Eighteen hundred and twelve aforesaid, and to which said day the said William H. Clark had leave to imparle, and then to answer to the Declaration aforesaid of the said William B. Tilden, in the plea aforesaid, come again into the County Court here, the parties aforesaid, by their Attornies afs.— Thereupon on motion of the said William B. Tilden, by his Attorney aforesaid, it is further ruled by the Court here, that the said William H. Clark answer to the Declaration aforesaid of the said William B. Tilden in the plea afs. or Judgment by the Court here will be rendered against him in default thereof, and the said William H. Clark, by his Attorney aforesaid, prays leave of the Court here, further to imparle until the third monday of March next, and then to answer to the Declaration aforesaid of the said William B. Tilden in the plea aforesaid and to him it is granted, the same day is given to the aforesaid William B. Tilden also.— At which mentioned third monday of March, in the year Eighteen hundred and thirteen, to which said day the said William H. Clark had leave further to imparle, and then to answer to the Declaration aforesaid of the said William B. Tilden in the plea afs. come again into the County Court here the parties afs. by their Attornies aforesaid.— Thereupon on motion of the said William H. Clark by his Attorney aforesaid, it is further ruled by the Court here, that the said William H. Clark answer to the Declaration afs. of the said William B. Tilden, in the plea afs. or Judgment by the Court here, will be rendered against him in default thereof. Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties and their Attornies aforesaid and by order of the Court here thereon is further continued until the third monday of September next.— At which mentioned third monday of September, being the twentieth day of the same month, in the year Eighteen hundred and thirteen, comes again into the County Court here, as well the said William B. Tilden, by John Stoops & Ezekiel F. Chambers Esquires his Attornies, as the said William H. Clark by William Brooke and William Carmichael Esquires his Attornies, and the said William H. Clark, by his Attornies aforesaid, comes and defends the force and injury, when &c. and saith, that the said William B. Tilden ought not to have his said action against him, because he saith, that the said umpire did not give him notice, at the time of making his said award and umpirage, at any time before, nor within the time in the Condition aforesaid in that respect limited and this he is ready to verify; wherefore he prays Judgment if the said William B. Tilden, his action aforesaid thereof against him to have or maintain ought &c. and the said William B. Tilden, by his Attornies aforesaid saith, that he ought not, by reason of any thing alleged by the said William H. Clark, to be barred from having his said action against him, because he saith, that on the sixteenth day of April, before the first day of May, in the Condition aforesaid mentioned, the said Samuel Comegys, the umpire, having taken upon himself the burthen of the award aforesaid, and having fully examined and duly considered the proofs and allegations of both the said parties, for the settling amity and friendship between them at Kent County aforesaid, made his award in writing, as by the said award, now produced in Court here more fully appeareth, and the said William B. Tilden in fact, saith, that although he hath performed and fulfilled every thing in the said award, which on his part was to have been performed and fulfilled, the said William H. Clark hath not paid to him, the said William B. Tilden, the said sum of forty three pounds, seven shillings and six pence Current money, on the twenty sixth day of April, the day of the date of the said award, which, according to the form and effect of the said award, he ought to have paid on that day, and this he is ready to verify; and of this he prays it may be enquired of by the Country &c. and the said William H. Clark, in like manner &c. Whereupon, for trying the issues aforesaid, it is ordered by the Court here, that twenty persons from the pannel of petit Jurors returned to the Court here, by the Sheriff of the County aforesaid, be drawn by ballot, according to the act of Assembly, in such case made and provided; and thereupon the twenty persons or Jurors being so drawn by ballot, and written upon two lists, one of which said lists is delivered to the Counsel for the respective parties, and the Counsel for each of the said parties having stricken out four persons from the said lists, thereupon the remaining twelve persons being called, come, that is to say, George A. Hanson, Foreman, Philip Brooks, George Spry, James Claypoole, John S. Newman, Charles Neal, Thomas Hynson, John Eddes, Joseph N. Gordon, Thomas B. Hynson, William Frisby and Jonathan Harris, who being empannelled and sworn to say the truth in the premises, upon their Oath do say, that the said Samuel Comegys, the umpire did make and execute his award in writing, of and upon the premises within mentioned, so found to him, as within mentioned, under his hand and seal, in manner and form as the said William B. Tilden hath, in his replication within on that behalf alleged, and they find the sum of forty three pounds, seven shillings and six pence, current money, is really and justly due to the said William B. Tilden on award and writing Obligatory aforesaid, in manner and form as the said William B. Tilden within in his replication hath alleged. Whereupon, the said William B. Tilden, by his Attornies aforesaid prays Judgment against the said William

H. Clark, of and upon the verdict aforesaid, by the Jurors aforesaid given in form aforesaid, and the said William H. Clark, by his said Attornies, saith, that the Court here ought not to proceed to render Judgment upon the said verdict by the Jurors afs. in form aforesaid given, may be staid, because the said verdict is insufficient and erroneous, and given against the direction of the Court to the said Jury, and that the same verdict may be set aside, and that the issues aforesaid may be tried anew, by other Jurors to be fresh empannelled, and files in Court here the following reasons that is to say,—

William B. Tilden use of John Ireland vs. William H. Clark } Debt & verdict for pltff.— The Defendant prays that the verdict in this case may be set aside.— 1. Because the verdict was against evidence.— 2. Because the verdict was ag.st the direction of the Court, on the testimony.— Wm. Carmichael for Deft.—

Whereupon, all and singular, the premises being seen, and by the Court here fully understood, and mature deliberation being thereupon had, for that it appears to the Court here, that the verdict aforesaid, be set aside, and held entirely as void, and of no force or effect, and that the issues aforesaid, be tried anew, by other Jurors, to be fresh empannelled, it is therefore considered by the Court here, that the said William B. Tilden recover against the said William H. Clark, the sum of _____ for his Costs and Charges, by him expended by reason of the premises and trial afs. thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties and their Attornies afs. and by order of the Court here, thereon is further continued until the third monday of March next. At which mentioned third monday of March, being the twenty first day of the same month, in the year eighteen hundred and fourteen, come again into the County Court here, the said William H. Clark, by his Attornies aforesaid, and also here comes Mary B. Tilden, by John Stoops and Ezekiel F. Chambers Esq.rs her Attornies and suggests to the Court here, that since the pleading of the said plea of the said William B. Tilden, by him by way of replication alledged, replied to the plea of the said William H. Clark, and before this day, the said William B. Tilden departed this life, and that since the death of the said William B. Tilden Administration of all and singular the goods and Chattels rights and Credits which were of the said William B. Tilden, at the time of his Death, was in due form of Law, committed and granted by the Orphans Court of Kent County, to her the said Mary B. Tilden, and which she now produces to the Court here, whereby it sufficiently appears to the Court here, that the said Mary B. Tilden is Administratrix of the said William B. Tilden, and thereupon hath demonstration and set forth, thereupon further process of and upon the premises afs. between the parties aforesaid by consent of the said parties and their Attornies afs. and by order of the Court here, thereon is further continued until the third monday of September next.— At which mentioned third monday of September, being the twenty first day of the month, in the year Eighteen hundred and fourteen aforesaid, come again into the County Court here, the parties aforesaid, by their Attornies aforesaid, thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties, and their Attornies aforesaid, and by order of the Court here, thereon is further continued until third monday of March next.— And now here, at this day, to wit, the said third monday of March, being the twentieth day of the same month, in the year Eighteen hundred and fifteen, come again into the County Court here, the parties aforesaid, by their Attornies aforesaid. Whereupon, for trying the issues aforesaid, and it is ordered by the Court here, that twenty persons from the pannell of the petit Jurors returned to the Court here, by the Sheriff of the County aforesaid, be drawn by ballot, according to the Act of Assembly in such case made and provided; and thereupon the twenty Jurors being so drawn by ballot, and written upon two lists, one of which said lists is delivered to the Counsel for the respective parties, and the Counsel for each of the said parties having stricken out four persons from the said lists, thereupon, the remaining twelve persons being called, come, that is to say, Richard Ringgold, Foreman, Thomas Gale Senr. John Gale, Stephen Boyer, Thomas Whittington, Frederick Wilson, Thomas Gale Junr. Amos Reed, Isaac Caswell, William Brown of Joseph, Joseph Mann and John Willis, who being empannelled and sworn to say the truth in the premises, upon their Oath do say, that the said Samuel Comegys, the umpire, did make and execute his award in writing, of and upon the premises within mentioned, under his hand and seal, in manner and form, as the said William B. Tilden hath, in his replication in that behalf alledged, and they find the sum of fifty three pounds, ten shillings Current money, is really and justly due to the said Mary B. Tilden, Administratrix as aforesaid from the said William H. Clark in the award and writing Obligatory aforesaid, in manner and form as the said William B. Tilden within, in his replication hath alledged; therefore, it is considered by the Court here, that the said Mary B. Tilden Administratrix as aforesaid, recover against the said William B. Clark, as well the sum of one hundred pounds Current money, his Debt afs. (to be released upon the payment of the sum of fifty three pounds ten shillings Current money, by the Jurors afs. in form aforesaid, so found to be due, and interest on the same, from this twenty second day of March, until paid,) according to the form of the act of Assembly, in such case, lately made and provided, and also the sum of forty six Dollars and thirty Cents lawful money, by the Court here rent the said Mary B. Tilden