the force and injury, when &c. 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 Titus Right lessee as aforesaid above complains against him and of this he puts himself upon the Country, &c. and the said Titus Right lessee as aforesaid, in like manner &c. Therefore let a Jury, thereon appear before the Court here, on the second Tuesday of May next, by whom and so forth, and who neither and so forth, to recognize and so forth, because as well and so forth, the same day is given to the said parties then and there and so forth.

At which said second Tuesday of May being the thirteenth day of the said month in the year of our Lord one thousand seven hundred and ninety four come again into Court here as well the said Titus Right Lessee as aforesaid as the said John Paul by his attorney aforesaid: Therefore as before let a Jury thereon appear before the Court here on the second Tuesday of October next by whom and so forth, and who neither and so forth, to recognize and so forth, because as well and so forth, the same day is given to the said parties then and there and so forth.

At which said second Tuesday of October being the fourteenth day of the same month in the year of our Lord one thousand seven hundred and ninety four come again into the General Court here as well the said Titus Right Lessee as aforesaid as the said John Paul by his attorney aforesaid: Thereupon further process of and upon the premises aforesaid between the parties aforesaid by order of the Court here is further continued until the second Tuesday of May next, the same day is given to the said parties then and there 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 five come again into the General Court here as well the said Titus Right lessee as aforesaid by his attorney aforesaid as the said John Paul by his attorney aforesaid; And the said John Paul by his attorney aforesaid relinquishing the averment aforesaid above by him pretended saith that he cannot deny the said action of the said Titus Right lessee as aforesaid, nor but that he the said John Paul is guilty of the trespass and Ejectment aforesaid, in manner and form as the said Titus Right lessee as aforesaid hath

hath above thereof complained against him, yet the said John Paul further saith, that this confession is by him made subject to the opinion of the Court here upon the following statements of facts, to wit.

Samuel Paxson's Lessee
against
John Paul

Ejectment.

It is admitted that this suit is commenced in Consequence of a Mortgage Deed which was executed by Jno. Hammond Dorsey to John Beale Howard for to secure the payment of Money that John H. Dorsey, at the time he made the Mortgage Deed had a good title in fee simple to the land and that the lessor of the Plaintiff has no title but under the Mortgage Deed. It is admitted that John Paul the defendant is now in possession of the Land under regular conveyance from the said Dorsey subsequent to the said Mortgage and that the said Dorsey after the Mortgage aforesaid sold all his interest thereon and by Deed duly executed conveyed the same to Thomas Gassaway Howard who duly conveyed the same to James Porter. It is admitted that Jas. Porter paid to John Beale Howard aforesaid the whole of the Principal and interest due on the said Mortgage in continental Bills of Credit and that the same was received by the said John B. Howard in discharge of the said Mortgage and that the original Mortgage Deed and Bond by which the said money was secured to be paid were delivered up to the said Porter with the receipts in full thereon but that no release hath been executed of the Mortgaged Lands to the said Porter or any person claiming under him or under whom he claims. Zeb. Hollingsworth p Plff
Saml. Johnston p Deft.

Whereupon for that the Court here are not advised to give their Judgment of and upon the premises aforesaid, day therefore is further given to the said parties to hear thereof their Judgment until the second Tuesday of October next, for that the said court here as yet are not, &c.

And now here at this day, to wit, the said second Tuesday of October being the thirteenth day of the said month in the year of our Lord one thousand seven hundred and ninety five come again into the General Court here as well the said Titus Right Lessee as aforesaid by his attorney aforesaid as the said John Paul by his attorney aforesaid; Whereupon the premises being seen and fully understood by the Court here, and mature deliberation thereupon had, for that it appears to the Court here, that the said John Paul is in no wise guilty of the trespass and Ejectment aforesaid, as he the said Titus Right Lessee as aforesaid