appeared and saith that within two years preceding from the time
he now stands formerly stood a house which was rented by the plaintiffs
on Sugar Island, and moving to another place this deponent deposeth
and saith that the place he now dwelleth was occupied for pasturing
by the plaintiffs and further saith not

Jany 13th 1818 his Thomas + Bailey mark

The above deposition was taken on the Jurors given under my hand.

Jabez Moore Sheff

Interrogated by the defendants. Do you know whether or not the
Island mentioned in the above deposition was heretofore claimed
by the Mr. Dowes family. This deponent answers that the defendants
father twenty five years ago to the particular time this deponent
that he claimed the said Island. This deponent does not recollect
to have heard of the said Island ever before being claimed by
any person since that time except by the plaintiffs

Jany 13th 1818 his Thomas + Bailey mark

The above deposition was taken on the Jurors given under my hand.

Jabez Moore Sheff

And the Defendant takes exception for cause that a parcel of land called
Money Island as located by him in that the said lines on the plot
And thereupon on motion of the said Mr. Tolly counsel as aforesaid
by his Attorney aforesaid it is ruled by the Court here that the
said Corporal Shim the Cause exhibit, therein and in possession
or thereof in dispute and they assign to the defendant aforesaid
may answer as to the land therein mentioned for which said
parcel is taken on the plot returned in this cause, but the said
Corporal Shim nor the said James McDowell nor any other person
or persons whatever appear to the defendant aforesaid nor in
any manner make answer thereto as to the said aforesaid but make

default. Therefore it is considered by the Court here that the said Uriah
Tolly recover against the said James McDowell his term
aforesaid yet to come and unexpired of in and to all the land in the
declaration aforesaid mentioned (for which no offence has been
taken on the plot returned in this cause) with the appurtenances
and that the said Uriah Tolly lessee as aforesaid have thereof his
possession against the said Corporal Shim the
Whereupon for buying the issue aforesaid it is ordered by the Court
here that twenty pounds from the pennies of petit Jurors returned
to the Court here by the Sheriff of Hanford County aforesaid be spent
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
of the said parties having struck out four persons from the said
lists thereupon the remaining twelve persons being called viz
Lewis. Christopher Wickard. Archer. Hays. John Lucas. Richard
Mitchell. Silas Boardwin. Shadrach Ruth Jr. George Bradford
John Slater. Matthew Wisby. Bennet Barnes. James Lee and Henry
Hall who being compannelled and sworn to say the truth of the
premises upon their oath do say that the said James McDowell
is not guilty of the trespass and ejectment aforesaid in manner and
form as the said Uriah Tolly lessee as aforesaid above complains
against him as the said James McDowell alleges by pleading alledges
thereupon it is considered by the Court here that the said Uriah Tolly
lessee as aforesaid take nothing by his bill aforesaid but that
he for his false clamour be in mercy and so forth, and that the said
James McDowell go thence without day and so forth and it is also
considered by the Court here that the said James McDowell recover