And Whereupon the said John by Stephen Bordley his Attorney Complains That Whereas the aforesd Samuel Smith Deceasd was in his Lifetime and at the time of his Death at the County aforesd Indebted to him the said John in divers Sums of Tobacco for like Sums of Tobacco of him the said John to his Use by the said Samuel in his Lifetime there had and received And Whereas the aforesd Elizabeth was after the Death of him the said Samuel to wit on the third day of October in the Year of our Lord Seventeen hundred & forty nine & yet is at the County aforesd Executrix of the Testament and last Will of the aforesd Samuel Smith Deceasd. And Whereas he the aforesd John on the aforesd third day of October in the Year of our Lord Seventeen hundred and forty nine at the County aforesd had Accounted together with the aforesd Elizabeth Executrix as aforesd of and concerning the several Quantities of Tobacco aforesd before that time there as aforesd due Owing and then in Arrear unpaid and upon the Accounting afore the aforesd Elizabeth Executrix as aforesd was then found indebted in Arrear to the aforesd John in the Quantity of forty two Thousand four hundred & ninety four Pounds of Tobacco in Consideration whereof she the said Elizabeth Executrix as aforesd afterwards to wit on the day and Year last aforesd at the County afore upon herself Assumed and to the said John then there faithfully Promised that she the said Elizabeth Executrix as aforesd the aforesd Quantity of forty two Thousand four hundred and ninety four Pounds of Tobacco to him the said John when afterwards she should be thereunto required would well and truly Content and Pay And the aforesd John in Fact saith that the aforesd Elizabeth had in her hands Unadministered at the time of making the Promise and Assumption aforesd Goods and Chattels which were of the aforesd Samuel Smith at the time of his Death sufficient to Satisfy to him the said John the aforesd Quantity of forty two Thousand four hundred and ninety two Pounds of Tobacco to wit at the County aforesd Nevertheless the aforesd Elizabeth Executrix the aforesd her Promise & Assumption aforesd so as aforesd made not regarding but minding and fraudulently Intending him the said John in this behalf Craftily and Subtilly to deceive and defraud the aforesd Quantity of Tobacco or any part thereof to him the said John hath not Contented or paid (altho' to do the aforesd Elizabeth Executrix as aforesd was afterwards to wit on the day and Year last aforesd and often afterwards at the County aforesd by the said John required) but the same or any part thereof to him the said John to Content or pay he hath hitherto altogether refused and still doth refuse to the Damage of him the said John in the Quantity of fifty five Thousand Pounds of Tobacco aforesd and therefore he brings Suit &c.

Pledges &c. John Doe & Richd. Roe

A Copy of which aforegoing Declaration was made & sentwith the Writ in the Plea aforesaid

At which said Second Tuesday of April to wit the 9th Day of the same Month Anno Domi 1751. being the day of the return of the aforegoing Writ comes the said John Darnall by Stephen Bordley his Attorney and the Sheriff of Annarundell County to whom the same Writ was directed likewise comes & makes return thereof to the Court here thus Endorsed Vizt. Copi Copy given in time John Gassaway Sher.

And the aforesd Elizabeth Smith Exx as aforesd by Edward Dorsey her Attorney comes and defends the Force and Injury whereof &c. and prays leave to Imparle hereunto until next Court and she hath it & the same day is given to the Pltff also

At which said next Court to wit the 10th day of September Anno Dom. 1751. Comes again as well the said John Darnall by his Attorney aforesd as the aforesd Elizabeth Smith Exx as aforesd by her Attorney aforesd. Whereupon at the request of both Plaintiff and Defendant and by their Consent it is Ruled by the Court that this Cause be Referred to Henry Hall, David Woodward & Thos. Stockett

(or)

or any two of them, and 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 & Seals & return the same 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 the aforesd Henry Hall & Thomas Stockett two of the Arbitrators aforesd Pursuant to the Order aforesd make return to the Court here of the following Award Vizt.

Annarundel County ss. In Pursuance of a Reference to Us the Subscribers made in a Cause depending in the Provincial Court of Maryland between John Darnall Plaintiff and Eliza Smith Exx of Samuel Smith late Sheriff of Annarundl. County Defendant do after the hearing and duly Considering the Allegations of both Parties and Examining the Accounts that Subsisted between the said John Darnall and the said Samuel Smith Deceasd Award and Order That the said Elizabeth Smith Exx of the said Samuel Smith Pay unto the said John Darnall the Sum of Ten Thousand five hundred fifty eight and a half Pounds of Inspected Tobacco together with all the legal Cost that hath Accrued on the said Action and that on the Payment thereof the said John Darnall give a general Release to the said Elizabeth Smith against all Claims and Demands that he had against her Antecedent to the said Suit and relating thereto Given under our hands & Seals this 12th day of August 1752

Thos Stockett (Seal)
Henry Hall (Seal)

Which being read and heard, It is therefore Considered by the Justices here That the said John Darnall recover against the said Elizabeth Smith Exx as aforesd as well the aforesd Sum of Ten Thousand five hundred fifty eight & a half Pounds of Inspected Tobacco his Damages aforesd by the Arbitrators aforesd in form aforesd Awarded as also the Sum of Pounds of Tobacco by the Court here adjudged unto him on his Account Adjudged for his Costs and Charges by him about his Suit in this behalf laid out & Expended, And the said Defendant in Mercy &c.

A92 3/4/5

Test. Ro Burgess Clk

513 Ex. Peter Parry Lessee of John Morgan
a
Lazarus Rush, John Bean Tents } Maryland ss.

Lazarus Rush late of Saint Mary County Planter was attached to answer unto Peter Parry of a Plea Wherefore with force and Armes &c. into all that Tract or Parcell of Land called the Parrishs Bade lying and being in the County aforesd with the Appurtenances containing two hundred Acres of Land which John Morgan to him the said Peter demised for a Term not yet Past he the said Lazarus did Enter and him the said Peter from his farm aforesd did Eject and other harmes to him the said Peter did to the great Damage of him the said Peter, and against the Peace of the Right Honourable the Lord Proprietary that now is &c.

And Whereupon the said Peter by Stephen Bordley his Attorney Complains that Whereas the aforesd John Morgan on the fifth day of February in the Year of our Lord Seventeen hundred and forty nine at Saint Marys County aforesd had Demised unto him the said Peter the said Premises with the Appurtenances thereunto belonging to have and Occupy the same Premises with the Appurtenances to him the said Peter and his Assigns from the last day of January then last past unto the full end and Term of Twenty Years then next following fully to be Compleat and Ended by virtue of which Demise the aforesd

(Peter)