as he by his Writ and Declaration aforesaid hath above thereof alledged to wit at Calvert County aforesaid and this he prays may be enquired of by the Country and the said Joseph in like manner and so forth

And the said Benjamin Buckmaster as to the Nine plea of him the said Joseph Fowler above pleaded says that he by any thing in the said Nine plea alledged ought not to be precluded from having and maintaining his Action aforesaid against the said Joseph Fowler because he says that the Cause of Action aforesaid whereof the said Benjamin Buckmaster against the said Joseph above hath complained hath arisen and accrued to the said Benjamin Buckmaster within three Years next before the Day of the Issuing of the Original Writ of him the said Benjamin aforesaid to wit at Calvert County aforesaid and this he prays may be enquired of by the Country and the said Joseph Fowler in like manner and so forth Whereupon this Cause standing for Trial this Court At the request of both parties Plaintiff and Defendant and by their Consent it is Ordered by the Court here that the same be Referred to Messrs. Charles Graham, Benjamin Mackall and William Harris (Clerks) And it is Ordered by the said Court that the Arbitrators aforesaid 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 entered according to such Award and be final between the said parties With full power to Examine Witnesses upon Oath by Consent of both parties Plaintiff and Defendant And the Arbitrators aforesaid pursuant to the Order aforesaid Return to the Court here the following Award to wit Calvert County fs. 23 August 1764 We the within named Referees having heard the Evidences for the Plaintiff and the Defendant and having carefully Considered the same do Award that the Plaintiff for this his Action hath no Cause and that therefore he pay the Defendant the Costs expended by him in this Suit Charles Graham Benj. Mackall William Harris Which being read and heard Therefore it is Considered by the Justices here that the said Benjamin Buckmaster take nothing by his Writ against the said Joseph Fowler in the plea aforesaid but be in Mercy for his false Clamour And that the said Joseph Fowler go thence without Day &c.

And it is also Considered that the said Joseph Fowler recover against the said Benjamin Buckmaster the sum of

2/6 Cury
13/6½ &c

Tobacco by the Arbitrators aforesaid in form aforesaid Awarded for his costs and Charges by him about his Defence in this behalf said out and expended and that thereof he have execution &c. Test Reverdy Ghiselin Clk

76 John Moore
against
74 Joseph Fowler } Memorandum the Defendant sued out his Lordships Writ of Habeas Corpus the Tenor whereof follows in these words to wit

Maryland ss. Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. To the Justices and Sheriff of Calvert County Greeting Whereas a certain Joseph Fowler is detained in the Prison of our said County under the Custody of you our said Sheriff at the Suit of a certain John Moore of a plea of Trespass upon the Case and so forth which said plea it is said still depends before you our said Justices undetermined and we being willing for divers Causes that the plea aforesaid undetermined as aforesaid shall be heard and determined before the Justices of our Provincial Court therefore we command you that you have the Body of the said Joseph Fowler by whatsoever Name he be called in the plea aforesaid together with the Day and cause of his Caption and detainer and all things thereunto relating before the Justices of our Provincial Court to be held at Annapolis the second Tuesday of April next that our said Justices may further proceed therein as to Justice Appertains and so forth Hereof fail not at your peril and have you then and there this Writ Witness John Rice Esq. Chief Justice of our Provincial Court the 26th Day of September in the 4th year of our Dominion and so forth and in the Year of our Lord seventeen hundred and sixty one

Issued 10th March 1762 (Seal) Reverdy Ghiselin Clk
(Allowed J. Jno. Rice)

All which said second Tuesday of April to wit the 13th Day of the same Month Anno Domini 1762 being the Day of the Return of the aforegoing Writ the Justices and Sheriff of Calvert County in Compliance therewith send here the following Record and Proceedings before them had to wit Calvert County ss. March Court Anno Domini 1762 At a County Court of the Right Honourable Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c held at Prince Frederick Town in and for the said County the third Tuesday and sixteenth Day of March in the 4th Year of his Lordships Dominion &c

Before

James Weems

David Arnold, John Beckett, Young Parran, Samuel Chew, William Allen & James Somervell

Worshipful Gentlemen Justices by his said Lordships Commission of the Peace in and for the said County