the subject rest until the case between Brown & Frey, was settled, then they could settle the matter between themselves and requested Tanney & me to retain this in memory. The foregoing is the substance as near as I can recollect.— Upon the 29th. of the ninth month afore-said the arbitrators met at John Frey's, Jeremiah Brown, and John Frey also present, The deeds and title papers were examined some of them, and Frey produced the credentials which he had procured from the Chancellors office or land office which were also examined. The facts proved by these papers were as follows, as nearly as memory serves.— The papers from the land office or Chancellors office, shewed a certain survey had been made on behalf of John Chuchman of seventy one acres of land and water returned unto the land office caution money paid &c, on the other hand a patent deed from the State of Maryland for ninety eight acres of land has been granted and issued to John Jones upon a survey of latter date than that of Chuchman and if memory serves it appeared some process had been had in the Chancellors Court whereby the preference had been decided in favor of John Jones.— These two surveys lie partly one on the other and part not so, and the land patented to Jones is called Hills Addition and is included in the deed from Brown & Rogers, to Frey & Irvin, On the evening of the twenty ninth instant, George Chuchman came in and John Frey asked him if he was ready to convey Herchell to him.— Chuchman replied he was not prepared, and shortly after stated that in the preceding spring he had spoken to his brother Mordecai (who was the administrator on the estate of John Chuchman decd.) on the subject of their right to Herchell and that his brother answered him he was in a poor state of health: had much business on hand and did not know whether it was worth while to take any trouble about it.— In a short space of time after this conversation Jeremiah Brown said if the title was not good, he would make it good this he delivered in the presence of John Frey, Hugh Beard and the three arbitrators.— Soon after this all left left the room to the arbitrators, and after a short space of time Jeremiah Brown stepped into the room again and pronounced he would make the title good if it was deficient or in words to this effect, long prior to this conference the arbitrators had pronounced John Jones's patent deed for Hills Addition was good and valid, unless a better could be produced, and also John Frey at some of our former meetings, had laid in his bill for damages in writing on account of the claim for Herchell amounting to four thousand three hundred and fifty six dollars and forty five cents and this claim he did not pretend to support with any degree of energy Jeremiah Brown's bond principal and interest due from Frey & Irvin amounting to fifteen hundred and eight pounds six shillings and eight pence, Thomas Rogers bond principal & interest due from Frey and Irvin fifteen hundred and ninety two pounds.— Total eight thousand two hundred and sixty seven dollars and sixty four cents as before stated.— We all remained at Freys for the night and on the morning of

the 30th. of ninth month recommenced business again.— Hugh Beard mentioned before had been making survey of the lines of Herchell, and he went out with Brown & Frey and us (the arbitrators to shew where the lines of Herchell passed the Forge and other works, Beard shewed the lines passed through the Forge and took in some of the buildings (as near as recollected) and struck the creek again at the breast of the dam, and so continued for a considerable distance up bounded on the Creek then verged off to the high broken hills.— Here I must remark that the right and title for Dixon's Exchange, the land on which the forge, dwelling house and all the other buildings stand, are many years older than the survey of Herchell, and is also bounded on the water of Octoraro Creek, which evidently secures all the buildings to Frey.— After the view above stated we all returned to the house, and arbitrators took up the subject, sundry discussions had previously taken place on the subject of damages for Sam Clarks trespass and the school lot which has now on it a small log school house far worn and not in good repair, my two collegues had invariably plead for very high damages and I plead very little damages had been made appear, therefore nothing conclusive had been come to on these two points, The damages on account of Herchell was taken up and Tanney plead that the brothers and sisters of John Chuchman had Nothing to do but prove they were his brothers and sisters and to prove their father father was deceased, then go forward to the land office and take out their patent for Herchell and proceed on to Freys Dam, hew it down & let it go off in a flood.— Neff did not appear so sanguine as Tanney, he nevertheless followed after him.— I well know all the lands in the neighbourhood of the forge and the part called Herchell was but of little real value except for water works and that it was unlikely any kind of works could be erected taken to turn to profit to the owner.— I was also opposed to the sentiment expressed by Tanney as above stated and considered that a regular course of law must decide the title of Hills Addition and Herchell if the claim for Herchell was persisted in therefore from what appeared from George Chuchmans statement hereon noted before, and taking all the circumstances into view, I was confident a small sum to the family of Chuchman would purchase the right to Herchell, under this impression, I proposed to join Neff & Tanney in awarding one thousand or fifteen hundred dollars to Frey conditionally if Brown did not clear up the title on a given time to be agreed on, I had also proposed before to meet them in awarding in the case of Sam Clarks trespass and the lott for the school before stated, larger damages than appeared really due.— All these propositions were rejected by my collegues and when they came to last point Herchell they soon united in docking off all the amount of Brown & Rogers bonds to one single cent, and also award for Brown to pay the cost of arbitration, Neff said he thought that Frey had already paid too much, And Tanney said he would also award Brown in