunto required) the aforesaid sum of Current Money to him the said Philip Richard Fendall hath not rendered or paid, but the same sum of Current Money to him hitherto to render or pay he hath altogether refused, and still doth refuse; wherefore the said Philip Richard Fendall saith he is the worse and hath damage to the value of Three hundred pounds Current Money and therefore he brings suit, and so forth and brings here into Court the writing obligatory aforesaid, sealed with the seal of the aforesaid Philip Stewart which the debt aforesaid, in form aforesaid, Witnesseth the date whereof is the day and year aforesaid, and so forth. —

W. Cooke for the Plaintiff Pledges and so forth John Doe & Rich. Roe

And the aforesaid Philip Stewart by his Attorney, comes and defends the force and injury when and so forth, and prays an hearing of the writing obligatory aforesaid, and the condition thereof, and he hath them in the words following, to wit. — Maryland fs. Know all Men by these presents that We Philip Stewart and Nathaniel Washington of Prince Georges County in the State of Maryland Planters are held and firmly bound unto Philip Richard Fendall of Fairfax County in the State of Virginia in the full and just Sum of Two hundred and forty two pounds Current Money of Maryland to be paid unto the said Philip Richard Fendall his certain Attorney, Executors, Administrators, or Assigns to the which payment well and truly to be made and done We bind ourselves our heirs, Executors and Administrators jointly and severally firmly by these presents sealed with our seals & dated this thirtieth day of August in the year of our Lord one thousand seven hundred and ninety. —

The Condition of the above obligation is such that if the above bound Philip Stewart do and shall well and truly pay or cause to be paid unto the said Philip Richard Fendall his certain Attorney Executors Administrators or assigns the full and just Sum of One hundred and twenty one pounds Current Money of Maryland with legal Interest — for the same then the above obligation to be void else to remain in full force and virtue in Law. —

Sealed and delivered in the presence of John Campbell — } Philip Stewart — — (seal) Nathaniel Washington (seal)

A Copy of which aforegoing Declaration and Oyer was made and sent with the writ which issued in the plea aforesaid. —

At which mentioned second Tuesday of October being the eighth day of

(the)