declaration aforesaid may appear and thereupon the said Jacob Perkey by Luther Martin and John Thompson Mason his Attornies in pursuance of the notice aforesaid comes into the said General Court whereupon it is ruled by the said Court with consent of the said Richard Smith Lessee as aforesaid by his Attornies aforesaid and the said Jacob Perkey who claims the title in question by his Attornies aforesaid that the said Jacob Perkey be admitted defendant in the place of the now defendant John Stiles the casual ejector and that he immediately receive a declaration and plead thereto the General issue and at the trial thereon to be had the said Jacob Perkey shall appear in his proper person or by his attorney & Counsel and confess the lease entry and actual ouster & expulsion of so much of the tenements in the declaration of the said Richard Smith Lessee as aforesaid as in the possession of the said Jacob Perkey or his tenants or of any other person claiming by or under his title or in default thereof 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 Perkey shall take no advantage thereof but shall pay to the said Richard Smith Lessee as aforesaid his costs &c. and it 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 Perkey or if the said Richard Smith Lessee as aforesaid shall not prosecute his declaration upon any other cause than for the not confessing the 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 attornies 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 undivided 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 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