by leave of the Court here for this purpose first had and obtained according to the form of the Statute in such case made and provided says that the said Luke White Barber ought not to have Execution of the debt and damages aforesaid against him the said Henry Neale because he says that he the said Henry Neale after the recovery of the debt and damages aforesaid and before the issuing of the said Writ of the said Luke White Barber to wit on the tenth day of June in the year of our Lord one thousand seven hundred and ninety at Saint Mary's County aforesaid paid to the said George Goldie in his life time, the said debt and damages in form aforesaid recovered against him the said Henry Neale, And this he is ready to verify. Wherefore he prays Judgment, if the said Luke White Barber ought to have Execution against him the said Henry Neale of the debt and damages aforesaid and so forth.

And the aforesaid Luke White Barber Executor aforesaid saith, that he by any thing by the said Henry Neale in his first plea above alledged from having his Execution against the aforesaid Henry Neale, for the debt, damages, Costs and Charges aforesaid to be precluded, ought not because he saith ~~protesting~~ that there is such a Record of the Judgment aforesaid and recovery of the debt, Costs and Charges as he by the Writ of Scire Facias aforesaid above doth suppose as appears of Record, and this the said Luke White Barber is ready to verify by the said Record and so forth, wherefore he prays Judgment, and his Execution against the aforesaid Henry Neale for the debt and damages aforesaid to him to be adjudged &c. and prays that the Term and proceedings in the writ of Scire Facias aforesaid mentioned may be by the Court here seen and inspected &c.

And the aforesaid Luke White Barber Executor aforesaid further saith that he by any thing by the aforesaid Henry Neale in his second plea above alledged from his Execution aforesaid thereof against the aforesaid Henry Neale to be precluded, ought not, because he saith that the aforesaid Henry Neale after the recovery of the debt and damages aforesaid and before the issuing of the said Writ of him the said Luke White Barber

to wit

to wit on the tenth day of June in the year of our Lord one thousand seven hundred and ninety at Saint Mary's County aforesaid, did not pay to the said George Goldie in his life time the said debt and damages in form aforesaid recovered against him the aforesaid Henry Neale in the Scire Facias aforesaid mentioned or either of them in such manner and form as the aforesaid Henry Neale by his second plea aforesaid above doth alledge, and this he prays may be enquired of by the Country &c. And the aforesaid Henry Neale in like manner &c.

And for trying the Issue in Fact aforesaid Therefore let a Jury thereon appear before the Judges of our General Court here on the second Tuesday of October next by whom &c. and who neither &c. to recognize &c. because as well &c. And as well to try the issue first aforesaid whereof the parties aforesaid have put themselves upon the Judgment of the Court here, Because the Judges of the Court here are not yet advised to give their Judgment of and upon the premises; day therefore is also given to the parties aforesaid to hear their Judgment of that Issue, before the Judges of our General Court here, until the said second Tuesday of October next for that the Court here thereof as yet are not advised &c.

And now here at this day to wit, the said second Tuesday of October being the fourteenth day of the same month Anno Domini seventeen hundred and ninety four, comes again here into our General Court as well the aforesaid Luke White Barber Executor aforesaid by his Attorney aforesaid as the aforesaid Henry Neale by his Attorney aforesaid.

Nevertheless the aforesaid Henry Neale by his Attorney aforesaid relinquishing the averments aforesaid, above by him pretended says that he cannot deny the Action aforesaid of the aforesaid Luke White Barber Executor aforesaid so as aforesaid against him brought nor but there is record of such recovery aforesaid nor but that the aforesaid Luke White Barber Executor aforesaid ought to have his Execution against him the said Henry Neale for the debt and Costs in the writ of Scire Facias aforesaid above specified, And because the said Henry Neale doth not deny but the Allegations aforesaid are true he the said Luke White Barber Executor aforesaid prays Judgment for Execution for the debt and Costs aforesaid in the writ of Scire Facias aforesaid mentioned to him to be adjudged &c.

Therefore it is considered by the Judges here that the said

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