of this he puts himself upon his Country &c and prays leave of the Court to be allowed to offer in Evidence any thing that might have been specially pleaded which to him is granted.

Whereupon for trying the issue aforesaid command is given to the Sheriff of the County aforesaid that he cause to come before the Court here on the third Monday of March in the year 1858 twelve and so forth by the term day so forth and also twelve and so forth to recognize and so forth because as well and so forth the same day is given to the party aforesaid then and there and so forth and now at this day to wit the 3d Monday of March being the 15 day of the same month in the year 1858 comes again into the Second Court here the parties aforesaid and thereupon for trying the issue aforesaid it is ordered by the Court here that twenty persons from the panel of petit jurors be drawn by lot according to the act of Assembly in such case made and provided and thereupon twenty persons being so drawn by lot and written upon two lists one of which said lists is delivered to the Counsel of the respective parties and the Counsel for each of said parties having stricken off four persons from the said lists thereupon the remaining twelve persons being called are to wit Seth W Warfield Johna McCauley Joseph Pearce Cornelius Mercer, Elias G Stricklands Jacob Reese John Warfield Wm W Warfield Lorenzo G Warfield Charles G Washington Washington Gaither Edward Hedgeoxe who being empannelled and sworn to say the truth in the premises upon their oaths do say that they find for the Plaintiff and assess the damages at Seven hundred Dollars.

Whereupon it is considered by the Court here that the said Charles Carroll recover against the said Charles Carroll Maclaren as well the sum of Fifteen thousand dollars the damages in the declaration of the said Charles Carroll mentioned to be recovered as the payment of the sum of Seven Hundred dollars current money of being the amount of damages by the Jurors aforesaid in form aforesaid assessed with interest thereon from the 21 day of March 1858 until paid as also the sum of One hundred and four dollars and Forty Four cents by the Court now here unto the said Charles Carroll on his account adjudged for his costs and charges by him about his suit in that behalf laid out and expended.

Memorandum. Before the Jurors aforesaid withdrew from the Bar of the Court here the said defendant by his Attorney aforesaid gave in Court here the following Bill of Exceptions to wit.

Charles Carroll vs C Carroll McTavish | Circuit Court for Howard County

The plaintiff to sustain the issue on his part offered Evidence of the title in Charles Carroll of Carrollton to the property on which the mill dam and Race in controversy is situate and of the use and enjoyment of the Mill and Water privilege for many years previous to his death to which offered in Evidence the defendant

This Indenture made this 10 day of September in the



year of our Lord 1831 between Charles Carroll of Carrollton Esquire of Doughoragan Manor in the County of Anne Arundel in the State of Maryland of the one part and Emily McTavish his granddaughter and the wife of John McTavish Esquire now residing on said Doughoragan Manor in the County and State aforesaid of the other part Witnesseth that the said Charles Carroll of Carrollton for and in consideration of the natural love and affection which he the said he hath and bears unto his said Grand daughter the said Emily McTavish and to make a further provision for her and her family hath covenanted and by these presents doth hereby covenant to and with the said Emily McTavish her Heirs and assigns to stand and be seized of and in all that part of and parcel of Doughoragan Manor in Anne Arundel County in the State aforesaid and of the Lands adjoining and hereby hereinafter which by order of him the said Charles Carroll of Carrollton has been lately surveyed by Robert Alcock and laid off in a plat and is contained within the following metes and bounds (viz) Beginning at a stone planted and marked A on the bank of said Doughoragan Manor and adjoining Edward Richards farm and running South sixty five degrees East One hundred and Eighty four perches then South thirty two and three quarter degrees East three hundred and forty seven perches then South fifty five degrees West thirty four perches then South Eighty degrees West seventy three perches then South sixty four degrees West fifty three perches then south forty five degrees West thirty nine perches then south thirty degrees East forty four perches then South sixty nine degrees West One hundred and seven eighty perches then South thirty two degrees West One hundred and twenty perches then South One and half degrees West One Hundred and twenty seven perches then to the Beginning containing altogether One thousand acres be the same more or less and being a part of said Doughoragan manor known by the name of the fifty quarter with about four Hundred acres of Land as aforesaid adjoining to the said fifty quarter and making in all One thousand acres more or less together with all the Buildings and improvements of every description thereupon erected and also the exclusive right of using along all the Roads, Whether private or public which are now used in going to or from the said premises and particularly the Road leading therefrom to the Mill the private turnpike and the Road leading by Miller's quarter down to the great Frederick Turnpike To the use of himself the said Charles Carroll for and during the term of his Natural life without impeachment of waste and from and immediately after his death to the use of the said Emily McTavish her heirs and assigns forever

In Witness whereof the said Charles Carroll of Carrollton hath hereunto subscribed his name and affixed his seal the day and year herein before written,