Deed on the same Writt declared in this to wrtt the writt afs. is brought ag.st the
afs. Nicholas for one thousand pounds Sterl. in the Deed afs. on that writt founded
it is declared for Twenty hundred pounds Sterl. for ye. Variance the said
Nicholas prays Judgm.t of the same Writt & that it may abate &c.

Whereupon all and singular the premisses being by the said
Plaintiff and Defendant severally confessed to be true and
a material Variance between the said writt and the Deed on the same
writt declared

Therefore It is Considered by the Court here that the said writt
be Barred that the said Plaintiff take nothing by his
Writt but be in mercy &c.

Wm. Wheatley plaintiff Mr.
Wm James Dallard

Upon Wednesday it appeareth to the Court in Sept
Term 1708

Maryland James Dallard of Talbott County
Gent. Attorney of Thomas Dallard Gent.
late of Talbott County in the province of Maryland
planter was summoned to answer unto William Bladen
Esqr. Attorney General of our Lady the Queen that now is
in this province who for our said Lady the Queen in
the Behalf prosecuteth &c. that the said James Dallard of late
the Debtor of the said Thomas Dallard late of the same
province unto our said Lady the Queen the sum of one thousand
pounds Sterl. Money of Great Britain which he the said James
to unjustly detaineth &c.

Whereupon the said William Bladen unto our said Lady the Queen that now is
in the Behalf prosecuteth that whereas the said James Dallard and
one Richard Tempest late of the City of London Merchants
and Partners in the Trade of the said Thomas Dallard and
Richard Tempest by their Bond bearing date the 23 day of March in the Twelfth year of the Reigns of our Lady the Queen and King William
the Third &c. Anno Domini 1693 at Dorchester in the County of Dorset
Gentleman acknowledged themselves to be indebted unto the said Thomas Dallard late of the same Merchant
deceased in the sum of Two Thousand pounds Sterl. to be paid to the said Thomas Dallard
his Executors or Administrators for the payment whereof they bound
themselves their Heirs Executors and Administrators firmly by the said
Bond to be paid to the said Thomas Dallard his Executors or Administrators
as by the said Bond and Condition thereunto annexed more at large
appeareth which said Bond afterwards came into the hands of the said
James Dallard Executor of the said Thomas Dallard deceased
and the said James Dallard being Executor of the said Thomas Dallard
deceased in the province of Maryland did sue the said Richard Tempest
upon the said Bond in the Court of Chancery in the said province
and the said Richard Tempest being then and there Defendant
appeared and pleaded to the said Bill of Complaint of the said James
Dallard Executor of the said Thomas Dallard deceased and
the said Richard Tempest then and there confessed the said Bond
to be his Act and Deed and the said James Dallard Executor
of the said Thomas Dallard deceased then and there prayed
Judgment against the said Richard Tempest for the said Debt
and Damages according to the said Bond and Condition
thereunto annexed and the said Richard Tempest then and there
prayed Time to plead to the said Bill of Complaint of the said
James Dallard Executor of the said Thomas Dallard deceased
and the said James Dallard Executor of the said Thomas Dallard
deceased then and there prayed Judgment against the said
Richard Tempest for the said Debt and Damages according to
the said Bond and Condition thereunto annexed and the said
Richard Tempest then and there prayed Time to plead to the
said Bill of Complaint of the said James Dallard Executor
of the said Thomas Dallard deceased and the said James
Dallard Executor of the said Thomas Dallard deceased then
and there prayed Judgment against the said Richard Tempest
for the said Debt and Damages according to the said Bond
and Condition thereunto annexed and the said Richard Tempest
then and there prayed Time to plead to the said Bill of
Complaint of the said James Dallard Executor of the said
Thomas Dallard deceased