say that the said Sarah Smith is not guilty of the trespass and ejectment aforesaid in manner and form as the said Uncle Toby Lepee as aforesaid above complains against her the said Sarah Smith by pleading alledges Therefore it is considered by the Court here that the said Uncle Toby Lepee as aforesaid take nothing by his declaration aforesaid but that for his false clamour he be in mercy and so forth and that the said Sarah Smith go there of without day and so forth And it is also considered by the Court here that the said Sarah Smith recover against the said Uncle Toby Lepee as aforesaid the sum of sixty eight dollars and ninety four cents by the Court here unto her the said Sarah Smith on her assent adjudged for her costs and charges by her about her defence in this behalf laid out and expended and that the said Sarah Smith have there of her execution and so forth

Memorandum before the jurors aforesaid withdrew from the bench of the Court here the said Uncle Toby Lepee as aforesaid by his Attornies aforesaid filed in Court here the following Bills of Exceptions to Wit

Chloe Cockey Wm Cockey
Joseph C. Cockey Ann
Towson & Eleanor Groff Lepee
vs
Sarah Smith

Ejectment

The Plaintiff at the trial of this cause to support the issue on his part produced and read in Evidence to the jury a patent for the Tract of land in the declaration mentioned called Franklins Neglect and Cockeys discovery granted to John Cockey which patent is in the Words and figures following John Cockey his patent 1057½ acres Franklins neglect and Cockeys discovery The State of Maryland to Know ye that whereas John Cockey of Baltimore County had surveyed and laid out for him a tract or parcel of land called Franklins neglect and Cockeys discovery lying in the County aforesaid and containing one thousand and fifty seven and a half acres by virtue of a special Warrant for forty acres obtained

by him the fifteenth day of October Eighteen hundred and one also by virtue of a special Warrant for nine hundred and sixty acres obtained by him the sixth day of January Eighteen hundred and two as appears and he having paid to the Treasurer of the Western Shore the sum of one hundred and ten pounds fifteen shillings and seven pence half penny caution for said Lands and sixty seven pounds twelve shillings and ten pence for the improvements thereon according to Law The State of Maryland doth therefore hereby grant unto him the said John Cockey the said Tract or parcel of Land called Franklins neglect and Cockeys discovery lying in Baltimore County aforesaid adjoining a Tract of Land called the valley of Jehosaphat a tract called Blythena Cambria surveyed a Tract called Quin a Tract called Elliotts Resque a tract called Lord Baltimores manor a Tract called Lowes Thicket and a Tract called Franklins delight and Ruths garden between the little Falls and great Falls of Gunpowder River Beginning at the end of the third line of Lord Baltimores Manor and running thence South five degrees West one hundred and four perches to a stone marked W.D. at the beginning of the North West line of the valley of Jehosaphat and running with and bounding on said line as run with an allowance of five and a half degrees for variation North fifty and a half degrees West four hundred and Twenty two perches to the given line of Blythena Cambria resurveyed and running with said line as run with an allowance of four and a half degrees for variation North seventeen and three quarter degrees East three hundred and sixty nine perches to the beginning of said Land then still with the said Land North fifty nine degrees East twelve and a quarter perches to a white oak the second boundary of said Land and also the beginning of Quin and running with and bounding on the first line of Quin as run with an allowance of five and a half degrees for variation South seventy three degrees East forty eight perches then South ten degrees West thirteen perches to the beginning of Lowes Thicket then running and bounding on said Land reversely