the land he now sheweth to the Surveyor upon his oath was held by enclosures a greater part of the time and in possession of Williams Smith more than thirty two years ago and up to the time said Smith gave it in possession to John Rigdon which this deponant believes to be about the year eighteen hundred and four and the said John Rigdon held it in possession until he gave possession of it to the defendant, and the defendant has held it in possession up to this time, this deponant then moved on to another place and stated that the buildings that he shewed had been in possession of William Smith John Rigdon and the defendant for more than thirty two years, this deponant then moved on to another place which he shewed to be the beginning of Williams Discovery. December 3rd 1823. Isaac Barkins.

Robert & Sarah Smiths Lessee
vs
John Ashmore

Ejectment.

The deposition of William Pyle aged fifty seven years a Witness for the defendant being first duly sworn on the holy evangelist of Almighty God deposeth and saith that the land he now sheweth to the Surveyor upon his oath was held by enclosures a greater part of the time and in possession of Williams Smith more than thirty five years ago and up to the time said Smith gave it in possession to John Rigdon which this deponant believes to be about the year eighteen hundred and four and the said John Rigdon held it in possession until he gave possession of it to the defendant, and the defendant has held it in possession up to this time this deponant then moved to another place and stated that the buildings that he shewed had been in possession of Williams Smith, John Rigdon and the defendant for more than thirty five years, this deponent then moved to another place which he shewed to be the beginning of Williams Discovery.

December the 3rd 1823. Wm. Pyle.

And the said John Denn lessee as aforesaid by his Attornies aforesaid suggests to the Court here that after the last Continuance of the plea aforesaid, to wit, after the fourth monday of August in the year of our Lord one thousand eight hundred and twenty three, and before this time, to wit, on the day of last past at the County aforesaid the said John Ashmore departed this life, and the same is not denied. Whereupon Nathan S. Berries and Susan Berries his wife claiming the land in the declaration aforesaid mentioned, as heir at law of the said John Ashmore by Thomas Kell, Charles Mitchell, Joseph D. Learned, John S. Tyson and William H. Allen their Attornies Come here into Court and upon their prayer and by order of the Court here thereon are admitted and made defendants in this Cause. The plaintiffs make Claim to as their Claim and pretensions all the lands included upon the plot within the lines beginning at **A** running with part black and part red lines as pr. table of Courses No. 2. being the tract of land Called Williams Discovery as located on the plat according to the patent.

J. D. Maulsby. W. S. Hays for plfs.

Harford County Court. John Ashmore ats Robert & Sarah Smiths lessee. The defendant pleads not Guilty and takes defence for all the land laid

down on the plots and located within the black lines beginning at **A** and running with the black lines round to the said place of beginning as pr. table of Courses No. 1. Learned & Mitchell Attys for defendant.

And Whereupon on motion of the said John Denn lessee as aforesaid by his attornies aforesaid it is ruled by the Court here that the said Richard Fenn the Casual ejector the tenants in possession or those under whom they Claim to the declaration aforesaid may answer as to all the land therein mentioned for which no defence is taken on the plots returned in this Cause but the said Richard Fenn nor the said Nathan S. Berries and Susan Berries his Wife nor any other person or persons whatsoever appear to the declaration aforesaid nor in any manner make answer thereto as to the land aforesaid but make default. Therefore it is considered by the Court here that the said John Denn lessee as aforesaid recover against the said Richard Fenn his term aforesaid yet to Come and not expired of in and to all the land in the declaration aforesaid mentioned for which no defence hath been taken on the plots returned in this Cause with the appurtenances, and that the said John Denn lessee as aforesaid have thereof his possession against the said Richard Fenn. And thereupon by trying the issue aforesaid it is ordered by the Court here that twenty persons from the pannel of petit Jurors 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, James Nelson, James B. Preston, John Love, Joseph Davis Benjamin Richardson Henry Hall William Cheney, Edward Rutledge Robert W. Holland, Samuel Ricketts, Cornelius Coale and John Bay who being empannelled and sworn to say the truth in the premises. Whereupon for certain reasons as well to the Court here as to the parties aforesaid appearing the said James Nelson one of the Jurors of the Jury within mentioned from the pannel aforesaid is withdrawn by Consent of the said parties and by order of the Court here and the rest of the Jurors of that Jury are wholey discharged from giving any Verdict of and upon the premises within mentioned. and it is agreed by and between the parties aforesaid by their attornies aforesaid that the depositions of all of the Witnesses in this Cause be read in evidence at the trial of this Cause provided the same be taken within five days from the tenth day of March eighteen hundred and twenty four and that due and reasonable notice be given to the plaintiffs and defendants Counsel. Whereupon the parties aforesaid by their Attornies aforesaid pray further leave of the Court here to amend the said plots and Certificates returned to the Court here in this Cause and to add thereto if necessary by the said second monday of August next and to them it is granted, and the same are delivered to the Sheriff and Surveyor of Harford County aforesaid for that purpose. Thereupon further process of and upon the premises aforesaid between the parties aforesaid by Consent of