The Condition of the above obligation is such that if the above Bound Lewis Lee do and shall well and truly pay or cause to be paid unto the said James Russell his certain attorney Executors Administrators or Assigns the just and full sum of one hundred and twenty and two pounds ten shillings sterling money at or upon the day of next ensuing the date hereof with legal Interest for the same then the above obligation to be void, else to remain in full force and virtue in Law.

Sealed and delivered in the presence of Charles Grahame, } Lewis Lee (seal)

Ann Arundel County st. April 7th 1784.

Then came before me the subscriber one of the Justices of the peace for the County aforesaid James Clerk attorney in fact for James Russell of London and made oath on the Holly Evangels of Almighty God that the within Bond is just and true to the best of his knowledge and that he hath not received any part or parcel thereof more than Credit given, or any person.

Wm. Hyde

Pay the within Bond and Interest to William Stewart for value Received of him.

James Clerk Atty. for James Russell

Which being read and heard the said Allen says that he the said James Clerk his action thereof against him to have or maintain ought not because he saith that by a certain act of Assembly made and passed at a Session of Assembly begun and held at the City of Annapolis in the County of Ann Arundell the ninth day of October and ended the third day of November in the year of our Lord one thousand seven hundred and twenty two it was among other things enacted that every Executor or administrator of a creditor should before the Receipt or recovery of any Debt due by obligation or other writing from any other Executor or administrator swear or affirm. That the Creditor (to the knowledge of the executor or administrator by any Book, writing, account or other thing

thing appearing to such Executor or administrator) did not receive any part or parcel of the debt more than is mentioned is such oath or affirmation; and likewise that he or she hath not received any part of the said Debt, or any thing else towards satisfaction thereof more than he or she gives an account of as by the act still in force and unrepealed more fully is contained and the said Allen in fact saith that the said James Clerk did not swear or affirm according to the directions of the said Act before the issuing the original writ in this Cause although the said Allen before the Commencement of this action offered to the said James and at this time offers and is willing to pay what is really due on the said writing obligatory on the said James making oath or affirmation agreeably to the Directions of the said act of Assembly and this he the said Allen is ready to verify wherefore he prays Judgment if the said James Clerk his action thereof against him the said Allen to have ought Yea.

Nevertheless the aforesaid Allen Quynn Executor aforesaid by his attorney aforesaid relinquishing the averments above by him pretended says that he cannot deny the action aforesaid of the aforesaid James Clerk administrator aforesaid so as aforesaid against him brought nor but that he owes to the aforesaid James Clerk administrator aforesaid the aforesaid sum of four hundred and eight pounds six shillings and Eight pence current money in manner and form aforesaid so as the aforesaid James Clerk administrator aforesaid above against him hath declared.

Therefore it is considered by the Judges here that the said James Clerk administrator aforesaid recove against the aforesaid Allen Quynn Executor aforesaid as well the sum of four hundred and eight pounds six shillings and eight pence current money his Debt aforesaid in form aforesaid confessed as also the quantity of six hundred and fifty five pounds of Tobacco by the Court here unto the said James Clerk administrator aforesaid on his assent adjudged as for his damages sustained by reason of the detention of that debt as for his costs and Charges by him about his suit in this behalf laid out and expended to be levied