September Term 1752

At which said next Court to wit the 16th day of May Anno Dom. 1749 Come again the said Parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto untill next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 17th day of October Anno Dom. 1749. Come again the said parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto untill next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 10th day of April Anno Dom. 1750 Come again the said parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto untill next Court and he hath it and the same day is given to the Plaintiff also.

At which said next Court to wit the 11th day of Sept. Anno Dom. 1750. Come again the said parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto untill next Court and he hath it & the same day is given to the Plaintiff also

At which said next Court to wit the 9th day of April Anno Dom. 1751. Come again the said Parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto untill next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 10th day of September Anno Dom. 1751. Comes again as well the aforesaid Benjamin Tasker by his Attorney aforesaid as the aforesaid Clement Hill Executor &c Garnishee aforesaid by his Attorney aforesaid and the said Clement Hill Executor as aforesaid by his said Attorney saith that he the said Benjamin Condemnation of the Money and Tobacco aforesaid in the Attachment aforesaid and return thereof specified in the hands of him the said Clement as of the Goods Chattels Rights and credits of the said Samuel Hyde to have ought not because he saith that he the said Clement at the time of laying the Attachment aforesaid in his hands had no Goods Chattels Rights or credits of the said Samuel Hyde in his hands and this he the said Clement is ready to Verify, therefore he prays Judgment whether the aforesaid Benjamin Condemnation of the said Money and Tobacco in the Attachment aforesaid and return thereof specified as of the Goods Chattels Rights and credits of the said Samuel Hyde in the hands of him the said Clement for the Use of him the said Benjamin to have ought &c.

And the said Benjamin saith that by any thing Precalledged from having Condemnation of the Premises in the hands of the said Clement he ought not to be Precluded because he saith that the said Clement at the time of laying and making the said Attachment in his hands had to the Value of the Sums in the return of the Writ of Attachment aforesaid specified of the Goods Chattels Rights or credits of the said Samuel Hyde in his hands to wit at Prince Georges County aforesaid And this he prays may be enquired of by the Country, And the said Clement Hill in like manner

Whereupon this Cause standing for Tryal this Court at the request of both Plaintiff and Defendant and by their Consent it is ruled by the Court that the said Cause be Referred to John Hepburn Esq. James Wardrop and Samuel Galloway or any two of them And it is Ordered by the said Court that the said Arbitrators or any two of them make their Award in Writing under their or any two of their hands and Seals and return the same to this Court and Judgment be rendered according to such Award and be final between the said Parties according to the form of the Statute &c. with Power to Examine Witnesses on Oath by Consent of both Parties Plaintiff and Defendant

(and)



September Term 1751

And the said John Hepburn & Samuel Galloway two of the Arbitrators aforesaid Pursuant to the Order aforesaid return to the Court here the following Award Viz.

Benjamin Tasker Esq.
Clement Hill Garn. of Samuel Hyde
Same
Same Exor. Garn. of ditto

Whereas by Rule of the Provincial Court in September Term 1751. and by the Consent of the Parties the above Causes were Referred to John Hepburn Esq. James Wardrop & Samuel Galloway or any two of them according to the form of the Statute as by the same Reference remaining on the Records of the said Provincial Court may more fully appear We whose Names are here under written Subscribed and Seals Affixed two of the Referees above mentioned by Virtue of the Power given Us and the Reference aforesaid have fully Examined and heard the Examinations Proofs and Evidences of both the said parties and have duly and deliberately considered the same and do now Publish and Declare this our present Award under our hands and Seals. first We Order that Clement Hill Jun. pay unto Benjamin Tasker Esq. the Sum of One hundred and six Pounds Sixteen Shillings and five Pence Sterling Money the Effects of Samd. Hyde in his hands, and that Clement Hill Executor of Clement Hill pay unto the aforesd. Benjamin Tasker Esq. the farther Sum of One hundred fifty two Pounds fifteen Shillings and one Penny farthing Sterling Money of the Effects of the aforesd. Samuel Hyde in his hands In Witness whereof We have hereunto set our hands and Seals this first day of May Anno Dom. One thousand Seven hundred and fifty two

John Hepburn (Seal)
Samd. Galloway (Seal)

Which being read and heard the said Benjamin Tasker by his said Attorney prays that upon giving Security according to Act of Assembly the said Sum of One hundred and fifty two Pounds fifteen Shillings and one Penny farthing Sterling part of the Sums so as aforesd Attached in the hands of the said Clement Hill as Exor. as aforesd and the Sum so as aforesd Awarded may be Condemned in his hands as of the Rights and Credits of the said Samuel Hyde towards satisfying unto him the said Benjamin Tasker Esq. as well his Damages in the Writ of Attachment aforesd Specifyed as for his Costs and Charges Accruing by Occasion of the Premises aforesd.

Thereupon a certain Daniel Dulany Jun. of Anne Arundel County Esq. present here in Court in his Proper Person undertakes for the said Benjamin Tasker that in Case the said Samuel Hyde shall at any time within three Years and a Day appear and make all or any part of the said Benjamin Tasker his Claim against the said Samuel Hyde appear to be Satisfyed or otherwise to have been undue before the laying of this Attachment that then the said Benjamin Tasker shall make Restitution unto the said Samuel Hyde of all or such part thereof as shall so be made appear to be undue &c. or that he the said Daniel Dulany Jun. will do the same for him

Therefore it is Considered by the Justices here that the said Sum of One hundred and fifty two Pounds fifteen Shillings and one Penny farthing Sterling Money part of the Sum so as aforesd Attached in the hands of the said Clement Hill as Exor aforesd and the Sum so as aforesd Awarded be Condemned in his hands as of the Rights and Credits of the said Samuel Hyde towards Satisfying unto him the said Benjamin Tasker as well his Damages in the Writ of Attachment aforesd Specifyed as for his Costs and Charges accruing by Occasion of the Premises aforesaid, To be levied of the Goods and Chattels which were of the said Clement Hill deceased at the time of his Death in the hands of him the said Clement Exor as aforesd remaining to be Administred if so much thereof in his hands he hath &c. And that the said Benjamin Tasker have thereof his Execution &c.

Test. R. Burdus Clk