against the said Elisha and Mary his Wife to have or maintain ought and soforth And the aforesaid Attorney General saith that by any thing in the plea above alledged the said Lord Proprietary from having and maintaining his Action aforesaid against the aforesaid Elisha Hall and Mary his Wife ought not to be precluded because he saith that William Nicholson the Testator in the Condition of the said Writing Obligatory mentioned on the Twentieth Day of June in the Year of our Lord seventeen hundred and sixty one at Baltimore County aforesaid made his Last Will and Testament in Writing and thereof constituted and made the said Mary Nicholson and John Carnan Executors (which said John Carnan renounced the burthen of the Execution of the said Will) and soon after died to wit at Baltimore County aforesaid by which said Last Will and Testament the said William Nicholson did give and bequeath unto Elizabeth Connell Daughter of John and Mary Connell late of this County a Lott of Land lying in the first Addition of Baltimore Town on the East Side of Jones's Falls distinguished by the Number forty whereon a Cellar is now dugg to have and to hold the said Lott of Land with the Premises and Appurtenances unto the said Elizabeth Connell and the Heirs of her Body Lawfully begotten for ever and further the said William Nicholson in the Condition of the said Writing Obligatory mentioned did Direct and impower his Executor and Executrix that as soon as conveniently they could after his decease they cause to be built and Erected on the aforesaid Lott of Land number forty herein devised to Elizabeth Connell a convenient brick dwelling House two Story High forty two feet Long and Twenty feet wide with stone Cellar underneath the said House to be finished off with wainscott breast Work Cornish Chair Boards and Wash Boards in the Dwelling Room the other part Latha Plaistered and white washed and the whole to be compleatly finished provided the Sum Expended in building and Finishing thereof do not Exceed the sum of Four Hundred Pounds Current Money and he willed & Desired that the Expence of building and finishing said House as aforesaid may be paid out of my Personal Estate and the said House be and remain the property of the aforesaid Elizabeth Connell and the Heirs of her Body lawfully begotten for ever And the said Attorney General in fact saith that William Asquith in the Indorsement of the Writ mentioned did Intermarry with the said Elizabeth the Devisee in the said Writ mentioned to wit at Baltimore County and the said Attorney General in fact further saith that the Personal Estate of the said William Nicholson the Testator after the Payment of his just Debts and funeral charges amounted to a larger Sum of Current Money than four hundred Pounds Current Money directed and enjoined to be Laid out in Building and finishing the house aforesaid in the Will aforesaid mentioned to wit the Sum of Five hundred and ten Pounds Current Money to wit at the County aforesaid and the said Attorney General further in fact saith that the said Mary the Executrix aforesaid whilst she was Sole nor the said Elisha Hall and Mary his Wife after the Marriage between them Celebrated have not applied the aforesaid Sum of four hundred pounds Current Money or any part thereof towards Building and finishing the House aforesaid according to the Directions of the Testament and Last Will of the said William Nicholson the Testator for her the said Elizabeth while she was Sole or for them the said William and Elizabeth after their Marriage had at the time the said Mary while she was Sole and the said Elisha and Mary since the Marriage had were often at the County aforesaid required by the said Elizabeth whilst she was Sole and by them the said William and Elizabeth after their Marriage had but the same Money to apply in manner and form aforesaid they the said Elisha and Mary still do refuse and this the said Attorney General is ready to Verify and therefore prays Judgment for the Debt aforesaid together with the Damages occasioned by the Detention of that Debt to the said Lord Proprietary to be Adjudged with this that the said Attorney General will Verify that Elizabeth (the Wife of William Asquith) in the Indorsement of the said Writ mentioned is a Devisee of the said William Nicholson the Testator aforesaid mentioned in the Testament and Last Will of the said William Nicholson named in the Condition

of the said Writing Obligatory and that the said Elizabeth mentioned in the Testament and Last Will aforesaid and the Indorsement of the Writ aforesaid is one and the same Person and not other or divers and the aforesaid Elisha Hall and Wife protesting that the plea aforesaid of the said Lord Proprietary above by way of Replication and the Matter in the same contained are not Sufficient in Law to Maintain the Action aforesaid of the said Lord Proprietary against them the same Elisha Hall and Wife to which they have no need nor by the Law of the Land are bound to Answer for plea Nevertheless by way of Rejoinder the same Elisha Hall and Wife say that they have fully Administred all and Singular the Goods and Chattels Rights and Credits which were of the same William Nicholson at the time of his Death in their hands to be Administred and that they the same Elisha & Wife have not had at the time of Suing out the Original Writ of the said Lord Proprietary or at any time afterwards in their Hands unadministred any of the Goods or Chattels which were of the same William Nicholson at the time of his Death wherewith they could have Built and finished the House aforesaid in manner aforesaid according to the Will aforesaid and this they are ready to Verify wherefore they pray Judgment and that the aforesaid Lord Proprietary from having his Action aforesaid against the same Elisha Hall and Wife may be precluded &c. And the said Attorney General as to the plea of the said Elisha Hall and Mary his Wife above by way of Rejoinder pleaded saith that by any thing therein Alledged the said Lord Proprietary from having and Maintaining his Action aforesaid against the said Elisha Hall and Mary his Wife to be precluded ought not because he saith that the aforesaid Elisha Hall and Mary his Wife at the Day of the Impetration of the Original Writ of the said Lord Proprietary to wit on the [illegible] Day of [illegible] in the Year of our Lord Seventeen hundred and sixty had diverse Goods and Chattels which were of the aforesaid William Nicholson at the Time of his Death in their Hands to be Administred wherewith they could have Built and finished the House aforesaid in Manner aforesaid according to the Will aforesaid to wit at Baltimore County aforesaid And this the said Lord Proprietary prays may be Enquired of by the Country and soforth And the aforesaid Elisha Hall and Mary his Wife in like Manner and soforth Whereupon this Cause standing for Tryal this Court by Consent of Parties is ruled by the Court that the said Cause be Referred to Messrs. John Moale and Benjamin Rogers of Baltimore County Gentlemen and if they differ they to choose a third Person And it is ordered by the same Court that the said Arbitrators or any two of them make their Award in Writing under 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 And the Arbitrators aforesaid in Pursuance of the Rule of Court aforesaid return to the Court here the following Award Viz. The Lord Proprietary against Elisha Hall and Mary his Wife This Cause being refer. to us by the order of the Honourable the Provincial Court and we having taken upon us the Charge of the same Arbitrement and having heard Examined understood Considered and Maturely Deliberated on the Allegations Proofs Evidences papers and Accounts shewd and said before us as well by the aforesaid Elisha Hall and Mary his Wife as by William Asquith who married Elizabeth Connell the Devisee of Wm. Nicholson at whose instance and request the aforesaid is commenced Do therefore make and give by this present Writing our Award Arbitrement ordinance and Judgment in manner and form following First we do Award Arbiter ordain and Judge that the aforesaid Elisha Hall and Mary his Wife shall pay or cause to be paid unto the aforesaid William Asquith the Sum of Two Hundred and sixty nine Pounds fifteen shillings and ten pence Maryland Currency with Legal Interest thereon to commence from the first day of August one Thousand seven hundred and sixty three together with all Lawfull Costs of Suit in the aforesaid Suit as they shall be taxed by the Clerk of the Honourable the Provincial Court and we do further Award Arbiter ordain and Judge that the aforesaid Elisha Hall and Mary his Wife shall pay or cause to be paid unto the aforesaid William Asquith all the Legal Costs of Suit in two other Actions brought in the

(Memo)