At which day, to wit, the monday before the second tuesday in September aforesaid, come again the parties aforesaid by their attornes aforesaid and this Cause is by the parties aforesaid with the leave of the Court here continued with leave to amend and add to survey under old warrant untill our next County Court to be holden at Charles Town on the Monday before the first Tuesday in April next.

At which day, to wit, the monday before the first Tuesday in April aforesaid come again the parties aforesaid by their attornes aforesaid and this Cause is by the parties aforesaid with the leave of the Court here continued with further leave to amend and add to survey under old warrant untill our next County Court to be holden at Charles Town on the Monday before the second Tuesday in June next.

At which day to wit, the monday before the second Tuesday in June aforesaid come again the parties aforesaid by their attornes aforesaid and this Cause is by the parties aforesaid with leave of the Court here continued with further leave to amend and add to survey under old warrant untill our next County Court to be holden at Charles Town on the monday before the second Tuesday in September next.

At which day, to wit, the monday before the second Tuesday in September aforesaid come again the parties aforesaid by their attornes aforesaid and this cause is by the parties aforesaid with leave of the Court here continued with further leave to compleat survey under old warrant untill our next County Court to be holden at Charles Town on the Monday before the first Tuesday in April next.

At which day, to wit, the monday before the first Tuesday in April aforesaid come again the parties aforesaid by their attornes aforesaid and this cause is by the parties aforesaid with leave of the Court here continued with further leave to compleat survey under old warrant untill our next County Court to be holden at Charles Town on the monday before the second Tuesday in June next.

At which day, to wit, the monday before the second Tuesday in June aforesaid come again the parties aforesaid by their attornies aforesaid and this cause is by the Court here with consent of the parties continued untill our next County Court to be holden at Charles Town on the Monday before the second Tuesday in September next.

And now at this day, to wit, the monday before the second Tuesday in September aforesaid come again the parties aforesaid by their attornies aforesaid and the said James Middleton by his said attorney as before defends the force and injury when &c. and saith that the said Hezekiah his action aforesaid against him the said James to have or maintain ought not because he saith, that he is not guilty in manner and form as the said Hezekiah above against him complains, and this the said James is ready to verify wherefore he prays Judgment if the said Hezekiah his action aforesaid against him the said James to have and maintain ought and so forth. And the said James with leave of the Court here and according to the Statute in such case made and provided comes and by his attorney aforesaid further defends the force and injury when and so forth, and saith, that the said Hezekiah his action aforesaid against him the said James to have or maintain ought not because he saith, that the Original writ of the said Hezekiah in this Cause was sued on the second day of august in the year seventeen hundred and,

and eighty and not before and that the cause of action upon which the said Hezekiah against the said James above hath declared did not accrue within three years next before the suing the original writ and this the said James is ready to verify wherefore he prays Judgment if the said Hezekiah his action aforesaid to have or maintain ought and so forth.

And the said Hezekiah by his attorney aforesaid as to the first plea of the said James above pleaded saith that any thing therein contained to preclude him the said Hezekiah from his action aforesaid ought not because he saith that the said James is guilty in manner and form as he the said Hezekiah above in declaring complains and this he is ready to verify and so forth.

And the said Hezekiah by his said attorney as to the second plea of the said James above pleaded saith, that any thing therein contained to preclude him the said Hezekiah from his action aforesaid ought not because he saith that the original writ in this Cause was sued within three years after the said cause of action accrued to him the said Hezekiah and this he is ready to verify and so forth, and of this he puts himself upon the Country and the said James also.

Therefore it is commanded the Sheriff that he cause to come here immediately twelve &c. who neither &c. to recognizance &c. because as well &c. and afterwards to wit, the same monday before the second Tuesday in September aforesaid the Jurors aforesaid by the Sheriff aforesaid thereto empannelled being called come that is to say William McPherson Junior, Samuel Hanson McPherson, Robert Rogers, William Shaw, Samuel Tulman, Hezekiah Gardener, Lawson Luckett, Benjamin Benson, Leonard Wood, Josias Smoot, Benjamin Davis Junior and George Keech who to speak the truth in the premises being duly elected tryed and sworn, and the said Hezekiah by his attorney aforesaid in the Course of the trial of this Cause, produces to, and prays the Court here to sign the following Bill of Exceptions, to wit;

In this cause a plat was returned upon which by order of the plaintiff a tract of Land called Jourdan was laid down agreeably to a plat hereto annexed taken in a cause between Walter Smith against Smith, Sarah, Ignatius and James Middleton formerly depending in the Provencial Court, which said last mentioned James Middleton is the defendant in the present action. The plaintiff in this action offered to read and shew to the Jury the said platt taken in the cause aforesaid of Walter Smith against Smith, Sarah, Ignatius and James Middleton signed and sealed by the Sheriff and Surveyor of Charles County, whose names are thereto subscribed and returned to the provincial Court and hereto annexed to shew the admission of the defendant as to the running of the lines of the said Tract of Land called Jourdan without proceeding any other evidence of the admission aforesaid to which evidence the defendants Council objected before the Court and the Court were of opinion the same should be, and it was accordingly rejected, to which opinion the Council for the plaintiff beg leave to accept.

Dan Jenifer (seal) Geo: Lee (seal)
Richd Bond (seal) Henry Barnes (seal)

And the said James Middleton by his attorney aforesaid on the trial of this cause produces to and prays the Court here to sign the following bill of Exceptions, to wit;

The,