within mentioned at the day and place within contained to shew Cause why the within named Stephen Bordley should not have an Execution against him &c as by the within Writ I am Commanded To Answer Ind. Gassaway Shff

And the afsd James Dick Adm.r as afsd by Daniel Dulany his Attorney comes and prays 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 4th day of April Anno Dom. 1751. comes again as well the said Stephen Bordley in his Proper Person as the afsd James Dick Adm.r as afsd by his Attorney afsd and the said James Dick Adm.r as afsd by his said Attorney prays further leave to Imparle hereunto untill next Court & he hath it, the same day is given to the Plaintiff also

At which said next Court to wit the 18th day of Sept.r Anno Dom. 1751 Comes again as well the said Stephen Bordley in his Proper Person as the afsd James Dick Adm.r as afsd by his Attorney afsd, and the said James Dick by his said Attorney Now timely ready against the afsd Stephen Bordley in the Plea afsd. But the said Stephen Bordley altho' solemnly called comes not but makes default nor does he further Prosecute his Writ afsd against the afsd James Dick

Therefore it is Considered by the Justices here that the said Stephen Bordley take nothing by his Writ afsd But that the said James Dick go thereof without day &c. And it is also Considered that the said James Dick recover against the said Stephen Bordley the sum of

Pounds of Tobacco by the Court here unto him on his Oath Adjudged for his Costs and Charges by him about his defence in this behalf laid out & expended And that he have thereof his Execution &c

Test. Ra: Burgess Clk

Opp. James Tilghman } Memd. the Plaintiff had out his Lordships Writ of Scire facias
vs. } the Tenor whereof follows in these Words viz.:
DD. James Dick Adm.r } Maryland to wit Charles Absolute Lord and Propry of the
of Francis Lee } Province of Maryland and Avalon Lord Baron of Baltimore &c.
(To the Sheriff of Annarundel County Greeting Whereas by an Act of Assembly made at a Session of Assembly begun and held at the City of Annapolis the Twenty sixth day of April in the first Year of the Reign of our Sovereign Lord George of Great Britain France and Ireland King Defender of the Faith &c. and in the Year of our Lord One Thousand Seven hundred and thirteen Intitulled An Act for the Rectifying the Ill Practices of Attorneys ~~and Practitioners of the Law in the Courts~~ of this Province; and Ascertaining Fees to the Attorney General Clerk of the Indictments Attorneys and Practitioners of the Law in the Courts of this Province and for levying the same by way of Execution it is amongst other things Enacted "That from and after the end of "thirteen present Sessions of Assembly there should be paid to any Attorney or other "Persons Practising the Law in any of the County Courts of this Province for bringing "Prosecuting or Defending any Action of what Nature or Quality soever to final "Judgment Agreement or other end thereof the Sum of One hundred Pounds of "Tobacco unless the Principal Debt or Damage or Ballance of any Debt & Damages "sued for and Recovered should exceed the Sum of Two Thousand Pounds of "Tobacco or Ten Pounds Sterling that then the said Attorney should have Two "Hundred Pounds of Tobacco and no more and to any Attorney or other Person "Practising the Law in the Provincial Court High Court of Chancery Commissary "Court, Court of Vice Admiralty or for Prosecuting or Defending any Appeals Writs "of Error or any other matter or thing whatsoever before his Excellency the Governor

(and)

"and Council the several Sums thereafter exprossed and set down (That is to say) for "Prosecuting or defending any Cause or Plaint or Action of what Nature so ever in the Prov.l "Court to final Judgment Agreement or other end thereof the Sum of four hundred Pounds "of Tobacco and no more for any fee in the High Court of Chancery and Court of Vice "Admiralty six hundred Pounds of Tobacco and no more for any Fee in the Commissary Court "five hundred Pounds of Tobacco & no more for any Fee upon any Writ of Error or Appeal which "should be before his Excellency the Governor and Council Six Hundred Pounds of Tobacco "and no more And to his Majesty's Attorney General for any Action in the Provincial Court at "the Suit of his Majesty Indictment Presentment or Information the Sum of four hundred "Pounds of Tobacco and no more any Law Statute or Custom to the Contrary in any wise "notwithstanding" And it is by the said Act further Enacted "That the Fee and Fees known "before Allowed to be taken by any Attorney or other Person Practising the Law in any of the afs.d "Courts should be levyed by way of Execution in such manner and form as other Officers Fees "then were and had been levyed and all and every the Sheriffs of the several Counties of this "Province are thereby Obliged Authorized and Impowered to levy and execute the same "accordingly any Law Statute or Custom to the Contrary notwithstanding" As by the said Act in full force and Unrepealed may appear. And Whereas by one other Act of Assembly made at a Session of Assembly begun and held at the City of Annapolis aforesaid on the fifteenth day of May in the Year of our Lord Seventeen hundred and forty Seven It is amongst other things Enacted "That all Lawyers Fees which should be paid in "Inspected Tobacco should be liable to the Abatement of One fifth part" as by the said last mentioned Act still in full force and unrepealed may appear. And Whereas a Certain Francis Lee late of Cecil County Gentleman Deceased in his life time to wit on the twentieth day of September in the Year of our Lord Seventeen hundred and forty nine was justly Indebted unto James Tilghman one of the Attorneys of our Provincial Court and our County Courts of Dorchester Talbot Kent & Queen Anne's Counties in the Sum of Five Thousand two Hundred Pounds of Tobacco for Attorneys Fees for Prosecuting & defending for him the said Francis in our said Courts sundry Causes Plaints and Actions to final judgment Agreement or other end thereof as by the Records of the said Courts and a Particular Account thereof hereunto Annexed may appear And the said Francis Lee being Indebted afterwards to wit on the thirtieth day of September in the Year of our Lord Seventeen hundred & forty nine at Cecil County afsd departed this Life Intestate as it is said after whose Death to wit on the fifth day of January in the Year of our Lord Seventeen hundred & forty nine afsd Administration of all & Singular the Goods Chattels and Credits which were of the said Francis at the time of his Death to James Dick of Annarundel County Merchant by Daniel Dulany Esquire Judge or Commissary General for Probate of Wills and Granting Administrations within our said Province of Maryland in due form of Law at Annarundel County afsd was Committed as by the Insinuation of the said James Tilghman We have received. Nevertheless Execution of the Goods and Chattels which were of the said Francis at the time of his Death for the said Sum of Tobacco hath not been made And because We are willing that Right and Justice in this behalf to the said James Tilghman should be done We Command you that by good and lawfull Men of your Bailiwick you make known unto the afsd James Dick that he be and appear before our Justices of our Provincial Court at the City of Annapolis on the Second Tuesday in September next to shew Cause if any thing he hath or knoweth to say why the said James Tilghman shall not have Execution against him for the said Sum of Tobacco of the Goods Chattels and Credits which were of the said Francis Lee at the time of his Death in his hands to be Administred according to the Force form and Effect of the Acts of Assembly afsd And have you then there the Names of those by whom

(you)