day of January eighteen hundred and twenty three that he rented said land upon the following terms to wit John B. Thomas in August eighteen hundred and twenty two offered to rent said land to your deponent for four years at the rate of four thousand weight of Tobacco per year that the deponent rode with said Thomas at his request to the house of John T. Wall's at which time said Wall said that he had no objection to said Thomas's renting said land to your deponent and your deponent received from said Wall a few days after by the hands of John B. Thomas a letter that any Contract entered into by John B. Thomas with your deponent for the rent of said lands would meet with his Wall's approbation, said deponent did rent the land on the aforesaid terms and took possession on the first day of January following and said Thomas told your deponent that said land was Called Timber Neck.

March 3rd 1824. Sworn to before me Thomas Osbourn shff.

Samuel P. Wilson aged sixty one years being first duly sworn on the holy Evangilist of Almighty God deposeth and saith that the spot on which he now stands is the place where a stone formerly stood which place was shown to this deponent about twenty years ago by William Taylor since deceased then upwards of fifty years old and a resident of this neighbourhood this place was pointed out by the said person as the place on which said stone formerly stood which they said was the stone standing at the end of the last line of Anderson's Chance except the given line.

March 3rd 1824. Sworn to before me Thomas Osbourne shff.

John Ellis aged thirty eight years being first duly sworn on the holy Evangilist of Almighty God deposeth and saith that the house near which he now stands and all the land around it particularly extending to the West and South was rented by him for the present year eighteen hundred and twenty four from John T. Wall at the rate of two thousand weight of tobacco per year and took possession of said house and land early in January in the same year and that he has heard John B. Thomas say that this land was called Timber neck.

March 4th 1824. Sworn to before me Thos. Osbourn shff.

John Ellis aged thirty eight years being first duly sworn on the holy Evangilist of Almighty God deposeth and saith that the spot on which he was last sworn is in the possession of and is cultivated by John T. Wall.

March 4th 1824. Sworn to before me Thos. Osbourn shff.

And the said George Forbes by his Attornies aforesaid replies to the answer of the said John T. Wall in the plea aforesaid as follows to wit.

George Forbes survivor of Horatio G. M'Eldery
as
John T. Wall

And the said plaintiff saith that he by any thing by the said defendant in his plea above pleaded from having or maintaining his action aforesaid against him the said defendant to be precluded ought not because protesting that neither the said defendant nor the said John B. Thomas in the bill obligatory mentioned hath well and truly performed all and singular the matters and things in the said bill obligatory mentioned and Contained on their part to be performed and which they according to the force form and effect of the said bill obligatory ought

to have performed for replication nevertheless the said plaintiff saith that the said land Called Timber Neck in the said bill obligatory mentioned Contained a large quantity of land to wit the quantity of three hundred Acres to wit at Prince Georges County aforesaid of which the said defendant afterwards to wit on the first day of December eighteen hundred and seventeen at Prince Georges County County aforesaid had notice yet neither the said defendant nor the said Thomas hath well and truly Contented and paid the said plaintiff or the said Horatio in his life time whom the said plaintiff hath survived the sum of ten dollars per Acre for one half of the said tract of land although the said defendant and the said Thomas were afterwards to wit on the first day of June in the year eighteen hundred and eighteen and often afterwards at the County aforesaid requested so to do and so the said plaintiff saith that the said defendant hath not well and truly performed every thing on his part in the said bill obligatory mentioned to be performed which he ought to have performed wherefore the said plaintiff prays judgment and the debt aforesaid together with the damages for the detention thereof to be adjudged him &c so forth. A. Mundell for Plaintiff.

And thereupon on motion of the said George Forbes by his Attornies aforesaid it is ruled by the Court here that the said John T. Wall rejoin to the replication of the said George Forbes in the plea aforesaid and if the said John T. Wall doth not rejoin to the replication aforesaid of the said George Forbes in the plea aforesaid Judgment by the Court here will be rendered against him in default and the said John T. Wall by his Attornies aforesaid defends the force and injury when and so forth and prays leave of the Court here to imparle until the second monday in October next to rejoin to the replication aforesaid of him the said George Forbes in the plea aforesaid and he hath it. Whereupon the parties aforesaid by their Attornies aforesaid pray leave of the Court here to amend the plots and Certificates returned to the Court here in this Cause and to add thereto if necessary by the said second Monday in October next and to them it is granted and the same are delivered to the Sheriff and Surveyor of the County aforesaid for that purpose. And the said George Forbes by his Attornies aforesaid prays leave of the Court here according to the form of the Act of Assembly in such Case made and provided to amend the writ and declaration aforesaid against the said John T. Wall and to declare anew against him in the plea aforesaid by the second monday in October next and it is granted him the same day is given to the said John T. Wall then &c at which said second monday in October being the eleventh day of the same Month in the year of our Lord one thousand eight hundred and twenty four and the day until which the said George Forbes had leave to amend his writ and declaration aforesaid in the plea aforesaid Come again into the County Court here as well the said George Forbes by his Attornies aforesaid as the said John T. Wall by his Attornies aforesaid and the said George Forbes by his Attornies aforesaid prosecutes and sues forth out of the County Court here the following as his amended writ. to wit. Prince Georges County set. The State of Maryland to the Sheriff of Prince Georges County, Greeting. You are hereby Commanded to take John T. Wall