the Money and Tobacco by the said Judgment Recovered as afs. is any way paid or satisfied except to the Sum of twenty four Pounds Sterling and seven hundred Pounds Currency paid by the said James Dick as afs. and that the said Francis Lee and the said James Dick in the said Judgments respectively named and the said Francis Lee and James Dick named in the Writ and Declaration afs. of the afs. Richard are the same Persons and not other or Different And this he is ready to Verify &c. Wherefore he prays Judgment if the said Richard ought to have or maintain his said Action thereupon against him &c. And the said James hereby by leave of the Court according to the Statute in such case lately made and provided by Daniel Dulany Junior his Attorney further comes and Defends the Force and Injury when &c. And prays an hearing of the writing Obligatory afs. And it is read to him &c. he prays also an hearing of the Condition of the said Writing Obligatory And it is read to him in these words to wit:

Which being read and heard the said James saith that the afs. Richard his Action afs. thereof against him to have or maintain ought not because he saith that the afs. Richard from the time of the making of the Writing Obligatory afs. hitherto hath not been Damnified in Respect of or by reason of any matter cause or thing in the Condition of the writing Obligatory afs. mentioned and this he is ready to Verify whereupon he prays Judgment if the afs. Richard his Action afs. thereof against him to have or maintain ought &c.

And the afs. Richard Lee as to the first Plea of the said James Dick secondly says that he by anything by the afs. James Dick above in pleading by his first Plea alledged from having his Action afs. ought not to be precluded because protesting that the afs. James Russell did not Release and pay unto the said Capt. Walter Montgomerie for the use and benefit of the said Francis Lee the afs. Sum of One Hundred and seventeen Pounds one Shilling and one penny three farthings Sterling and two Thousand and Ninety two Pounds eleven Shillings and nine Pence three farthings Current Money and Protesting also that the said Sums of Sterling and Current Money at the time of the Death of the said Francis Lee were not Justly and truly due from the said Francis Lee to the said James Russell by the afs. writing Obligatory in the Plea last mentioned for plea he the said Richard says that the writing Obligatory supposed to be made by the said Francis Lee on the afs. twenty eighth Day of May in the Year of our Lord seventeen hundred and forty eight at Ann Arundel County Voluntarily and fraudulently and with an intention to defraud and to deceive the Creditors of him the said Francis of their true and just Debts was made and that after the Death of the afs. Francis Lee the Judgment afs. in the Plea afs. last mentioned by the afs. James Russell against the said James Dick had and obtained was had and obtained by Fraud and Covin between the afs. James Russell and the afs. James Dick at Ann Arundel County afs. there first had him the said Richard Lee and other Creditors of the afs. Francis Lee of their true and just Debts to defraud And this he is ready to Verify whereupon he prays Judgment and his Debt afs. together with his Damages by reason of the Detention of that Debt to him to be Adjudged &c. And the afs. Richard Lee as to the second Plea of the afs. James Dick says that he by any thing therein alledged from having and maintaining his Action afs. to be precluded ought not because he says that the afs. Francis Lee did not on the Day of Payment in the Condition afs. specified pay to the said Edward Spriggs any part of the Money in the Condition of the Writing Obligatory afs. mentioned according to the writing Obligatory afs. in the same Condition said Payment on whereof the

(afs.)

afs. Richard Lee afterwards to wit on the seventeenth Day of June in the year seventeen hundred and forty nine at Ann Arundel County afs. for the Discharging himself of and from the afs. Writing Obligatory in the Condition afs. Recited was compelled to pay and satisfy the afs. Sum of Money in the Condition afs. mentioned And thus the same Richard Lee says that he after the making the writing Obligatory afs. here in Court produced was Damnified by reason of the Writing Obligatory afs. in the Condition afs. above Specified and this he is ready to Verify whereupon he prays Judgment and his Debt afs. together with his Damages by Occasion of the Detention of that Debt to him to be Adjudged &c.

Whereupon this Cause standing for Trial here this Court it is ordered by the Court with the Consent of Parties that the same Cause be Referred to Mr. Nicho. Maccubbin John Raitt and Daniel Weldenholme or any two of them and ordered that the same Arbitrators make their Award in Writing under their Hands and Seals and return the same to the Court here and Judgment be entered according to such Award as of this Court and be final between the said Parties according to the form of the Statute &c.

Thereupon the said Arbitrators Pursuant to the order afs. return to the Court here the following Award

Richard Lee . . . . . } Whereas the said Cause depending in the Provincial Court of this Province between
James Dick Administrator of Francis Lee . . . . . } the afs. Richard Lee Plaintiff and James Dick Administrator of Francis Lee Deceased Defendant was Referred by the Consent of the said Plaintiff & Defendant and the Rule of the same Court thereupon had and Obtained to Nicholas Maccubbin and the subscribers John Raitt and Daniel Weldenholme or any two of the said Referees And it was further ordered & Ruled by the said Court by & with the Consent of the said Plaintiff and Defendant that the Judgment of the said Court should be entered upon the return of the Award of the said Referees in the Premises as of October Court seventeen hundred & fifty four And Whereas the said Nicholas Maccubbin Absolutely Refused after the Rule afs. so as afs. obtained in any sort to intermeddle with or undertake the said Reference and the said Parties Plaintiff and Defendant Consented and Agreed that Richard Dorsey one of the Subscribers should be substituted and placed in the Room and stead of the said Nicholas Maccubbin as a Referee in the Premises afs. We the subscribers in virtue of the Reference so as afs. made to Us after due examination and mature Deliberation of all and singular the matters referred to Us as afs. do Unanimously Award, Order Adjudge and Determine that the said Richard Lee do Recover nothing against the said James Dick Administrator as afs. But that the said James Dick Administrator as afs. be Dismissed and Discharged of and from the said Suit and that the said Richard Lee do pay and satisfy unto him the said James Dick Administrator as afs. all his Legal Costs and Expenses in and about the suit afs. by him Laid out and expended In Testimony whereof We have hereunto affixed our Hands and Seals this first Day of May in the year of our Lord seventeen hundred and fifty five

Rich. Dorsey (Seal)
John Raitt (Seal)
Dan. Weldenholme (Seal)

Which being read and heard It is therefore Considered That the said Richard Lee take nothing by his Writ afs. but be in Mercy for his false Clamour &c. and that the said James Dick Admr. afs. go thereof without Day And it is also Considered That the said James Dick Recover against the said Richard Lee the Sum of

505 p. Pounds of Tobacco by the Court here unto him on his afs. Suit Adjudged for his Costs and Charges by him about his Defence in this behalf laid out and expended and that he have thereof his Execution afs. the afs. Richard Lee &c.

Test R Bordley Clk

Wm Nicho. Chas. Grason Admr. of Rachel Dorsey . . . . } Maryland Baltimore County ss. Be it Remembered That heretofore to wit the 16th Day
Dan. Dulany John Cross Junr. . . . . } of December Anno Dom. 1752 Command was given to the Sheriff of Baltimore County
That he should take John Cross Junr. late of Baltimore County Gentleman otherwise called John Cross Junr.

(of)