

March Court 1763 203

provided further comes and Defends the same and injury when and so forth and says that the said Thomas his action against him to have and maintain ought not because he says that the said Edmund on the 29th day of December in the declaration of Mentioned was indebted unto the said Thomas in the sum of Five pounds five shillings and one penny on a Common Contract which was subject to be discharged in Spanish pieces of Eight at seven shillings six pence the price of Eight or pistoles at twenty seven shillings the pistole and that in consideration thereof it was on the 29th day of December in the declaration of mention ed corruptly agreed between the said Thomas and the said Edmund that the said Edmund should Execute the Note in the declaration of Mentioned to the said Thomas for the sum of Five pounds five shillings and one penny current Money of Maryland in prosecution of which corrupt agreement of the said Edmund afterwards to wit the same 29th day of December in the declaration of mention ed at the county of said County and Deliver unto the said Thomas the Note in the declaration of Mentioned whereby he bound himself to pay unto the said Thomas the said sum of Five pounds five shillings and one penny current Money of which wherein where by and by the said Cheeverance and corrupt contrivance of him the said Thomas therein he did reserve and secure to himself the payment of a Larger sum of Money than the legal Interest thereon at the Rate of Six pounds for the Loan of one hundred pounds for one Year would have amounted to on the said sum of Five pounds five shillings and one penny subject to be paid unto the said Thomas in Spanish Pieces of Eight or pistoles at the Rates of which said Last sum of Money subject to be paid as if was at the time of the taking and Executing of the Note of only bona fide due and owing unto the said Thomas by which the said Note in the declaration of Mentioned by force of the act of a assembly in such case made and provided is void in Law and this the said Edmund is ready to Verify wherefore he prays Judge if the said Thomas his action against him to have ought No further

And upon this the said Edmund prays that the said Thomas may to his plea of Pleading thereupon Day is Given by the Court now here unto the said Thomas until Friday Twelfth of the Month being the 14th day of this Instant March to Plead to the said plea of the said Edmund. And the said Thomas at the same day and Time of all the solemnly taken do not come nor further prosecute his Writ and Declaration against the said Edmund but makes default Therefore it is considered that the said Thomas Jones take nothing by his Writ and Declaration of but that he and his pledges of Prosecuting to wit John Doe and Richard Roe be therein Merely and that the said Edmund go there forth on Day 8. And further by the Court now here it is considered that the said Edmund Recover against the said Thomas:

129 Dounds of Shame for his Costs and Charges by him about his defence in this behalf sustained to the said Edmund by the Court now here according to the form of the Statute in such case lately made and provided Adjudged And the said Edmund have thereof Execution

W. Welf Hall } Command was given unto the Sheriff of Somerset County that he should take  
1st Day of March } Benjamin Burdige Late of Somerset County Gentleman if he should be found  
in his Bailwick and him should safe keep so that he might have his body before the Justices of his  
Lordships County Court of Somerset to be held at princeps Ann Town the Third Tuesday of March Next to an  
swer unto Wilson Hall of a plea of trespass upon the land and the same day is given to the said Wilson here to  
And Hereupon the said Wilson complained against the said Benjamin in the plea of in form following  
Somerset for Benjamin Burdige Late of Somerset County Gent was attached to answer unto Wilson Hall of a

March  
plea of trespass  
-ney complain  
Year of four de  
Wilson in the  
annexed ment  
the county of  
said Benjamin  
said Benjamin  
-tion of in form  
craftily and  
him for the sam  
still both refua  
said Wilson Be  
and though he  
his which  
Ephraim W  
body here at the  
-her the same  
to act of a fem  
Benjamin B  
George Mayur  
-ton, Henry Lo  
for the said B  
in the plea of  
said Benjamin  
-to the said B  
Judgement to  
above name  
Whereupon the  
he and said  
himself in  
of the same  
-udge said  
beyond his l  
Not more a  
Judgements  
ed be  
-gainst the a  
form of ac  
207  
his requests  
amounts to  
pound  
W