aforesaid and by order of the Court here thereon is further continued until the 2d Thursday of October Next, At which said second Tuesday of October & Next in the year 1858 came again into Court here as well the said Abraham Van Lesser as aforesaid by his Attorneys aforesaid as the said Ferdinand Frazier Isaac Freeland James W Abernathy Simon Amos Jacob Poller and William Haney by their Attorneys aforesaid, and the Sheriff and Surveyor of the County aforesaid, to whom the said Warrant of Resurvey was as from aforesaid directed makes return thereof to the Court here with plats and certificates thereto annexed whereupon for the trying the issues aforesaid between the parties aforesaid with joined it is ordered by the Court here that 24 persons from the panel of jurors returned to the Court by the Sheriff of Allegany County aforesaid be summoned by Ballot according to the directions of the act of Assembly in such case made and provided and thereupon the 24 persons being so summoned by Ballot, and written upon his Slips is delivered to the Counsel for the respective parties and the Counsel for each of the said parties having stricken out four persons from said Slips thereupon the remaining twelve persons being called came that is to say James H Raymond Henry Mallory George Gray Benjamin N Jameson Isaac Creek Nathan Nelson George W Hand Allen Beamer John M Clark Thomas Irons Lloyd Stallings M Jameson, who being empannelled and sworn to say the truth of the premises upon their oath do say that the said Ferdinand Frazier Isaac Freeland James W Abernathy, Simon Amos Jacob Poller and William Haney are not guilty of the trespass and ejectment aforesaid, as the aforesaid Abraham Van Lesser as aforesaid hath above alleged thereupon this consideration by the Court here that the said Abraham Van Lesser as aforesaid take nothing by his declaration aforesaid but that he for his false claim be in mercy and for his false and that the said Ferdinand Frazier Isaac Freeland James W Abernathy Simon Amos Jacob Poller and William Haney go thereof without day and for their costs and it is also considered by the Court here that the said Ferdinand Frazier Isaac Freeland James W Abernathy Simon Amos Jacob Poller and William Haney recover against the said Abraham Van Lesser as aforesaid the sum of Twenty four dollars and forty three cents by the Court here with them the said Ferdinand Frazier Isaac Freeland James W Abernathy Simon Amos Jacob Poller and William Haney or their assent assessed for their costs and charges by them about their defence in this behalf laid out and expended and the said Ferdinand Frazier Isaac Freeland James W Abernathy Simon Amos Jacob Poller and William Haney have thereof their Execution.

Memorandum Before the Jurors aforesaid withdrew from the Bar of the Court here the said Abraham Van Lesser as aforesaid by his Attorneys aforesaid filed in Court here the following Plea of Confession to wit

Mary Van Pelter and
Frederick Van Pelter Lessees

vs

William Haney and others

The Plaintiffs to sustain the issues on their part joined offered in Evidence the plats and explanations made by the Surveyor in this cause and proved the correctness of the land of Jane on the Elk Garden Tracts in the plats together with an agreement signed by the Counsel of the respective parties filed in the 29 March 1858 in this cause, And then offering in Evidence the Patent for Elk Garden to Abraham Van Pelter which is as follows to wit.

Abraham Van Pelter Esquire
Patent 5421 acres Elk Garden } The State of Maryland

Whereas the Commissioners William Deakins Junior in the 4th day of September 1797 obtained into the Western Shore Land Office a Special Warrant of Resurvey and affect a land a parcel of Land called Elk Garden lying in Allegany County formerly surveyed for him in virtue of a prohibitory warrant bearing date the 20 day of June 1796 but before the Execution of said Warrant William Deakins departed this life, and by his last Will devised all his right and interest in and to the Land aforesaid and Warrant thereon to his Brother Francis Deakins In pursuance whereof a Resurvey was made for him the said Francis Deakins containing five thousand Five Hundred and twenty one acres called Elk Garden as appears by the Certificate of such resurvey returned to the Land office and whereas the said Francis Deakins did on the 9 day of November 1801 make an assignment of all his right title claim and interest of in and to the said Land and certificate thereof to Benjamin Shadrach upon trust to the Treasurer of the Western Shore the full Composition money due on said certificate as appears by the said Treasurer's endorsement thereon; And whereas the said Benjamin Shadrach did by an assignment bearing date the 16 day of November 1801 convey and make over all his right title and interest of in and to the said tract of Land unto Abraham Van Pelter Esquire and requested the patent right issued to him therefor. The State of Maryland doth therefore hereby grant unto the said Abraham Van Pelter Esquire the said tract or parcel of Land called Elk Garden lying in Allegany County aforesaid Beginning at a Bunched Sugar tree and two broken standing about 60 perches from the River Potomack and West from a large Yellow Pine on the bank of the River and at the end of the 17 line of a tract of Land called Mount Pleasant and running thence with the said Land reversing North 30 degrees West 50 perches to a Break and Sugar tree South 60 degrees West 86 perches to five sugar trees and a birch South 45 degrees West 52 perches to two