Unlawfully Maliciously unjustly Contriving & Practising the Peace Good Rule & Government of the Right Honourable the Lord Proprietary of the Province of Mary land to Disquiet & Disturb And the right & Priviledges of him the sd Lord Proprietary & the Province & the Government thereof to Disparage & lessen and the Tenants of the sd Lord Proprietary Justly & Lawfully Holding Possessing & Enjoying Divers Lands & Tenements under the sd Lord Proprietary in the County aforesd in their Legal & Just Possessions Wickedly Maliciously unjustly and Unlawfully Contriving to Disturb & Disquiet as much as in them Lay & Other Persons also Desirous & Inclinable to Come into & Inhabit & Reside in these County & in other Parts of this Province from Coming into the sd County & Other Parts of this Province to Inhabit & Reside Aforesaid & Deter & Hinder the sd Thomas Rodwell & Gerard Rodwell their Pernicious & Wicked Purposes aforesd the more Effectually to Execute fulfill & Perfect & bring to Effect the tenth Day of January in the Year Four & One Thousand seven hundred thirty & three at Cecil County aforesd & on Divers other Days & times as well before as Since Unlawfully Unjustly & Forcably with Force & Arms into Divers Lands & Tenements of James Paul Heath of Cecil County Gentleman Situate in the Same County whereof the sd James Paul is Seized in his Demesne as of Fee & which the Same James Paul Lawfully & Justly holdeth from & under the Lord Proprietary

And the Timber Trees Viz: three hundred Oaks thereon Lately Growing to the Value of one hundred Pounds Sterl. Felled Cut Down & Carried away & that the sd Thomas Rodwell & Gerard Rodwell on the sd tenth Day of January in the County aforesd & at Divers other Days & times as well before as Since Seditiously & Unlawfully did give out in Threatning & Menacing Speeches that they the sd Thomas Rodwell and Gerard Rodwell would in Spight of the Lord Proprietary & the Government of Mary land further Encroach into the Lands & Tenements of the sd James Paul Heath & others holding their Lands & Tenements Lawfully & Peaceably under the Said Lord Proprietary in the County aforesd & Declared that the sd Thomas Rodwell & Gerard Rodwell Valued not the Government of the sd Lord Proprietary & Boasting that the sd Thomas Rodwell & Gerard Rodwell would be Supported & Justified in their Said Turbulent Violent & Unlawfull Practices & Proceedings aforesd by the Proprietary of Pensylvania the sd Atty Genl. for & on behalf of the sd Lord Proprietary would the Court here to understand & be Informed that the sd Thomas & Gerard Rodwell the Day & Year aforesd in the County aforesd on Divers other Days & times as well before as Since in the County aforesd Openly Falsly Seditiously & unlawfully Published & Declared that the sd Lord Proprietary had no right or Title to Grant Divers Lands & Tenements by the sd Lord Proprietary before that time Granted to Divers Subjects of Our Sovereign Lord the King in Cecil County aforesd & peaceably held Possessed & Enjoyed by the sd Subjects for Several Years last past until Disturbed & Disquieted thereon by the sd Thomas Rodwell & Gerard Rodwell that the said Thomas Rodwell & Gerard Rodwell then & there Falsly Seditiously & unlawfully Published & Declared that the sd Subjects would be Deprived of their Possessions & have all their Lands & Tenements taken away from them & their Families turned out of Doors by the Proprietary of Pensylvania to the great Disparagement of the right & Title of the sd Lord Proprietary to the Province of Maryland & the Government thereof to the Great Terror of the Subjects of the sd Lord the King inhabiting in Cecil County aforesd within the Province aforesd to the Evil & Pernicious Example of Others in like Cases Offending Against the Peace & the sd Lord Proprietary his Good Rule & Government thereupon the sd Atty Genl. for the sd Lord Proprietary Prays the Advice of the Court here in the Premises & Due & Legal Process against the sd Thomas Rodwell & Gerard Rodwell &c

Dulany

(Whereupon)

Whereupon the Said Thomas & Gerard Rodwell in their Proper Person Severally Come & Pray Liberty Until the Next Court to Answer to the Information aforesd & they have it & the same Day is given to the Atty Genl. who &c also.

At which Next Court to wit the 15th Day of October Anno Domini 1735 Come again as well the sd Atty Genl. who &c as the sd Thomas & Gerard Rodwell in their Proper Person & the sd Thomas & Gerard as before Pray further Liberty until the Next Court to Answer to the Information aforesd & they have it & the same Day is given to the sd Atty Genl. &c also.

At which Next Court to wit the 8th Day of July Anno Domini 1735 Come again as well the sd Dan. Dulany Esq. Atty Genl. who &c as the sd Thomas & Gerard Rodwell in their Proper Person. Whereupon the sd Atty Genl. Prays that the sd Thomas & Gerard to the Information aforesd may Answer and thereupon the Said Thomas & Gerard files the following Petition (Viz.)

To the Honble the Justices of the Provincial Court of the Province of Maryland

Thomas Rothwell Junr. & Gerard Rothwell Humbly Shew

That they being by your Honours laid under a Rule in October Last to plead to an Information formerly Exhibited into this Honble Court against them in the Name & on behalf of the Lord Baltimore Proprietor of Maryland now Humbly beg leave to Say as formerly they have Said that as far as they have or can remember the several Things Set forth & charged against them in the sd Information are utterly untrue & that they are Advised that Supposing the Facts charged upon them in the sd Information were true yet Yet they are not by Law Obliged to Answer to the Same here nor is their Offence (Tho' they be) Cognizable in this Honourable Court because they Say that the Place where the Offences Set forth in the Information (if any such word Done or Said by them) which they believe never were) was at the Place where their Father Thomas Rothwell & themselves now live within the County of New Castle under the Government of the Proprietors of the Province of Pensylvania & the County of New Castle Kent & Sussex on Delaware where they have always Dwelt Sued & Served And that the Place on which they & their Father now Dwell & have lived peaceably & Quietly for Near these twenty Years last Past is part of fifteen hundred Acres of Land Surveyed by the Authority of the Proprietors of Pensylvania above forty Years ago & to which the sd Thomas Rothwell Junr. and Gerard Rothwell never knew or heard of any claim made under the Authority of the Government of Maryland till of Late they have heard Some part of the sd Lands were Claimed by one James Heath under Pretence of Some Maryland Survey made Within these twenty Years wherefore they had good reason to believe that the Priority & antiquity of their Right would effectually Secure their Possessions at least until an Actuall Division Should be made between the Province of Maryland & the sd County but more Specially the sd Thomas & Gerard Rothwell do Conceive they ought not to be Molested in the Quiet enjoyment of their Lands when it is Considered that upon Some Controversy formerly Subsisting between the Lord Baltimore & the Proprietors of the Province of Pensylvania Concerning the Bounds of that Part of Maryland bordering upon the Counties of New Castle Kent & Sussex on Delaware out of which there is Reserved to his Majesty & his Heirs the Lord Baltimore a very Considerable Revenue Payable by Mr. Penn & his heirs the Lord Baltimore Stands Expressly Excluded by two Solemn Orders made in Council the one by the Late King James the Second in the Year Sixteen hundred

(Eighty)