procured a warrant of resurvey to be issued on said tract in the usual form from the Land Office of the State of Maryland to the Surveyor of Allegany County as stated by the Copy of the Certificate of resurvey to be offered in evidence by the Copy of the assignment of Thomas Ruby, witnessed by Thomas Perry endorsed on said Copy of certificate was executed by Thomas Ruby and delivered to John Ruby, It was also admitted and agreed that the plat on the certificate above mentioned should be treated as a plat executed under a warrant of resurvey issued in this case the plaintiff locating as his claim and pretensions the entire tract "Rifefield" and the defendant locating as his claim and pretensions the tract called "Trouble" in accordance with the lines appearing on said plat upon said Certificate the dotted lines marked 3 separating what is marked "Trouble" on the plat shows the part "Trouble" which defendant claims. All outside of said dotted line marked 3 lying north or North west of said line and not embraced in the tract called "Trouble" is not claimed by the defendant.

Thomas Dobson
Thomas J McKaig Attys for defendants
J H Gordon
Thomas Perry Attys for plaintiff.

And thereupon the said John Ruby by his Attorney aforesaid prays that the said Richard Roe the casual ejector the tenants in possession or those under whom they claim, to his declaration aforesaid, as to the remaining part of the land and premises aforesaid, for which no defence is taken on the said plat, may appear and answer; but the said Richard Roe nor the said Samuel T Stallings, nor any other person or persons whatsoever appear to the declaration aforesaid; but the said Richard makes default, Therefore it is considered by the Court here that the said John Ruby recover against the said Richard Roe his term aforesaid, yet to come and unexpired of in and unto the remaining part of the land and premises aforesaid with the appurtenances thereunto belonging for which no defence has been taken upon the plat returned in this cause, and the said John Ruby prays the Court of the State of Maryland of Habe Facias possessionem to be directed to the Sheriff of the County aforesaid to cause him to have his possession of the term aforesaid yet to come of and in the lands and premises aforesaid undefended, with the appurtenances, and it is granted to him,

Whereupon for trying the issues aforesaid above joined between the parties aforesaid; it is ordered by the Court here that twenty persons

from the panel of petit Jurors returned to the Court hereby the Sheriff of Baltimore County aforesaid be drawn by ballot according to the directions of the Act of Assembly in such case made and provided. And thereupon the twenty persons so drawn by ballot and written upon his 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 12 persons being called come and is to say Uriah Duckhart, Andrew Dear Joseph Freund James Mullison Valentine Bolener Andrew Newman Benjamin B Simpkins George W Blocher A J Rylands George P Thistle Arthur McGerr and Joseph M Strong who being empannelled sworn and affirmed to say the truth in the premises upon their oath do say that the said Samuel T Stallings is guilty of the trespass and ejectment aforesaid, in manner and form as the said John Doe lessee of the said John Ruby's within complains against him and they assess the damages of the said John Doe lessee of the said John Ruby by occasion of the trespass and ejectment aforesaid to the sum of one cent current money Therefore it is considered by the Court here that the said John Ruby recover against the said Samuel T Stallings his term aforesaid yet to come and unexpired of in and unto all that tract and parcel of land lying and being in Allegany County and State of Maryland called Rifefield containing One hundred and thirty three and one half acres of land together with the said sum of one cent for damages and also the sum of Nine dollars and eighty cents for his costs and charges by him about his suit in this behalf expended adjudged to the said John Ruby by the Court here with his assent and the said John Ruby prays the writ of the State of Maryland of the Habere facias possessionem to be directed to the Sheriff of the County aforesaid to cause him to have his possession of the term aforesaid yet to come of and in the lands and premises for which the said Samuel T Stallings hath taken defence upon the plat returned in this cause; and it is granted to him, Memorandum Before the jurors aforesaid withdrew from the bar of the Court here the said Samuel T Stallings by his Attorney aforesaid filed in Court here, the following bill of exceptions to wit.

John Ruby's lessee vs Samuel T Stallings } Ejectment In the Circuit Court for Allegany County. April Term 1864.

} At the trial of the above case the plaintiff to maintain