truth in premises upon their oath, do say that the said Thomas Mains is not guilty of the trespass and Ejectment aforesaid in manner and form aforesaid so as the aforesaid Paul Peaceable lessee of the aforesaid Robert Peter above against him hath complained; Therefore it is considered by the court here, that the aforesaid Paul Peaceable lessee of the aforesaid Robert Peter take nothing by his plaint aforesaid; but that he and his pledges of prosecution, to wit: John Doe and Richard Roe be in mercy for his false clamour and so forth; and that the said Thomas Mains go thereof without day and so forth; and it is also considered that the said Thomas Mains recover against the aforesaid Robert Peter lessee of the aforesaid Paul Peaceable the sum of fifty nine dollars and forty two cents and also the quantity of two thousand eight hundred and twenty five pounds of tobacco by the court here, unto him the said Thomas Mains on his assent adjudged for his costs and charges by him about his defence in this behalf laid out and expended; and that he have thereof his execution and so forth. —

Memorandum. Before the Jurors aforesaid withdrew from the bar of the court here, the plaintiff by his attornies aforesaid filed in court here, the following Bill of Exception, to wit

Robert Peter's lessee against Thomas Mains | In the tryal of this cause the Plaintiff by his counsel to support the Issue on his part, produced and offered in evidence to the Jury the warrant of resurvey on Pipe Tomahock to wit, —

1765. Janry 19th. Whereas Samuel Postlewait of Frederick county by his humble petition to his Lordships agents for management of land affairs within this province did set forth that he was seized in fee of and in a tract or parcel of land called Pipe Tomahock lying and being in the county aforesaid originally on the day of anno domini granted unto a certain for acres under new warrant contiguous to which tract the petitioner had discovered some vacant land and being desirous to add the same humbly prayed a special warrant to resurvey the aforesaid tract for that intent and purpose and that on return of a certificate of such resurvey he making good rights to the vacancy added and complying with all other requisites usual in such cases might have his Lordships grant of confirmation issue unto him therein, which was granted him, provided he sue out such grant within two years from the date hereof. — Lay out therefore and carefully resurvey for and in the name of him the said Samuel Postlewait the aforesaid tract or parcel of land according to its ancient metes and bounds, rectifyeing correcting and amending any errors in the original survey, and by your out lines adding any vacant land you can find thereto contiguous whether cultivated or otherwise not running your lines. Yea

ren. in W. S. No. 8. folio 103

Copy from liber W. S. No. 7. folio 516. — and the first renewal thereof to wit,

1765. July 16. Whereas Samuel Postlewait of Frederick county had on the 19th January last renewed for him a special warrant for resurveying Pipe Tomahock as in W. S. No. 7. folio 516. appears, but

the said warrant not being yet executed it is this day renewed and continued in force for six months longer. — (Signed pr order) William Stewart clk

(copy from liber W. S. No. 8. folio 103)

And the second and third renewals thereof, to wit,

1766. January 10. Whereas Samuel Postlewait of Frederick county had on the 19th day of July last renewed for him a special warrant for resurveying Pipe Tomahock as in folio 183 appears, but the said warrant not being yet executed, it is this day renewed and continued in force for six months longer. — (Signed pr order Will Stewart clk

ren. in W. S. No. 9. folio 85.

(copy from liber W. S. No. 8. folio 371)

1766. July 11. Whereas Samuel Postlewait of Frederick county had on the 10th day of January last renewed for him a special warrant for resurveying Pipe Tomahock as in W. S. No. 8. folio 371. appears but the said Warrant not being yet executed it is this day renewed and continued in force for six months longer. —

(Signed pr order) Will Stewart clk

(copy from liber W. S. No. 9. folio 85)

I certify that the foregoing are true copies from the books and folios before respectively mentioned. —

Jno Callahan Reg. Lo. off. ms.

And the certificate thereof with the endorsements thereon, to wit.

Frederick County, sc. By virtue of a warrant of resurvey granted out of his Lordships Land office of this province to Samuel Postlewait of the county aforesaid bearing date by renewment 11th July 1766. to resurvey a tract of land called Pipe Tomahock lying in the county aforesd originally on the day of anno domini granted unto a certain for acres under rent, to resurvey the aforesd land to amend all errors and to add the contiguous vacancy &c. I therefore certify as deputy surveyor under his Excellency Horatio Sharpe Esqr. Governor of Maryland that I have carefully resurveyed the aforesd land and find no error in it and I have added one piece of contiguous vacancy containing six hundred and ninety five and have reduced the whole into one entire tract as appears by the platt below. Lastly beginning for the out lines of the whole at the original beginning tree and running thence north seven degs. west twenty pers. west twenty pers. south eight five degs. west forty perches, south seventy five degs. west forty pers. north seventy eight degs. west twenty four pers. south sixty nine degs. west sixty pers. north two degs. east eighteen pers. north twenty degs. east six pers. north forty pers. south eighty six degs. east forty four pers. north thirty six pers. west one hundred and twenty pers. south seventy nine degs. west thirty two pers. south fifty six degs. west twenty pers. west twenty two pers. north fifteen degs. west forty pers. north thirty nine degs. west twenty pers. north fifty eight degs. west seventy four pers. north sixty four degs. west sixty pers. south twenty degs. west thirty pers. south ten degs. east thirty two pers. south ten degs. west twenty two pers. south thirty six degs. west thirty pers. south twenty six degs. west twenty two pers. south ten degs. east twenty pers. south eighty five degs. east twenty pers. east ten pers. south thirty degs.