possible misunderstanding as to the use and purposes of the said plats in the cause, hereby agreed by and between the respective parties by their attorneys, that the said plats as now prepared and returned by the said surveyor may be used in the trial of the cause by both pltff. and defendant, and that no exception shall be taken to the said surveys and plats by reason of any irregularity or informality in the making of the same. That the said plats so as aforesaid made and returned shall not be treated or taken as part of the pleadings in the said cause, but shall be used for illustration, and no counterlocation shall be required by either party that the said plats and the certificates of survey may be amended at the bar of the Court, if it should be thought expedient by either part, and objects to which proof may apply may be placed on the said plats, and witnesses may be examined by either party notwithstanding they may not have been on the survey.—

28th September 1853. — R. A. Alvey, Atty. for Pltff.—
J. J. Merrick, Atty. for Deft.—

In the absence of Mr. Roman

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 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 lists, thereupon the remaining twelve persons being called, come, to wit: Martin Ringtod, Benjamin J. Byers, Fredrick Seiner, George Sigler, Hugh McKinney, John Lowe, Samuel Clapper, Joshua Sheely, Abraham Felker, John McCloud, Adam G. Showman and Barnet Young, who being empannelled and sworn to say the truth in the premises, upon their oath do say, that the said William McBlackford is not guilty of the trespass aforesaid, as the said William McBlackford above by pleading hath alleged: therefore it is considered by the Court here, that the said Robert Douglass take nothing by his declaration aforesaid, but for his false complaint against the said William McBlackford be in mercy, &c. and it is further considered by the Court here, that the said William McBlackford recover against the said Robert Douglass the sum of $ ——— for his costs and charges by him laid out and expended in and about his defence in this behalf sustained, to the said William McBlackford by the said Court now here adjudged, &c. and that the said William McBlackford may have execution therefor &c.

Memorandum— Before the Jurors aforesaid withdrew from the bar of the Court here, the said Robert Douglass by his attorneys aforesaid tendered to the Court here his Bill of Exceptions, and which was by the Court here signed and sealed, and which is in form following to wit:

Robert Douglass vs. William McBlackford	Trespass—

At the trial of this cause the plaintiff, to support the issue on his part joined offered in evidence to the jury the following patent of "Moreland" issued to John Blackford.—

The State of Maryland, To all persons to whom these presents shall come Greeting: Thomas King Carroll— Theodorick Bland, Chancellor— Know ye, that whereas John Blackford, of Washington County, on the twelfth day of June, eighteen hundred and twenty seven, obtained out of the Western Shore Land office a special warrant to resurvey the following lands lying in the County aforesaid and contiguous to each other viz: Ferry Landing, Ferry Landing Enlarged, "Pell Mell," part of "Antietam Hills," part of "Antietam Bottom," and part of The Resurvey on Antietam Bottom," with liberty of correcting errors, adding any contiguous vacancy, and of reducing the whole into one entire tract; In pursuance whereof a resurvey was made, and a certificate thereof returned, when the same were found to contain with eleven acres of vacant land added, the quantity of four hundred and fifty five acres, which vacancy was allowed for deficiency in the originals: The State of Maryland doth therefore hereby grant and confirm unto him the said John Blackford the said lands resurveyed as aforesaid, with the vacancy added, reduced into one entire tract, and called Moreland, lying in Washington County aforesaid, beginning for the out lines of the Resurvey at a stone set up near the Potomac river, and at or near the end of eighty perches on the fifth line of a tract of land called "The Resurvey on part of Antietam Bottom," granted Thomas Mills the 21st. of September 1708, the same being located with an allowance of one degree and fifty one minutes to correct the variation, and running thence N.22 W. 43¼ p.s. to a stone standing on or near the 10th line of a tract of land called "Antietam Bottom," located with an allowance of one degree and fifty one minutes for variation S. 78° E. 31 ps. to a stone at or near the end of 90 perches on said line N.24½° E. 47½ ps. to a stone at or near the end of 176 perches on the 20th line of said land located as aforesaid N.55 W. 30 ps. to a stone in a hollow, standing N.35½° E. 20 links from a Spanish oak marked with three notches, and S. 62° E. 1¾ p.s from a Dogwood marked with three notches; thence up the hollow N.20 E. 33¾ p.s. to a stone on or near the 64th line of a tract of land called "The Resurvey of the addition to Piles Delight," then running with that line N.72° W. 118 p.s. to a stone set up for a division between Adam Myers and John Blackford, then with that division N.27° 15' W. 107½ p.s. to a stone by a black oak tree; N.6° W 40 p.s. to the brink of Potomac river; then running down by and with the several meanders thereof, and bounding thereon, all the following courses and distances, S 43° 30' W. 32 ps. to a Sycamore S 60° W. 40 p.s. S. 70° 30' W. 12 p.s. to a point of Rocks; S 70° 30' W. 18½ ps. to a red oak on a cliff of Rocks; S. 68° 45' W 49½ p.s. to a Gum tree; S. 84° W. 86 p.s. to a Sycamore tree; S 75° W. 35½ ps. S 57° 30' W. 26 ps. S 29° 30' W. 20 p.s. S. 3° W 22 p.s. S. 31° E. 26 p.s. to the ferry road; S 41° 30' E 46 ps. S 61° 30' E 64 p.s. to a Lombardy Poplar; S 72° 15' E. 40 p.s. S 76° 15' E. 100 ps. S 76° E 40 ps. S 88° E. 64 p.s. S 80° 30' E 40 p.s. S 75° 45' E. 44½ p.s. to a line drawn S 10° W from the place of beginning, and then by a straight line to the place of beginning, containing and now laid out for four hundred and fifty five acres of land, be the same more or less, according to the certificate of the survey thereof taken and returned into the Western Shore Land Office, bearing date the eighth day of April, eighteen hundred and twenty eight, and there remaining, together with all rights, profits, benefits and privileges thereunto belonging; To Have and To Hold the same unto him the said John Blackford, his heirs and assigns forever. Given under the Great Seal of the State of Maryland this eighteenth day of May eighteen hundred and thirty. Witness the Honorable Theodorick Bland Chancellor— Recorded in Liber G.G. B. No. 1 folio 190, and examined pr.

George G. Brewer, Regr. Land office W. S. Md.

The plaintiff further gave in evidence to the Jury the following will of the said John Blackford.—

In the name of God, Amen— I John Blackford of Washington County, in the State of Maryland, being of sound and disposing mind, memory and understanding, though sick and weak in body, do make, ordain, publish and declare this my last will and