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Thereupon further process of and upon the premises aforesaid between the parties aforesaid, by consent of the said parties and their attorneys aforesaid, and by order of the Court here thereon is further continued until the first Monday of August next. At which said first Monday of August eighteen hundred and twenty six, comes again into the County Court here, as well the said Richard Fenn Lessee as aforesaid by his attorney aforesaid, as the said Robinson by his attorneys aforesaid, and the said Robinson by his attorney aforesaid, defends the force and injury when and so forth, and says, that he is not guilty of the trespass and ejectment aforesaid, in the declaration aforesaid mentioned in manner and form as the said Richard Fenn Lessee as aforesaid above complains against him, and of this he puts himself upon the country, and the said Richard Fenn Lessee as aforesaid in like manner. Whereupon for the trying the issue aforesaid, between the parties aforesaid within joined it is ordered, by the Court here, that twenty persons from the panel 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 Jurors 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, that is to say, Davis Richardson, Joseph L Smith, Grafton Hammond, Adam Lorentz, Woodward Ewell, Nicholas Snyder, Moses Shaw, William Roberts, Richard Mandock, John Mathias, Noah Phillips and Edward Traill who being impannelled and sworn: Thereupon on motion of the said Richard Fenn Lessee as aforesaid by his attorney aforesaid for leave to withdraw a Juror for the purpose of adding to and amending the plats returned to the Court here in this cause, and it appearing to the Court here that the said plats are defective, the said Davis Richardson one of the Jurors of the Jury within written, from the panel aforesaid is withdrawn by the Court here, for the purpose of adding to and amending the said plats, and the rest of the Jurors of that Jury are wholly discharged from giving any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 Robinson by his attorney aforesaid, it is ordered by the Court here, that the said Robinson recover against the said Richard Fenn Lessee as aforesaid his costs and charges which he hath sustained, laid out and expended, in and about his suit in this behalf since the last continuance of the plea aforesaid. Whereupon the parties aforesaid, by their attorneys aforesaid pray further leave of the Court here to amend their plats and certificates returned to the Court here in this cause, and to add thereto if necessary by the first Monday of February 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 reason of the Court here thereon is further continued until the first Monday of February next. At which said first Monday of February eighteen hundred and twenty six, comes again into the County Court here as well the said Richard Fenn Lessee as aforesaid by his attorney aforesaid, as the said Robinson by his attorneys aforesaid. Whereupon the parties aforesaid by their attorneys aforesaid pray further leave of the Court here to amend their plats and certificates returned to the Court here in this cause, and to add thereto if necessary by the first Monday of August next, to them it is granted. Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, and by order of the Court here thereon is further continued until the first Monday of August next. At which said first Monday of August

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eighteen hundred and twenty six, comes again into the County Court here, as well the said Richard Fenn Lessee as aforesaid by his attorney aforesaid, as the said Robinson Eastburn by his attorneys aforesaid, and the said Sheriff and Surveyor of the county aforesaid, to shew the said plats 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 the trying the issue aforesaid, it is ordered by the Court here that twenty persons from the panel of petit Jurors returned to the Court here by the Sheriff of Frederick county aforesaid, be drawn by ballot according to the act of Assembly in such case made and provided. And thereupon the twenty Jurors 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, that is to say, John Ebert, George Flock, Jacob Shafer, Absalom Jones, Samuel Carmack, George Mathias, Otho Thomas, Basil Baker, Charles Johnson, Patrick Dwyer, Nicholas Hoy Lewis and Daniel Shawen, who being impannelled and sworn to say the truth in the premises, upon their oath do say that the said Robinson is not guilty of the trespass and ejectment aforesaid, in manner and form as the said Richard Fenn Lessee as aforesaid by his attorney aforesaid above complains — him, as the said Robinson above by pleading alleges. Therefore it is considered by the Court here, that the said Richard Fenn Lessee as aforesaid take nothing by his declaration aforesaid, but that he for his false clamour be in mercy and so forth. and that the said Robinson go thereof without day and so forth. And it is also considered by the Court here that the said Robinson recover against the aforesaid Richard Fenn Lessee as aforesaid the sum of one hundred and thirty dollars eighty five and a half cents current money by the Court here adjudged to him the said Robinson on his present adjudged, for his costs and charges by him about his defence in this behalf laid out and expended, and that the said Robinson have thereof execution and so forth.

Test. John Schley clk

Memorandum. Before the Jurors aforesaid withdrew from the Bar of the Court here, the said Richard Fenn Lessee as aforesaid by his attorneys aforesaid, filed in Court here the following Bill of exceptions to wit.

Jacob Shiltknecht, Catherine Shiltknecht, Henry Shiltknecht, Albany Shiltknecht, John Shiltknecht and William Shiltknecht

vs

Robinson Eastburn.

Exceptions No 1

Action of Ejectment in Frederick county Court. August Term 1826

The Plaintiff to support the issues joined in this cause on their part gave in evidence to the Jury the plats and explanations filed in this cause (hereby transmitted). The patent for the tract of land called Panmure.

John Carrie's patent, 50 acres. Panmure — Frederick ss. Know ye that for and in consideration that John Carrie of Frederick county in our said Province of Maryland hath due unto him fifty acres of land within our said province by virtue of so much part of a warrant for two hundred acres granted him the twelfth day of October seventeen hundred and fifty two as appears in our Land Office and upon such conditions and terms as are expressed in our conditions of plantation, of our said province, bearing date the fifth day of April sixteen hundred and fifty four and remaining upon record in our said province together with such alteration as in them are made by our further conditions bearing date the fourth day of December sixteen hundred and ninety six together also with the alteration made by our instructions bearing date at London, the twelfth of September, seventeen hundred and twelve, and registered in our Secretary's office of our said Province together with a paragraph of our instructions bearing date