above joined it is ordered by the Court here that twenty persons from the panne of petit Jurors returned to the Court here by the Sheriff of the County aforesaid be drawn 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 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 J. Marshall, John Brookes, Rich: and L. Douglass, Joseph H. Willson, Joseph Edelin Junior, Shadrack Turner, Aloysius Gardiner, Francis L. Darnall, John Miller, Joseph N. Baden, Thomas Bruce & Thomas Sasseir who being empannelled and sworn to say the truth in the premises upon their oath do say that the said John T. Wall hath broken the Covenant aforesaid in the declaration aforesaid mentioned and that the land in said Covenant did Contain more than three acres as the said George Forbes above by replying hath alledged and as to the last issue also within joined the Jurors aforesaid upon their oath aforesaid do further say that the said John T. Wall hath not well and truly paid to the said George Forbes the sum of money which by the Cove: nant aforesaid he was bound to pay as the said George Forbes by replying has alledged and they assess the damages of the said George Forbes by reason of the breach of the Covenant aforesaid to the sum of nineteen hundred and sixty two dollars and forty eight Cents Current money. And now also at this day towit on the eighth day of April eighteen hundred and twenty five of the premises as to the said plea of the said John T. Wall by him first abov pleaded Whereupon the said parties have put themselves upon the judgment of the Court here being seen and by the Court here now fully understood it appears to the Court here that the said plea and the matters therein are not sufficient in law to bar the said George Forbes from having or maintaining his action aforesaid thereof against the said John T. Wall Therefore it is Considered by the Court here that the said George Forbes recover against the said John T. Wall the said sum of nineteen hundred and sixty two dollars and forty eight Cents Current money his damages aforesaid by the Jurors aforesaid in form aforesaid assessed with interest from the eighth day of April eighteen hundred and twenty five and also the sum of nineteen dollars thirty three & a third Cents for his Costs and Charges by the Court here now adjudged to the said George Forbes by his assent and the said John T. Wall in mercy and so forth. Memorandum before the Jurors aforesaid withdrew from the Bar of the Court here the said John T. Wall by his Attornies aforesaid tendered to the Court here his bill of exceptions and which was by the Court here signed and sealed and which is in form follow: :ing to wit:

George Forbes vs John T. Wall } At the trial of this Cause the plaintiff to maintain the issue joined on his part produced in evidence and read to the Jury the Covenant upon which this suit was brought and which is in form following to wit: On or before the twenty ^ day of Novem: :ber eighteen hundred and eighteen we or either of us promise and oblige

ourselves our heirs executors & administrators to pay or Cause to be paid to George Forbes and Horatio G. Wildey agents for the trustees of Eliz. Bond their Certain Attorney heirs executors administrators or assigns the full and just sum of ten dollars per acre for one half of a tract of land known by the name of Timber Neck and supposed to Contain three hundred acres with lega interest thereon from twenty^ November last It being for value received as Witness our hands and seals this first day of December eighteen hundred & seventeen.

Jn°. B. Thomas (Seal)
John T. Wall (Seal)

Witness Charles S. Weems.

he also produced and read in evidence the plats and explanations in this Cause, which are as follows to wit:

(Here insert them.)

The plaintiff then claimed to be paid ten dollars per acre for all the land which upon the plats filed in this Cause is comprehended within the following lines Begining at black D and running thence the lines shaded blue 1.2.3 &c. and which is described in the explanations as the land for which the trustees of Elizabeth Bond bring suit against John T. Wall &c. And for the purpose of shewing that under the issues in this Cause and upon the plats filed in it they are entitled to recover at the rate of ten dollars per acre for all the land described and located as aforesaid Begining at black D and running the blue shaded lines and which is alledged in the explanation to Contain 272 acres offered to prove by Witnesses sworn in the Cause that the land included within said lines as aforesaid had long been known by the name of Timber Neck and that the Covenant aforesaid related to said land Compre: :hended within the lines aforesaid and not to the tract of land located by him on the plats by the name of Timber Necks. And offered to give evidence that the land embraced within the lines aforesaid had been known long prior to the date of said Covenant as Timber Necks and that by virtue and under the said Contract the defendant entered on the land embraced within the said lines and occupied it as Timber Neck. To the admission of any such parol testimony for such purposes the defendant objected and Contended that upon the issues plats and explanations in the Cause such testimony Could not be admitted to prove that the Contract related to any land not located on the plats by the name of Timber Neck But the Court overruled the said objection and was of opinion that the whole of said testimony offered by the plaintiff was admissable and permitted every part of it to be given in evidence to the Jury and accordingly the same was given in evidence to the Jury To the admission of which evidence and the aforesaid opinion of the Court the defendant by his Counsel prayed leave to except and that the Court would sign and seal this his bill of exception which is accordingly done this eighth day of April 1825.

Edmund Key (Seal)

Mem. In the trial of this Cause the Honourable John Stephen Chief Judge and the Honourable John R. Plater one of the Associate Judges withdrew from the bench. And whereas afterwards to wit on the twentieth day of april eighteen hundred and twenty five aforesaid the said John T. Wall by his attornies aforesaid prays an appeal from the judgment aforesaid so as