thereon; Thereupon further day is given as well to the said Timothy Seekright lessee as aforesaid as to the said David Elphinstone by the court here until the second Tuesday of May next, for that &c.

At which 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 Timothy Seekright Lessee as aforesaid by his attorney aforesaid as the said David Elphinstone by his Attorney aforesaid; And the arbitrators aforesaid have not returned their award nor have they done any thing thereon; Thereupon further day is given as well to the said Timothy Seeknight lessee as aforesaid as to the said David Elphinstone by the court here until the second Tuesday of October next, for that &c.

And now at this day to wit the said second Tuesday of October being the eighth 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 Timothy Seeknight lessee as aforesaid by his Attorney aforesaid as the said David Elphinstone by his Attorney aforesaid. Thereupon the said Arbitrators pursuant to the order of Reference aforesaid return to the court here their award in manner and form following to Wit:

Mary Miller Admx. D. B. N. of Ulrick Foulk's Lessee
vs.
David Elphinstone

General Court May Term 1804
Ejectment
Ruled by the court with consent of the parties that this cause be Referred to Alexander Nesbit and Thomas P. Dorsey Esquires and in case they should differ in opinion to choose a third person and on the award of any two of them judgment to be entered &c.

Test, Jno. Gwinn clk.

We the Subscribers arbitrators above mentioned do hereby award and determine that the Plaintiff in the above cause recover against the defendant the term mentioned and described in the declaration in ejectment of the said Plaintiff and also one penny damages with the costs of suit;

Witness our hands and seals this 25th. October 1805.

Thos. B Dorsey (Seal)
Alex. Nesbit (Seal)

Thereupon on motion of the said Timothy Seekright lessee as aforesaid by his Attorney aforesaid and it appearing to the court here by the consent of the said David Elphinstone and his Attorney aforesaid that the said Timothy Seeknight lessee as aforesaid hath complied with the necessary Requisites as Required by law in order to have judgment upon the award aforesaid; Therefore it is considered by the court here that the said Timothy Seekright lessee as aforesaid recover against the said David Elphinstone his term aforesaid yet to come and unexpired of in and into all that piece or parcel of ground situate lying and being in Baltimore Town which is contained within the following lines courses and distances



Beginning at a post set up in a line running north twenty seven degrees east from Fish Street eight feet distance from and parallel with Gay Street and fifty feet from the corner of fish street and Running thence north twenty seven degrees east parallel with Gay Street twenty five feet then north sixty five degrees thirty minutes west eighty two feet six inches to an Alley then with a streight south twenty seven degrees west twenty five feet then with a straight line to the place of Beginning the said piece or parcel of ground being part of the lots numbered One hundred and twenty four and one hundred and twenty five in the plan of the said Town and the said One penny for his damages by the Arbitrators aforesaid in form aforesaid awarded to be sustained by occasion of the trespass and ejectment aforesaid and that the said Timothy Seekright lessee as aforesaid have thereof his possession against the said David Elphinstone; And it is also considered by the court here that the said Timothy Seekright lessee as aforesaid recover against the said David Elphinstone the quantity of thirteen hundred and thirty six pounds of Tobacco by the court here unto him on his absent adjudged for his costs and charges by him about his suit in this behalf laid out and expended; And the said David Elphinstone in Mercy and so forth:

Memorandum, Judgment by consent upon the award rendered in this cause on the second day of November in the year of our Lord one thousand eight hundred and five for possession and one penny damages and costs of suit.

John Gwinn Clk.

Test,

Afterwards to wit: On the twenty eighth day of January in the year of our Lord one thousand eight hundred and six the said David Elphinstone by his Attorney aforesaid produced the writ of the State of Maryland for the correcting of errors of and upon the judgment aforesaid in the words and of the tenor following to Wit;

Maryland ss. The State of Maryland To the Honorable the judges of the court of Appeals Greeting- Because in the Record and Process and also in the Rendering of Judgment on a certain action brought by Mary Miller administratrix de bonis non of Ulrick Folk in the late General court against David Elphinstone for the possession of a house and lot in the City of Baltimore and costs of suit at a General court held before the judges of the late General court at October Term last, manifest error as it is said hath happened to the great damage of the said David Elphinstone as of his complaint we have Received; and we being willing that the errors if any there be should be duly corrected and full and Speedy justice done to the said David Elphinstone in this behalf command you that if judgment be thereof Rendered that then the Record and process aforesaid with all things thereunto Relating under your seals distinctly and openly, you send, and this writ so that the same may be had before you the said judges of our high court of Appeals at Annapolis in the third Monday of June next that the