like sum of money for money by the said plaintiff before that time lent and advanced to and paid laid out and expended for the said defendant and at his like special instance and request, and also for another like sum of money for so much other money by the said Defendant before that time had and received to and for the use of the said plaintiff and being so indebted the said Defendant in consideration thereof afterwards to and with said several sums of money were to be paid by the said Beale to the said John when the the said Beale should be thereto afterwards requested whereby and by reason of the said several sums of money remaining unpaid an action hath accrued to the said John to have and demand of the said Beale the said sums of money above demanded, Yet the said Beal although often requested hath not paid the same or any part thereof to the said plaintiff but hitherto hath refused and still refuses to the damage of the said plaintiff thirty thousand dollars and he therefore brings suit.

Wm. H. Gatchell for Plff.

Annexed to which said declaration is the following notice to wit,

To Beale Randall the defendant named in the within declaration

Take notice that on the day of your appearance to this action in Baltimore County Court a rule will be entered requiring you to plead to the said declaration within fifteen days thereafter,

W. H. Gatchell

And thereupon the said John Glenn by his attorney aforesaid in proof of his action aforesaid files in court here the following mortgage award and affidavit to wit.

Whereas Beale Randall of the city of Baltimore stands indebted unto John Glenn of the same place in a large sum of money for advances the amount of which is hereafter to be ascertained upon an examination of their accounts by Reverdy Johnson and James W. McCulloh Esquires mutually appointed by the said Beale Randall and John Glenn for that purpose, And whereas the said Glenn hath come under the following responsibilities for account of the said Randall to wit at the Marine Bank of Baltimore for the sum of seven thousand dollars ($7000) Thirty one hundred and dollars at the Branch of the Bank of the United States at Baltimore and sixteen hundred and fifty dollars at the Union Bank of Maryland the advances made by the said Glenn for account of the said Randall as claimed by the said Glenn amounted on the sixth day of April last to eighteen thousand one hundred and twenty six dollars and sixty cents ($18120.60)

And for the purpose of securing indemnifying and saveing harmless the said Glenn from all loss and damage on account of the premises the said Beale Randall hath agreed to execute this Present, Now this Indenture of writing Witnesseth that the said Beale Randall for and in consideration of the premises and of the sum of five dollars current money to him in hand paid by the said John Glenn before the sealing and delivery of these presents the receipt whereof he hereby acknowledged hath granted bargained and sold assigned transferred and set over conveyed and confirmed

and by these presents doth grant bargain and sell assign transfer and set over convey and confirm unto the said John Glenn all and singular his the said Randalls interest property estate claim and demand of every nature and description both at law and in equity in and to the Partnership concern of Cook and Randall, Abra Ham & Cole and Company under the new concern or last Partnership formed under the name of Cole Coates and Company and John Coates and Company and to each and every of them To Have and to hold the same and every part and parcel thereof unto the said John Glenn his heirs executors administrators & assigns forever, In special trust and confidence nevertheless that is to say in trust to retain and pay all and singular the responsibilities hereinbefore mentioned, And in to pay all such sums of money as the said Reverdy Johnson and James W. McCulloh Esquires may ascertain and determine the said Glenn has advanced for the said Randall and the balance if any to pay over to the said Randall or his order. In testimony whereof the said Beale Randall hath hereunto set his hand and seal this sixteenth day of May A.D. 1834.

Signed sealed & delivered in presence of — Beale Randall (Seal)

The words under "the new concern under the new concern or last Partnership formed under that name being first interlined. James Blair.

State of Maryland City of Baltimore to wit, on this sixteenth day of May 1834 personally appears before us the subscribers two of the State of Maryland Justices of the Peace in and for the city of Baltimore Beale Randall known to us to be the party grantor named and described in and professing to be such in the foregoing instrument and acknowledges the same to be his act and deed according to the true intent and meaning thereof, acknowledged before James Blair, Jonathan Norris

On the back whereof was thus endorsed to wit Received to be recorded the 16th day of May 1834 at half past one o'clock P. M. same day recorded among the Land records of Baltimore County Court in Liber T. K. No. 237 folio 425 &c and examined

per Thos. Keell Clk.

On the said mortgage was underwritten the following award to wit

In pursuance of the authority given us by the within mortgage to ascertain the advances in money made by the within named John Glenn to the within named Beal Randall up to the date of said mortgage and after having given to said Glenn and Randall notice of the times and places of our meetings for said purpose and fully heard & considered all the evidence and representations they had to offer us in the matter We do award determine and ascertain that said John Glenn had on the day of the date of said mortgage that is to say on the 16th day of May 1834 advanced in money to said Randall the sum of eighteen thousand one hundred and twenty dollars and sixty cents ($18.120 60/100) over and beyond the amount of the three notes specially mentioned in said mortgage and we do further award and determine that said sum of $18120 60/100 exclusive of said notes is now due by said Randall to said Glenn with interest on the same from the 6th day of April in the year 1834. As witness our hands this 12 day of May