Gray, and John Blair in the lifetime of the said John Blair, being so found in Arrear, afterwards, towit, the same day and year last aforesaid at the County aforesaid, in consideration thereof Assumed upon themselves, and then and there faithfully promised the said Peter Huhn and Gustavus Risberg, to pay them the said Peter Huhn and Gustavus Risberg the sum of money last aforesaid when they the said John Erskine, William Gray and John Blair should be thereto afterwards required — Nevertheless the said John Erskine, William Gray and John Blair, in the lifetime of the said John Blair, and the said John Erskine and William Gray since the death of the said John Blair, the several promises and Assumptions aforesaid of the said John Erskine, William Gray and John Blair, in the lifetime of the said John Blair, in form aforesaid made, not in the least regarding, but intending the said Peter Huhn and Gustavus Risberg in this behalf to deceive and defraud, the several sums of money aforesaid, or any of them, or any part thereof, to the said Peter Huhn and Gustavus Risberg, or to either of them, yet have not, nor hath either of them satisfied or paid & altho' to pay the same, the said John Erskine, William Gray and John Blair in the lifetime of the said John Blair, towit, on the tenth day of May in the year seventeen hundred and ninety four, and the said John Erskine and William Gray after the death of the said John Blair, towit, on the tenth day of May in the year seventeen hundred and ninety five, at the County aforesaid, by the said Peter Huhn and Gustavus Risberg were respective-ly required & but the same to the said Peter Huhn and Gustavus Risberg to pay, the said John Erskine, William Gray and John Blair in the lifetime of the said John Blair, and the said John Erskine and William Gray since the death of the said John Blair have hitherto altogether refused, and the same to them to pay, the said John Erskine and William Gray do still refuse, to the Damage of the said Peter Huhn and Gustavus Risberg in the sum of one thousand pounds, Current money, And therefore they bring their suit &c — No. Hammond Ats. — pledges &c John Doe and Richard Roe

And thereupon, on motion of the said Peter Huhn and Gustavus Risberg by their Attorney aforesaid, it was ruled by the Court that the said John Erskine answer to the Declaration aforesaid of them the said Peter Huhn and Gustavus Risberg in the plea aforesaid. And the said John Erskine by his Attorney aforesaid further defended the wrong and injury when &c, and prayed leave of the Court to imparle until the next Term, and he had it. The same day was given to the said Peter Huhn and Gustavus Risberg, then &c — At which said next Term, towit, the second Tuesday of September in the year of our Lord one thousand seven hundred and ninety six, came again into Court the parties aforesaid by their Attorneys aforesaid: And the said John Erskine by his Attorney aforesaid further defended the wrong and injury when &c. and said, that he, the same John Erskine did not assume upon himself in manner and form as the same Huhn and Risberg above against him have complained; And of this he put himself upon the Country &c — And the same John Erskine by leave of the Court first had and obtained, according to the form of the Statute in such case made and provided, further said that the same Huhn and Risberg their action aforesaid thereof against him, to have or maintain ought not, because he said, that he, the same John Erskine

did not assume upon himself in manner and form as the same Huhn and Risberg have above complained against him, at any time within three years next before the impletion of the said suing out the Original Writ in this cause; And this the same John Erskine is ready to verify: Wherefore he prays Judgment, if the same Huhn and Risberg their Action aforesaid thereof against him to have or maintain ought &c. —

And the aforesaid Huhn and Risberg by their Attorney aforesaid, as to the first plea of the said John Erskine in manner and form aforesaid pleaded, Doth thereof in the manner &c — And the said Huhn and Risberg as to the second plea of the said John Erskine, said, that they by any thing by the said John Erskine in his said second plea, by him above in pleading alledged, ought not to be precluded from having and maintaining their action aforesaid thereof against him; because they said, that the same Huhn and Risberg at the time of the promises and Assumptions aforesaid in the Declaration aforesaid, mentioned, and for a long time before, were, and ever since have constantly been, and yet are, Inhabitants of the Commonwealth of Pennsylvania and residents there; And that they the said Huhn and Risberg or either of them have not ever at any time since the said promises and Assumptions were made in manner and form aforesaid been within the State of Maryland, and this the said Huhn and Risberg are ready to verify: Wherefore they pray Judgment, and their Damages occasioned by the non performance of the Promises aforesaid, to them to be adjudged &c. —

And thereupon, on motion of the said Huhn and Risberg by their Attorney aforesaid it was ruled by the Court that the said John Erskine reply to the Replication aforesaid of them the said Huhn and Risberg in the plea aforesaid, and the said John Erskine by his Attorney aforesaid further defended the wrong and injury when &c, and prayed leave of the Court to imparle until the next Term, and he had it. The same day was given to the said Huhn and Risberg then, &c — At which said next Term, towit the second Tuesday of April in the year of our Lord one thousand seven hundred and ninety seven, came again into Court the parties aforesaid by their Attorneys aforesaid: And the said John Erskine by his Attorney aforesaid relinquishing his demurrer aforesaid by him above prosecuted, said, that he did not assume upon himself in manner and form as the said Huhn and Risberg above thereof against him complain, and of this he put himself upon the Country &c — And the said Peter Huhn and Gustavus Risberg in like manner &c — Whereupon, for trying the issue aforesaid between the Parties aforesaid joined, Command was given to the several Sheriffs of the different Counties of the Eastern Shore that they should cause to come before the Judges of our General Court on the second Tuesday of September then next, twelve &c, by whom &c, and who neither &c, to recognize &c, because as well &c, The same day was given to the Parties aforesaid then and there &c — At which said second Tuesday of September in the year of our Lord one thousand seven hundred and ninety seven, came again into Court the parties aforesaid by their Attorneys aforesaid; Whereupon further process sued upon the premises aforesaid between the parties aforesaid, with consent of the said Parties by their Attorneys aforesaid and by order of the Court thereon was Continued until the second Tuesday of April then next following — At which said second Tuesday of April in the year of our Lord one thousand seven hundred and ninety eight came again into Court the parties aforesaid by their Attorneys aforesaid: Whereupon further process