

That, at and up to the time of the trial of this cause, complainant had no knowledge of the aforesaid arrangement between Robinson and Lee for entering the judgment against the latter, satisfied upon the record, or of Lee's having assented to the same, or that he had not paid the amount thereof to Robinson; that had he known of these facts, he had no means of proving them in a court of law, if, indeed, such proof could have been admitted to contradict the record evidence aforesaid.

The bill then charges that Lee is threatening to issue execution upon the judgment so as aforesaid rendered against complainant, and prays for an injunction restraining the same, and for general relief, and makes said Lee alone a defendant.

The agreement of Iglehart, dated the 27th of October, 1829, on which suit was brought by Lee, is exhibited with the bill, and is as follows:

“Whereas, a crop of tobacco, packed in hogsheads, in the possession of Mr. Edward Lee, one-third of which said crop has been levied on by me by virtue of a writ of *feri facias*, issued out of the High Court of Chancery against Caroline Duncan and others, at suit of Perry Townshend and wife, and whereas, the said crop of tobacco has been sold and disposed of by the said Edward Lee, who is willing to pay over to me, as sheriff of Anne Arundel county, the proceeds as of one-third in amount of said sales, provided he shall be made safe and indemnified in the same from all loss or suits by any person or persons setting up a claim to the one-third part of the sales of said crop of tobacco. Now, I, Richard Iglehart, sheriff of Anne Arundel county, do hereby agree to indemnify and save harmless, the said Edward Lee, from all loss or damage whatsoever, either at law or in equity, against all and every person or persons claiming or to claim any part, share or interest in the said one-third part of said crop of tobacco, upon his paying over to me the proceeds of the one-third of the sales of said crop.”

The affidavit of Lee, referred to in the bill as having been laid before the arbitrators in the trespass case against Iglehart, as also the declaration in said case, and a copy of the docket