same are delivered to the Sheriff and Surveyor aforesaid for that purpose; Thereupon further process of and upon the premises aforesaid, between the parties aforesaid by and with the consent of the said parties and their attornies aforesaid, and by order of the court here thereon is further continued until the second tuesday of October next. — And now, at this day, to wit, the 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, comes again into the General court here, as well the aforesaid Paul Peaceable lessee of the aforesaid Robert Peter by Philip Barton Key and Luther Martin his Attornies, as the said Thomas Mains by John Thomson Mason his attorney aforesaid; and the said Sheriff and Surveyor of the county aforesaid, to whom the said platts and certificates were delivered to be amended, return the same to the Court here as amended, with the following proceedings and depositions, to wit. —

Robert Peter's lessee vs Thomas Mains — Ejectment.

General Court May Term 1799. — Leave is given to the parties in this cause to add and amend the platts. —

September 30th 1799. The Sheriff Surveyor and Defendant met at the house of the Defendant, at his request, when Jacob Marshall and John Seabun being summoned and sworn as chain carriers, proceeded to run out Blantyre, on behalf of the Defendant. —

Adjourned till to morrow October 1st 1799. — October 1st 1799 met agreeable to adjournment

Henry Davis aged sixty years or upwards, being duly summoned and sworn as a witness for the Defendant, deposeth and saith, that the field number one, has been cleared enclosed and in the possession of Thomas Mains father of Thomas Mains the present Defendant, before the 20th day of august 1776, and that it has remained in his possession or those claiming under him ever since that time, and also that the field number two has been in possession and cultivation of Thomas Mains the father of Thomas Mains the present Defendant for more than twenty years previous to the 20th day of august 1796, and that it has remained in his possession or those claiming under him ever since that time, and also that the fields number three were in the possession and cultivation of Thomas Mains the elder for more that twenty years previous to the 20th day of august 1796, and that they have remained in the possession and cultivation of the said Thomas Mains and those claiming under him ever since that time. — James Mills aged fifty five years or upwards being duly summoned and sworn as a witness for the Defendant, deposeth and saith, that the dwelling house in which Thomas Mains the Defendant at present resides, was built before the 20th day of august 1776, and that the house now occupied by the said Thomas Mains as a kitchen was built [illegible] before that time and that he has a knowledge of land being

cultivated and other improvements being made on the premises as far back as he can have any distinct recollection of anything whatever. —

Philip Mains aged about thirty five years, being duly summoned and sworn as a witness for the Defendant, deposeth and saith, that the dwelling house of the Defendant Thomas Mains was built before the twentieth day of august 1776, and that the house occupied as a kitchen by the said Thomas Mains was built some years before that time. — Henry Davis aged sixty years or upwards, after being duly summoned and sworn as a witness for the defendant, deposeth and saith that the dwelling house of Thomas Mains was built (to the best of his recollection) twenty three or twenty four years ago and that the house occupied by the Defendant as a kitchen was built about five years before that time. — closed the above business. John Magoner. Clk

And thereupon the said Thomas Mains by his attorney aforesaid takes defence for all that tract of land as located on the platts in this cause returned called The Grove, and also for all that piece or parcel of land included within red lines and designated on the platts in this cause returned by No. 3. and also for the tract of land Hazard, whereupon the location of the tract of land called Blantyre is struck out by consent of parties and their Attornies aforesaid. — And the aforesaid Paul Peaceable lessee of the aforesaid Robert Peter by his attornies aforesaid, prays that the said Peter Wrong the casual Ejector, the tenant in possession, or those under whom they claim to his declaration aforesaid, of in and unto the tract or parcel of land called The resurvey on Pipe Tomahock lying and being in the county aforesaid with the appurtenances, for which no defence is taken on the platts in this cause may answer; but the said Peter Wrong nor the said Thomas Mains nor any other person or persons whatsoever appear to the declaration aforesaid, but makes default. Therefore it is considered by the court here that the aforesaid Paul Peaceable lessee of the aforesaid Robert Peter recover against the said Peter Wrong his term yet to come, and unexpired of in and unto the tract or parcel of land aforesaid called The resurvey on Pipe Tomahock lying and being in the county aforesaid (for which no defence was taken) with the appurtenances thereunto belonging, and that he have thereof his possession against the said Peter Wrong &c.

And for trying the issue aforesaid between the parties aforesaid above joined to be tried by the country for which defence is taken on the platts returned in this cause. Therefore let a jury thereupon appear before the court here immediately by whom and so forth, and who neither and so forth, to recognize and so forth, because as well and so forth, who being called come; that is to say James Fenwick, Thomas Hillen, Thomas Warfield, Mordecai Smith, John Guyton, Thomas Cooke, Francis Boucher Franklin, Joshua Millard, Joshua Wilson, Thomas Sewall, Joseph M'Ceney, and Thomas Brooke Beall of George, who being duly elected tried