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Witness our hands. Saml. Bradford } Commissions
J. McKenney }

And thereupon the said Mary Ann Smith by her attorney aforesaid prays that the said defendants answer to the declaration of the said plaintiff in the plea aforesaid. Whereupon it is ruled by the Court here that said defendants answer to the declaration of the said plaintiff in the plea aforesaid, and if the said defendants do not answer to the declaration of the said plaintiff in the plea aforesaid Judgement will be rendered against them by default. And the said defendants by Albert Constable and Augustus M. Bradford their attornies come and defend the force, and injury when and so forth, and say that they are not guilty of the said Trespass in manner and form as the said plaintiff above against them hath complained and of this they put themselves upon the Country and so forth. and the said Mary Ann Smith in like manner and so forth. It is agreed by the parties in this case that any matter may be given in evidence (which might have been specially pleaded) during the trial of this cause. whereupon for trying the issue aforesaid it is ordered by the Court here, that twenty persons from the pannel of petit Jurors be drawn by ballet according to the act of Assembly in such case made and provided and thereupon the twenty persons being so drawn by ballet and written upon two lists one of which said lists are delivered to the counsel for the respective parties and the counsel for each of said parties having stricken out four persons from the said lists thereupon the remaining twelve persons being called come that is to say Henry Webster Aaron Fife, John T. Amos Barnet Clark John Mitchell John Kirkwood Benjamin Weeks, Henry C. Preston Gabriel McComas Goldsmith Day Joshua Guyton and John McTan who being impannelled and sworn to say the truth in the premises upon their oaths do say, that the said John Hannah Robert Hannah Alexander Hannah and William Hannah are not guilty of the trespass in the declaration within specified as they have within by their pleading alledged. Therefore it is considered by the Court here that the said Mary Ann Smith take nothing by her writ and declaration aforesaid but be in mercy for her false clamour &c. and that the said John Hannah Robert Hannah Alexander Hannah and William Hannah go thereof without day and so forth. It is also considered by the Court here that the said defendants recover against the said Mary Ann Smith the sum of one hundred and ninety seven dollars and one cent by the Court here adjudged unto the said defendants for their costs and charges by them about their defence in this behalf laid out and expended, and that the said defendants have thereof execution and so forth.

Memorandum. Before the Jurors aforesaid withdrew from the bar of the Court here, the said Mary Ann Smith by her attorney aforesaid tendered to the Court here her bill of exceptions and which was by the Court here signed and sealed and which is in form following to wit.

Mary Ann Smith.
vs.
John Hanna and others.

Bill of exceptions. The plaintiff to support the issue on her part proved that the field laid down on the plots as beginning near red M, and running as per table of courses No. 1, and the field beginning near red B and running as per table of courses No. 4, constituted part of a farm of which one James B. Herbert was seized in fee, and that the said Herbert died so seized thereof in the month of July 1830. That the said James B. Herbert died intestate leaving the plaintiff his widow and an infant daughter his only heir at law. That the plaintiff as widow and guardian to her daughter the heir at law of said Herbert has remained in possession of said farm and fields ever since the

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death of the said James B. Herbert, and proved by Julianna Selley that about five years ago she saw Alexander Hanna one of the sons of the defendant John Hanna and himself one of the defendants drive a cart loaded with buckwheat to the plaintiffs barn and that Mrs. Smith the plaintiff forbid him from putting the buckwheat in the barn and that she saw the cart of the said Alexander come away unloaded from the barn and saw the cart of the said John Hanna haul other load of buckwheat to the said barn and then read in evidence the deposition of one Levi Keerans taken under a commission which said commission and depositions are as follows to wit.

"Maryland, ss. The State of Maryland to James M. Borden of Richmond in the State of Indiana Gentleman greeting, Be it known that you are appointed commissioner to examine evidences in a cause depending in Harford County Court between Mary Ann Smith plaintiff and John Hanna Robert Hanna Alexander Hanna and William Hanna defendants, therefore you are requested having first taken an oath that you will according to the best of your skill and knowledge truly faithfully and without partiality to any or either of the parties take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of this commission upon the interrogatories now or which may hereafter before the said commission is closed, be produced to and left with you by either of the said parties," and also administer an oath to the person whom you shall appoint as clerk to attend the execution of this commission that he will truly faithfully and without partiality to any or either of the parties in this case take write down and transcribe the depositions of all and every the witness and witnesses produced before and examined by the commissioner as far forth as he shall be directed and employed by the said commissioner to take write down and transcribe the said depositions or any of them, that at such time and place as to you shall seem convenient, you cause to come before you all such evidence as shall be named or produced to you by either plaintiff or defendants, and that you examine them upon their corporal oaths to be by you administered on the wholy Evangelists of Almighty God touching their knowledge or remembrance of anything that may relate to the cause aforesaid, and that you cause notice to be given to the parties or their attornies of the execution of this commission before you execute the same; and having reduced the depositions of the witnesses so taken by you into writing you send the same with this commission closed under your hand and seal, to the said County Court with all convenient speed. Witness the Honorable Stephenson Archer Chief Judge of our said Court the 23rd day of March in the year of our Lord one thousand eight hundred and thirty seven. Issued the 5th day of July 1837.

Henry Dorsey, Clk.

I James Wallace Borden, do solemnly swear that I will according to the best of my skill and knowledge truly faithfully and without partiality to any or either of the parties take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of a commission issued out of Harford County Court in the State of Maryland on the fifth day of July in the year of our Lord one thousand eight hundred and thirty seven in a certain action of trespass, Quare clausum Fregit in which Mary Ann Smith is plaintiff and John Hanna Robert Hanna Alexander Hanna and William Hanna are defendants and which cause is now depending in the said Court upon the interrogatories now or which may be hereafter before the said commission is closed be produced to and left with me by either of the said parties. Subscribed and sworn before me a Justice of the Peace. Jas. W. Borden.