had the said Elias Harbin shall appear in his proper person, or by his Attorney or counsel, and confess the lease, entry, and actual ouster and expulsion of so much of the tenements in the Declaration of the said John Goodtitle lessee as aforesaid, as is in the possession of the said Elias Harbin or his tenants; or of any other person claiming by or under his title, or in default thereof, that Judgment be entered against the non Defendant, Charles Nought, the casual ejector, but that prosecution be staid against him until he makes default in any of the premises; and it is further ruled by the Court here, with consent of counsel, that if, by reason of such default, the said John Goodtitle lessee as aforesaid, shall become nonsuit at the trial, the said Elias Harbin shall take no advantage thereof, but shall pay to the said John Goodtitle lessee as aforesaid, his costs, and so forth, and it is further ruled by the Court here, that if upon the trial of the said issue, a verdict shall be given for the said Elias Harbin or if the said John Goodtitle lessee as aforesaid shall not prosecute his declaration upon the other cause than for the not confessing lease, entry and ouster, as aforesaid, then the said Thomas Owen Williams lessor of the aforesaid John Goodtitle shall pay costs and so forth; and thereupon the aforesaid John Goodtitle lessee as aforesaid, by his Attorney aforesaid, declares against the said Elias Harbin in the plea aforesaid, in manner and form following to wit. — Western Shore State of Maryland Montgomery County to wit. — Elias Harbin late of Montgomery County planter was attached to answer unto John Goodtitle in a plea wherefore with force and Arms into all that tract or parcel of plantable land called the Resurvey on Drouth lying and being in Montgomery County containing three hundred and seventy six Acres with the Appurtenances which Thomas Owen Williams to the same John demised for a term which is not yet passed entered and him the said John from his farm aforesaid Ejected and other injuries he the said Elias to the said John then and there did to the great Damage of the said John and against the peace Dignity and Good Government of the state of Maryland and so forth. — And whereupon the said John by William Cooke his Attorney complains that whereas the said Thomas Owen Williams on the twentieth day of August in the year of our Lord Seventeen hundred and Ninety two at Montgomery County aforesaid demised to the said John the Tenement aforesaid with the Appurtenances To have and to hold the said Tenement with the Appurtenances to

to the said John and his Assigns from the Nineteenth Day of the same month of August then last past unto the end and Term of fifteen Years from thence next ensuing and fully to be compleat and ended, By vertue of which said Demise the said John into the Tenements aforesaid with the Appurtenances entered and was thereof possessed and the said John being so thereof possessed the said Elias afterwards to wit on the same twentieth Day of August in the year aforesaid at the County aforesaid with force and Arms into the Tenements aforesaid with the Appurtenances which the said Thomas Owen Williams to the same John in form aforesaid demised for the Term aforesaid which is not yet past entered and him the said John from his farm aforesaid ejected and other outrages to the said John then and there did to the great Damage of the said John and against the peace and so forth whereby the said John saith he is the worse and hath Damage to the value of five hundred pounds Current money & therefore he brings Suit and so forth. —

W. Cooke Pltiff pledges &c so forth. John Doe and Richard Roe

Thereupon, on motion of the said Elias Harbin by his Attorney aforesaid leave is given by the Court here to the said Elias Harbin to ascertain his defence, and answer to the declaration aforesaid of the said John Goodtitle lessee as aforesaid in the plea aforesaid, until the second Tuesday of May next; the same day is given to the said John Goodtitle lessee as aforesaid and so forth. —

At which said second Tuesday of May being the fourteenth day of the said month in the year of our Lord one thousand seven hundred and ninety three till which said day the said Elias Harbin had leave to ascertain his defence, and answer to the declaration aforesaid of the said John Goodtitle lessee as aforesaid, in the plea aforesaid, come again into the General Court here as well the said John Goodtitle lessee as aforesaid, by his Attorney aforesaid, as the said Elias Harbin by his Attorney aforesaid; And the said Elias Harbin by his Attorney aforesaid, defends the force and injury, when and so forth, and takes his defence of and upon the premises in question upon his title thereto, and says, that he is not guilty of the trespass and Ejectment in the said declaration mentioned, in manner and form as the said John Goodtitle lessee as aforesaid above complains against him, and of this he puts himself upon the Country and so forth; and the said John Goodtitle lessee as aforesaid, in like manner and so forth. — Therefore let a Jury thereupon appear before the Court here on the second Tuesday of