with an allowance of two degrees and fifteen minutes for variation And thereupon the said Richard Smith Lessee as aforesaid of the said William Stewart David Ross Horatio Ross and archibald Ross by his attornies aforesaid prays that the said John Stiles as to the remaining part of the land aforesaid called white oak Levil for which no defence is taken on the said plots may answer but the said John Stiles nor any other person or persons whatsoever appears to the declaration aforesaid but makes default therefore it is considered by the Court here that the said Richard Smith Lessee of the said William Stewart David Ross Horatio Ross and archibald Ross recover against the said John Stiles his Term aforesaid yet to come and unexpired of in and unto the remaining part of the Tract of land aforesaid called white oak Levil with the appurtenances thereunto belonging for which no defence has been taken upon the plots returned in this cause and that he have thereof his possession against the said John Stiles returnable here &c. whereupon for trying the issue aforesaid command is given to the Sheriff of the County aforesaid that he cause to come before the Court here Immediately twelve &c. by whom &c. and who neither &c. to recognize &c. because as well &c. and thereupon it is ordered by the Court here that Twenty persons from the pannel of 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 Thomas Pratt valentine Hoffman Thomas Perkinson John Shroyer Jonathan Cox Henry Wright Adam Sisler Thomas Pritchard jun.r John Sisler Anthony Arnold Thomas Maid and John Patterson who being empannelled and sworn to say the truth in the premises upon their oath do say that the said William Mason is not guilty of the trespass and ejectment aforesaid as the aforesaid Richard Smith Lessee of William Stewart David Ross Horatio Ross and archibald Ross above by pleading hath alledged. Therefore it is considered by the Court here that the said Richard Smith lessee of William Stewart David Ross Horatio Ross and archibald Ross take nothing by this declaration aforesaid but for this false complaint against the said William Mason be in mercy &c. and that the said William Mason go thence of without day &c. and it is further considered by the Court here that the said William Mason recover against the said Richard Smith lessee of William Stewart David Ross Horatio Ross and archibald Ross the sum of four hundred and forty four dollars and nine thousand six hundred and forty six pounds of Tobacco for his costs and charges by him about his defence in this behalf sustained to the said William Mason by the Court now here adjudged &c. and that the said William Mason may have Execution thereof and so forth

Test John Lynn clk.

Memorandum Before the Jurors aforesaid withdrew from the bar of the Court here the said Richard Smith Lessee of the said William Stewart David Ross Horatio Horatio Ross and archibald Ross by his attornies aforesaid tendered to the Court here their Bill of Exceptions and which were by the Court here signed and sealed and which are in form following to wit

William Stewart } Ejectment The defendant in this cause having