At which said next Court to wit the 9th day of April Anno Dom. 1765 come again the said Parties Plaintiff and Defendant by their Attornies aforesaid and the said Defendant by his said Attorney prays further Leave to imparle hereunto until next Court and he hath it (and the same day is given to the Plaintiff also At which said next Court to wit the 10th day of September Anno Dom. 1765 come again the said Parties Plaintiff and Defendant by their Attornies aforesaid And the said Defendant by his said Attorney prays further Leave to imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also At which said next Court to wit the 8th day of April Anno Dom. 1766 Comes again as well the said William Perkins by his Attorney aforesaid as the said John Cheney son of John by his Attorney aforesaid and the said John Cheney son of John by his said Attorney as before defends the force and injury when and wforth and saith that he did not Assume upon himself in Manner and form as the aforesaid William above against him hath Complained and of this he puts himself upon the Country and wforth And the said William in like manner wforth And the aforesaid John Cheney son of John by leave of the Court here and according to the form and Effect of the Statute in such Case lately made and Provided further defends the force and injury when and wforth and saith that the aforesaid William his Action aforesaid thereof against him the said John Cheney to have or maintain ought not because he saith that he did not Assume upon himself at any time within three Years next before the suing of the Original Writ of him the said William in this Cause impetrated in Manner and form as the said William above against him complains and this he is ready to verify &c. Wherefore he prays Judgment if the afsd William his Action aforesaid against him the said John Cheney to have or maintain ought (and wforth And the aforesaid William saith that from having and maintaining his Action aforesaid against him the said John ought not to be precluded because he saith that the Cause of Action aforesaid in the Declaration aforesaid above mentioned first accrued to him the said John on the day of seventeen hundred and and that he the said William at the Time when the Cause of Action aforesaid to him the said John first accrued in form aforesaid and always afterwards to the time of the impetration of the Original Writ in this Cause to wit on the Day of seventeen hundred and was residing and inhabiting in Parts beyond the Seas and this he is ready to Verify and affirm Wherefore he prays Judgment and his Damages by Occasion of the Premisses to him to be Adjudged and wforth Whereupon this Cause standing for Tryal this Court by Consent of both Parties Plaintiff and Defendant is ruled by the Court that the said Cause be referred to Mr. Robert Louden and Thomas Richardson of Ann Arundel County Gentlemen and if they differ they to choose a third Person And it is ordered by the same Court that the said Arbitrators or any two of them make their Award in Writing under any two of their hands and Seals and return the same to this Court and Judgment to be rendered according to such Award and be final between the said Parties And the Arbitrators aforesaid in Pursuance of the Rule of Court aforesaid return to the Court here the following Award Viz. We the Subscribers by Virtue of the above Order from the Provincial Court do hereby Award that John Cheney son of John Defendant do pay and Satisfy unto William Perkins Plaintiff the Sum of Forty three Pounds three Shillings and three pence Sterling with the legal Costs arising on the said Suit and that Judgment be entered accordingly Witness our hands and Seals this fourteenth Day of March seventeen hundred and sixty seven

Rob Louden (Seal)

Thomas Richardson (Seal)

Therefore it is considered by the Justices here that the said William Perkins recover against the said John Cheney son of John as well the Sum of Forty three Pounds three Shillings and three pence Sterling by the Arbitrators aforesaid in form afsd Assessed as also the Sum of Pounds of Tobacco by the Court hereunto him on his Assent Adjudged for his Costs and Charges by him about his Suit in this Behalf Laid out and Expended and the said Defendant in Mercy &c.

Test Reverdy Ghislin Clk

Nicholas Maccubbin
agt
John Cheney son of John

Memorandum the Plaintiff by Thomas Johnson Junior his Attorney sued out his Lordships Writ of Certiorari the Tenor whereof follows in these Words Viz. Maryland ss. Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. to the Justices and Clerk of Ann Arundel County Greeting we being willing for certain causes to be certified of the Record and Proceedings of a certain Action before you depending between Nicholas Maccubbin Plaintiff and John Cheney son of John Defendant of a plea of Trespass upon the Case We command you that the Record and Proceedings of the Action aforesaid with all things thereunto Relating as far as before you it remains by whatsoever Names the Parties in the same are Distinguished to our Justices of our Provincial Court to be held at Annapolis the second Tuesday in April next under your hands and Seals you send together with this Writ that our said Justices may further order therein that which of Right they see ought to be done Witness John Brice Esq. Chief Justice of our said Court the 1st day of October in the 13th Year of our Dominion &c. Anno Dom. 1763

Allowed by Jn. Brice Cl. D. 8th Decem. 1763. (T. Johnson) Reverdy Ghislin Clk

At which said second Tuesday of April to wit the 10th day of the same Month Anno Dominii 1766 being the day of the return of the aforegoing Writ the Justices and Clerk of Ann Arundel County in Compliance with the Writ aforesaid makes return thereof to the Court here with the following Record thereto annexed to wit: Ann Arundel County to wit At a County Court begun and held at the City of Annapolis in and for the County aforesaid on the second Tuesday of November being the eighth day of the same Month in the Thirteenth Year of the Dominion of the Right Honble Frederick Absolute Lord and Propry of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. and in the Year of our Lord Christ Seventeen hundred and sixty three

Were Present, Reverdy Ghislin Gent Chief Justice
Henry Hall, Thomas Watkins, William Stewart, Robert Louden and John Burgess Junior — Gent Justices
The Wpf.
Lancelot Jacques Gent Sheriff
John Brice Clk

In the Record and Proceedings of the same Court amongst others is the following Viz.

Nicholas Maccubbin for the Use of Wm. Perkins
agt
John Cheney son of John

Command was given to the Sheriff of Ann Arundel County that he should take John Cheney son of John late of Ann Arundel County Planter if he should be found in his Bailiwick and him should safe keep so that he might have his Body before the Justices of Ann Arundel County to be held at Annapolis the second Tuesday in November then next to Answer unto Nicholas Maccubbin in a plea of Trespass upon the Case and wforth And that thereof he the said Sheriff should not fail at his Peril &c. At which said second Tuesday of November to wit the 9th day of the same Month in the Year 1762 being the day of the return of the aforegoing Writ comes the said Nicholas Maccubbin by Thomas Johnson Junior his Attorney and the Sheriff of Ann Arundel County to wit Henry Johns Esq.

(to)