sion and Thomas Gantt, and he believes that a Bond from Joseph Sim and Mr. Campbell was taken pursuant to that order. — To the 4th Interrogatory the Deponent answers that he knows nothing further than is already declared that can benefit the Defendants. — To the Interrogatory on the part of the Plaintiff the Deponent declares that he knows nothing further than is already stated that can benefit the plaintiff nor any further relative to the objects of this suit. He desires however to add in explanation that if he has in reality ever until now seen the Bond marked No. 1. it follows (in his opinion) that it was tendered to and rejected by the Council but he adds further that his impression of that fact is extremely slight and dubious, and may have been excited by the conversations he has had and the papers that he has had occasion to see relative to this suit. — John Hilty. — On the first day of June 1799. personally appeared before me one of the Judges of the General Court, John Hilty of the City of Baltimore who being duly sworn on the Holy Evangels of Almighty God did depose and declare that the foregoing are true and full answers to the Interrogatories put to him by the Council in the above mentioned suits. — Sworn before. G. Duvall. —

Whereupon for trying the issue aforesaid, it is ordered by the Court here, that Twenty persons from the pannel of petit Jurors returned to the Court here by the several Sheriffs of the different Counties of the Western Shore be drawn by ballot, according to the act of Assembly in such case made and provided; and thereupon the Twenty persons being so drawn by ballot, and written upon two lists, one of which said lists is delivered to the Council for the respective parties, and the Council for each of the said parties having stricken out four persons from the said lists, thereupon the remaining twelve persons being called, come; that is to say Samuel J. Coolidge, Nathan Brawner, William Johnson, Joshua Green, John Howard, Henry Waughop, James Neale, James Allston, Theodore Hodgkin, Benjamin Richardson, Nathan Smith and John Partridge, who being empannelled and sworn to say the truth in the premises: whereupon for certain reasons as well to the Court here as to the parties aforesaid appearing, the said John Partridge one of the Jurors of the Jury within mentioned, from the pannel aforesaid is withdrawn by consent of the said parties, and by order of the Court here, and the rest of the Jurors of that Jury are wholly discharged from giving any verdict of and upon the premises within mentioned. Therefore as before let a Jury thereon come 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. Thereupon further process of and upon the premises aforesaid, between the parties aforesaid with consent of the said parties by their attornies aforesaid, and by order of the Court here thereon is further continued until the said second tuesday of October next. — At which said second tuesday of October in the year of our Lord One thousand seven hundred and ninety nine, come again into the General Court here as well the said State of Maryland by its attornies

aforesaid, as the said Thomas Gantt by his attornies aforesaid: And the said Thomas Gantt by his attornies aforesaid, offers himself ready for Trial on the plea aforesaid; thereupon the said State of Maryland by its attornies aforesaid, suggests to the Court here, that the said State of Maryland cannot safely proceed now here to the trial of this cause; Therefore on motion of the said Thomas Gantt by his attornies aforesaid, it is considered by the Court here, that the said Thomas Gantt recover against the said State of Maryland the costs and charges by him sustained about his defence in this behalf since the last continuance of the plea aforesaid: And the Jurors of the Jury within mentioned not being called do not come; Therefore as before let a Jury thereon come 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 parties aforesaid then and there and so forth: — Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, with consent of the said parties by their attornies aforesaid and by order of the Court here thereon is further continued until the said second tuesday of May next. — And now at this day to wit, the said second tuesday of May in the year of our Lord One thousand eight hundred, come again into the General Court here, as well the said State of Maryland by its attornies aforesaid. as the said Thomas Gantt by his attornies aforesaid. Whereupon, for trying the issue aforesaid, it is ordered by the Court here, that Twenty persons from the pannel of Petit Jurors returned to the Court here by the several Sheriffs of the different Counties of the Western Shore, be drawn by ballot, according to the Act of Assembly in such case made and provided, and thereupon the Twenty persons being so drawn by ballot, and written upon two lists, one of which said lists is delivered to the Counsel for the respective parties, and the Counsel for each of the said parties having stricken out four persons from the said lists, thereupon the remaining twelve persons being called, come; that is to say, Henry Williams, John Colvin, John Neptune, John Gwinn, George Shall, Richard Hall of Edward, Robert Wilkinson, Charles M'Pherson, Martin Steeps, John Perrie, James Neale and George Steeps, who being empannelled and sworn to say the truth in the premises, upon their oath do say, as to the first issue within joined between the said parties, that the said writing Obligatory is not the Deed of the said Thomas Gantt as by pleading he hath alleged; And as to the issue secondly within joined between the said parties the Jurors aforesaid do further say that the said writing Obligatory is not the Deed of the said Thomas Gantt as by pleading he hath also alleged; and as to the issue thirdly within joined between the said parties the Jurors aforesaid do further say that the said writing obligatory is not the Deed of the said Thomas Gantt as by pleading he hath also alleged; and as to the issue fourthly and lastly within joined between the said parties the Jurors aforesaid do further say that the said writing obligatory is not the Deed of the said Thomas Gantt as by pleading he hath also alleged: Therefore it is considered by the Court here, that the said State of Maryland take nothing by the writ aforesaid