Philip Hammond and others Lessee
vs
Charles Alexander Warfield

Ejectment in the General Court

Philip Hammond one of the plaintiffs in the above Cause maketh Oath that Daniel Dorsey who he hath been informed hath removed to the Genesee County and Jonathan Ward who resides in Kentucky are material evidences for the plaintiffs in this Cause, and he is advised that the plaintiffs cannot safely proceed to trial without the benefit of their testimony Sworn to in open Court this 19th day of May 1801 Jno Gwinn Clk

Which being by the Court here seen, and for that the suggestion of the said Corporal Thirm lessee as aforesaid being sufficiently proved to the Court here according to the act of assembly in such Case made and provided the same and granted Thirm. Whereupon the said Corporal Thirm lessee as aforesaid and the said Charles Alexander Warfield by their attornies aforesaid pray the Court here that the same Commissions may be directed to Peregrine Fitzhugh, James Rees and Samuel Baker gentlemen of Genesee in the State of New York aforesaid, and that they or any two or one of them examine &c returnable to the Court here with all Convenient speed and also to George Brangle, Christian Brangle and Philemon Kiggely gentlemen near Beards Town in the State of Kentucky aforesaid and that they or any two or one of them examine &c returnable to the Court here with all Convenient speed &c and it is agreed between the parties aforesaid by their attornies aforesaid if the Commissions aforesaid are not returned to the Court here at the next term, it will be no cause of Continuance at the said term. Whereupon the parties aforesaid by their Attornies aforesaid pray further leave of the Court here to Complete the said Survey under the warrants aforesaid by the second Tuesday of October next. and to them it is granted. and order thereon is made and sent to the Sheriff and Surveyor of the County aforesaid for that purpose. Thereupon further process of and upon the premises aforesaid

between the parties aforesaid by Consent of the said parties and 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 being the thirteenth day of the said Month in the year of our Lord one thousand eight hundred and one Comes again into the General Court here, as well the said Corporal Thirm lessee as aforesaid by his attornies aforesaid, as the said Charles Alexander Warfield by John Thomson Mason, Arthur Shaaff and Robert Goodloe Harper his Attornies, and the Sheriff and Surveyor of the County aforesaid to whom the warrants of resurvey aforesaid was in form aforesaid directed and under which leave was further given to Complete the survey, make return thereof to the Court here, with fair plats and Certificates thereto annexed. Whereupon for keeping this 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, Thomas Barber, George Pennham, Thomas H Lynes William Shaw, Ignatius Waters, Thomas T Simmons, Nanny Waughop Samuel Tyler Junior, Caleb Smith, Benjamin Richardson, Beale Gaither and George L Leiper who to say the truth in the premises being elected, tried, empannelled and sworn. Thereupon on motion of the said Corporal Thirm Lessee as aforesaid, for leave to withdraw a Suror for the purpose of adding to amending the plats returned to the Court here in this cause and it appearing to the Court here that the said plats are defective, the said George L Leiper one of the Jurors of the Jury within written from the pannel