

August Court 1741 167

Whereupon the *asp.* John Caldwell put in his place William Arbuckle *gent.* attorney at law against the *asp.* Robert Givan of the *asp.* plea

AND thereupon at the Request of the parties *asp.* day is to them now here given untille Court to be held at dividing Creek in and for the County *asp.* the third Tuesday of June then next following in the same state as at present saving to the parties *asp.* &c.

All which day here came against the parties *asp.* by their attorney *asp.* and hereupon the said parties present herein Court in their proper persons submitted their dispute in this action to the Arbitrament of George Douglas, and William Arbuckle of Somerset County Gentlemen and it is agreed by and between the parties *asp.* that the *asp.* Arbitrators Return ^{their} arbitrament in writing under their hands and seals to the Justices of his Lordships County Court of Somerset to be held at dividing Creek the third Tuesday of August then next following that the same Justices may proceed thereon to Judgment against either of the parties *asp.* as if the same Cause were determined by the same Court - and it is further agreed by and between the parties *asp.* that, that Submission be made a rule of this Court. therefore it is ordered that the Submission *asp.* in manner and form *asp.* made according to the form and effect of the statute in that Case made lately made and provided be entered and made a Rule of this Court on the motion of the parties *asp.* &c.

All which day here came againe the said John Caldwell by his attorney *asp.* and hereupon the said Robert Givan altho' solemnly called came not nor is his witt *asp.* against the *asp.* John Caldwell further prosecute

Therefore it is considered by the Court here that the aforesaid Robert Givan Gentleman at *asp.* take nothing by his witt aforesaid but that he and his pledges of prosecuting be in mercy and that the same Robert name. pledges and that the said John Caldwell goe thereof without day &c.

J. D. Mathew Kemp
105 *ft Francis Tate.* } Command was given to the sheriffe of Somerset County that he should take Francis Tate late of Somerset County planter if he should be found in his bailiwick and him should safe keep so that he might have his body before the Justices of his Lordships County Court of Somerset to be held at dividing Creek the third Tuesday of March Anno Dom one thousand seven hundred and forty to Answer unto Mathew Kemp of a plea of he pass upon the Case &c. and the same day is given to the *asp.* Mathew here & All which day here came the *asp.* Mathew Kemp by George Douglas his attorney and the sheriffe to witt Handy