Thundred and thirteen Dollars and thirty three Cents in the same Note mentioned and so being liable the said Thomas Beall of Samuel in Consideration thereof afterwards to wit the same fourteenth day of September in the year of our Lord one thousand seven hundred and ninety six at Allegany County aforesaid assumed upon himself and to the said James McElhiney then and there faithfully promised that he the said Thomas Beall of Samuel the said sum of four hundred and thirteen dollars and thirty three Cents to the same James McElhiney when he should be thereto afterwards required would well and faithfully pay and Content and whereas also the said Thomas Beall of Samuel afterwards to wit the same fourteenth day of September in the year of our Lord one thousand seven hundred and ninety six at Allegany County aforesaid was indebted to the said James McElhiney, in another sum of four hundred and thirteen dollars and thirty three Cents of like money for money by the said Thomas Beall of Samuel to the use of the said James McElhiney before that time had and received and so being therein indebted the same Thomas Beall of Samuel in consideration thereof afterwards to wit, on the same day and year last aforesaid at Allegany County aforesaid upon himself assumed and to the said James McElhiney then and there faithfully promised that he the said Thomas Beall of Samuel the same last mentioned sum of four hundred and thirteen Dollars and thirty three Cents to the said James McElhiney when he should be thereto afterwards required would well and faithfully pay and Content and the aforesaid James McElhiney in fact saith that each of the aforesaid sums of four hundred and thirteen dollars and thirty three Cents at the aforesaid time of making the promises and Assumptions aforesaid, always since have been and now are of the value of one hundred and fifty five pounds Current money of Maryland to wit, at Allegany County aforesaid. Nevertheless the aforesaid Thomas Beall of Samuel his several promises and assumptions aforesaid not regarding, but minding, and fraudulently intending the said James McElhiney in this behalf craftily, and subtilly to deceive and defraud the said several sums of Four hundred and thirteen dollars and thirty three Cents or the value thereof or any part of such value to the same James McElhiney, hath not yet paid (although to do it he was required by the said James McElhiney afterwards to wit, on the first day of September in the year of our Lord one thousand seven hundred and ninety seven and often afterwards at Allegany County aforesaid) but hath hitherto altogether denied and yet doth deny to pay him the same to

to the damage of him the said James McElhiney in the sum of five hundred pounds Current money of Maryland and therefore he brings suit and so forth.

William Cranch Pltfs. Atty. } John Doe, and
Pledges and so forth. } Richard Roe.

At which mentioned second Tuesday of May being, the fourteenth day of the same month in the year of our Lord one thousand seven hundred and ninety nine, and the day of the return of the aforegoing, writ Comes into the General Court here the aforesaid James McElhiney, by William Cranch his attorney aforesaid; and the sheriff of Allegany County aforesaid to wit, Robert Sinclaire Gentleman, to whom the said aforegoing writ was in form aforesaid directed likewise comes and makes return thereof to the Court here thus endorsed, to wit.

Cepi Copy left 26th March. Rob. Sinclaire Shff.

And the said Thomas Beall of Samuel by John Thompson Mason his attorney, appears in Court here, And thereupon on motion of the aforesaid James McElhiney by his attorney aforesaid, It is ruled by the Court here that the said Thomas Beall of Samuel give special bail to the action aforesaid in the plea aforesaid; Whereupon a certain Hanson Briscoe of Allegany County Gentleman present here in Court in his proper person undertakes for the said Thomas Beall of Samt. that in Case the aforesaid James McElhiney shall recover Judgment against the said Thomas Beall of Samuel in the plea aforesaid on that the said Thomas Beall of Samuel shall be therein legally Convict that then the said Thomas Beall of Samuel shall pay the Condemnation of the Court thereupon or render his body, to the Custody of the sheriff of Allegany County in satisfaction thereof or that he the said Hanson Briscoe will do the same for him.

And thereupon on motion of the aforesaid James McElhiney by his attorney aforesaid, It is ruled by the Court here, that the said Thomas Beall of Samuel answer to the declaration aforesaid of the aforesaid James McElhiney, in the plea aforesaid, or Judgment by the Court here will be entered against him in default thereof and the said Thomas Beall of Samuel by his attorney aforesaid defends the force and injury when and so forth, and prays leave of the Court here to imparle until the second Tuesday of October next and then to answer to the declaration aforesaid of the aforesaid James McElhiney in the plea aforesaid, and to him it is granted, the same day is given to the aforesaid James McElhiney also.

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