Judge necessary for either party such depositions to be taken if authorized and thought necessary by the Arbitrators upon interrogatories before a notary public or Justice of the peace and the party applying therefor furnishing the opposite party with a Copy of the Interrogatories and giving him such previous notice of his intention to send such interrogatories as the Arbitrators shall determine to be reasonable Therefore the said Arbitrators pursuant to the order aforesaid return to the Court here their award in manner and form following to wit

General Court October Term 1802

Isaac McPherson vs James Jaffray

Case Ruled by the Court with consent of the parties that this cause be referred to Alexander McKim and Luke Tiernan with power to choose a third person in case of difference in opinion and on the award of any two of them Judgment to be entered agreeably to Act of Assembly

Test John Guinn Clk.

Baltimore 28th April 1803 The referees met agreeably to adjournment at Mr Brydens and finding some difference in opinion chose Robert Walsh as umpire

Alex McKim Luke Tiernan.

In Compliance with the above rule of Court we heard the allegations of the parties examined their respective Accounts vouchers and Evidences with deliberate attention and having fully considered the several matters in controversy between them we find that the Defendant is indebted to the Plaintiff in the sum of Eight hundred and seventy dollars and fifty seven cents which ought to be paid with Interest from the first day of September one thousand seven hundred and ninety seven and costs of suit and we do award accordingly Given under our hands and seals in the City of Baltimore this 8th day of June 1803.

Alex McKim (Seal)

Luke Tiernan (Seal)

Robert Walsh (Seal)

And the said James Jaffray by his Attorneys aforesaid admits that he has been regularly served with a Copy of the said award Whereupon the said Isaac McPherson by his Attornies aforesaid prays the Court here that Judgment on the award aforesaid may be rendered Thereupon the said James Jaffray by his Attornies aforesaid prays that no Judgment may be entered upon the award of Alexander McKim and Luke Tiernan and Robert Walsh the umpire by them appointed returned in this cause for the following reasons 1 For that a Commission was issued in this case by the Arbitrators under the authority of this Honorable Court to Examine certain Witnesses in Alexandria in the District of Columbia upon Interrogatories by the parties and due notice to each party which Examination by the appointment of the said Arbitrators was directed to take place at the house of John Gadsby in the City of Alexandria on the third of June Instant between the hours of nine o clock in the morning and three o clock in the afternoon of the same day, that due notice was accordingly given of the premises to both parties and the said Commission delivered by the said Arbitrators to the Plaintiff the said Isaac McPherson to be by him delivered to the Commissioners therein named to the end that the same might by them be duly executed that the said defendant did thereupon send his agent a certain Jacob Brown to Alexandria to attend to the said Examination on his part and to Exhibit certain Interrogatories on the part of the defendant to the Witnesses then to be Examined which agent did accordingly attend ace pursuant to the said notice and did then and there demand the said Commission from the said plaintiff to the end that the said Examination might be duly proceeded in Whereupon the said plaintiff did refuse to deliver to said Commission but immediately departed from the said City carrying the said Commission with him and did so retain the same in his possession and prevent the said Examination until the time appointed therefor as aforesaid had elapsed that the said agent