the deposition of John Brown heretofore taken may be read in evidence as if the said Brown were dead. It is further agreed that no paper located by either party as illustration or for title shall be ruled out on account of the failure of proof of any intermediate call, provided the beginning bounds are be proved. It is admitted that the defendant has counterlocated Beaver Dam Branch and that he has also counterlocated so much of the tract called Parsons Outlet as the plaintiff has laid down for illustration as a part of the device of said Jonathan Parsons to said plaintiff and described in the certificate as beginning at Letter O. on the plats. It is also admitted that the defendant has located for illustration as the device of Jonathan Parson's to the plaintiff that part of the tract of land called Parson's Outlet beginning on the plats at Letter O. and so described in the certificate; and further that the defendant locates for illustration as the device to Sydnum H. Mills under the will of Jonathan S. Parson's, all that part of the tract called Parson's Outlet on the South side of the County road leading from Salisbury to Dirrickson's Cross Roads, except that part thereof described in the certificates as beginning at letter O. on the plats and also the tract of land called Jerusalem. — John H. Done, for plaintiff.

Wm. S. Waters, E. K. Wilson, for Def.

Whereupon for trying the issue aforesaid, between the parties aforesaid within joined it is ordered by the Court here that twenty persons from the pannel 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 list, thereupon the remaining twelve persons being called come, to wit: Arthur W. Taylor, Samuel Wilson, Samuel T. Johnson, John Smith, Rufus K. M. Baynum, James Lane, Kendal Rolling, James Fooks, James W. L. Sturgis, David S. Chayman, James D. Sturgis, McKimmy Jarman, who being empannelled and sworn to say the truth in the premises upon their oath do say, that the said Rufus White is not guilty of the trespass and ejectment aforesaid as the aforesaid Rufus White and Sydnum H. Mills above by pleading hath alleged; therefore it is considered by the Court here that the said Richard Roe lessee of George Walston take nothing by his declaration aforesaid, but for his false complaint against the said Rufus White be in mercy &c. — That the said Rufus White, and Sydnum H. Mills go thereof without day &c. And it is further considered by the Court here that the said Rufus White and Sydnum H. Mills recover against the said Richard Roe lessee of George Walston the sum of two hundred and thirty seven dollars and thirty three and ½ cents for their costs and charges by them laid out and expended in about their defence in this behalf sustained to the said Rufus White, and Sydnum H. Mills by the said Court now here adjudged &c. and that the said Rufus White and Sydnum H. Mills may have execution thereof &c. —

Memorandum. Before the jury aforesaid withdrew from the bar of the Court here, the said Richard Roe, lessee of George Walston by his attornies aforesaid, the following bill of Exceptions filed in Court here.

George Walston's Lessee, vs. Sydnum H. Mills.	Ejectment in the Circuit Court for Worcester County.

At the trial of the above cause the plaintiff to support the issues on his part offered in evidence and read to the Jury the plats and certificates made under the warrant of resurvey issued in the cause, and further read to the Jury an

agreement signed by the counsel for the parties as follows, to wit:

George Walston's Lessee vs. Sydnum H. Mills &c.	Ejectment in the Circuit Court for Worcester County.

In the above cause it is admitted that the tract of land called Jerusalem for which this suit is brought has been granted by the State of Maryland, and that the title thereto was in Jonathan S. Parsons, the testator under whom the plaintiff claims and that said Parson's died lawfully seized thereof. It is further agreed that any locations which the plaintiff or defendant may have made on the plats may be given in evidence to the jury although the lines thereof may not have been actually run on the ground by the surveyor such evidence when offered to have the same effect as if the said lines had been regularly run. It is further agreed that witnesses who were present on the surveys and who were not sworn in the surveys, or who may have shown to the surveyor objects which are located on the plats, may be examined as to such objects. It is further agreed that either party may read the recital of any patent from the surveyor's certificate where the patent may have been mislaid, to have the same effect as if the patent itself were read. It is further agreed that the testimony of Joshua S. H. Trader and William Jackson given on the survey as to the first bounder of the tract of land called The Outlet may be given in evidence to the Jury by the surveyor in case said Trader and Jackson are not present at the trial, to have the same effect as if the said witnesses were produced and sworn in open Court and sworn; and that the deposition of John Brown heretofore taken may be read in evidence as if the said Brown were dead. It is further agreed that no paper located by either party as illustration or for title shall be ruled out on account of the failure of proof of any intermediate call, provided the beginning bounds be proved. It is admitted that the defendant has counterlocated Beaver Dam Branch and that he has also counterlocated so much of the tract called Parsons Outlet as the plaintiff has laid down for illustration as a part of the device of said Jonathan Parsons to said plaintiff and described in the certificate as beginning at letter O. on the plats. It is also admitted that the defendant has located for illustration as the device of Jonathan Parsons to the plaintiff that part of the tract of land called Parsons Outlet beginning on the plats at Letter O. and so described in the certificate, and further that the defendant locates for illustration as the device to Sydnum H. Mills under the will of Jonathan S. Parson's all that part of the tract called Parson's Outlet on the South side of the County road leading from Salisbury to Dirrickson's Cross Roads except that part thereof described in the certificate as beginning at Letter O. on the plats and also the tract of land called Jerusalem. —

John H. Done, for plaintiff.

Wm. S. Waters, E. K. Wilson, for Def.

And further offered in evidence and read to the jury duly authenticated copies of the will of Jonathan S. Parson's the patent of a tract of land called the Beaver Dam, a deed from Jonathan S. Parson's to John Heavy, the patent of a tract of land called The Outlet and the patent of a tract of land called Parson's Outlet as follows: —

In the name of God Amen. — I Jonathan S. Parsons of Worcester County in the state of Maryland being sick and weak in body, but of sound and disposing mind, memory and understanding, considering the certainty