

so had was for a true Debt and the said James and Peregrine further say that since the Impetration of the Original Writt of him the said Richard to Wit the Eighth day of September Anno Domi Seventeen hundred and Eighteen at Ann Arundell County the said James and Peregrine have Satisfied and paid unto the said Richard Bennett Esq^r the sum of fifty two pounds thirteen shillings and two pence Current Money thirteen hundred and two pounds of Tobacco of the Value of five pounds Eight Shillings and Six pence Current money in Satisfaction and Discharge of the said Debt and Damages in form afs^d recovered and this they are ready to verifie and therefore pray Judgment if the said Richard his Action af^d against them to have and maintaine Ought and with this that they will verifie that the said Thomas in the Severall writings and recovery af^d mentioned and the same Thomas in this Plea above mentioned named were one and the same Person and not others or Divers and that they the said James and Peregrine in this Plea above mentioned are the same [475] Persons and not others or divers and that they are to of the sons of the said James Frisby Esq^r in the writeing af^d and this Plea above mentioned.

Therefore M^r Daniel Dulany Attorney for the said James and Peregrine Frisby Adm^{rs} as af^d the Def^{ts} in the plea af^d Offers himself ready to defend this Cause and that in asmuch as by the Act for Limitation of Actions this Cause Cannot be Continued till the next Court he move for a Nonsuit unless tryall this Court.

Whereupon the said Richard Bennett Esq^r altho Solemnly called comes not but makes default nor does he further prosecute his Writt in the plea afs^d against the said James and Peregrine Frisby Adm^{rs} as af^d.

Therefore it is Considered by the Justices here the first day of October Anno Domi Seventeen hundred and Nineteen afs^d that the said Richard Bennett Esq^r and his pledges of prosecuting be in Mercy etc: and that the Names of the said pledges be Sought for etc, And that the said James and Peregrine Frisby Adm^{rs} as af^d go thereof without Day etc:

And also it is Considered by the Justices here that the said James and Peregrine Frisby Adm^{rs} as af^d recover agst the said Richard Bennett the Sum of¹ pounds of Tobacco by the Court here Adjudged unto them for their Costs and Charges by them about their Defence in this behalf laid out and Expended According to the form of the Statute etc.

Vera Copia per

Vachel Denton Clk

[476] Afterwards to Wit on the same 26th day of May Anno Domi Seventeen hundred and twenty in the same Writ mentioned Comes here into Court the af^d Richard Bennett by Thomas Bordley his Attorney and Says that in the Records and process af^d And also in the Rendring the Judgm^t af^d it is manifestly Erred.

Imp^{rs} In this that Judgm^t ought to have been given for the said

¹ " 1332 " appears in the margin.