taking the same as any other auditors in such cases appointed
ought to do and make report thereof to the next Court to be held &c
And thereupon further day is given to the said parties plaintiff
and defendant in the plea aforesaid at their request untill the said
next Court. At which said next Court to wit the 17th day of
July Anno Domi 1711 Comes again as well the said Edward Hammond
by his attorney aforesaid as the said Matthew Scarborough Esq as aforesaid by his
attorney aforesaid But the said auditors make no returns of their proceedings
in the premises aforesaid — whereupon the said parties have unanimously
agreed to stand to the arbitrament and award of Saml Worthington
and Henry Schoolfield of Somerset County Gentl Arbitrators
indifferently chosen by the said parties according to the form of the
statute in that case made and whereas the Justices here have by
the consent of both parties aforesaid ruled and ordered that Judgmt of this
Court shall be rendered upon such Arbitrament or award as the said
Arbitrators shall make in the premises returned under their hands
and seales to the Justices of this said prov Court to be next holden
at Annapolis for the province of Maryland, which said Judgmt
is to be final betwixt said parties by the consent of the parties
aforesaid according to the form of the statute aforesaid It is therefore ordered
by the Court here, by consent aforesaid, that they the said Samuell
Worthington and Henry Schoolfield hear the allegations of ye
parties aforesaid at such reasonable time as they shall think fit
before the next provincial Court in the presence of the said
parties if they having convenient notice think fit to be present
and to make their return thereof to the next provincial
Court according to the rule aforesaid — And thereupon further day is
given to the said parties plaintiff and defendt in the plea aforesaid at their
request untill next Court —

At which said next Court to wit the second day of October
Anno Domi 1711 Comes again as well the said Edward Hammond
by his attorney aforesaid as the said Matthew Scarborough Esq as aforesaid by
his attorney aforesaid and the said Saml Worthington and Henry Schoolfield
Arbitrators made return to the Court here of their arbitration
in the said action pursuant to the rule aforesaid, which being read
heard at the prayer of the said defendt the said auditors rule aforesaid
the plaintiff showing no reasonable cause to the contrary and thereupon
by the Court and consent of parties the Arbitration of this Court
is referred to Coll John Worthington and Mr John Round auditors
appointed according to the form of the statute &c in the same manner
as to Worthington and Schoolfield last Court) and to make their
return of their said Arbitration next Court And thereupon further
(day)

day is given to the said parties plaintiff and defendt in the plea aforesaid at their
request untill next Court —

At which said next Court to wit the 8th day of April Anno Domi 1712 —
Comes again as well the said Edwd Hammond by his attorney aforesaid as the said
Matthew Scarborough Esq as aforesaid by his attorney aforesaid but the said Arbitrators
make no return of their Arbitration in the action aforesaid pursuant to the
rule aforesaid — whereupon by the Court and consent of parties plaintiff & defendt
the rule aforesaid is ordered to be renewed to the said John Worthington and John
Round Empowering them as aforesaid to make their return of their said
Arbitration next Court And thereupon further day is given to the
said parties plaintiff and defendt in the plea aforesaid at their request untill next
Court —

At which said next Court to wit the 15th day of July Anno
Domi 1712 Comes again as well the said Edwd Hammond by his attorney
aforesaid as the said Matthew Scarborough Esq as aforesaid by his attorney aforesaid but
the said Arbitrators make no return of their Arbitration in the said
action aforesaid pursuant to the rule aforesaid. Thereupon by the Court and consent
of parties plaintiff and defendt the rule aforesaid is ordered to be renewed to the
said John Worthington and John Round Empowering them as aforesaid to make
their return of their said Arbitration next Court And thereupon further
day is given to the said parties plaintiff and defendt in the plea aforesaid at
their request untill next Court —

At which said next Court to wit the seventh day of October
Anno Domi 1712 Comes again as well the said Edwd Hammond by his
attorney aforesaid as the said Matthew Scarborough Esq as aforesaid by his attorney aforesaid
And thereupon by the ~~Court and Consent of parties~~ said John Worthington
and John Round the Arbitrators aforesaid pursuant to the rule aforesaid make
their report to the Court here as follows viz —

Dominium Comitatus in Maryland ss: Whereas there is an action of Trespass on the
Case now depending before his majtys Justices of the prov Court
betwixt Edwd Hammond plaintiff & Mr Matthew Scarborough Esq of the
Custis deceased defendt by the said Court by the mutuall or unanimous consent
of the plaintiff and defendt have referred the determination thereof to ye
award and finall Arbitrament of John Worthington Esq & John Round
Gentl of Somerset County by order of the said Court thereby commissioned
taking the said John Worthington and William Pouder Esq or
given notice to the plaintiff and defendt in this said capacity to come
before them &c. At Obedience whereunto we the said John
Whittington and John Round did accordingly appoint the same and
did meet and give notice of the time and place to the said plaintiff
and defendt and also to bring such evidences wth them as might
(be)