Monday in November came again the parties afs^d by their attornies afs^d and the sheriff hath not returned the said writ of venue nor hath he done any thing therein. Therefore as before command is given to the sheriff of Somerset County that he cause to come before the Court here on the third monday of may next following twelve &c. by whom &c. and who neither &c. to recognize &c. because as well &c. Whereupon the cause afs^d by consent of the said parties by their attornies afs^d was continued over until the third monday in May next in the same State that now is saving to the parties afs^d &c. And now at this day to wit the said third monday in may being the seventeenth day of the same month in the year of our Lord seventeen hundred and ninety five, came the parties afs^d by their attornies afs^d and hereupon the said Simon Scull Lepee as afs^d by his said attorney prays that Peter Shanks the casual Ejector in this cause, Isaac Harris the tenant in possession or those under whom they claim to the said declaration as to the remaining part of the tract of Land in the said declaration mentioned called Cole Raine for which no defence has been taken on the said plot may appear and answer but the said Peter Shanks nor the said Isaac Harris nor any other person or persons whatsoever appears to the said declaration to answer as aforesaid but make default. Therefore it is considered by the court here that the said Simon Scull Lepee as afs^d recover against the said Peter Shanks his term aforesaid, yet to come and unexpired of in and unto the said remaining part of the said tract of Land in the said declaration mentioned called Cole raine lying and being in the said County with the appertenances thereunto belonging for which no defence has been taken as aforesaid and that the said Simon Scull Lepee as afs^d

have

have thereof his possession &c. and the said Isaac Harris as to all that part of the said tract of land with the appurtenances in the said declaration mentioned for which the said Isaac Harris has taken defence upon the said plots returned in this cause by his said attorney as before defends the force and injury when &c. and the said Simon Scull Lepee as afs^d altho solemnly called comes not nor does he further prosecute his declaration afs^d against the said Isaac Harris of and upon those premises. Therefore it is also considered by the court here that the said Simon Scull Lepee as afs^d take nothing by his said declaration against the said Isaac Harris for all that part of the afs^d tract of land in the said declaration mentioned for which the said Isaac Harris has taken defence but that he be in mercy for his false clamour and that the said Isaac Harris go thereof without day &c. And it is further considered by the court here that the said Isaac Harris recover against the said Simon Scull Lepee as afs^d the quantity of 570 pounds of Tobacco by the said Court now hereunto the said Isaac Harris on his appeal adjudged for his costs and charges by him about his defence in this behalf laid out and expended, and that he have thereof his execution &c.

Test Wm Done clk

Attest copy Test John Done clk