again into the general court here as well the said Richard Smith Lessee as aforesaid by his attorneys aforesaid as the said Sarah Davis by her attorney aforesaid Whereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their attorneys aforesaid and by order of the court here thereon is further continued until the second Tuesday of May next And now here at this day to wit the said second Tuesday of May being the fourteenth day of the said month in the year of our Lord one thousand eight hundred and five comes again into the general court here as well the said Richard Smith Lessee as aforesaid by his attornies aforesaid as the said Sarah Davis by Richard Ridgely and John Thomas Mason her attornies Whereupon for trying the issue aforesaid it is ordered by the court here that Twenty persons from the panel of petit Jurors returned to the court here by the several Sheriffs of the different counties of the Western Shore to be drawn by ballot according to the act of assembly in such case made and provided And thereupon the Twenty jurors 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 Jones Thomas A Lyles William Penn George B Smoot George Poe Charles Wallace John Laurence Woodward Britt Richard Casey Benjamin Ogle Junior Henry Lee and William Alexander who being Empannelled and sworn to say the truth in the premises upon their oath do say that the said Sarah Davis is not guilty of the trespass and ejectment aforesaid as the aforesaid Sarah Davis above by pleading hath alledged Therefore it is considered by the court here that the said Richard Smith Lessee as aforesaid take nothing by his declaration aforesaid but for his false complaint against the said Sarah Davis be in mercy and so forth And that the said Sarah Davis go thence without day and so forth And it is further considered by the court here that

the said Sarah Davis recover against the said Richard Smith Lessee as aforesaid the sum of four dollars and fifty cents and quantity of seventeen hundred and seven pounds of Tobacco for her costs and charges by her laid out and expended in and about her defence in this behalf sustained to the said Sarah Davis by the said court now here adjudged and so forth and that the said Sarah Davis may have execution thereof and so forth Memorandum before the jury as aforesaid withdrew from the Bar of the court here the said Richard Smith Lessee as aforesaid by his attornies aforesaid filed in court here the following Bill of Exceptions. To Wit

William Davis Lessee
vs
Sarah Davis } The plaintiff to support the issue on his part and to make Title to the two Tracts of Land in the declaration mentioned produced and read to the Jury a patent dated the 9th September 1659 to John Brewer for a Tract of land called Brewerton as follows to wit

John Brewers Pat. 200 acres Brewerton } Cecilius Absolute Lord and proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &c. To all persons to whom these presents shall come greeting in our Lord God Everlasting Know ye that we for and in consideration that William Pyther hath transported himself And his wife and William his son into this our Province here to inhabit and the land to him for the said Transportations due and forwarded unto William Taylor hath assigned And whereas the said land by the lawful conveyance of the said William Taylor to Ellis Brown to John Milliken and of Archibald Arbuckle Robt. Mahanty and John McRubbin the Executors of the said John Milliken to John Brewer is devolved and upon such conditions and Terms as are expressed in our conditions of plantation of our said Province of Maryland under our greater seal at Armes bearing date at London the second day of July in the year of our Lord God 1649. and remaining upon record in our said Province with such alteration as in them is made by our declaration bearing date the five and Twentieth day of August 1651. remaining likewise