that day before Igal Chew

Being cross examined Witness says that he passed through the pasture field in Spring Summer fall and winter and at all seasons and during the years 1846, 1847 and 1848

M W Waggoner

Thomas McDaniels a Witness of lawful age produced on the ground on the part of the defendant having been duly sworn deposes and says that the fence running from the Spring to the Sycamore was never left down except for a very short time and that there was always a fence therefrom his earliest recollection of the place and that there was always a fence around the field on the hill In the Winter time the fence was sometimes down but kept in the Summer About the year 1840 or a year or two afterwards John Hance raised a crop of corn in the field on the hill and after that a crop of wheat on the same field Witness was resident in the State of Virginia.

My father rented the farm on which he lived from the Bank when he raised the crop of wheat on the hill he supposed he was cultivating the land rented from the Bank and never claimed any of the land as his own until after Hog had run it out, when he claimed that part of it which was inclosed the line of the Bank tract.

Thomas McDaniels.

And thereupon the said Richard Roe by his attorneys aforesaid prays that the said John Doe (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 laden on the said plea may appear and answer; but the said John Doe nor the said John Doe nor any other person or persons whatsoever appear to the declaration aforesaid but the said John makes default therefore it is considered by the Court here that the said Richard Roe recover against the said John Doe 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 have been laden upon the plea returned in this cause and the said Richard Roe prays the writ of the State of Maryland of 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 undefended as aforesaid. And to him it is granted &c

Whereupon for trying the issues aforesaid between the parties aforesaid it is ordered by the Court here that twenty persons from the panel of petit jurors be drawn by ballot according to the act of Assembly in such case made and provided, and thereupon the 20 persons being so drawn by ballot and written upon two lists, and which said lists is delivered to the Counsel for the respective parties, and the Counsel for each of the said parties having struck out four persons from the said lists to wit. Truman West. Calvin Savage. Archer Scott. Amos Savage John L Hook Aza Jacobs Louis Pritchard John Hartman Abe G Barcus Jacob Musser Joseph T Freund and Cornelius Conner who being empannelled and sworn to say the truth in the premises upon their oath do say that the said John Davis is guilty of the trespass and ejectment aforesaid in manner and form as the said Richard Roe lessee of the said Samuel S Turlow within complains against him and they assess the damages of the said Richard Roe lessee of the said Samuel S Turlow 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 Richard Roe lessee of the said Samuel S Turlow recover against John Davis his term aforesaid yet to come of and in the said tract of land called The first part of Mistake Resurveyed and the said one cent current money by the Jury in form aforesaid assessed for his damages which he hath sustained by occasion of the trespass and ejectment aforesaid and also the sum of One hundred and fifty dollars and 48 cents by the Court numbered adjudged unto the said Richard Roe lessee of the said Samuel S Turlow for his costs and charges by him about his suit in this behalf laid out and expended And the said John Davis in mercy &c

Memorandum Before the Jurors aforesaid withdrew from the bar of the Court here the said John Davis by his attorneys aforesaid filed in Court here the following bill of Exceptions to wit.

Samuel Turlow's Lessee vs John Davis } In the Circuit Court for Allegany County April Term 1867 The plaintiff to sustain the issues