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prays leave of the Court here to imparle until the second Tuesday of October next and then to answer unto the declaration aforesaid of the aforesaid Philip R Fendall in the plea aforesaid and to him it is granted; the same day is given to the aforesaid Philip R Fendall also.

At which said second Tuesday of October being the eighth day of the same Month in the Year of our Lord One thousand seven hundred and ninety three to which said day the said Henry Barnes had leave to imparle and then to answer unto the Declaration aforesaid of the aforesaid Philip R Fendall in the plea aforesaid comes into the General Court here as well the aforesaid Philip R Fendall by his attorney aforesaid as the aforesaid Henry Barnes by his Attorney aforesaid.

And the said Henry Barnes of before defends the force and injury when and soforth, and saith that the aforesaid Philip R Fendall his action aforesaid against him to have or maintain ought not and so forth because he saith that he the said Henry Barnes did pay unto the aforesaid Philip R Fendall the said sum of Money in the condition of the said writing Obligatory mentioned with legal Interest thereon according to the form of the said writing Obligatory and this he is ready to verify, wherefore he prays Judgment if the aforesaid Philip R Fendall his action aforesaid against him to have or maintain ought and so forth.

And the aforesaid Philip R Fendall by his attorney aforesaid saith that he by any thing by the said Henry Barnes above in pleading alledged from having or maintaining his action aforesaid against him ought not to be precluded, because he saith that the said Henry Barnes did not pay unto him the aforesaid sum of Money in the condition aforesaid mentioned with the Interest thereon in such manner and form as the said Henry Barnes above by pleading hath alledged and this he prays may be enquired of by the County, and the said Henry Barnes in like manner and so forth

Therefore let a Jury thereon appear before the Judges of our General Court here on the second Tuesday of May next, by whom &c and neither &c to recognize &c because as well &c the same day is given to the said parties then and there and so forth.

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And now at this day to wit the said second of May being the thirteenth day of the same Month in the Year of our Lord One thousand seven hundred and ninety four comes again into the General Court here as well the said Philip R Fendall by his attorney aforesaid as the said Henry Barnes by his attorney aforesaid and the said Henry Barnes by his attorney aforesaid relinquishing the avernment aforesaid above by him pretended says that he cannot deny the action aforesaid of the aforesaid Philip R Fendall so as aforesaid against him brought, nor but that he owes to the aforesaid Philip R Fendall the aforesaid sum of Two hundred and seven pounds Current Money of Maryland in manner and form aforesaid so as the aforesaid Philip R Fendall above against him hath declared.

Therefore it is considered by the Court here that the aforesaid Philip R Fendall recover against the said Henry Barnes as well the sum of Two hundred and seven pounds Current Money of Maryland his Debt aforesaid in form aforesaid confessed as the quantity of Seven hundred and Seventy three pounds of Tobacco by the Court here unto the aforesaid Philip R Fendall on his agent adjudged as well for his Damages sustained by reason 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 Henry Barnes in mercy and so forth.

Memorandum, Judgment rendered in this Cause on the fourteenth day of May in the Year of our Lord One thousand seven hundred and ninety four for the penalty of the bond and costs of Suit and the Plaintiff agrees to release the penalty upon the payment of the principal, Interest and Costs and agrees to stay Execution until the first day of January next payments if any to be allowed.

Test, John Gwynn, Clk,

W.C. Philip Richard Fendall
against
S.M. Robert Porter administrator of John Mercer Porter.

'Be it Remembered that heretofore to wit on the fourth day of August in the year of our Lord One thousand seven hundred and ninety two, the said Philip R Fendall by William Cooke his Attorney sued out of the