are delivered to the Sheriff and surveyor aforesaid for that purpose Thereupon further process of and upon the premises aforesaid between the parties aforesaid, by and with the consent of the said parties and their attornies aforesaid, and by order of the court here thereon is continued until the said second Tuesday of May next.

And now on this day, to wit, the said second Tuesday of May being the eighth day of the same month in the year of our Lord one thousand seven hundred and ninety eight, comes again into the General Court here, as well the said John Fairclaim Lessee of the said Absalom Ridgely by his attorney aforesaid, as the Benjamin Ogle and Joseph Leonard by their attornies aforesaid: and the said Sheriff and surveyor of the county aforesaid, to whom the said plats and certificates were delivered to be amended, return the same to the Court here as amended, and one of each whereof is hereto annexed. Whereupon to try the issue aforesaid, between the parties aforesaid above joined to be tried by the Country, the Jurors of the jury whereof mention is within made being called come that is to say, James Machubin, John J. Hallen, Nicholas Tice, Alexander Hamilton, George Walker, Jacob Drullinger, Alexander Crain, John M'Comas, Daniel M'Comas, Thomas H. Lyles, Richard Cheneworth and William Keyser who being duly elected, tryed, and sworn to say the truth in the premises, upon their oath do say, that the said Benjamin Ogle and Joseph Leonard are not guilty of the trespass and Ejectment aforesaid in manner and form as the said Benjamin Ogle and Joseph Leonard above by pleading have alleged. Therefore it is considered by the court here, that the said John Fairclaim lessee of the said Absalom Ridgely take nothing by his Declaration aforesaid; but that he for his false clamour be in mercy and so forth; and that the said Benjamin Ogle and Joseph Leonard go thereof without day and so forth. And it is also considered, that the said Benjamin Ogle and Joseph Leonard recover against the said Absalom Ridgely, lessor of the said John Fairclaim the sum of thirty Dollars and the quantity of nine thousand seven hundred and twenty nine pounds Tobacco, by the court here unto them the said Benjamin Ogle and Joseph Leonard on their agent adjudged, for their costs

and.

and charges, by them about their defence in this behalf laid out and expended: And that the said Benjamin Ogle and Joseph Leonard have thereof execution and so forth: and thereupon the said John Fairclaim Lessee of the said Absalom Ridgely by his attorney aforesaid, prays that the said Peter Shamtitle the Casual Ejector, the tenants in possession, or those under whom they claim, to the Declaration aforesaid, may answer as to all the land therein mentioned, for which no defence is taken on the plat in this cause: but the said Peter Shamtitle, nor the said Benjamin Ogle and Joseph Leonard nor any other person or persons whatever appear to the Declaration aforesaid, nor in any manner make answer thereto, as to the land aforesaid, but make default: Therefore it is considered by the Court here, that the said John Fairclaim Lessee of the said Absalom Ridgely recover against the said Peter Shamtitle his term aforesaid, yet to come, and not expired, of, in and to all the land in the Declaration aforesaid mentioned (for which no defence was taken in this cause) with the appurtenances. And that the said John Fairclaim Lessee of the said Absalom Ridgely have thereof his possession against the said Peter Shamtitle, and that the said Benjamin Ogle and Joseph Leonard be taken and so forth.

Test. John Gwinn Clk.

Memorandum, Before the Jurors aforesaid withdrew from the Bar of the Court here, The Plaintiff by his attorney aforesaid, files in court here, the following Bill of Exception to wit.

The Plaintiff in this case to make title to the Lands in the Declaration of Ejectment mentioned read in Evidence to the jury the Patent under seal for a tract of Land called The Level granted to John Cross dated 6th October 1683.

John Cross, Pat. 264 acres. Charles Absolute Lord and Propty of the Province of Maryland of Maryland and Avelon Lord Baron of Baltimore, To all persons to whom these shall come Greeting in our

Lord,