Depositions being taken the further Execution of the warrant was defferred by the sheriff that no time was appointed for a third meeting but the sheriff informed the parties that he would give them notice of the time when another meeting sh^d be had. That no time was ever appointed for such meeting and that some time after the second meeting the Lessor of the Plaintiff informed this deponent that the Dispute would be settled. This Deponent admits that Lewis Fisher was at his house and Enquired of him when he would come down and proceed on the survey but says that it was then too late to compleat the Business in time to make a return thereof to this term. This Deponent further saith That he never received any Letter from Lewis Fisher on the subject.

Sworn Before Allen Quynn.

Whereupon the parties aforesaid by their attornies aforesaid pray leave of the Court here to Complete the said survey under the warrant of resurvey aforesaid by the second tuesday of October next, and to them it is granted and the same day is given to the parties aforesaid then and there and so forth.

At which said second tuesday of October being the twelfth day of the said month in the year of our Lord one thousand seven hundred and ninety, and the day of the return of the said aforegoing warrant of resurvey, come again into the General Court here as well the said John Fairclaim lessee of the said Thomas Tillard by his attorney aforesaid, as the said Lewis Fisher by his attorney aforesaid. And the sheriff and surveyor of Anne Arundel County aforesaid to whom the said warrant of Resurvey was in form aforesaid directed and under which leave was given to complete the survey, make return thereof to the Court here that they had in virtue of the said warrant of resurvey proceeded to execute the but that they had not been able fully, to Complete the said survey as by the said warrant of resurvey they are Commanded and so forth.

Whereupon the parties aforesaid by their attornies aforesaid move the Court here that the whole matter in the premises between them in variance may be referred according to the Act of Assembly in such Case made and provided to persons indifferent between the said parties to be appointed by the Court here with the Consent of the said parties to adjust the same; whereupon by Consent of the said parties

Parties by their attornies aforesaid, it is ruled by the Court here that the whole matter in variance between the said parties be referred to Gabriel Duvall and Henry Ridgely Esquires and in Case they disagree they are impowered to choose a third person and that the said Arbitrators have power to examine evidences on oath and so forth. And that the said Arbitrators or any two of them when the whole matter Concerning the premises between the said Parties in variance being fairly adjusted have their award in writing under their hands and seals before the Court here with all Convenient speed and that Judgment of the Court be entered according to such award, and be final between the said parties; Thereupon day is given as well to the said John Fairclaim lessee of the said Thomas Tillard as to the said Lewis Fisher by the Court here until the second tuesday of May next.

At which said second tuesday of May being the tenth day of the said month in the year of our Lord one thousand seven hundred and ninety one, come again into the General Court here as well the said John Fairclaim lessee of the said Thomas Tillard by his attorney aforesaid as the said Lewis Fisher by his attorney aforesaid. And the arbitrators aforesaid do not return their award nor have they done any thing therein; Thereupon further day is given as well to the said John Fairclaim lessee of the said Thomas Tillard as to the said Lewis Fisher by the Court here untill the second tuesday of October next.

At which said second tuesday of October being the Eleventh day of the said month in the year of our Lord one thousand seven hundred and ninety one, come again into the General Court here as well the said John Fairclaim lessee of the said Thomas Tillard by his attorney aforesaid, as the said Lewis Fisher by his attorney aforesaid. And the arbitrators aforesaid do not return their award nor have they done any thing therein; Thereupon further day is given as well to the said John Fairclaim lessee of the said Thomas Tillard as to the said Lewis Fisher by the Court here untill the second tuesday of May next.

At which said second tuesday of May being the Eighth day of the said month in the year of our Lord one thousand seven hundred and ninety two come again into the General Court here as well the said John Fairclaim lessee of the said Thomas Tillard by his attorney aforesaid as the said Lewis Fisher by his attorney aforesaid; Thereupon the Arbitrators aforesaid pursuant to the rule aforesaid return to the Court

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