William afterward to wit on the same day and year aforesaid at the County aforesaid had notice: And whereas also the said William in his lifetime afterward to wit on the same day and year aforesaid at Caroline County aforesaid was indebted to the said Francis in another sum of one hundred and forty nine pounds five shillings and four pence current money for the like sum of current money before that time had and received to the use of the said Francis and being so indebted, he the said William in consideration thereof afterwards to wit on the same day and year aforesaid at Caroline County undertook and faithfully promised the said Francis to pay him the said Francis the said last mentioned sum of money when he the said William should be thereto afterward requested; Nevertheless the said William Brown in his lifetime and the said John after the death of the said William the promises and assumptions aforesaid of the said William so as aforesaid to the said Francis made, not regarding but contriving and fraudulently intending the same Francis in this behalf craftily and subtilly to deceive and defraud, the said sevral sums of money or any part thereof to the same Francis the aforesaid William in his lifetime nor the said John since his death have not paid nor hath either of them paid (at the request of the said William in his lifetime afterwards, to wit the day and year after at the County aforesaid was requested, and the said John on the tenth day of March Seventeen hundred and ninety three, was also requested, but the same to pay the same William in his lifetime altogether refused to pay or the said John since his death, and the said John still doth refuse whereof the said Francis saith he is injured and hath sustained Damage to the value of three hundred pounds current money and therefore he brings suit and so forth, Robert Wright pro plff pledges &c John Doe Rd Roe

And the said Francis Orell by his attorney aforesaid prays that the said John Brown Executor as aforesaid might be ruled to file his plea in answer to the Declaration aforesaid on or before the second Tuesday of April then next and it was granted unto him the same day was given to the said John Brown Executor as aforesaid &c

And now here on this day to wit, the second Tuesday in April in the year seventeen hundred and ninety five, came here again the said parties aforesaid by their attorneys aforesaid: and the said John Brown Executor as aforesaid by his said attorney aforesaid offers his plea in Answer to the Declaration aforesaid which said plea here follows to wit, —

John Brown Executor of William
vs.
Francis Orell

Nar &c

Dis the aforesaid John by Nicholas Hammond his attorney comes and defends the force and injury when &c and saith that the said William in his lifetime did not assume upon himself in such manner and form as the said Francis alege against him hath complained: and of this he puts himself upon the Country &c And the aforesaid John by leave of the Court here first had and obtained according to the form of the statute in such Case made and provided comes and defends the force and injury when &c and further saith, that the aforesaid Francis his action aforesaid thereof against him the said John to have or maintain ought not; because he saith that he hath fully administered all and singular the goods and Chattels, rights and Credits, which were of the aforesaid William at the time of his death in the hands of the said John to be administered; and that he hath not nor had at the time of the issuing out of the original writ of the said Francis in the plea aforesaid against him the said John, nor hath he had at any time since, any of the goods or Chattels rights and Credits which were of the aforesaid William at the time of his death in the hands of him the said John to be administered whereby the Damages, which the said Francis hath sustained by the non performance of the promises and assumptions of him the said William as alege in the Declaration aforesaid or any part thereof to the said Francis he could have paid and satisfied; and this he the said John is ready to verify: wherefore he prays Judgment whether the said Francis his action aforesaid against him the said John to have or maintain ought &c