Auditors aforesd in form aforesd awarded as also the Sum of
1397 pounds of tobacco by the Court here adjudged unto
him for his Costs and Charges by him about his Suite in this behalf
Laid out and Expended to be levyed of the goods and Chattells which
were of the said John Custis at the time of his death in the hands
of the said Mathew Scarborough Exr as aforesd remaining to be administred
if so much thereof in his hands he hath & then by Costs of Suite aforesd to be
Levyed of the proper goods and Chattells of the said Mathew Scarborough
Exr the defdt in Mercy &c.

Edward Hammond
vs
Mathew Scarborough Exr Jno Custis

Annarundl County ss Mathew Scarborough of
Somerset County planter Exr of the last will &
Testament of John Custis Decd Was attd
to answer unto Edd Hammond of a plea of Trespass on
ye Case &c

And Whereupon the same Edwd by Cornelia Hunt
his Atty Complaineth ye wherein the aforesd John Custis in
his Lifetime to wit the fourteenth day of Jany Anno
Domini Seventeen hundred & five at annaff in the County
of annarundl aforesd stood Justly Indebted unto the said
Edward in the Sume of Six Thousand nine hundred
& fifty eight pounds of Tobo being for Divers
goods wares and Merchandize before that time to the said
John in his Lifetime at the County of Annarundl aforesd by the sd
Edwd Sold and delivered and for two years Storage and accomodations
as dyet Washing Lodging and attendance by the said John in his
lifetime before that time of the said Edwd at the County of Annarundl
aforesd had and recd And also for Tobo before that time by the said
Edwd to the sd Jno at his special Instance and request Laid out
Expended and paid to divers persons as by the particular accts
thereof in Court ready to be produced may more fully and at large
appeare And being so Indebted the same Jno in his Lifetime to
wit the aforesd fourteenth day of Jany Anno Domi Seventeen
hundred and five at Annapolis in the County aforesd upon himself
Assumed and to the said Edward then and there faithfully promised
that

that he the said John the aforesd Sum of Six thousand nine hundred and
fifty eight pounds of tobacco to the said Edward when afterwards he should be
thereunto required would well and truly Content and pay and altho ye
said John in his Lifetime afterwards at the County of Annarundl aforesd
the said Edwd the Sum of two thousand four hundred and forty six pounds
of Tobacco and a half pound of tobacco Nevertheless the said John in his
Lifetime nor the said Mathew after his decease his promise and Assumption
aforesd in form aforesd made not regarding but fraudulently Intending the same
Edward in this part Craftily and Subtilly to deceive and defraud the
Sum of four thousand five hundred and Eleven pounds and a half
pound of tobacco to the said Edwd altho the said Jno in his Lifetime
and the said Mathew after his decease were often so to doe required
particularly ye sd Mathew so to doe required the twelth day of Septembr a
Anno Domi Seventeen hundred and Eight at the County of Annarundl aforesd
Edwd not paid but the same to him to pay hitherto hath refused
and the said Mathew still doth refuse to the damage of the said
Edward Eight thousand pounds of tobacco and therefore he brings this suit
pledges &c

Ex Rec

And the said Mathew Scarborough Exr aforesd by Thomas Bordley
his Atty Comes and defends the Force and Injury wherein &c and
prays Leave to Imparle hereunto untill next Court and he hath
it and the same day is given to the plaintiffe also
All which said next Court to wit the 17th day of July Anno Domi
1711 Comes again as well the said Edwd Hammond by his Atty as
the said Edwd Hammond by his Atty and Whereupon the said parties
have unanimously agreed to stand to the Arbitrament and award
of Samuel Worthington and Henry Schoolfield of Somerset County
Gent Arbitrators indifferently chosen by the said parties according
to the forme of the statute in that Case made And whereas the
Justices here have by the Consent of both parties aforesd ruled and
ordered that Judgment of the Court shall be rendered upon such
Arbitrament or award and the said Arbitrators shall make in
the premises returned under their hands and seales to the Justices
of the said prov Court to be next holden at Annapolis for the
province of Maryland which said Judgment is to be final &
between said parties by the Consent of the parties aforesd according
to the form of the statute aforesd It is therefore ordered by
the Court here by Consent aforesd that they the said Sam
(Worthington