described upon said plate, and the return of the surveyor filed therewith, together with the said sum of one cent for his damages and also the sum of $437 dollars and 91 cents for his costs and charges by him about his suit in this behalf expended, adjudged to the said James Morrison by the Court here, with his assent, and the said James Morrison 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 aforesaid, with the appurtenances for which the said Thomas Hammond, Joseph G. Nesbitt and Wesley Dyke have taken defence upon the plats returned in this cause, and to him it is granted. And thereupon the said James Morrison by his Attorney aforesaid, prays that the said Richard Fenn, 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 said plats, may appear and answer, but the said Richard Fenn, nor the said Thomas Hammond, Joseph G. Nesbitt, Wesley Dyke 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 James Morrison recover against the said Richard Fenn, 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 plats returned in this cause - And the said James Morrison 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 aforesaid with the appurtenances, for which no defence is taken in this cause, and it is granted to him. Memorandum. Before the juror aforesaid withdrew from the bar of the Court here the said Thomas Hammond, Joseph G. Nesbitt and Wesley Dyke by their attorneys aforesaid filed in Court here the followings bill of exceptions to wit:

James J. Morrison's lessee
vs
Thomas Hammond Dyke and others

No. 58 Trials to Jan term 1868

At the trial of this cause the plaintiff to sustain the issue upon his part gave in evidence the patent for the tract of land called "The Trap" dated 27 of May 1803, namely,

Nathaniel Beall Magruder his Patent 4 acres - The Trap

The State of Maryland &c.

Know ye that whereas Nathaniel Beall Magruder had surveyed and laid out for him a tract or parcel of land called "The Trap" lying then in Washington, but now in Allegany County and containing four acres, by virtue of a common warrant for that quantity, obtained by him the fourth day of February seventeen hundred eighty nine, as appears, and he having paid to the Treasurer of the Western shore, the sum of eight shillings being the full caution money due for said Land, according to Law. The State of Maryland doth therefore hereby grant unto him, the said Nathaniel Beall Magruder, the said tract or parcel of Land called, "The Trap" lying in Allegany County aforesaid, Beginning at a bounded White Oak tree standing on the