

And whereas the said Wm Whitehead by Richard Macklin
Esq. saith that whereas the said Crook Smith the seventh day of
June Anno Dom 1701 at Hert County within the Jurisdiction
of this Court by his certain bill or writing obligatory made
with his seals as his act and deed delivered and brought to
Court whose date is the same day and year did bind him
unto the said Wm Whitehead his heirs or assigns that he
should pay unto the said Wm Whitehead the sum of 1300
to have qualified as aforesaid. And upon the
fourth day of October next ensuing the date of the said bill
or writing obligatory the said Crook Smith
did pay unto the said Wm Whitehead the sum of 1300
according to the tenor of the said bill or writing obligatory
unto the said Wm Whitehead but the same to pay hath
denied refused and still doth deny and refuse and unjustly detains
to the damage of the said Wm Whitehead 2000 of the
said Crook Smith's goods and chattels. And whereas the said
Crook Smith brings this Suit Macklin Esq. per se. in the
County of Hert.

And the doct in this cause having considered
the writ in order for Trial this cause
being laid from March to April according to Act of Wm
III. The defend. by Michael Darr his ally James and defend.
the force and injury when etc. and saith that there is a
manifest Variance between the obligation and the debt
which doth forth said obligation. All which the
said defend. is ready to aver and prays Judg. if avarice
And the plaint for replication says there is no variance
between the obligation and declaration.

Which being by the Justices heard and understood it
is by them considered this seventh day of April Anno Dom 1702
that the said Wm Whitehead hath nothing by his writ of
but to in mercy for his false clamour and that the
said Crook Smith go thereof with hard days. And it is ordered
considered by the Court upon some day and year that the said
Crook Smith recover against the said Wm Whitehead
the sum of One hundred and fifty eight pounds
of to have by the Court adjudged him for his costs and
charges in this behalf laid out and expended. # #