five hundred and forty pounds of Tobacco to the said Elizabeth when afterwards he should be thereunto required would well and truly content and pay Nevertheless the aforesaid Joseph Hanson Harrison his Promise and Assumption aforesaid so as aforesaid made not regarding but minding and Fraudulently intending them the said William and Elizabeth in this part craftily and Subtilly to deceive and defraud the aforesaid One hundred and twenty Seven pounds Current Money of Virginia of the Value of One hundred Pounds Sterling, the Sum of Seventy five pounds Sterling and the aforesaid Sum of Ten thousand five hundred and forty pounds of Tobacco or either of them or any part of them or either of them to the said Elizabeth whilst She was Sole or to the said William and Elizabeth after the Marriage between them had and Celebrated hath not paid or in any wise contented (altho' so to do afterwards by the said Elizabeth whilst she was Sole to wit on the Day and Year last aforesaid at the County aforesaid and often afterwards at the said County by the said William and Elizabeth after the Marriage between them had and Celebrated, he the said Joseph Hanson Harrison was requested) but the same to them to pay he hath hitherto altogether refused, and still doth refuse to the Damage of the said William and Elizabeth four hundred pounds Sterling and twenty One thousand Pounds of Tobacco and therefore they bring Suit &c. —

Pledges &c. { John Doe & Richard Roe

At which said third Tuesday of October to wit the Nineteenth day of the Same Month Anno Dom. 1756 being the Day of the return of the aforegoing Writ Come the said William Sifson and Elizabeth his Wife Executrix as aforesaid by their Attorney aforesaid and the Sheriff of Charles County to whom the Same Writ was directed also comes and makes return thereof to the Court here thus Endorsed to wit —

Cepi Corpus Geo: Dent Sher.

And the aforesaid Joseph Hanson Harrison by Henry Darnall his Attorney comes and defends the force and Injury when &c. and prays leave to Imparle hereunto untill next Court and he hath it and the Same day is given to the Plaintiffs also —

At which said next Court to wit the Seventeenth day of May Anno Dom. 1757 come again the said Parties Plaintiffs 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 Plaintiffs also —

At which said next Court to wit the thirteenth day of September Anno Dom. 1757. Come again as well William Sifson and Elizabeth his Wife Executrix as aforesaid as the said Joseph Hanson Harrison by their Attorneys aforesaid and the aforesaid Joseph by his attorney aforesaid as before defends the force and Injury when &c. and saith that he did not Assume upon himself in manner and form as the aforesaid William and Elizabeth against him Complain and of this he puts himself upon the Country and the said Plaintiffs likewise

And the said Joseph further by leave of the Court here and according to the force of the Statute in Such cases late made and Provided comes and defends the force and Injury when &c. and saith that the aforesaid William and Elizabeth their Action against him to have or Maintain Ought not, Because he saith that he did not Assume upon himself in manner and form as the said William and Elizabeth above against him Complain at any Time within three Years before the Impetration of the Original Writ of the aforesaid William and Elizabeth and this he is ready to Verify, wherefore he prays Judgment whether the said William and Elizabeth their Action thereof against him to have or Maintain Ought &c. —

And as to the Second Plea of the aforesaid Joseph Hanson Harrison in manner and form aforesaid Pleaded the said William and Elizabeth say that the Plea aforesaid and the Matter therein contained are not Sufficient in Law to bar the aforesaid William and Elizabeth of the Action aforesaid and that they have no need nor are they obliged by the Law of the Land to Answer to the Same and this they are ready to verify &c. Wherefore for want of a Sufficient Plea in this behalf they pray Judgment and their Damages to be Adjudged to them by Reason of the Premises and for Causes of Demurring in Law in this behalf they according to the form of the Statute in Such cases made and provided shew to the Court here these following to wit for this that in the said Plea there divers blank Spaces and also for that the said Plea is Insensible and without form —

Whereupon this Cause Standing for Tryal this Court at the Request of both Parties Plaintiffs and Defendant and by their Consent it is ruled by the Court That the said Cause be Referred to John Stoddert William Eilbeck and Daniel of St. Thomas Jenifer 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 to 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 upon Oath by Consent of Parties Plaintiffs and Defendant —

And the Arbitrators aforesaid pursuant to the Order aforesaid return to the Court here the following Award Viz.t —