harmless to him the said Dr so to the great Damage of the said Dr and
against the peace &c wherefore the said Dr prays judgt that the said
Dr and Damage rate to the value of two hundred pounds sterling and therefore
the said Dr prays judgt &c Richard Lloyd —

And the said Benedict Leonard by his Attorney Thos Addison Esqr
the said Dr and injury when &c and prays Leave to imparle thereunto
until next Court and he takes it and the same day is given to the
plaintiff also —

At which said next Court to wit the sixth day of July Anno
Dni 1708 came the said parties by their respective Attorneys and the
said Benedict Leonard by his said Attorney prays further leave to imparle —
unto next Court and he takes it and the same day is given to the
plaintiff also — And he the said Benedict Leonard comes and
defends the force and injury when &c and says that he is not guilty
thereof in manner and form as the said plaintiff above complains
and of this he puts himself upon the Country and the said plaintiff
likewise — And it appears to the Court here that the said plantation
called Cloyds plantation being one hundred acres of land in dispute
as aforesaid by Carefull Surveyors and laid out according to the terms
and motions of the parties and the consent Courts and Records
thereof by the Court here by the Contract of the said parties
praying that the Lessee Surveyor of Queen Anns County
for the time being or some other Skilled and Skillfull person be
and the same is hereby appointed by the said plaintiff and Deft
in the presence of the Sheriff of the said County the Certain Returns
and bounds and lines of the said land in dispute as any land adjacent
thereto which may be material therein by either of the said parties
to be referred for the better Certainty of the truth of the premisses
according to the Claims and pretensions of the said parties in the presence
of the Deft &c the said Surveyor shall fix to be for the Inclosure
thereof under notice of the said Deft and also to return and report
the Lands and bounds to the Claims and pretensions of the said
Deft in the presence of the plaintiff or the said Deft in the presence
to be present without any Contradiction of the said plaintiff in the presence
of the Sheriff of the said County and also that the said Surveyor
proceed upon Oath being administered to him that the said Surveyor
and parties in relation to the premisses and also that the said Surveyor
and Deft pay the Costs Fees and Charges as well under the said and
back of the said Sheriff as from the said Surveyor Drawing the Draft
pretensions of the plaintiff in this Cause and the pretensions of the Deft
in which Case to be Tryed at the next Court to be held
for this province on the first Tuesday in September next and that the
Surveyor shall bring Certificate and the premisses duly perfected
proved thereon at to the opportunity &c

At which said first Tuesday in September and next Court after the
day to wit the Seventh day of the same Month Anno Dni 1708 came
as well the said parties by their attorneys aforesaid as the said Sheriff and
thereupon with the Assistance of the said Surveyor Drawing as
aforesaid as follows viz To his Worship the Mayor of the prov. Court

(Whereas)

Whereas a part of Salisbury was granted to Richard Bishop of Queen Anns
County Gentleman Dated the 29 day of July Anno 1706 &c as the Patent of the
said a parcell of Land called Cloyds plantation being parte of a greater tract of
Land called Conveys point being in Queen Anns County adjoining to the
petitioner of the plaintiff and Deft &c which and therefore humbly to Petition
that by virtue of the said warrant thereon surveyed the petitioner of the
plaintiff the Deft being summoned and there present by commons at the
Cedar Stump being the Lowermost tree of the said called Coursey point running
thence north three hundred and twenty pers then south east by east five
hundred pers thence to Cursina Creeke with the Creeke to the first
beginning being part of said Land called Coursey point it being described in
the platt thereof by black lines and Cursina Creeke &c also do hereby certifie that
I have by virtue of said warrant surveyed the pretences of the Defendt in the presence
of the plaintiff beginning at the aforesd Stump running thence round the plantation
called Cloyds plantation according to the sevrall Courses to Cursina Creeke &c with the
Creeke to the beginning containing within the said plantation forty six acres of land then
beginning at an old poplar standing by the said Creeke side at the upper end of the
aforesd plantation running thence up the said Creeke according to the sevrall Courses thereof
to a point with on a straight line containing length two hundred & fourty pers
then by the water side till to a small Cove or marsh thence to the head of it thence
north thirty degrees west seventy pers to the end of a north line drawn one hundred
pers from the end of an east south east line drawn one hundred & twenty five pers
from the aforesd poplar then west north west one hundred & twenty five pers then south
to the said poplar containing within those lines one hundred & twenty eight acres and
described in the platt thereof within the pricked lines & Cursina Creeke which I
were made in presence of the Sheriff of the County & may more plainly appear in
the platt thereof hereunto annexed In Witness whereof the Sheriff & I
have hereunto set their hands & seales this 28 day of Augst Anno 1708 —

Richd Pilgriman Sheriff (seal) Solomon Wright surveyor (seal)

Which being read & heard the said Benedict Smith by his attorney aforesd comes
as before & defends the force and injury when &c & says that he is not guilty of
the trespass and Ejectment aforesd in manner and form as the plaintiff above against him
hath complained & thereof for try also puts himself upon the Country and the
aforesd plaintiff in like manner &c

Whereupon for trying the issue aforesd Command is given to the Sheriff of Queen
Anns County that he cause to come before the Justices of the prov. Court at the
City of Annapolis the fourth Tuesday of November next ensueing or before the
Justices appointed to take the assizes in his County if they shall before that time to
Wit on Munday the first next Come to the County Court Rs in his County
twelve Good & Lawfull men of his Bailywick by whome &c who neither
&c to Recognize &c because as well &c

(Afterwards)