

[369] And now here at this day (to witt) the 22 day of November Annoque Domini 1698 came here as well the Said Hannah Hine as the Said Joseph Harrison by their Attorneys aforesaid and the Said Hannah Hine Prayeth that the Said Joseph Harrison to his Declaration aforesaid may answer etc.

And the Said Joseph Harrison by Joshua Cecell his Attorney cometh and Defendeth the Force and Injury when etc.

And Prayeth abatement of the writt and Declaration aforesaid for that he Saith that the Said Plantiffe hath brought her writt aforesaid against him the Said Deffendant by the Name of Joseph Harrison Late of Prince Georges County Planter etc. to Answer unto Hannah Hine Administratrix of the goods and Chattles of Matthew Hine Deceased etc. and that in the Precript of the Declaration the Said Deffendant is Called Joseph Harryson Late of Prince Georges County etc. to answer unto Hannah Hine of a Plea of tresspass upon the Case etc. by reason of which variance between the writt and Declaration aforesaid noe Certaine Judgement can be given for the Count or Declaration must be agreeable to the writt the Barr to the Count etc. and, the Judgements to the Counts for none of them must be narrower or broader then the other Cookes Institutes Follio 303 etc. Wherefore the Said Joseph Harrison Prayeth abatement of the writt and Declaration aforesaid etc. Joshua Cecell for the Deffendant.

Therefore it is Considered that the Said writt be Quashed and that the Said Hannah Hine take nothing by her said writt but be in mercy for her False Clamour and the Said Joseph Harrison goe thereof without day etc. it is Likewise Considered that the Said Joseph Harison recover against the Said Hannah Hine his Damages by occation of the Premises to Three hundred thirty Seven pounds of Tobacco to the Said Joseph Harrison by the Discression of the Justices here att his request for his Costs and Charges in this behalfe Sustained according to the Forme of the Statute etc. by the Court here adjudged.

Henry Cullver Plaintiff: David Small Defendant

David Small Late of Prince Georges County Gentleman was Atteached to answer unto Henry Cullver of a Plea of Trespass upon the Case etc.

And whereupon the Said Henery Cullver by William Stone his Attorney Complaineth that whereas the Said David the 29th day of May in the year of our Lord 1698 att Charles Towne within the Jurisdiction of this Court was Indebted unto the Said Henry in the Sume of three Thousand two hundred thirty and Six pounds of Tobacco being by a noate drawne by one Henry Fernely upon the Said David Payable to the Said Henry Cullver and Accepted with the Propper hand wrighting of the Said David as by the Said note here ready in Court to be Produced may appear and the Said David to the Said Henry Cullver being soe indebted as aforesaid in Consideration thereof did assume upon himself and to the Said Henry then and there Faithfully Promise that he the Said David the Said Sume of 3236 pounds of Tobacco to the Said Henry when he Should be thereunto requested would well and truly content and Pay nevertheless the Said David his Promise and assumption aforesaid not att all regarding but minding and fraudulently intending him the Said Henry in this behalfe Crafftily and Subtilly to deceive and Defraude the Said Sume of three thousand two hundred thirty and Six pounds of Tobacco to the Said Henry hath not Payd allthough the Said David afterwards the Day and Place aforesaid to doe the Same by the Said Henry was often thereunto requested but hath hitherto refused and Still doth refuse to the