504 Containing six hundred acres more or Less being in Controversy between Roger Brook pl and
Robert Brook defend^t and for better ascertaining the bounds thereof it was by the said Court
ordered that the same should be resurveyed in the presence of the Sherr of the s^d County and
according to the Claimes and Pretences of the said Roger Brook the plt & also the Claimes and
pretences of the said Robert Brooke the def^t they being summoned to be present if they should think fitt
These are therefore humbly to certifie that I Edward Batson the Queens Surveyor of the s^d
County have in the Presence of the Sherr of the said County resurveyed & laid out the af^d [illegible]
of Land according to the Claimes and Pretences of the plt being part of a tract or
parcell of Land called Brook place Mannour lying in Calvert County afs^d on the East side of
Petuxent River and on the South Side of Battle Creek near the head of the same and Beginning
at a stake standing at the head of a Cove and at y^e mouth of a swamp and running up y^e s^d
Swamp these following Courses & Distances Viz^t North Eighty four degrees East Seventy four
perches North Seventy four deg^r East fifty four perches East twenty perches South Sixty
four degrees East twenty perches North Seventy degrees East Sixty per. East twelve perches
South thirty four degrees East Sixty four perches South Sixty three degrees East thirty two
perches South thirty Eight degrees East twenty two perches South Sixty Eight degrees East
forty four perches North thirty two degrees East twenty perches North Sixty degrees East twenty
Eight per South Seventy Eight deg^r East twenty Eight per South Eighty three degrees East twenty
six per till it Intersect y^e N:N:W: or Northernmost Line of the said Mannour then w^th y^e s^d Line
N:N:W: five hundred fifty Eight per to the Eastermost main branch of Battle Creek then
down the said branch & Creek as they run to the mouth of the afs^d Cove and up the said Cove to
y^e afs^d stake at the begining Containing & now Resurveyed for about seven hundred & twenty
acres more or Less this 5^th Day of July 1709 — On the same day Rob^t Brook y^e def^t
who had been summoned appeared at the house of one Capt. Dans of M^r Tho^s Jenifer who
being required to go into y^e woods in ord^r to see y^e plt lay out the land afs^d according to
his Claimes & Pretences and Also to lay out the said Land according to his own Claim &
pretences utterly refused to go w^th us or to have any thing to do w^th the resurvey afs^d
as not relating to his Cause the day & year afs^d p^r E Batson Sur^r of Calv^t Co^ty [illegible]
The resurvey of the afs^d Land Called Jn^o Brooks old plant^n was resurveyed and laid
out as the Claimes and pretences of the plt according to y^e above Cert in my presence
the day and year aforesaid — W^m Parker Sher (Seale)
Which being read and heard the said Robert Brook by his attorneys prays further Leave to
Imparle hereunto untill next Court & he hath it & y^e same day is given is given
to the plt also — Att which said next Court to witt the 11^th day of October Anno
Dom 1709 Comes again as well the said plt by his attorney afs^d as the s^d defend^t by
his said attorneys & y^e said def^t by his said attorneys prays further Leave to Imparle
hereunto untill next Court & he hath it & y^e same day is given to the plt also —
Att which said next Court to witt the 11^th day of Aprill Anno Dom 1710 Comes again as
well the said plt by his attorney afs^d as y^e s^d defend^t by his said attorneys & y^e s^d Defend^t by his
said attorneys prays further Leave to Imparle hereunto untill next Court & he hath
it & the same day is given to the plt also — Att which said next Court to witt the 11^th
day of July Anno Dom 1710 Comes again as well the s^d John Smith Lessee of the said
Roger Brook by his attorney afs^d as y^e said Robert Brook by his attorneys afs^d & y^e s^d Rob^t
Brook by his said attorneys as before defends the force & Injury when &c & says that he
is not Guilty of the trespass & Ejectm^t afs^d in such manner and forme as the plt
above ag^t him hath Complained & thereof for tryale putts himself upon the
(Country)

505 Country And the plt Likewise — Whereupon for tryall the Issue afs^d Command is given to y^e Sherr
of Calvert County that he cause to Come before the Justices of the prov^ll Court at the Citty of
Annapolis the second tuesday of October next Ensueing or before the Justices appointed to take y^e
Assizes in his County if they shall before that time to witt on Monday the Eleventh day of Sept^r next
Come to the County Court house in his County twelve good and Lawfull men of his baily wick by
whom &c who neither &c to recognize &c because as well &c — Afterwards the Process Continued
between the parties afs^d on y^e plea afs^d by the Jury being put thereon in Respect thereof untill the
second tuesday of October next unless the Justices of our Lady the Queen to take y^e Assizes in the
County afs^d assigned on Munday the Eleventh day of Sept^r next at the s^d County Court house in y^e s^d
County should Come — Att which said second tuesday of Oct^r to witt the 10^th day of the same
month Anno Dom 1710 before her Maj^tys Justices of y^e prov^ll Court at the Citty of Annapolis Came
as well the s^d John Smith Lessee of the s^d Roger Brook as y^e s^d Rob^t Brook by their attorneys afs^d & y^e
Justices of Assize before whom &c sent here their Record before them had in these words &c
Afterwards to witt the day & place within Contained before Tho^s Holland Esq^r Chief
Justice of the Lady y^e Queen of the prov^ll Court of this province and Rob^t Bradley Esq^r one of
the Justices of the same Court, Justices of the s^d Lady the Queen to take the Assizes in the County
afs^d assigned Came as well the within named John by Wendell & y^e within written Rob^t
Brook by W^m Bladen & Rich^d Dallam his attorneys as y^e Jurors of the Jury afs^d whereof
mention is made (to witt) John Frome James Miller Jn^o ffurgason Tho^s Buckerdike [illegible]
Harrison John Bowles Tho^s Hardesty Robert Heigh, Sabrett Sollars, Rich^d Stallings & Benj^a
Wood And being Elected tryed & sworn upon their Oaths do say w^th y^e s^d Jury find for y^e plt
Provided that the def^t his being Lord of the Mannour does not give him a right [illegible]
Defendant — And because the Justices here as yet are not advised of y^e
rendering their Judgm^t of and upon the premisses day thereof is given as well to y^e s^d
Jn^o Smith Lessee of the said Roger Brooke as to the s^d Rob^t Brook untill next Court to hear
thereof their Judgm^t for that the said Justices as yet are not &c — Att which said next
Court to witt the 10^th day of Aprill Anno Dom 1711 Comes again as well the said John Smith Lessee of
the said Roger Brook by his attorney afs^d as the s^d Robert Brook by his attorneys afs^d And Whereupon her Maj^tys
writt of Injunc^n is produced to the Court here to stop all proceedings at Law untill the said Cause be heard
in Equity thereupon the said Cause is further Continued untill next Court & the same day is given to
the said parties plt^s & defend^t also — Att which said next Court to witt 17^th day of July Anno Dom
1711 Comes again as well the said plt by his attorney afs^d as the said defend^t by his attorneys afs^d but for that
her Maj^tys said writt of Injunc^n is not as yet desided the Cause is further Continued untill next and thereupon
the same day is given to the said parties plt and defend^t also — Att which said next Court to witt
the second day of October Anno Dom 1711 Comes again as well the said plt by his attorney afs^d as the s^d def^t by
his attorneys afs^d but for that her Maj^tys said writt of Injunc^n is not as yet desided the Cause is further Continued
untill next Court & thereupon the same day is given to the said parties plt and def^t also — Att w^ch said
next Court to witt the Eighth day of Aprill Anno Dom 1712 Comes again as well the said plt by his attorney afs^d
as the s^d defend^t by his attorneys afs^d but for that her Maj^tys said writt of Injunc^n is not as yet desided the Cause is
further Continued untill next Court & thereupon the same day is given to y^e s^d parties plt & defend^t also —
Att which said next Court to witt the fifteenth day of July Anno Dom 1712 Comes again as well the s^d
John Smith Lessee of the said Roger Brook by his attorney afs^d as the s^d Rob^t Brook by his attorneys afs^d And
Whereupon it being made appear to the Court here that her s^d Maj^tys writt of Injunc^n is dissolved
And for that the s^d Court is not advised of their Judgm^t of & upon the premisses day is further
given to the s^d parties plt & defend^t to hear thereof their Judgm^t untill &c for that the s^d Court
yet are not &c

M^d Judgment Stayd