hath sustained damage to the value of five thousand Dollars, and therefore, he brings his suit &c.

I. H. Gordon

Attorney for Plaintiff

And thereupon the said John Denn by his attorney aforesaid prays that the said Thomas Hammond, Joseph G. Nesbitt, and Wesley Dike, may answer the declaration, of him the said John Denn in the plea aforesaid. Whereupon it is ruled by the Court here that the said Thomas Hammond, Joseph G. Nesbitt and Wesley Dike, answer, the declaration, of the said John Denn, in the plea aforesaid or judgment will be rendered against them by default, And the said cause was thereupon continued, by regular continuances from term to term of said Court, from the said first Monday of October in the year eighteen hundred and sixty six, until the first Monday of January in the year eight hundred and sixty Eight, At which said first Monday of January in the year last aforesaid, comes again into Court here, here the said John Denn by his Attorney aforesaid.

And the said Thomas Hammond, Joseph G. Nesbitt and Wesley Dike by their Attorneys, aforesaid, defend the force and injury wherever, and say that they are not guilty of the alleged trespass and ejectment: and they take defence for all those two lots or parcels of ground numbered 3905, and 3907 as located upon the plats in said cause, except those parts of said lot, No. 3905, embraced in possessions No. one, and No. two, and No. three, as located upon the plats, and described upon said plats, and the return of the surveyor filed therewith. And of this, they put themselves upon the Country. And the said John Denn by his Attorney aforesaid doth the like.

Whereupon for trying the

issues above joined, between the parties aforesaid it is ordered by the Court here, that twenty persons from the pannel of petit jurors returned to the Court here, be drawn by ballot, according to the directions of 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 of each of the said 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 that is to say, Jesse J. Arnold Zach. Johnson, John T. Blake, John H. Clark, John H. Copp, J. Wesley Beard, W. A. Withers, John G. Goodman, Thomas McNeill, Augustus Cramer, David Summers, Michael Naughton, who being empanneled and sworn to say the the truth in the premises upon their oath do say, that the said Thomas Hammond, Joseph G. Nesbitt, and Wesley Dike are guilty of the trespass and ejectment aforesaid, in manner and form aforesaid, as the said John Denn as aforesaid within against him hath complained, and they assess the damages of the said John Denn, lessee as aforesaid, by occasion of the trespass and ejectment aforesaid to one cent.

Thereupon, it is considered by the Court here, that the said John Denn lessee as aforesaid, recover against the said Thomas Hammond, Joseph G. Nesbitt and Wesley Dyke his term aforesaid, yet to come and unexpired, of in and to all that portion of the tract of land called 'The Nap' which was claimed by the defendants in their defence, as located upon the plats in said cause, except those parts of said lot numbered 3905, embraced in possessions, No one, and No. 2, and No. 3 as located upon the plats, and —