

the aforesaid Thomas Gassaway from the Said first Tuesday of May at the City of Annapolis aforesaid Untill the third Tuesday of July Anno Dom Seventeen hundred and Twenty three to hear their Judgment of and upon the premises for that his Said Lordships Court of Appeals here are not as yet advised. At Which Said third Tuesday of July Anno Domini Seventeen hundred and Twenty three before his Lordships Governour and Council Sitting at a Court of Appeals and Errors at the City afore Said Comes as well the Said John Gresham Daniel Dulany and Thomas Humphrys by their Attorney aforesaid as the Said Thomas Gassaway by his Attorney aforesaid And Whereupon Mess^{rs} Richard Tilghman Mathew Tilghman Ward and Benjamin Tasker the Referees aforesaid make there Report thereon to the Court in these Words following and as to the Second Action for as much as it appears that the Execution for the Costs upon the Judgment of the Land Comissioners which occasioned the Supersedias upon which this Action is grounded was Illegally obtained there not being a Sufficient Number of the Land Commissioners present when the Same was Awarded and for that the Said John Gresham had Legally obtained a Reveiw thereupon which was not determined before the Law for Ascertainig the Bounds of Land was repealed So that it does not appear to us whether the Said John Gresham was Tresspasser Against the Said Thomas Gassaway or not neither is it possible for us now to inquire into the Same and for that both parties were Instrumental in Causing the Services to be done upon Which that Cost Accrued we are humbly of opinion that each partie ought to bear an Equal part of that Cost taxed by the Land Commissioners being Twelve Thousand Six hundred and Sixty four pounds of Tobacco and thereafter that the Said Thomas Gassaway recover from the Said John Gresham Daniel Dulany and Thomas Humphrys the one Moity thereof being Six Thousand three hundred thirty and two pounds of Tobacco together with his Cost Expended in this Court and the Provincial Court.

R^d Tilghman
M:S:Ward
Benj^a Tasker

[607] Whereupon all and Singular the premisses by the Court being Seen and fully Understood and Dilligently Examined and Inspected as well the Record and process aforesaid as the Judgment thereupon rendered as the Causes and Matters above by the Said John Gresham Daniel Dulany and Thomas Humphrys for Errors Assigned for that it Seems to his Lordships Court now here that neither in the Record and process aforesaid nor in Rendering the Judgment aforesaid it is in any wise Erred and that Record in Nothing Vicious or Defective in Law It is Therefore Considered that the Judgment aforesaid in every thing be Confirmed and Stand in 'tis full force and Effect the aforesaid Causes and Matters for Errors above Assigned in any Wise Notwithstanding and it is further Considered by his Said Lord-