or in default there of that Judgment be entered against the now Defendant John Stiles the casual Ejector but that prosecution be staid against him untill he makes default in any of the premises and it is ruled by the Court here with consent of Counsel that if by reason of such default the said Richard Smith Lessee as aforesaid shall become nonsuit at the trial the said Jacob Perky shall take no advantage there of but shall pay to the said Richard Smith Lessee as aforesaid his costs &c. and is further ruled by the Court here that if upon the trial of the said issue a verdict shall be given for the said Jacob Perky or if the said Richard Smith Lessee as aforesaid shall not prosecute his declaration upon any other cause than for the not confessing lease entry and ouster as aforesaid then the said William Stewart David Ross Horatio Ross and archibald Ross Lessors of the aforesaid Richard Smith shall pay costs &c. and thereupon the aforesaid Richard Smith Lessee as aforesaid by his attorneys aforesaid declares against the said Jacob Perkey in the plea aforesaid in manner and form following to wit. Western Shore State of Maryland Allegany County To Wit. Jacob Perkey late of allegany County yeoman was attached to answer unto Richard Smith of a plea wherefore with force and arms he entered into all that tract or parcel of plantable Land called white oak Level situate in the County aforesaid which David Horatio and Archibald Ross demised to the said Richard for a term which is not yet expired and ejected him from the same and also into all that other tract or parcel of plantable Land called white oak Level situate in the County aforesaid one undevided third part of which David Ross demised to the said Richard for a term which is

not yet expired and ejected him from the same and also into all that other tract or parcel of plantable Land called white oak Level situate in the County aforesaid one undivided third part of which Horatio Ross demised to the said Richard for a Term which is not yet expired and ejected him from the same and also into all that other tract or parcel of plantable Land called white oak level situate in the County aforesaid one undivided third part of which archibald Ross demised to the said Richard for a Term which is not yet expired and ejected him from the same and also into all that other tract or parcel of plantable Land called white oak Level situate in the County aforesaid which William Stewart demised to the said Richard for a Term which is not yet expired and ejected him from the same and also into all that other tract or parcel of plantable Land called white oak Level situate in the County aforesaid which David Ross demised to the said Richard for a term which is not yet expired and ejected him from the same and other wrongs to him did to the great damage of the said Richard and against the peace of the State of Maryland and So forth. And whereupon the said Richard Smith by John Johnson his attorney complains that whereas the said David Archibald and Horatio Ross on the first day of January in the year seventeen hundred and ninety at the County aforesaid had demised to the said Richard the said Tract or parcel of plantable Land called white oak Level situate in said County with the appurtenances to the said Richard and his assigns to have and to hold the same for and during the full end and term of sixty years from thence next following fully to be complete and ended and also that whereas the said David Ross afterwards to wit on the day year and place aforesaid had demised