Henry Hale, John Elliot Brown & Wm Lawson who being duly Elected tryed & Sworn to say the truth in the premisses, And before the said Jury went from the bar the said James Macintosh by his Attorney aft. offered to the Court here the heads of a bill of Exception — And thereupon the same Jury sworn aft. Elected tryed & Sworn to say the truth in the premisses upon their oath do say that the said James Macintosh is Guilty of the Trespass and Ejectment aft. as the Plft above against him hath declared — Whereupon the bill of Exception so as aft. offered being drawn up in form tendered by the said James Macintosh by his Attorney aft. to the Justices here to be by them signed and sealed Thereupon the said Justices have the same bill of Exception with seales have sealed and to this record have annexed the Jur. whereof follows in these words viz.

Whereupon Edmund Jennings the Plaintiffs Attorney for prosecuting the Issue on behalf of the said Plaintiff then and there gave in Evidence to the Jury aft. that the said Shipwith Cole do live at Dare of Philip Cole late at Dare of Wm Cole that Philip Cole dyed a year before his Mother the wife and Relict of Wm Cole and that the said Mother dyed about two years and half ago — And to prove the said Plaintiffs right to the Lands in Dispute Mr Richard Calloway was produced as an Evidence who declared that about forty seven years by past the said Wm Cole the Grandfather of Shipwith Cole dyed in possession of the Land & that in & about twelve Months thereafter his widow Mother of the said Philip Cole and Grand Mother of the present Shipwith married Edward Talbott and that the Land remained in possession of the said Talbott during the minority of Philip Cole the Son of Wm Cole and that a part of the Land was possest by the said Philip Cole for two years immediately after the said Philip Cole came of Age and that it is about thirty two years now since the said Philip Cole attained to the Age of ~~twenty~~ One years and never knew any other person lay Claim to the Land but in Virtue of Coles title till the Deft Macintosh did within these five years; And heard Edward Talbott say that he Laid no Claim to the Land but that the heirs of Cole should have it —

And to prove the Issue on behalf of the Plaintiff Wm Richardson was produced as an Evidence who Declared that William Cole was in possession of the Land about forty odd years ~~ago~~ past and heard his father or Mother say that he heard Edward Talbot Laid Claim to the Land but if he did he heard his father say he would Oppose him And that his father the said Richardson has been Dead for this thirty odd years past. As Also Doctr Samuel Chew was produced an Evidence on behalf of the Plaintiff who gave in Evidence that he heard the Defendant say on Discourse with him Touching the Drawing the said Land in Dispute of the Plaintiff that he the said Deft Expected to have the said Land of the Plfs Guardian at Twelve hundred pounds of Tob. P Annum If he did not hear to the Contrary from the Guardian & that he had not heard to the Contrary and therefore Expected to pay that rent for it, And thereupon the said

James

James Macintosh by Wm Cummins his Attorney prayed the Judges to give in Charge to the Jury that the said Shipwith or those he Claims under have neither been possest of the aforesaid Lands for the Space of twenty years before the Commencement of this Action & that no Right or title did Descend to the Plaintiff within twenty years as aforesaid Nevertheless the Justices aforesaid Affirmed to the Juror aforesaid that the said Matter of Evidence so as aforesaid on the part of the Plaintiff were sufficient to induce them to bring in a Verdict in favour of the Plaintiff, Whereupon the Juror aforesaid Gave their Verdict that the said Defendant was Guilty of the Trespass and Ejectment aft. as the Plff against him hath Complained And because the Matters and things in Evidence given by the said Plaintiff to the Juror & Justices aft. so as aft. by the said Plaintiff shewn does not appear in the Record aft. the said Deft before Judgment in this Cause be Recorded prays that the aft. Justices according to the Forms and Effect of the Statute in such Cases provided would seal this present Bill Containing in it self the Matters aft. by the said Plaintiff to the Jurors and Justices in Evidence shewn upon which the Justices at the petition of the said Deft. this Bill this twenty first Day of Febry Anno Domi Seventeen hundred and twenty Eight have Sealed —

William Dock — (Seal)

John Smith — (Seal)

But for that the Court here are not advised of their rendering their Judgment aforesaid upon the premisses aft. Day is given to the said Parties to hear their Judgment until next Court for that the said Court are not as yet —

At which said next Court to wit the 20th Day of May Anno Domi 1729 Came again as well the said Wm Hopson Lessee of Nathl Hughes Guard. & next friend to Shipwith Cole by his Attorney aft. as the said James Macintosh by his Attorney aft. Whereupon all & singular the premisses being by the Court here soon heard & fully understood and mature Deliberation thereupon had —

Therefore it is Considered by the Justices here the Day and year last mentioned the said William Hopson Lessee of Nathan Hughes Guard. & next friend to Shipwith Cole Recover against the said James Macintosh his Term to Come & unexpired in and unto the aft. five hundred Acres of Land ~~Plaintiffs~~ being parcell of two thousand acres of Land being part of the Manor or Reputed Mannour of Bottland lying and being in Ann Arundell County aft. & Abutting and bounding as followeth by the said five hundred Acres of Land lying and being on the East side of the said Manor of Bottland bounded on the East by a parcell of Land called Burridge on the north by the Manor of Ann Arundell beginning from a Cross bounded Tree being the North west Cross of the said Lands called Burridge by a Line Running from the said Tree west for the Length of Five hundred & fifty perches bounded on the West by a Line Drawn South from the end of the said West line unto Hart a parcell of Land called Burkets Parcell bounded on the South by the said Burkets parcell of Land untill it Comes unto a branch of Dyers Creek then Leaving the said branch is bounded by a parcell Land called Burkets Meadow untill it meets the Above said Land called

(Burridge)