April Term 1787.

And the aforesaid James Hutchings by his Attorney aforesaid, prayed that a rule of Court be made for the aforesaid Philemon Downes to file his plea, and answer to the Declaration aforesaid of him the aforesaid James Hutchings at the next September Term, and it is granted unto him; Thereupon further process of and upon the premises afs.d between the parties aforesaid, by consent of the said Parties, and their Attorney's, aforesaid and by order of the Court here, thereon, was continued until the second Tuesday in September next following.

At which day to wit, the second Tuesday of September Anno Domini Seventeen hundred and eighty six here came again the parties aforesaid by their Attorney's aforesaid and the aforesaid Philemon Downes by his Attorney aforesaid defends the force and when p.a.d filed here in Court the following account in Bar to wit: James Hutchings Sun. acct. with Philemon Downes

1773	To 9 Faces 594. Minister 200. J. Holliday 200		1082
	To I Nicholson 200. Com.y £54 d.o 292 Deff Com.y 150.		696
	To Cttk 60. Com.y £.t 62		122
1774.	To Cttk 110 Shff 22		132
	To Batt of Ja.s Hutchings Shff acct.		1369
	To Batt of Doct. Hutchings acct. p.acct. 5729c	£67.. 10.. 10¾	
1775 Oct. 6.	To my Bills on Eden & Co for £42 Stg p 66⅔	70..	
1778 Oct.	To 1 Bushel Bran	2.. 6	
1779 Jan.y 1.	To 1733.to Pork d.t John Robins by order of John Kent Jun.r p £11.5.0	194.. 19.. 3	
	To acct. John Price p acct.	13.. 10.. 9¾	
	To acct. Mary Price for 150.to flower	4.. 10	
	To 9050 Lb.s p Cont. p 12/6	56.. 11.. 3	
	To acct. Thomas Sircum in 1775.	2.. 3.. 1½	
Dec.r	To 920.to Pork delivered by by Mr Chas Price p £75	£40.. 0.. 0	
		Lb.s 9130	£1049.. 7.. 0

April Term 1787

Cr By Discount on Attys	80
Batt of Sob.s reduced in Cash	9050
	Lb.s 9130
By Doct. James Browne for John Price	£11.. 9.. 0
Batt.	1037.. 18.. 10
	£1049.. 7.. 10

and saith that the aforesaid James Hutchings ought not to have and maintain his action thereof against him the said Philemon Downes because he saith that he the said Philemon Downes before the impetration and suing out of the original writ in this cause did pay to him the said James Hutchings the aforesaid sum of money in the said Condition specified together with all the Interest thereon due according to the form and effect of the said Condition and this he is ready to verify: wherefore he prays Judgment whether the said James Hutchings his action aforesaid thereof against him to have and maintain ought and so forth.

And the said James Hutchings by his Attorney aforesaid saith that he by any thing by the said Philemon Downes alledged from having and maintaining his action aforesaid thereof against him ought not to be precluded, because he saith that the aforesaid Philemon Downes did not pay to him the said James Hutchings the aforesaid sum of money with legal Interest for the same on the aforesaid day ought to have paid according to the form and effect of the said Condition as the aforesaid Philemon Downes above hath alledged; and this he prays may be enquired of by the Country: and the aforesaid Philemon Downes in like manner, and so forth.

And thereupon further process of and upon the premises afs.d between the parties aforesaid, by consent of the said Parties aforesaid, by consent of the said parties and their Attorney's aforesaid and by order of the Court here thereon, was further continued until the

(second)