Judgment of the Court thereupon or Render his Body in Execution for that Judgment to the Prison of the Sheriff of the County aforesaid in Satisfaction thereof for that he the said Ephraim Wilson will do the Same for him &c —

Whereupon the said Samuel Murray puts in his place Samuel Wilson Gent Attorney at Law against the aforesaid John White of the aforesaid plea — And thereupon at the prayer of the parties aforesaid day is to them now here given till next Court to be held at Princess Ann Town the third Tuesday of November then next following and in the State that now Staneing to the parties aforesaid &c. At which day here Came as well the aforesaid John White as the aforesaid Samuel Murray by their Attorneys aforesaid And thereupon the said John White Complained of the aforesaid Samuel Murray in the plea aforesaid in a certain following Sum to wit Comitatus Somerset Samuel Murray late of Somerset County planter was attached to answer unto John White of a plea of the aforesaid upon the Case and hath &c And whereupon the said John by William Allen his Attorney Complains that whereas the aforesaid Samuel after the first day of May in the year of our Lord God One thousand Seven hundred and fifty two to wit the Nineteenth day of February in the year aforesaid God One thousand Seven hundred fifty and Nine at Somerset County aforesaid made his Certain note in writing Commonly called a promissory note with his proper hand thereto Subscribed bearing Date the Same day and year last above mentioned which said Note the aforesaid Samuel to the aforesaid John then and there did Deliver and by the said Note did oblige himself his heirs and Assigns to pay to the aforesaid John by the Name of John White of Princess Ann Merchant or Assigns the Sum of four pounds Nineteen Shillings and Twopence Money (of Maryland) Demand for Value Received by Reason of which promise and by force of the Statute in that Case Made and provided the said Samuel became Chargeable to pay to the said John or to his heirs or Assigns the aforesaid four pounds Nineteen Shillings and Twopence Money Demand According to the Tenor of the said Note aforesaid the aforesaid Samuel so thereof Chargeable being in Consideration thereof afterwards to wit the Same day and year last aforesaid at the County aforesaid upon himself did assume and to the said John then and there faithfully promise that he the said Samuel the aforesaid four pounds Nineteen Shillings and Twopence Demand to the said John he would well and faithfully pay and Content and the aforesaid John for a Short time after the making of the said Note Whereto made an order for Concerning the payment of the Sum of Money in the Note aforesaid Contained or for Concerning the payment of any part thereof Now the Day of the aforesaid Samuel his Promise and Assumption aforesaid in form aforesaid made and Regarding and Slighting and fraudulently intending the said John in that part Craftily and Subtilly to deceive and defraud the said four pounds Nineteen Shillings and Twopence to the said John According to the tenor of the said Note (all the time since the said Samuel by the said John on the first day of March in the year of our Lord God One thousand Seven hundred fifty and Nine and afterwards at Somerset County aforesaid hereunto Requested he the said Samuel hath Refused (all the time since to him to pay the said Debt hath Refused and still doth Refuse and Refuseth whereupon the said John says that the Value of the pounds Money of Maryland and thereupon he brings Suit and Suit &c —

Plegio de Prosequendo

And the aforesaid John White by his Attorney aforesaid Comes and defends the Force and Injury when &c and prays Leave thereof to Imparle hereunto till next Court to be held at Princess Ann Town the third Tuesday of March then next following and he hath it and the day is given to the aforesaid Parties &c.

At which day here Came as well the aforesaid John White as the aforesaid Samuel Murray by their Attorneys aforesaid and thereupon the said Samuel as before defends the Force and Injury when &c and for Replication in these words:

which being Read and heard the said Samuel Murray prays Judgment of the Writ aforesaid because he says that between the Writ and declaration aforesaid there is a Manifest Variance for the said John hath brought his Writ aforesaid against him the said Samuel by the Name of Samuel Murray late of Somerset Planter and declared against him upon the Writ by the Name of Samuel Murrough late of Somerset County planter and by the Name of Samuel Murray late of Somerset Planter the said John ought to have declared and the said Samuel Murray is ready to Verify Whereupon the said Samuel Murray for the Variance aforesaid prays Judgment of the Writ and that the Same may be Quashed and Set aside

And