aforesaid Walter Brookes at any time within three years next preceding the impetration of the original writ in this cause did not assume upon himself in manner and form as the said George Maguider and Patrick Maguider above by their declaration hath alledged and this he is ready to verify, wherefore he prays judgment if the said George Maguider and Patrick Maguider their action aforesaid against him to have or maintain ought and soforth.

And the said George Maguider and Patrick Maguider as to the first plea of the aforesaid Walter Brookes in like manner and soforth. And the said George Maguider and Patrick Maguider say that they by anything by the said Walter Brookes in his second plea above alledged ought not to be precluded from having their Action aforesaid against him the said Walter Brookes because they say that the said Walter Brookes within three years next before the day of the impetration of the original writ of them the said George and Patrick Maguider did assume upon himself in manner and form as the said George Maguider and Patrick Maguider above against him complain and this they pray may be enquired of by the Country and the said Walter Brookes in like manner and soforth. Therefore let a Jury thereon appear before the Court here on the second tuesday of October next, by whom and soforth and whom neither and soforth to recognize and soforth, because as well and soforth the same day is given to the said parties then and there and soforth.

At which said second tuesday of October being the eighth day of the same month in the year of our Lord one thousand seven hundred and ninety nine come again into the General Court here as well the said George Maguider and Patrick Maguider by their Attorney aforesaid as the said Walter Brookes by his attornies aforesaid. And thereupon as well the said George Maguider and Patrick Maguider by their attorney aforesaid as the said Walter Brookes by his attornies aforesaid move the Court here that the whole matter in the premises between them in variance may be referred according to the approved Custom of the Court here to a person indifferently to be appointed by the same Court to adjust the same, Whereupon by the Consent of the said parties and their attornies aforesaid, It is ruled by the same Court that Daniel Rentzell Gentleman be appointed a referee between the parties aforesaid and that he have his award in writing

writing under his hand and return the same to the Court here and Judgment of the same Court to be entered according to such award and be final between the said parties with power to examine testimony upon oath by Consent of both parties plaintiffs and defendant and their attornies aforesaid Thereupon day is given as well to the said George Maguider and Patrick Maguider as to the said Walter Brookes by the Court here untill the second Tuesday of May next following.

And now here at this day to wit the said second tuesday of May being the thirteenth day of the same month in the year of our Lord one thousand eight hundred come again into the General Court here as well the aforesaid George Maguider and Patrick Maguider by their attorney aforesaid as the said Walter Brookes by his attornies aforesaid and the said Daniel Reintzell according to the power granted him by the aforesaid Rule of reference comes here into Court and make return of the following Award to wit.

Maryland January 30th 1800.

I do hereby award that Walter Brookes the Defendant in this suit pay unto George and Patrick Maguider use of Robert and Alexander M'Kim Plaintiffs, the sum of Forty one pounds and ten shillings Current money As also Costs of Suit Given under my hand the date above.

Danl Reintzell

£41.10.0 Costs.

Whereupon on Motion of the said George Maguider and Patrick Maguider by their attorney aforesaid (having complied with the necessary requisites as required by act of Assembly in order to have their Judgment of and upon the award so as aforesaid by the said Arbitrator returned) they pray judgment for the Damages therein mentioned together with their Costs and Charges by them about their suit in this behalf laid out and expended to them to be adjudged and soforth and it being sufficiently proved to the Court here that the requisites of the said Act of Assembly hath been complied with by the said George Maguider and Patrick Maguider. It is therefore considered by the Court here that the said George Maguider and Patrick Maguider recover against the said Walter Brookes as well the sum of Forty one pounds ten shillings Current money damages by the said Arbitrator as aforesaid awarded as the quantity of one thousand and Eighty Eight pounds of tobacco by the Court now here adjudged unto the said George Maguider and Patrick Maguider for their Costs and Charges by them about their