And the said David by his attorney aforesaid files in Court here the following declaration to wit:

Cecil County to wit: John H. Harlan and Margaret A. Harlan late of said County were attached to answer unto David Brown in a plea wherefore with force and arms &c. at the County aforesaid they broke and entered the close of him the said David called Dividing situate, lying and being in the County aforesaid and the timber trees and other trees of them the said David then and there growing and found of the value of Two Hundred dollars cut down took and carried away and other wrongs to the said David then and there did to the great damage of the said David & against the peace, government and dignity of the State of Maryland, &c. And thereupon the said Plaintiff by Otho Scott his attorney complains for that the said defendants to wit: On the first day of January in the year eighteen hundred and thirty at the County aforesaid with force and arms &c. broke & entered the close of said plaintiff lying and being in Cecil County aforesaid and then and there cut the trees and tore down the grass and herbage of the said Plaintiff then and there being of great value to wit: of the value of Two Hundred dollars and other wrongs to the said Plaintiff then & there did to the great damage of the said Plaintiff and against the peace, Government and dignity of the State. Wherefore the said Plaintiff says he has sustained damage to the value of Five Hundred dollars & therefore he brings suit &c.

Otho Scott p. Offs atty. — Pledges &c. { John Doe, Richard Roe }

And the said John H. and Margaret defend the force and injury when &c. and say that they are in no wise Guilty of the Trespass aforesaid, in manner and form as the said David above against them hath declared, and of this they put themselves upon the Country. Whereupon for trying the issue aforesaid it is ordered by the Court here that Twenty persons from
19 the pannel 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, Giles S. Langdon, Richard Biddle, James Smith, Benjamin B. Chambers, William Cosgrove, Joseph Alexander, Edward G. Ford, Robert Dawson, John Mendenson, George Dutton, George Black and David Biddle who being empannelled and sworn, thereupon on motion of the said David 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 David Biddle one of the Jurors of the Jury within written from the pannel 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 wholly discharged from giving any Verdict of and

(upon)

upon the premises within written. Whereupon the parties aforesaid by their attornies aforesaid pray leave of the Court here to amend their plots and certificates returned to the Court here in this Cause and add thereto if necessary by the third monday of October 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 by consent of the said parties and their attornies and by order of the Court here thereon is further continued until the third monday of October next. At which said third monday of October in the year of our Lord 1842 come again into the County Court here as well the said David, as the said John H. and Margaret by their said attornies. And the said Sheriff and Surveyor of the County aforesaid to whom 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 with the following depositions taken before them to wit:

David Brown vs John H. Harlan and wife — Trespass in Cecil County Court.

Samuel McCullough aged upwards of fifty years being duly summoned and sworn deposeth and saith that the old White Oak Tree now shown to Sheriff and Surveyor he has always understood was the beginning line of Dickson's land and that John Dickson claimed the land in a straight line from aforesaid white Oak with the fences shown to the Octoraro Creek and over the Creek and that he used the woodland up to near said line and the cleared land up to the fence
20 shown and that he now shows the stumps of two trees which he helped to cut for Dickson and that the old ash stump is the stump of a tree cut by Joseph Dickson and that he has known Preston to use and claim the land on the opposite side of said line from the old white Oak to the Creek for between thirty and thirty five years and deponent further saith about thirty five years ago his father and Nat Ewing were setting down drinking near a Spring which deponent now points out and that deponent was with them and heard Nat. Ewing say to his father that they then were near the line between Stephen Porter and John Dickson and further that he used the wood land while a tenant under Dickson as far down as the point he now shows and also that he cut and hauled logs which he got of John Dickson at the spot he now shows, and he got another log near the place just shown and that while a tenant on said land he hauled wood from the place now shown and that Dickson told deponent not to go too near the line and told him not to go below a Black Oak Tree which he pointed out, and which deponent now shows, deponent also says that he cut a hickory tree while a tenant on Dickson's land at the place now shown and deponent saith he has known Dickson's place for the last thirty five years, and that he has cut wood and used said land as far back as Preston's line and on to the Creek and as far down as the points he has just shown to the Sheriff and Surveyor and that he was never interrupted while using said land and deponent also saith that he now shows the place where he cut and hauled out a tree for Dickson and further that he cut the tree now shown while a tenant on Dickson's land and that the quarries now shown were called Dickson quarries and further that where he now stands there formerly stood an old stump which was shown deponent by John Dickson

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