Michael so being found in Arrear afterwards, to wit, on the said third day of July in the year seventeen hundred and ninety at the County afs upon himself assumed & to the said Gilbert Administrator afs, after the death of the said Ann then & there faithfully promised the last afs sum of Current money to him the said Gilbert Administrator afs when afterwards he the said Michael should be thereunto required would well and truly content and pay. Nevertheless the said Michael his several promises and Assumptions afs so as afs made not regarding but minding & fraudulently intending) the said Ann in her life time and the said Gilbert since her decease (to which said Gilbert Administration of all and singular the Goods, Chattels, Rights and Credits which were of the said Ann at the time of her death was, after the death of the said Ann, at Ann Arundel County by Register of Wills of said County, to him the said Gilbert in due form of Law committed) in this behalf to deceive, the said several sums of Current money, or any part of either of them to the said Ann in her life time or to the said Gilbert since her decease hath not rendered or paid (although so to do the said Michael was afterwards by the said Ann in her life time and after her decease, afterwards, on the day & year last afs at the County afs by the said Gilbert requested): But the said several sums of Current money or either of them or any part thereof, the said Michael to the said Ann in her life time or to the said Gilbert since her death in any manner to satisfy & pay hath altogether refused and still doth refuse, whereof the said Gilbert saith he is the worse and hath damage to the value of One hundred and fifty pounds Current money, and therefore he brings suit and &c. fa: And the said Gilbert brings here into Court the Letters of Administration afs which the Commission of the Administration afs to him the said Gilbert in form afs testifies and &c. fa:

Wm. Cooke ffs Clk. Pledges to prosecute John Doe & Richard Roe.

A true copy of the aforegoing declaration was made and sent to the Sheriff of Cecil County to be by him served on the said Michael Wallace or left at his last place of abode at least twenty days before the second Tuesday in September then next.

At which said second Tuesday in September, to wit, in the year seventeen hundred and ninety five, being the day for the return of the afs Writ, came here into Court the said Gilbert Middleton Administrator as afs by his said Attorney, and the Sheriff of Cecil County to whom the said Writ was directed and delivered also came into Court and made thereof return thereon thus endorsed, "Cepi. Copy Mar. delivered 8th Aug.t 93 - Saml. Maxwell Shff." - and the said Michael Wallace being called appeared in Court by William Tilghman his Attorney, and at the prayer of the said Gilbert Middleton the said Michael Wallace was ruled to give Special Bail to this Action: Whereupon a certain James Biggs of Cecil County in the State afs, came here into Court in his proper person and became Bail for the said Michael Wallace, and granted, that if it should happen that if Judgement should be by the Court here rendered for the said Gilbert Middleton against the said Michael Wallace, that then, all Damages, Costs & Charges which should be by the said Court to the said Gilbert Middleton in this part awarded, of his Body, Lands & Chattels should be made and to his use levied, if he the said Michael Wallace should not pay & satisfy the said Damages, Costs & Charges a[illegible]

his Body to the prison of Cecil County in satisfaction thereof. And the said Michael Wallace by his said Attorney prayed the liberty of imparling to this Action until the second Tuesday in April then next, and it was granted unto him: The same day was given to the said Gilbert Middleton Administrator as afs there, &c. At which said second Tuesday in April, to wit, in the year seventeen hundred and ninety three, here came again the said parties by their said Attorneys: And the said Gilbert Middleton by his said Attorney prayed that the said Michael Wallace might be ruled to file his plea in answer to the declaration on or before the second Tuesday in September then next, or that Judgement on default thereof against him might be rendered, and it was granted unto him: The same day was given to the said Gilbert Middleton Administrator as aforesaid there, &c. And now here at this day, to wit, the second Tuesday in September, Anno Domini seventeen hundred and ninety three, came again into said Court here the said parties by their said Attorneys: And the said Michael Wallace by his said Attorney comes and defends the force and injury when &c. and saith that he did not undertake in manner and form as the said Gilbert Middleton hath above declared against him; and of this he puts himself upon the Country &c. And the said Michael by leave of the Court here for further defends the force & injury when &c. and saith that the said Gilbert his Action afs thereof against him to have or maintain ought not because he saith that he did not undertake at any time within three years next before the impetration of the original Writ of the said Gilbert in manner and form as the afs Gilbert hath above declared against him, and this he is ready to verify: Wherefore he prays Judgement if the said Gilbert his Action afs thereof against him to have ought, &c. — And the said Michael Wallace by his said Attorney comes and relinquishing the Averment by him in pleading alleged and says that he cannot gainsay this the Action of the said Gilbert Middleton Administrator as afs so as afs against him brought, nor that he can he deny that he did assume upon himself as the said Gilbert has complained: Whereupon it is Considered and Adjudged by our said Court here that the said Gilbert Middleton do recover against the said Michael Wallace the sum of One hundred & fifty pounds Current money for his Damages which he has sustained by occasion of the Non-performance of the promises and assumptions afs, and also the quantity of Six hundred thirty pounds of Tobacco, which to the said Gilbert was Awarded for his Costs & Charges by him about this his suit expended: And the said Michael Wallace in mercy &c.

James Earle Jun. Ck.

Judgement was rendered in this Action on the 13th day of September 1793 for the sum of £150. Current money Damages & Costs: To be released on the payment of £62. 18. 3 Current money & Interest from 4th November 1774 to this day & Costs — Stay of Execution till next Court.