September Term 1762

Shillings and fourpence Sterling money for an article properly Chargeable in account as by a particular account thereof therewith into Court brought may appear and being so thereof Indicted the aforesaid John Nelson afterwards to wit on the day and year aforesaid at Ann Arundel County aforesaid in Consideration thereof upon himself assumed and to the said Thomas therein faithfully promised that he the said John Nelson the aforesaid sum of money to him the said Thomas when afterwards he should be thereunto required well and truly Content and pay Nevertheless the aforesaid John Nelson his promise and Assumption aforesaid so as aforesaid made not regarding but minding and fraudulently intending him the said Thomas in this behalf Craftily and Subtilly to deceive and Defraud the aforesaid sum of money or any part thereof to him the said Thomas hath not Contented or paid Cal the so to do the aforesaid John Nelson was afterwards to wit on the day and year aforesaid and often afterwards at the County aforesaid by the said Thomas requested that the same or any part thereof to Content and pay he hath hitherto altogether refused and still doth refuse to the Damage of him the said Thomas in the Sum of Sixty four pounds Sterling money aforesaid and therefore he brings Suit and &c. Wager and &c. John Doe & Richd Roe.

The Account mentioned in the aforegoing Declaration follows in the words & Viz

1760 Capt John Nelson Dr to Thomas Murphey Contra Cr

To my wages on Board the Snow Alexander now lying in Chester River from the 11th Novem: 1760 to the 16th August 1761 being 9 months & 5 days at £2.10 Ster: p month — 22.18.4

13th Aug: 1761 Came the within named Thomas Murphey before me the Subscriber one of his Lordships Justices of the Peace for Kent County and Made Oath on the Holy Evangels of Almighty God that the within Acc.ts Just and true as it Stands Stated and that he hath not received any part or parcel of the within account any further than an account the said John Nelson may have against him the amount of which he does not Exactly remember to the best of his knowledge

Thos Smyth

And the said John Nelson by his Attorney aforesaid Defends the force and Injury when and &c. and prays leave to Imparle hereunto untill next Court and he hath it and the same day is Given to the Plaintiff also

At which said next Court to wit the ninth day of March Anno Dom one thousand Seven hundred and Sixty two Come again the said Parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto untill next Court and he hath it and the same day is Given to the Plaintiff also

At which said next Court to wit the Eighth day of June Anno Dom One thousand Seven hundred and Sixty two Come again the said Parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays

(Further)

Further leave to Imparle hereunto untill next Court and he hath it and the same day is Given to the Plaintiff also

At which said next Court to wit the tenth day of August Anno Dom one thousand Seven hundred and Sixty two Come again the said Parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney filed the following Account in Bar to wit

1760 Thomas Murphey Sailor of the Snow Alexander John Nelson Master Dr.

To 2 months advanced wages	£	Ster: 5.0.0
To 6 Gallons Brandy		1.10.0
To 1 Shirt		10
To 1 Dead mans Cloaths		3.2.6
	£	10.2.6

Errors Excepted John Neilson

John Neilson within named made Oath on the Holy Evangelists of Almighty God that the within account is Just and true as to his knowledge he never did directly or Indirectly receive any part or parcel of the money Charged as due to the claimant nor any thing in Security or Satisfaction for the same before me one of his Lordships Justices of the Provincial Court this 25th day of Sept: 1761

Thos Lloyd Geo Stewart

And Thereupon the said Defendant by his Attorney aforesaid prays further leave to Imparle hereunto untill next Court and he hath it and the same day is Given to the Plaintiff also

At which said next Court to wit the Ninth day of November Anno Dom One thousand Seven hundred and Sixty two Come again as well the said Thomas Murphey by his Attorney aforesaid as the said John Nelson by his Attorney aforesaid And the said John Nelson by his said Attorney produces to the Court here the following Habeas Corpus the Tenor whereof follows in these words to wit

Maryland to wit, Frederick Absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &c. &c. To the Justices and Sheriff of Ann Arundel County Greeting Whereas a Certain John Nelson is Detained in the Prison of our said County under the Custody of you our said Sheriff at the Suit of a Certain Thomas Murphey of a plea of Trespass upon the Case which said plea as it is said Still depends before you our said Justices undetermined And we being willing for Divers Causes that the plea aforesaid undetermined as aforesaid shall be heard and Determined before the Justices of our Provincial Court Therefore We Command you that you have the Body of the said John Nelson by whatsoever name he be called in the plea aforesaid together with the day and Cause of his Caption and Detainder and all things thereunto relating before the Justices of our Provincial Court to be held at Annapolis the Second Tuesday of April next that our said Justices may further proceed therein as to Justice appertains &c. &c. hereof fail not at your Peril and have you then and there this writ Witness John Bruce Esq: Chief Justice of our said

(Provincial)