627 John Ward Say that he had Sold part of the Land in Controversy for three hundred and to Abraham Strand of Kent County planter Long Since deceas'd And the Said William Ward do further Confess that on the Twenty Seventh day of the month aforesaid being on the aforesaid Land to See the Bounds of the Land in Controversy John Ward was Examined upon Oath Thomas Browning and Thomas Ward as Evidences produced by the Said Ward & were duly Sworn Thomas Browning and Thos. Ward being Sworn on the Holy Evangelists of Almighty God do severally declare from the Hunch Sett forth to be the first bounds truely & to the intention of the Ballance John Ward and from which the Surveyor runn his Course South and by west the Said Line runn and the Ultimost bounds of the plantation on the above Said Land Called Ward Forrest at the Lines End John Ward Sold part of the Land Said to Abraham Strand of Kent County planter as more fully and further doth not

Given under my hand and Seale this twenty Seventh day of September Anno Domini in the Year of her most Sacred Majesty Queen Anne &c Annoq; Domini 1709

William Ward

Which being read and heard the Said John Ward by his Attorney aforesaid as before defends the force & Injury when &c and Says that he is not Guilty of the trespass and Ejectm aforesaid in Such manner and forme as the Said Thomas Reading Lessee of the Said Wm Edwards above against him hath Complained and for tryall thereof putts himself on the Country &c And the aforesaid Thomas Reading Lessee of the Said Wm Edwards likewise Thereupon Command is given to the Sheriff of Anne Arundell County that he forthwith Cause to Come here twelve &c by whom &c who neither &c to recognize &c because as well &c of which Said precept the Said Sheriff to wit Thomas Gassaway Gent (Now here at this day to wit) the 7th day of October Anno Domini 1709 aforesaid Indorses returns that he has here ready twelve &c as by his precept he was Commanded And now here afterwards to wit the Same day & year Come as well the Said plff by his Attorney as the Said defend by his Said Attorney and the Jurors of that Jury Impannelled being Called likewise Come to wit Charles Jones Henry Sewell Wm Deary Thos Cox John Sanham Phillip Horsey Salandine Eagle, Marin Drake Goodhand Tho Notley Gouldsmith, John Hoskin, John Dent and Robert Freeland who being duly Elected tryed & Sworn to Say the truth in the premiss upon their Oaths do Say that he the Said John Ward is Guilty of the trespass and Ejectm aforesaid in Such manner and forme as the Said Thomas Reading lessee of the Said William Edwards above against him hath Complained Therefore it is Considered by the Justices here the day & year last mencioned that the Said Thomas Reading lessee of the Said Wm Edwards recover his term aforesaid into the aforesaid three hundred acres of Land being part of a Tract of Land Called Cooks forrest with the appurtenances thereunto belonging aforesaid against the Said John Ward and that he have therefore his possession against the Said John Ward And also it is Considered by the Justices here of the Same day & year aforesaid that the Said Thomas Reading lessee of the Said Wm Edwards recover against the Said John Ward the Sum of

pounds of tobacco by the Court here adjudged unto him for his Costs and Charges in this behalf Laid out & Expended & Said that the Said John Ward be taken &c

Ad. John Long lessee of Nicholas Lowe } prov Court April Term 1710 ss.
Att. Wm Foster Turbutt - - - - } Marylandss. } Be it Remembered that heretofore to wit the 12th day of July in the Eighth Year of this reigne of our Sovereign Lady Anne by the Grace of God Queen of England &c Annoq; Domini 1709 Foster Turbutt of Talbott County Gent was attached to answer unto John Long of a plea wherefore with force & Armes &c into a parcel of Land lying in Talbot County aforesaid on the East Side of Choptank River and on the East Side of Readhaven Creeke beginning at a marked Oake upon a point respecting the Land of Henry Morgan to the South running up the Creek north forty degrees West Seventy five perches to a marked Cedar Standing by a marsh bounding on the north by a line drawn East three hundred and twenty perches on the East by a line drawn South from the End of the last Line forty degrees West Seventy five perches on the South by a Line drawn

628 drawn west from the End of the South Line to the first marked Oake on the west by the Creek (Containing & laid out for One hundred and fifty acres more or less which Nicholas Lowe to the aforesaid John Long for a Terme of years not yet Expired demised &c Enter and the Same John Long from his Land aforesaid did Eject and other Barms to him did &c to the great damage of the Said John and against the peace &c

Whereupon the Said John by Edwd Ballard his Attorney Complaineth that whereas the Said Nicholas Lowe the first day of July 1708 in Talbot County aforesaid did demise the aforesaid Tenements and premisses unto the Said John to have and to hold the Same with the appurtenances to the Said John his Exors and Admrs from the Said first day of July untill the full End and Terme of five years from thence next following fully Compleate and Ended by Virtue of which demise the Said John afterwards into all and Singular the premisses did Enter and was thereof possessed and being thereof possessed the Said Foster Turbutt afterwards Viz the 10th day of July in the year aforesaid with force & Armes into and Singular the premisses with the appurtenances which the Said Nicholas Lowe to the Said John from the Said Land in the Said Terme not being Expired did Eject Expell & Expell contrary to the Said Demise to the great damage of the Said John Said Plff & Wherefore the Said John Saith he is damnified and hath lost to the Value of 300 lb Sterl whereon he brings Suit &c

pledges &c John Doe
Richd Roe

And the Said Foster Turbutt by Wm Bladen & Wm Hunt his Attys Comes & defends the force and Injury when &c and prays Leave to Imparle hereunto until next Court & he hath Leave Imparlance day is given to the Plff also &c At which Said next Court to wit the 11th day of October Anno Domini 1709 Comes again as well the Said John Long Lessee of the Said Nicholas Lowe by his Att'ny aforesaid as the Said Foster Turbutt by his Attys aforesaid & the Said Foster Turbutt by his Said Attorneys prays further Leave to Imparle hereunto until next Court and the Said Imparlance day is given to the Plff also &c

[illegible] And for that it Seemed to the Court here it is absolutely necessary for the better Information of the Court & Jury in the Trueth of the premisses that a Tryal or Panel of Land lying in Talbot County on the East Side of Choptank River on the East Side of Readhaven Creek Containing one hundred and fifty acres more or less be Carefully resurveyed & Laid out according to the ancient meets and bounds thereof as in the originall Certificate of Survey thereof is Expressed and to the End that the Said Land in Controversy and the Claimes and pretentions of both parties may more plainly & Judiciously appear to the Court and Jury It is ordered by the Court here that Philemon Hemsley of Queen Anne County Gent or any other discreet and Skillfull person in this behalf to be Nominated and appointed by the Said Plff and Defend in the presence of the Sheriff of the Said County Carefully resurvey and lay out as well the Said Land in Question as any other Land adjacent thereto which Shall be thought necessary by the Said Plff and Defend to be Laid out for the better Illustration of the matter according to the Claime of and pretence of the Plff in the presence of the Defendant if he being Summoned Should think fitt to be present and without any Interruption of him the Said Defend and likewise Shall Survey Lay out the Same Land in dispute as aforesaid according to the Claimes and pretentions of the Defend in presence of the Plff if he being Summoned Should think fitt to be present without any Interruption of the Plff and the Said Philemon was thereby Impowered to Examine upon Oath all and every witness or witnesses that by Either of the Said parties Should be produced in relation to the Same and the Same Survey was thereby Commanded to Return two fair Certificates and platts thereof drawing the pretences of the Plff in black Lines and the pretences of the Defend in cricked Lines as well under the Hand and Seale of the Said Philemon as the Survey or to the Justices of the Said Provinciall Court to be held at Annapolis for the Province the Second Tuesday of April then next that their Majesties Said Justices and

Jury