aforesaid for that purpose thereupon further process of and upon the premises aforesaid, between the parties aforesaid by consent of the said parties and their attornies aforesaid and by order of Court here thereon is further continued until the third Monday in March next.

At which mentioned third Monday in March being the twenty fifth day of the same month in the year of our Lord one thousand eight hundred and twenty five comes again into the county Court here as well the said John Doe lessee as aforesaid by his attorney aforesaid as the said William H Smoot by his attornies aforesaid and the Sheriff and Surveyor of the county aforesaid to whom the said Plats and certificates was delivered for the purpose of amending or adding thereto if necessary return the same to the Court here as amended; Whereupon for trying the issue aforesaid between the parties aforesaid within joined, command is given to the Sheriff of the county aforesaid, that he cause to come before the Court here immediately twelve &c, by whom &c. and who neither &c. to recognize &c. because as well &c., and thereupon for trying the issue aforesaid it is ordered by the Court here, that twenty persons from the panel 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, John Edelen, Aquilla Turner, John Estep, John B. E. Dent, Alexander Dent, James Johnson, William P Ford, Alexander Brain, Walter McMillan, Samuel Hawkins, Thomas Dennington and Josias Hawkins who being empannelled and sworn; thereupon on motion of the said John Doe lessee as aforesaid by his attorney aforesaid for leave to withdraw a Juror for the purpose of adding to and amending the plots returned to the Court here in this cause, and it appearing to the Court here that the said plots are defective, the said John Edelen one of the Jurors of the Jury within written from the panel aforesaid is withdrawn by the Court here for the purpose of adding to and amending the said Plots, and the rest of the Jurors of that Jury are wholly discharged from giving any verdict of and upon the premises within written; Whereupon on motion of the said William H Smoot by his Attorney aforesaid it is ordered by the Court here that the said William H Smoot recover against the said John Doe lessee as aforesaid the sum of twelve dollars and fifty cents by the Court here unto the said William H Smoot adjudged for his costs and charges by him put to in and about his defence in this behalf, since the last continuance of the plea aforesaid; Whereupon the parties aforesaid by their attornies aforesaid pray further leave of the Court here to amend their plots and certificates returned to the Court here in this cause and to add thereto if necessary by the third Monday in August next, and to them it is granted, and the same are delivered to the Sheriff and Surveyor of the county aforesaid for that purpose; thereupon further process of and upon the premises aforesaid between the parties aforesaid, by order of Court here thereon is further continued until the third Monday in August next.

At which mentioned third Monday in August being the fifteenth day of the same month in the year of our Lord one thousand eight hundred and twenty five comes again into the county Court here as well the said John Doe lessee aforesaid by his attorney aforesaid, as the said William H Smoot by his attornies aforesaid and the said Sheriff and Surveyor of the county aforesaid to whom the said Plots & Certificates were delivered for the purpose of amending or adding thereto if necessary return the same to the Court here as amended; Whereupon the parties aforesaid by their attornies 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 third Monday in March next and to

them it is granted and the same are delivered to the Sheriff and Surveyor aforesaid for that purpose; thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their attornies aforesaid and by order of Court here thereon is further continued until the third Monday in March next.

And now here at this day to wit, the third Monday in March being the twenty sixth day of the same month in the year of our Lord one thousand eight hundred and twenty six, comes again into the County Court here as well the said John Doe lessee as aforesaid by his attorney aforesaid as the said William H Smoot by his attornies aforesaid; and the Sheriff and Surveyor of the County aforesaid to whom the said Plots and certificates were delivered for the purpose of amending or adding thereto if necessary return the same to the Court here as amended; Whereupon for trying the issue aforesaid between the parties aforesaid within joined, command is given to the Sheriff of the County aforesaid, that he cause to come before the Court here immediately &c. by whom &c. and who neither &c. to recognize &c. because as well &c. and thereupon for trying the issue aforesaid it is ordered by the Court here that twenty persons from the Panel 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 Brawner, Robert Gray, Josias Hawkins, James Johnson, John Edelen, John Ferguson, John F. Gray, Robert W Hanson, Joseph Young, George Jenkins, John J Jenkins, and Thomas Rogerson, who being empannelled and sworn to say the truth in the premises, upon their oaths do say; that the said William H Smoot is not guilty of the trespass and Ejectment aforesaid as the aforesaid William H Smoot above in pleading for himself hath alledged; therefore it is considered by the Court here that the said John Doe lessee as aforesaid, take nothing by his declaration aforesaid, but for his false complaint against the said William H Smoot, be in mercy and so forth; and the said William H Smoot go thereof without day and so forth, and it is further considered by the Court here that the said William H Smoot recover against the said John Doe lessee as aforesaid the sum of Eighty nine dollars and Eighty eight cents for his costs and charges by him laid out and expended in and about his defence in this behalf sustained by the said William H Smoot by the said Court now here adjudged &c. and that the said William H Smoot have thereof his execution and so forth.

Memorandum. Before the Jurors aforesaid withdrew from the Bar of the Court here the said John Doe by his Attorney aforesaid filed in Court here the following Bill of exception to wit;

Alexius Edelen vs William H Smoot } Charles County Court. March Term 1826. In the trial of this cause the Plaintiff to support the issue on his part joined offered in evidence to the jury the Patent of Calvats Hope, dated the — day of April 1707;

Benjamin Hall & Mary his Wife Patent 1198 acres Calvats Hope } Charles &c. To all persons &c. Know ye, that Whereas Benjamin Hall of St. Maries County by this humble petition to us heretofore presented, has held forth, that James Boulding late of said County deceased was in his life time seized in fee simple of and in a certain tract of land lying in the said County called Calvats Hope, originally laid out for eight hundred ninety and eight acres, and granted said James under our greater seale of this province the tenth day of June in the thirtyeth year of the Dominion of our Dear Father Lucelius late Proprietary of this Province of Noble Memory, and that the said James by the last Will and Testament in writing bequeathed the same to his Wife Mary in taile, who has since intermarried with the said Benjamin Hall who together with the said Mary his Wife upon inspection into the bounds of the said land conceive