said warrant of Resurvey proceeded to execute the same but that they had not been able fully to complete the said survey as by the said warrant of resurvey they are commanded and so forth.

Whereupon the parties aforesaid by their attornies aforesaid pray leave of the Court here to complete the said survey under the warrant of resurvey aforesaid by the second tuesday of May next and to them it is granted.

And the Jurors of the Jury whereof mention is above made not being called do not appear, Therefore as before 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 the same day is given to the parties aforesaid then and there and so forth.

At which said second tuesday of May being the tenth day of the said month in the year of our Lord one thousand seven hundred and ninety six, and the day of the return of the aforegoing warrant of Resurvey come again into the General Court here as well the said David Mitchell by his attorney aforesaid as the said William Farmer by his attorney aforesaid: And the sheriff and surveyor of Allegany County aforesaid, to whom the said warrant of resurvey was in form aforesaid directed and under which leave was given to complete the survey make no return thereof to the Court here And thereupon on motion of the said David Mitchell by his attorney aforesaid it is ordered by the Court here that the writ of the State of Maryland of warrant of resurvey again issue in this Cause and the same accordingly issued directed to the sheriff and surveyor of Allegany County returnable to the Court here on the second tuesday of October next and the Jurors of the Jury whereof mention is above made not being called do not come, 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 parties aforesaid then and there and so forth.

At which said second tuesday of October being the Eleventh day of the said month in the year of our Lord one thousand seven hundred and ninety six, and the day of the return of the aforegoing warrant of resurvey come again into the General Court here

here as well the said David Mitchell by his attorney aforesaid as the said William Farmer by his attorney aforesaid: And the sheriff and surveyor of Allegany County aforesaid to whom the said warrant of resurvey was in form aforesaid directed, make no return thereof to the Court here although being solemnly called upon by order of the Court here, on motion of the said David Mitchell by his attorney aforesaid to make return of the said warrant of resurvey according the Command therein contained,

Thereupon on motion of the said David Mitchell by his attorney aforesaid it is ruled by the Court here that the said sheriff and surveyor of Allegany County aforesaid to whom the said warrant of resurvey was in form aforesaid directed make return thereof to the Court here by the second tuesday of May next or shew cause to the Contrary, And the Jurors of the Jury whereof mention is above made not being called do not appear, Therefore as before let a Jury thereon appear before the Court here on the said 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 parties aforesaid then and there and so forth.

And now at this day, to wit the said second tuesday of May being the ninth day of the said month in the year of our Lord one thousand seven hundred and ninety seven comes again into the General Court here the said William Farmer by his attorney aforesaid and offers himself ready for trial in the plea aforesaid but the said David Mitchell although solemnly called comes not, but makes default nor does he further prosecute his writ and Declaration aforesaid against the said William Farmer in the plea aforesaid;

Therefore it is considered by the Court here that the said David Mitchell take nothing by his writ and Declaration aforesaid but be in mercy for his false clamour and so forth and that the said William Farmer go thereof without day and so forth.

And it is further considered by the Court here that the said William Farmer recover against the said David Mitchell the quantity of six hundred and sixty two pounds of tobacco for his Costs and Charges by him about his defence in this behalf expended unto the said William Farmer by the Court here with his assent adjudged according to the form of the Statute in such case made and provided and that the said William Farmer have thereof his Execution.

Test John Gwinn Clk.