## October Term 1796.

Which being read and heard the aforesaid Barbara Ollabaugh by her Attorney aforesaid as before defends the force and injury when and so forth; and takes defence according to her pretentions as they shall appear to be laid down on the return of a Warrant of Resurvey to be issued in this Cause, and prays leave of the Court to Imparle hereunto untill next Court, and she hath it, the same day is given to the Plaintiff also.—

At which said next Court, to wit, the second Tuesday of October being the thirteenth day of the same month Anno Domini seventeen hundred and ninety five comes again here into our General Court as well the aforesaid John Fairclaim Lessee of the aforesaid George Scott by his Attornies aforesaid, as the aforesaid Barbara Ollabaugh by her Attorney aforesaid, Whereupon at the prayer of the parties aforesaid by and with consent of their Attornies aforesaid is given by the Court here to the said parties to amend their platts returned in this Cause, and add thereto if necessary by the twentieth day of February next.— And thereupon the aforesaid Barbara Ollabaugh by her Attorney aforesaid as before defends the force and injury when and so forth, And prays further leave of the Court here to Imparle hereunto untill next Court, and she hath it, the same day is given to the Plaintiff also.—

At which said next Court, to wit, the second Tuesday of May being the tenth day of the same month Anno Domini seventeen hundred and ninety six comes again here into our General Court as well the aforesaid John Fairclaim Lessee of the aforesaid George Scott by his Attornies aforesaid, as the aforesaid Barbara Ollabaugh by her Attornies aforesaid

And on the prayer of the parties aforesaid by their Attornies aforesaid it is ruled by the Court here that the Sheriff and Surveyor of Washington County shew Cause why the amended platts in this Cause are not returned to this Court.— And the aforesaid Barbara Ollabaugh by her Attorney aforesaid as before defends the force and injury when and so forth, And says that she is not Guilty of the Trespass and Ejectment aforesaid in such manner and form as the aforesaid John Fairclaim Lessee of the aforesaid George Scott above against her hath complained and of that she puts herself upon the Country, And the aforesaid John Fairclaim Lessee of the aforesaid George Scott in the manner and so forth.— Therefore let a Jury thereupon appear before the Judges of our General Court here on the second Tuesday of October next, by whom &c. and who neither &c. to recognize &c. because as well &c. the same day is given to the parties aforesaid there and there &c.—

(And)



## October Term 1796

And now here, at this day, to wit, the said second Tuesday of October being the Eleventh day of the same month Anno Domini seventeen hundred and ninety six comes again here into our General Court as well the aforesaid John Fairclaim Lessee of the aforesaid George Scott by his Attornies aforesaid as the aforesaid Barbara Ollabaugh by her Attorney aforesaid, And the Jurors of that Jury whereof mention is within made, being called came that is to say, Henry M'Pherson, Elisha Collars, Cornelius Duvall, Henry Wainhopp, James B. Brooke, John M'Comas, Abraham Shriver, Samuel Luckett, Henry Shroder, William Hamilton, Augustine Spalding and Henry Shaffer, who being duly elected, tried and sworn to say the truth in the premises upon their Oath, do say, that the aforesaid Barbara Ollabaugh is not Guilty of the Trespass and Ejectment aforesaid in such manner and form as the said John Fairclaim Lessee of the aforesaid George Scott above against her hath complained.— Therefore it is considered by the Judges here that the said John Fairclaim Lessee of the aforesaid George Scott take nothing by his Writ aforesaid but that he and his pledges of prosecuting to wit, John Doe and Richard Roe be in Mercy for his false clamour, and that the aforesaid Barbara Ollabaugh go thereof without day &c. And it is also considered that the aforesaid Barbara Ollabaugh recover against the aforesaid George Scott Lessor of the aforesaid John Fairclaim the quantity of pounds of Tobacco for her Costs and charges by her about her defence in this behalf laid out and expended, and that she have thereof her Execution &c.

Memorandum, Before the Jurors aforesaid withdrew from the Bar of the Court here the Plaintiff by his Attornies aforesaid filed in Court the following Bill of Exception, to wit.—

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|---|---|
| George Scott's Lessee<br>vs.<br>Barbara Ollabaugh | Ejectment |

The Defendant in this Cause produced Charles Beatty as a Witness who proved that John Murdock then Surveyor of Frederick County in the year 1761 told him that in making the Survey for the Land called Well done he actually run the same with the Land called the Resurvey on Mount pleasant, Nottingham and Fellowship, and that some of the lines on Well done run line and line with some of the lines of the above mentioned tracts of land; That John Murdock also shewed him the plat of his running and his field notes and that he believes the plat hereto annexed is the same which John Murdock then shewed

(him)