Whereupon for Trying the Issue aforesaid Command is given to the Sheriff of Talbot County that he Cause to come before the Justices of this Provincial Court the third Tuesday of May next or before the Justices Appointed to take the assizes in his County if they shall Appoint that time to wit on Friday the Seventeenth day of April next to the County Court house in his said County Twelve good and lawful men of his Bailywick by whom &c who neither &c to recognize &c because as well &c

Afterwards the process continued between the Parties aforesaid on the Plea aforesaid by the Pleading put thereon in respect thereunto until the third Tuesday of May next Unless the Justices of this Lordship the Right Honble the Lord Propry to take the assizes in the said County assigned should before that time wit on Friday the 17. day of April next to the County Court house in the said County Come.

And now here at this day to wit the 24th day of May Anno Dom: 1724 Comes again in this Lordships Provincial Court here as well the said James Lloyd Lessee of the said Henry, Mathew Filghman, Robert, Jacob, William, Edward, and Francis Vestrymen aft by his Attorney aft as the said Michael Fletcher by his Attorney aft and the Justices of assize before whom &c Send their Writ before them had in the words following viz:

Afterwards at the day and place above Contained before the Honble Major James Francis &c Col: Roger Woolford Esq: having associated to them Colonel Robert Goldsborough, Robert Lloyd and John Bullen Esq: three of the Right Honble the Lord Propry Justices of the peace for Talbot County aforesaid According to the form of the Act of assembly &c Cometh the within named James Lloyd Lessee of the within named Henry Nichols Rector of St Michaels Parish in Talbot County and Mathew Filghman Ward, Robert Goldsborough, Jacob Gibson, William Skinner Edward Elliot, and Francis Sherwood Gent Vestrymen of the said Parish by his Attorney within Contained and the with in written Michael Fletcher altho Solemnly called yet not Comes but maketh Default therefore the Jury under oath written is taken against him by Default, and the Jurors of that Jury being Called to wit Nicholas Lusty, Benjamin Sumberton, Wm Dobson, Robert Robs, Gabriel Salter, Nicholas Lowe Edward Nichols, Mordecai Macklway Francis Armstrong, William Brown, Peter Rufsam, and David Robinson do Come and in that Jury are Sworn who to say the truth of the with in Contained being Elected Tried or Sworn upon their Oath do say that the aft Michael Fletcher is guilty of the Trespass and Ejectment of Farm within written in Manner and Form as the aforesaid James Lloyd within aft him hath Complained and do assess the damages of the same James Lloyd by Occasion of that Trespass and Ejectment to Twenty pounds Current Money of Maryland.

Tench Francis Pltiffs plein

Therefore it is Considered by the Justices here the Eighteenth day of May Anno Dominii 1724 aforesaid that the said James Lloyd Lessee of the said Henry Nichols Rector of St Michaels Parish aforesaid and Mathew Filghman Ward, Robert Goldsborough, Jacob Gibson, Wm Skinner Edward Elliot and Francis Sherwood Vestrymen of the said Parish recover against the said Michael Fletcher his Term to come and unexpired of in and unto all that the late dwelling plantation of Thomas Smithson late of Talbot County Esq: deceased and into the said Thomas Smithson Esq: Adjacent thereto whereof the said Thomas Smithson Esq: died Seized which (said)

said Land being all plantable Land are called or Commonly known by the names of Holden, part of Holdens Addition, Bright Holdens Range part of Mill road, and part of Mill Road Addition, Including Barns Land — all which plantation and Lands was in the Tenure or Occupation of the said Thomas Smithson Esq: at the time of his Death and afterwards in the Tenure or Occupation of Mary Smithson with the Appurts and that he have thereof his Seisin against the said Michael Fletcher.

And also it is considered by the Justices here the same day and year that the said Henry Nichols Rector aft and Mathew Filghman Ward, Robert Goldsborough, Jacob Gibson, William Skinner, Edw: Elliot and Francis Sherwood Vestrymen aft the Lessors recover against the said Michael Fletcher as well the Sum of Twenty pounds Current Money of Maryland the damages aft in form aforesaid assessed as also the Sum of 2265 pounds of Tobacco by the Court here Adjudged unto them for their Costs & Charges by them about their Suit in this behalf Laid out and Expended and that the said Michael Fletcher be taken &c

Whereupon the Defendants Attorney produced a writ of Error in this Cause returnable before this Court the same writ is allowed but that the same shall not stay the Execution on the Judgment rendered in this Cause and the bond taken for the prosecution of said writ of Error being produced the same is Adjudged sufficient and the Attorney for the Defendant moves this Court that the same Cause may be Continued to the next Court writ of Error and Appeal Dogt: and that Sciras facias issue against the pltfs in this Cause to hear the Errors assigned on the Judgment aforesaid returnable next Court which is granted and ordered Accordingly.

At which said next Court to wit the 20th day of October Anno Dom: 1724 Comes again into this Lordships Provincial Court here the said Michael Fletcher by his Attorney aft and Saith that in the Record and process aforesaid and in rendering the Judgment aforesaid there Manifest Error Viz — that the said James Lloyd Lessee of the said Henry Nichols rector of St Michaels Parish aforesaid and Mathew Filghman Ward, Robert Goldsborough, Jacob Gibson, William Skinner, Edward Elliot and Francis Sherwood Vestrymen aft and plaintiff in the plea aforesaid before the Issue was laid in the same plea Viz: the Fourth day of November Anno Dom: Seven teen hundred and twenty three to wit at Talbot County aforesaid aft died and so the said Judgment is unknown and this the said Michael is ready to Verify and therefore prays that the Judgment aft may be reversed and held for nought and that he to all he thereby lost may be restored and prays the writ of the Lord Propry to Summon the said Rector and Vestrymen that they be before the said Lord Propry to hear the Record and process aforesaid &c

And the said Defendants in Error appear by Thomas Bradley their Attorney and protesting that James Lloyd named Lessee in the Declaration of Ejectment aforesaid is not dead Saith that neither in the Record and process aforesaid nor in rendering Judgment aforesaid it is in any thing Erred and prays that the Court here will proceed to the Examination as well of the Record and process aforesd as of the Matters for Error assigned and that the Judgment aforesaid may in all things be Affirmed. But for that the Court here are not Advised of their Judgment of and upon the premisses aforesaid day thereof is given to the said parties to hear thereof their Judgment until next Court for that the said Court as yet are not &c.

(At)