the Tract of Land Called The Land of strife and the Tract of Land Called Coles Struggle, for which no defence is taken on the platt returned in this Cause: And the said Richard Stokes, nor the aforesaid Giles Cole, nor any other person or persons whatsoever appear to the Declaration aforesaid, but make default. It is therefore considered by the Judges here that the said Thomas Stiles Lessee of the aforesaid Stephen Garret Gill recover against the said Richard Stokes his Term aforesaid yet to come and unexpired of in and unto the remaining parts of Tracts of Land aforesaid Viz The Tract of Land Called the Land of strife, and the tract of land called Coles Struggle for which no defence is taken in this Cause with the appurtenances thereunto belonging; and that he have thereof his possession against the said Richard Stokes and that the aforesaid Giles Cole be taken &c. And as to the remaining parts of the tracts of land aforesaid for which the aforesaid Giles Cole hath taken defence and for trying the issue aforesaid between the parties aforesaid above joined to be tried by the Country let a Jury thereupon appear before the Judges of our General Court here immediately, by whom &c and who neither &c to recognize &c because as well &c who, being called come; that is to say Robert Smith, Philip Jenkins, Benjamin Richardson, William Simpson, David Dunwoody, Caleb Orings, Benjamin Hungerford, Charles Baker, Michael Hays, Benjamin Green Junior, Thomas Hodgkins and Thomas Blackstone Who being duly elected tried and sworn to say, the the truth in the premises upon their Oath, do say, that the aforesaid Giles Cole is guilty of the Trespass and Ejectment aforesaid as to parts of the Tracts of land Called The land of strife, and the Tract of Land Called Coles Struggle for which the said Giles Cole hath taken Defence as located on the plats returned in this Cause Beginning at the letter R thence up to 64, then to 62, then to 56 and thence with a direct line to the beginning at R. Therefore it is considered by the Court here, That the said Thomas Stiles Lessee of the aforesaid Stephen Garret Gill recover against the aforesaid Giles Cole his term aforesaid yet to come and unexpired of in and into parts of the Tract of land Called The land of Strife and the tract of land called Coles Struggle for which the aforesaid Giles Cole hath taken defence as located on the platts returned in this Cause, Beginning at the letter R thence up to 64 then to 62 then to 56 and thence with a direct line to the beginning at R wherein the aforesaid Giles Cole is by the Jurors aforesaid above found to be guilty of the Trespass and Ejectment aforesaid and that he have thereof his possession against the aforesaid Giles Cole And it is also considered that the said Thomas Stiles Lessee of the aforesaid Stephen Garret Gill recover against the aforesaid Giles Cole the sum of seventy three dollars and fifty Cents and quantity of Ten thousand five hundred and sixty four pounds and half a pound of Tobacco by the Court here unto him on his assent adjudged for his Costs and Charges by him about his suit in this behalf laid out and expendid, And the aforesaid Giles Cole in Mercy and soforth.

Memorandum, Before the Jurors aforesaid withdrew from the bar of the,

the Court here the Defendant by his Attorney aforesaid filed in Court here the following Bill of Exception to wit.

Stephen G Gill's Lessee
vs
Giles Cole

Ejectment

The Defendant in this Case offered from the annexed platt returned as a platt in this Cause at May Term 1796, to shew the direction which a line would have if run according to the proof in the Cause given at the two points red D and red E. according to the green line S to 60, but it appearing to the Court that after the said Location had been made in the said plat by the Surveyor for the Plaintiff, and after the May Term in the year 1796 the Plaintiffs Counsel had upon leave given to add to and amend the plats in this Cause returned at May Term 1796 sometime on or about the twenty seventh day of August in the year 1796 explained to the Surveyor by his Instructions that he had misunderstood his former Instructions and had made the said Location Contrary to his Instructions and had directed the Surveyor to erase the said Location and to make a new location according to Directions then given And it appearing further that the said Surveyor had accordingly amended the plats which had Come to his possession according to the last instructions given by the Plaintiffs Counsel and had returned such amended plats in this Cause, but that the annexed plat had not been amended either because the Surveyor Could not obtain it for the purpose or from his being directed by the opposite Counsel not to amend it; The Court were of the opinion it Could not be considered as a Plat filed in this Cause, and the Defendant was not at liberty to shew the plat annexed, to the Jury for the purpose aforesaid; To which Opinion of the Court the Defendant by his Counsel excepted and prays the Court here that this his Bill of Exception may be signed sealed and enrolled agreeable to the directions of the statute in such Case made and provided.

Test. G Duvall (seal)
John Grinnith

Jonathan Rawlings
admor. de bonis non of
Francis Rawlings
against
Lewis Duvall

Be it remembered, that heretofore to wit, on the sixth day of July in the year of our Lord one thousand seven hundred and ninety one, Henry Baldwin administrator of Francis Rawlings Junior, by Philip Barton Key his Attorney sued out of the General Court here, the writ of the State of Maryland of Capias ad respondendum, directed to the Sheriff of Frederick County in form following to wit, The State of Maryland &c. To the Sheriff of Frederick County Greeting. We command you that you take Lewis Duvall late of Frederick County Gentleman, otherwise Called Lewis Duvall of Anne Arundel County to wit, of Frederick County aforesaid, if he shall be found in your bailiwick, and him safe keep, so that you have his body before,