Judgments

William Gibson, became chargeable to pay to the same M'Kim, the said sum of Money and interest according to the Tenor of the said: and being so chargeable the same Gibson in his lifetime, in consideration thereof, afterwards, to wit, on the same day and year last aforesaid, at the County aforesaid, upon himself assumed and unto the same M'Kim then and there faithfully promised to pay to the same M'Kim the sum of Money and interest aforesaid according to the Tenor and effect of the said Note. Nevertheless the same Gibson in his Lifetime & the same Thomas Baynard & Elizabeth Maxwell, whilst she was sole & each of them after the death of the said Gibson & the same Thomas Baynard & Alexander Maxwell & Elizabeth & each of them after Espousals celebrated them the said Maxwell & Elizabeth, since the death of the same Gibson, the promise & assumption aforesaid of him the said Gibson, in form aforesaid made, not regarding, but minding & fraudulently intending the same M'Kim in this part craftily & subtilly to deceive & defraud the said sum of Money or interest or any part thereof unto the same M'Kim yet have not paid, nor hath either or any of them paid the same or any part thereof; but the same sum of Money & interest or any part thereof, to pay to the same M'Kim, he, the same Gibson in his lifetime & the same Baynard & Elizabeth Maxwell whilst she was sole & each of them after the Death of the same Gibson & the same Baynard & Alexander Maxwell & Elizabeth & each of them after Espousals celebrated between them the said Alexander Maxwell & Elizabeth since the Death of the same Gibson hitherto altogether have refused (altho to pay the same, the same Gibson in his lifetime, to wit on the same day & year last aforesaid & often afterwards & the same Baynard & Elizabeth Maxwell whilst she was sole after the Death of the same Gibson, to wit, on the first day of March in the year of our Lord seventeen hundred ninety & eight & often afterwards & the same Baynard & Alexander Maxwell & Elizabeth after Espousals celebrated between them the said Alexander Maxwell & Elizabeth, since the Death of the same Gibson, to wit, on the first day of June in the year of our Lord seventeen hundred ninety & eight & often afterwards by the said M'Kim, to wit at the County aforesaid were required) & they the said Defendants yet do refuse to pay the same sum of Money & interest, or any part thereof to the same M'Kim to his damage eight hundred pounds current money of Maryland, & thereupon He brings this Suit &c. And the same M'Kim doth aver, that after the death of the said Gibson administration of all & singular the

goods and chattells, rights & credits which were of the same Gibson at the time of his death in due form of Law was com. ~~thereof~~ to the said Bay. and & to the said Elizabeth whilst she was sole by the Name of Elizabeth Gibson, to wit at the County afs.

Thos. F. Bullitt for the Plf. pledges &c } John Doe & Richard Roe.

And the said John M'Kim, the Younger prayed that the said Baynard & Alexander Maxwell & Elizabeth his Wife to his Declaration afs. might answer: Whereupon it was ruled by the Court here that the said Thomas Baynard & Alexander Maxwell & Elizabeth his wife should answer to the Declaration aforesaid & that Judgment should be rendered against them in default thereof; whereupon day was given to the Parties aforesaid, until the second Tuesday in September then next; AND NOW here at this day, to wit, the second Tuesday in September in the year ~~seven~~teen hundred and ninety nine, came again into Court the parties aforesaid, by their Attorneys aforesaid, and the aforesaid Thomas Baynard & Alexander Maxwell & Elizabeth his Wife, administrators as afs. by their Attorney afs. confessed judgment in this action on the following Terms, to wit. "Judgment is confessed in this cause for £600.0.0 Damages & costs of suit to be released on the payment of £362.14.4. & interest thereon from the twenty third day of Dec.r — in the year 1796 — untill paid & costs — Stay of Execution to next Term — But it is agreed that the Defendants shall not be liable for a chargeable with more by Virtue of the above judgment than a just & legal dividend of the assets in hand & which may arise; according to due course of administration under the act of assembly in such case made & provided & the Costs of Suit: the Plaintiff admits the payt. of £59.9.8 on the 7th day of Novr. in the year 1798 — & of the sum of £43..11..0 on the 17th day Janry. in the year 1799 — in part of the Dividend —

Thos. F. Bullitt for Pl —

Jos. Driver for Defdts.

And the pl. McKim prays judgt. for his damages so acknowledged, together with his costs & charges by him in this behalf expended &c. Therefore it is considered by the Court here that the afs. John M'Kim recover against the afs. Thomas Baynard & Alexander Maxwell & Elizabeth his Wife, as well the said sum of six hundred pounds current Money of Maryland so above acknowledged to be sustained, as the Quantity of six hundred & fifty seven pounds of Tobacco for his costs & charges by him about his suit in this behalf laid out & expended to be levied of the goods & chattells which were of the said William Gibson at the time of his Death in the hands of the said Thomas Baynard & Alexander Maxwell & Elizabeth his wife, remaining to be administered, if so much thereof in their hands to be administered they have, and if so much remaining in their hands to be administered they have not then the costs & charges afs. to be levied of the proper goods & chattells of the said Thomas Baynard & Alexander Maxwell & Elizabeth his wife & the said Baynard & Maxwell & Elizabeth his wife be in Mercy, &c. —

Test. James Earle Junr. Clk.