Benjamin his Action afs^d thereof against her to have and maintain ought &c^r And the afs^d Benj^a Hatchell saith that he by anything prealleged from his Action afs^d against the said Eliz^th to have ought not to be precluded Because he saith that the Plea aforesaid by the afs^d Eliz^th in manner and form afs^d pleaded and the matter therein contained is not sufficient to barr the said Benj^a from having his Action afs^d and that he the said Benj^a hath no need nor by the Law of the Land is not held to answer thereto And this he is ready to verifie Wherefore for want of a sufficient Answer to this part the said Benj^a prays Judgement and his Damages by Occasion of the Premised to him to be adjudged &c^r And for Causes of Demurrer according to the Statute he sheweth to the Court there following reasons that the Plea afs^d is no manner of answer to the Declaration that the Plea is defective in form and Substance — And the said Elizabeth saith that the Plea afs^d by her in manner and form afs^d pleaded and the matter therein contained is sufficient in Law to barr the said Benj^a from having his Action afores^d And this she is ready to verifye And because the said Benj^a to that plea hath not answered nor hitherto in any wise gainsayed as before she prays Judgement if the same Benj^a his Action afs^d thereof against her to have and maintain ought &c^r Wherefore afterwards in the same Court comes again as well the said Benj^a as the said Eliz^th by their Attorneys afs^d Whereupon the Premisses being seen and by the Court of the Right Honourable the Lord Proprietary now here duely and maturely considered and more fully understood it seemeth to the same Court that the Plea afs^d by the afs^d Eliz^th in manner and form afs^d pleaded and the matter therein contained is sufficient in Law to barr the said Benj^a from having his Action afs^d Therefore it is considered that the afs^d Benj^a take nothing by Virtue of his Writ aforesaid but that he and his Pledges of Prosecuting (to wit) John Doe and Richard Roe be in Mercy And that the said Eliz^th go thereof without Day &c^r And it is also considered that the same Eliz^th do recover against the said Benj^a the Sume of three hundred and Eighty Pounds of Tobacco by this Court here adjudged unto her for Costs and Charges by her about her defence in this behalf laid out and expended according to the form of the Statute in that Case made and provided And hereupon the afores^d Benj^a by his Attorney aforesaid prays Liberty thereof to appeal from the Judgement of this Court to the next Provincial Court to be held for this Province at the City of Annapolis on the third Tuesday of May next which is accordingly granted and sufficient Security given pursuant to the Directions of an Act of Assembly of this Province thereof lately made and provided —

(The Seal of Baltimore County) In Testimony whereof the seal of Baltimore County afs^d is hereunto affixed this 22^d Day of Aprill 1725 Ye^me

John Stokes Clk B C^o

And now here at this day to wit the 18th day of May Anno Dom: 1725 Comes into his Lordships Provincial Court here the afs^d Benjamin Gatchell in his proper person and Saith that in the Record afs^d and in the rendring the Judgement afs^d it is manifestly Erred (to wit) that by the record and Proceedings afs^d it appears that Judgment was given for the said Eliz^th against the said Benj^a whereas by the Law of the Land the Judgement should have been rendred for the afs^d Benj^a against the said Eliz^th and therefore in that it is manifestly Erred And the said Benj^a prays that the Judgement for the Error afs^d and others in the Record afs^d may be revoked annulled and held for nothing And that he to all that he by occasion of the Judgement afs^d and hath lost may be restored And that the said Eliz^th may answer the Error afs^d and that the Court here may proceed to the Examination as well of the Record and Process afs^d as the Error afs^d Whereupon the said Eliz^th Emmison by Edmund Jennings her Attorney comes and Says that in the Record and Process afs^d and rendring the Judgement it is nothing Erred and prays that the same Judgement may in all things be affirmed &c^r And thereupon it is well the said Benj^a Hatchell as the said Eliz^th Emmison Adm^x of Tobias Emmison as afs^d by their Attorneys afs^d pray that the Court of the Lord Proprietary here will proceed as well to the Examination of the Record and Process afs^d as of the matters above for Errors assigned But for that the Court here are not advised of their Judgement of and upon the Premised afs^d Day is given to the said Parties to hear thereof their Judgement untill next Court for that the said Court as yet are not &c^r At which said Court (to wit) the 19th Day of October Anno Dom 1725 come again the said Parties Plt and Deft by their Attorneys afs^d But for that the Court here as yet are not advised of their Judgement of and upon the Premised afores^d Day is further given to the said Parties to hear thereof their Judgement untill next Court for that the said Court as yet are not &c^r At which said next Court (to wit) the 17th Day of May Anno Dom 1726 comes again as well the said Benj^a Hatchell as the said Eliz^th Emmison by their Attorneys afs^d Whereupon all and singular the Premised being by the Court here seen heard fully understood and mature Deliberation thereupon had It is considered by the Justices here the Day and Year last mentioned that — the Judgement afs^d for the Errors afs^d and others in the Record and Process being be reversed annulled and altogether held for none And that the said Benj^a Hatchell to all that he thereby lost be restored &c^r

And also it is considered that the said Benj^a Hatchell recover against the said Eliz^th Emmison Adm^x of the said Tobias Emmison as well the Sum of fourteen Pounds five Shillings and eleven pence furd-

(Money)

Money his Damages afs^d as the Sum of Pounds of Tobacco by this Court here to the said Benj^a of his Agent adjudged for his Costs and Charges by him about his Suit laid out and expended to be levyed of the Goods and Chattells which were of the said Tobias Emmison at the time of his Death in the hands of the said Eliz^th Emmison Adm^x as afores^d remaining to be administred if so much thereof in her hands she hath &c^r and if so much thereof in her hands she hath not &c^r then the Costs of Suit afs^d to be levyed of the Proper Goods and Chattells of the said Eliz^th and that he be in Mercy &c^r

Ts. Thomas Gillis lessee of Kevin Gale } Somerset County ss
vs. Alexander Adams

Be it Remembred that heretofore (to wit) the 10th Day of September in the Eighth Year of the Dominion of the right Honourable the Lord Propry that now is &c^r Anno Dom 1723. Alexander Adams late of Somerset County Clerk was attached to answer unto Kevin Gale of a Plea wherefore with force and Arms into five hundred Acres of Plantable Land with the Appurtenances in Wicomico River in Somerset County being Part of a tract of like Land called Griffiths Adventure Surveyed for one Thousand Acres And also Part of another tract of Plantable Land called Second Choice Surveyed for three hundred Acres which said five hundred Acres is butted and bounded as follows (Viz^t) Beginning at a marked Oak dividing it from a Parcell of Land laid out of the aboves^d One thousand Acres for William Brereton thence running Easterly on the North Side of the main Branch of Wicomico two hundred and five Perches to a marked Pine thence with a Line drawn East by South One hundred and twelve Perches to a marked Gum standing in a branch thence with a Line drawn East North East One hundred and Seventy Perches to a marked Live Oak thence with a Line drawn West and by North One hundred and Ninety Perches to a marked Stooping White Oak being the first bounder of the aboves^d three hundred Acres thence with a Line drawn North East three hundred twenty two Perches thence with a Line drawn North West One hundred and Sixty Perches from thence with a Straight Line to the beginning which Thomas Gillis to the same Kevin Gale demised for a Term which is not yet Past hath entered And him from his Farm afs^d Ejected and other harms to him hath Done to the Great Damage of the same Kevin Gale And against the Peace &c^r

And whereupon the same Kevin Gale by Thomas Bordley his Attorney Complains that whereas the afs^d Thomas Gillis the first Day of Aprill Anno Dom Seventeen hundred and Twenty three at Somerset County demised to the same Kevin the afs^d five hundred Acres of Land with the Appurtenances to have and to hold the same with the Appurtenances to the same Kevin and his Assigns from the thirtieth Day of March then last past untill the End and Term of six Years then next ensuing fully to be Compleated and Ended By Virtue of which Demise the same Kevin into the aforesaid five hundred Acres of Land promised with the Appurtenances entred and was thereof possessed And the same Kevin being so thereof possessed the afs^d Alexander Afterwards (to wit) the same first Day of Aprill Anno Dom Seventeen hundred and twenty three afs^d with force and Arms into the afs^d five hundred Acres of Land with the Appurtenances which the afs^d Thomas Gillis to the same Kevin in form afs^d demised for the Term afs^d which is not yet past entered And him the same Kevin from his Farm afs^d Ejected And other harms to him hath done to the Great Damage of the same Kevin And against the Peace &c^r Wherefore he saith he is the worse And hath Loss to the Value of One hundred Pounds Sterling And thereof he brings his Suit &c^r — Pledges &c^r John Doe and Richard Roe.

And the afs^d Alexander by Daniel Delany his Attorney comes and Defends the Force and Injury when &c^r And prays leave to imparle hereunto untill Next Court and he hath it And the same Day is given to the Pt also.

At which said next Court (to wit) the 19th Day of May Anno Dom 1724 Comes again as well the said Kevin Gale lessee of the said Thomas Gillis by his Attorney afs^d as the said Alexander Adams by his Attorney afs^d And the said Alexander Adams by his said Attorney as before Defends the force and Injury when &c^r And saith that he is no wise guilty of the trespass and ejectment aforesaid as the Pt above against him hath Complained And thereof he puts himself upon the Country — And the Pt also —

Whereupon for trying that Issue Command is given to the Sheriff of Somerset County that he cause to come before the Justices of this Provincial Court at Annapolis the third Tuesday of October next or before the Justices appointed to take the Assizes in his County if they shall before that time to wit on Tuesday the Seventh Day of September next to the County Court house in the said County Come twelve good and Lawfull men of his Bailywick by whom &c^r who neither &c^r to recognize &c^r Because as well &c^r

Afterwards this Process continued between the Parties afs^d on this Plea afs^d by the Jury being put thereon in respite here untill the third Tuesday of October next unless the Justices of his Lordship the Lord Propry to take the Assizes in the said County assigned on Tuesday the Seventh Day of September next to the County Court house in the said County should Come

(And)