petit jurors be drawn by ballot according to the act of Assembly in such case made and provided thereupon the twenty persons being so drawn by ballot and written upon two lists one of which said lists is delivered to the Counsel of 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 Wilson Henry Scarff Ebenezer N Allen George Bartol Amos Osborn John Wiley James Rampley Scott Hughes Robert Glenn Benedict H Hanson Richard Mitchell and Robert Boarman who being empannelled and sworn to say the truth in the premises upon their oaths do say that the said Charles Cooley and Carvel Cooley are not guilty of the trespass and ejectment aforesaid as the said Charles Cooley and Carvel Cooley above by pleading have alledged. Therefore it is considered by the Court here that the said Simon Peaceable lessee of the said Abraham Jarrett take nothing by his declaration aforesaid but for his false complaint against the said Charles Cooley and Carvel Cooley be in mercy &c and that the said Charles Cooley and Carvel Cooley go thereof without day &c. And it is further considered by the Court here that the said Charles Cooley and Carvel Cooley recover against the said Simon Peaceable lessee as aforesaid, the sum of one hundred and sixty one dollars and nine cents for their costs and charges by them laid out and expended in and about their defence in this behalf sustained to the said Charles Cooley and Carvel Cooley by the said Court now here adjudged &c and that the said Charles Cooley and Carvel Cooley may have execution thereof &c.

Memorandum. Before the jurors aforesaid withdrew from the bar of the Court here the said Simon Peaceable lessee as aforesaid by his attorney aforesaid filed in the Court here the following bill of exceptions to wit:

Abraham Jarrett lessee
vs
Charles Cooley & Carvel Cooley } Ejectment

The plaintiff to support the issue on his part read in evidence to the jury the patent for the land in the declaration mentioned and made title to the same in one James Mitchell and proved that he died seized thereof in the year 1798 intestate leaving six children to whom the said lands descended and then gave in evidence to the jury that Martin Mitchell one of the said children conveyed by deed on the 23d day of May 1816 all his estate and interest in the said land to the lessor of the plaintiff and proved to the jury that the parcel of land for which the defendants take defence is part of the land conveyed as aforesaid. Whereupon

the defendants produced and read in evidence to the jury to support the issue on his part the following record of proceedings in the said Court to wit:

Be it remembered that on this seventeenth day of March eighteen hundred and nine Abraham Jarrett guardian of James Mitchell and Aquila Mitchell by Solomon Ward his attorney prefers to the Court here the following petition to wit:

To the Honorable the Judges of Harford County Court The petition of Abraham Jarrett guardian of James Mitchell and Aquila Mitchell heirs of James Mitchell late of Harford County deceased and who are minors represents to the Honorable Court that James Mitchell was seized of several tracts and parts of tracts of land lying and being in Harford County to wit one tract called Rupulta supposed to contain four hundred and one acres part of a tract called Convenience containing fifty six acres one tract called Hermans addition containing about eighty two acres one tract called Project containing three and a half acres also one that he died possessed of the said tracts of land intestate by whose death the land has descended upon Martin Mitchell Kent Mitchell Bennett Mitchell Harriot Mitchell James Mitchell and Aquila Mitchell your petitioner therefore prays that commissioners be appointed by your honours according to the provisions of the act of assembly in such cases made and provided to divide and partition the said real estate (except such parts thereof as have been assigned to Martha Dorsett formerly Mitchell the widow of the said James Mitchell as her dower) to the heirs aforesaid and take such further order in the case as the nature of this application requires

S Ward for petitioner

Whereupon in pursuance of the act entitled an act to direct descents the Court here order and direct commission to issue to Paca Smith Thomas Jeffery Bennet Barnes William Stephenson and Samuel Jay five discreet sensible men of the County aforesaid and which said commission issues in the following words to wit

Harford County Sct. The State of Maryland to Paca Smith Thomas Jeffery Bennet Barnes William Stephenson and Samuel Jay of Harford County Gentlemen Greeting Whereas James Mitchell and Aquila Mitchell heirs of James Mitchell late of Harford County deceased who are minors by Abraham Jarrett their guardian by their petition to the Court of Harford County have set forth that James Mitchell was seized of several tracts and parts of tracts of land lying and being in Harford County to wit one tract called Rupulta supposed to contain four hundred and one acres part of a tract called Convenience containing fifty six acres one tract called Hermans addition containing about eighty two acres one tract called Project containing three and an half acres also one that he died possessed of the said