and the said Samuel Lusby by Arthur Shaeff and Thomas Buchanan his attorneys, as before defends the force and injury when and soforth, and saith, that he is not Guilty of the Trespass and Ejectment aforesaid in manner and form as the said Thomas Strong lessee of the said Elizabeth Wilson above against him hath declared: and of this he puts himself upon the Country: and the said Thomas Strong lessee of the said Elizabeth Wilson in like manner and soforth: Whereupon for trying the Issue aforesaid, Command is given to the sheriff of Prince Georges County, that he cause to come before the Justices of the Court here immediately, twelve and soforth, by whom and soforth, and who neither and soforth, to recognize and soforth, because as well and soforth; And the Jurors of the Jury whereof mention is above made, being called, come, that is to say, Thomas Bowie, George Sansbury, Richard Waters, Isaac Lansdale, John Marlowe, John Perrie, Joseph Combes, Robert Baden, John Baden of John, Thomas Harwood of Benjamin, Philip Hill and Colmore Duvall, who being duly elected tried and sworn to say the truth in the premises aforesaid, upon their oath do say that the said Samuel Lusby is not Guilty of the Trespass and Ejectment aforesaid, in manner and form as the said Thomas Strong lessee of the said Elizabeth Wilson above against him hath declared. Therefore it is considered by the Justices of the Court here, that the said Thomas Strong lessee of the said Elizabeth Wilson take nothing by his Declaration aforesaid: and that the said Thomas Strong lessee of the said Elizabeth Wilson be amerced for his false plaint against the said Samuel Lusby for the Trespass and Ejectment aforesaid: whereof the said Samuel Lusby is by the Jurors aforesaid above acquitted: And that the said Samuel Lusby go thereof without day for ever dismissed and soforth: And it is also considered by the Justices of the Court here, that the said Samuel Lusby recover against the said Elizabeth Wilson lessee of the said Thomas Strong the quantity of Two thousand five hundred and fifty five pounds of tobacco, and the sum of Eight Dollars current money, adjudged unto him the said Samuel Lusby on his assent for his costs and charges by him about his defence in this behalf laid out and expended: And that the said Samuel Lusby have thereof his Execution and soforth: And hereupon the said Thomas Strong lessee of the said Elizabeth Wilson by his attorney aforesaid, prays that Peter Weak the Casual Ejector; the Tenant in possession; or those under whom they claim to the Declaration aforesaid may answer, as to the residue of the land aforesaid called Force put, for which the said Samuel Lusby hath taken no defence on the plat of the land aforesaid: And the said

Peter Weak, nor the said Samuel Lusby, nor any other person or persons whatsoever appear to the Declaration aforesaid, but make default. And it is also further considered, that the said Thomas Strong lessee of the said Elizabeth Wilson recover against the said Peter Weak his Term aforesaid yet to come, and unexpired of, in and unto the residue of the land aforesaid called Force put, for which the said Samuel Lusby hath taken no defence, in the plat of the land aforesaid, with the appurtenances thereunto belonging: and that the said Thomas Strong lessee of the said Elizabeth Wilson have thereof his possession against the said Peter Weak, and that the said Samuel Lusby be taken, and soforth. — 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 Exceptions to wit — In the Trial of this cause the Defendant to support the Location on his part offered in Evidence to the Jury by David Crawford Esquire for that purpose sworn, that John Frederick Augustus Priggs in the years seventeen hundred and sixty, and seventeen hundred and sixty one, and at the time of making out the paper hereto annexed was surveyor of Prince Georges County, and that he is at this time dead, and that the said paper and indorsements thereon are in the hand writing of, and signed by the said Priggs, and offered the said paper and the indorsements thereon as Evidence, together with its being at this time in possession of the Defendant, that the said paper was delivered to the Defendant or some one of his use, But the Plaintiff objected to said paper and indorsements being read in Evidence for the purposes aforesaid. But the Court were of opinion and so directed the Jury that the said paper and indorsements were Evidence as the Declarations in writing of John Frederick Augustus Priggs, the then surveyor of Prince Georges County, upon the Location of the land in controversy in this cause, and the paper aforesaid was given in Evidence to the Jury under the before mentioned directions of the Court, To which opinion of the Court, the Plaintiff by his Counsel prays leave to except, and that the Court will sign and seal this his Bill of Exceptions, which is accordingly done this seventh day of April seventeen hundred and ninety seven. — —

— — M. S. Stone — (Seal) David Crawford (Seal) —

The paper mentioned and referred to in the aforegoing Bill of Exceptions, follows in these words to wit. — Prince Georges County set. By virtue of a Special warrant of Resurvey (on the proclamation) granted out of his Lordships Land Office, to Samuel Lusby of the County aforesaid, bearing date the ninth day of January Anno domini seventeen hundred & sixty one & by renewment the sixth day of July 1761 setting forth