hundred pounds current money five hundred Hickory trees of the value of one hundred pounds current money and five hundred poplar trees of the value of one hundred pounds current money then growing in said close cut down felled down and carried away and other injuries to the said Samuel Skinner then and there did to the great damage of the said Samuel Skinner and against the peace government and dignity of the State &c wherefore the said Samuel Skinner says he is injured and hath damage to the value of two thousand pounds current money and therefore he brings suit &c

Pledges &c John Doe & Richard Roe

May 9th 1801 Sir Mr Samuel S Thomas has brought suit against me in the general Court to this May Term I will thank you to appear for me in that suit it being an action for trespass your compliance will oblige Sir yr most obedt

Edward Thomas

Mr John S Mason

Edward Thomas ats Samuel Skinner Thomas And the said Edward by John S Mason his attorney comes and defends the force and injury when and so forth and saith that he is not guilty of the said Trespass in manner and form as the said Samuel Skinner Thomas above has complained against him and of this he puts himself upon his country and so forth and the said Samuel Skinner Thomas in like manner and so forth

Samuel S Thomas vs Edward Thomas action of Trespass in the General Court Edward Thomas the defendant in this case makes oath on the holy evangely of Almighty God that he cannot with safety and justice to himself proceed to trial in the above cause at this term for the want of evidence material competent and proper in the said suit That John Johnson of Frederick County is a material competent and proper witness for him in the said suit by whom he expects to prove that about the year seventeen hundred and eighty two Samuel S Thomas the plaintiff in this case run the lines of this deponents land as surveyor at the this deponents request and that he at that time time run the said lines in the same manner

as is now contended for by the Defendant in this case and located on the plats filed That this deponent expects further to prove by the testimony of the said John Johnson that he has ever since held and cultivated one or more of the fields on which the trespass in this case is alledged to have been committed This deponent further saith that he has used his proper and reasonable endeavours to procure the attendance of the said John Johnson and that he verily believes that the cause cannot be tried with justice to himself without the evidence of the said John Johnson and that he has a reasonable expectation and belief that the same can be had at the next term That he has been duly summoned in this case and that an attachment was regularly issued and served but this defendant is informed and believes that he is sick and unable to attend

Sworn to in open court this 18th october 1805

John Gwinn Clk

whereupon as well the said Samuel Skinner Thomas by Arthur Shaaff his attorney as the said Edward Thomas by Roger B Taney his attorney in the said court of Frederick County and thereupon the parties aforesaid by their attornies aforesaid pray leave of the court here to amend the plats and certificates in this cause and to add thereto if necessary by the next court to be held for Frederick County aforesaid on the first monday of august next thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their attornies aforesaid and by order of the court here thereon is continued until the said first monday of august next—

And now here at this day to wit the first monday of august in the year one thousand eight hundred and six comes again into the court here as well the said Samuel Skinner Thomas by his attorney aforesaid as the said Edward Thomas by his attorney aforesaid whereupon for trying the issue aforesaid between the parties aforesaid joined It is ordered by the court here that twenty persons from the pannell of the Petit jurors be drawn by Ballot according to the act of Assembly in such case made and provided and thereupon the twenty persons being so drawn by ballot and written upon two lists one of which said lists is delivered to the counsel for the respective parties and the counsel for each of the said parties having stricken out four persons from the said lists thereupon the remaining twelve persons being called come to wit Edward Boteler, Joseph Hedges, George Rinehart, Henry Creager, George Oats, Joel Jacobs, John Walling Michael Row George Bentz John Baltzell Henry Fahnestock and John Deale who being empannelled and sworn to say the truth