said damages, Costs and Charges aforesaid James Williams should not pay which being in
Execution of such Judgment, to the public Prison of Dorchester County aforesaid, by that Execution should
not remain, and the said James Williams by his attorney aforesaid filed his Declaration in this
plea aforesaid against the said Leonard Berge in manner and form following towit, Dorchester
County, towit Leonard Berge late of Dorchester County, planter was attached to answer unto
James Williams of a plea of Trespass upon the Case &c. And whereupon the same James by
Gustavus Scott his attorney complains that whereas the same Leonard on the fourteenth day of
March in the year Seventeen hundred eighty nine at the County aforesaid was indebted unto
him the same James in the sum of sixteen pounds twelve shillings Current money for one
Tierce of Rum containing the Quantity of eighty three gallons of Rum by the same James to
the said Leonard, at his special instance and request before that time sold & delivered; and to
thereof indebted being the same Leonard afterwards towit, on the day and year last aforesaid in
Consideration thereof upon himself assumed and to the same James then and there faith-
fully promised to pay to him the same James the sum of money last aforesaid whenever
afterwards he thereunto required. Nevertheless the said Leonard his promise
and assumption aforesaid in form aforesaid made not regarding but contriving the same
James in this behalf to deceive and defraud the sum of money aforesaid in the same James
hath not yet Contented or paid, altho' afterwards towit, on the day and year last aforesaid
and often since that time at the County aforesaid thereto required, but the same to content
and pay he hitherto altogether hath refused and still doth refuse to the damage of the same
James fifty pounds Current money of Maryland, whereupon he brings suit &c.

Gust. Scott pltffs Atty. J. Dow. A. Rice.

and the said Leonard Berge by his attorney aforesaid defendes the wrong and injury when &c. and
prays the liberty of imparling thereto here until the Monday before the second Tuesday in June
then next following; and it was granted unto him: the same day was given to the said
James Williams there &c. At which day to wit the said Monday before the second Tuesday
in June here came again as well the said James Williams as the said Leonard Berge by their
attorneys aforesaid, and the said Leonard Berge by his attorney aforesaid prays the further liberty
of imparling thereof until the Monday before the second Tuesday in October then next following
and it was granted unto him the same day was given to the said James Williams there &c. At
which day to wit the said Monday before the second Tuesday in October here came again as
well the said James Williams as the said Leonard Berge by their attorneys aforesaid and
the said Leonard Berge by his attorney aforesaid prays the further liberty of imparling thereof
until the Monday before the second Tuesday in March then next following: and it was
granted unto him: the same day was given to the said James Williams there &c. At which
day to wit the said Monday before the second Tuesday in March in the year of our Lord
Seventeen hundred and eighty nine, here came again as well the said James Williams as the
said Leonard Berge by their attorneys aforesaid and the said Leonard Berge by his

attorney aforesaid prayed the further liberty of imparling thereof until the Monday before the second Tuesday
in June then next following; and it was granted unto him: the same day was given to the said James
Williams there &c. At which day to wit the said Monday before the second Tuesday in June here came
again into Court the said James Williams by his attorney aforesaid and it was said that after the last
continuance and after plea aforesaid towit, after the Monday before the second Tuesday in March last
and before this time towit, on the day of in the year Seventeen hundred and
the said Leonard Berge at the County aforesaid died and the same was not denied whereupon it was
ordered that a summons should be forthwith issued to attain Elizabeth Berge late of the County
aforesaid Administratrix of all and singular the goods and Chattels Rights and Credits of the
said Leonard Berge commanding her the said Elizabeth Berge that she should be and appear
before the Justices of this Court here on the Monday before the second Tuesday in October then next
following to defend the action aforesaid according to the act of assembly in such Case made and
provided: and such summons was accordingly issued. And the same day was given to the said James
Williams there &c. at which day to wit, the said Monday before the said Tuesday in October here came
again the said James Williams by his attorney aforesaid and here also came the said Elizabeth
Berge, in pursuance of such summons, by Henry Maggaman her attorney, and the said Elizabeth
Berge by her attorney aforesaid said that the said James Williams his action aforesaid thereof against
her the said Elizabeth to have and maintain ought not, because she said that she had fully
Administered all and singular the goods and Chattels which were of the aforesaid Leonard at the
time of his death in her hands to be Administered; And that she had not on the day after
spring of the summons aforesaid in this Cause nor at any time since had any Goods or Chattels
which were of the aforesaid Leonard at the time of his death in her hands to be Administered
whereby the said Elizabeth the Claimant of the said James Williams may pay of the said
James Williams said not pay or satisfy: And that she was ready to satisfy, whereupon she
prays Judgment whether the said James Williams his action aforesaid thereof against
her to have or maintain ought &c. and the said James Williams by his attorney aforesaid
said that by any thing alone pretended in the plea of the aforesaid Elizabeth Berge he ought not to be
precluded from having or maintaining his said action thereof against her because he said
that the said Elizabeth Berge at the day after spring of the summons aforesaid in this Cause
to wit the twentieth day of June in the year Seventeen hundred and eighty nine, had divers
Goods and Chattels which were of the aforesaid Leonard Berge at the time of his death in
her hands to be Administered to the Value of sixteen pounds, twelve shillings and sufficient
to pay and satisfy the demand of the said James Williams, to wit at the County aforesaid
and this he prays he might be inquired of by the Country &c. and the said Elizabeth Berge thereof
in like manner &c. and thereupon further process of law upon the premises aforesaid
between the parties aforesaid by Consent of the said parties and their attorneys aforesaid
by order of this Court here thereon was continued until the Monday before the second
Tuesday in March then next following. At which day to wit the said Monday before the
second Tuesday in March in the year Seventeen hundred and ninety came again as well