Hath not sent his Writ. Thereupon Command is again given to the Sheriff of Calvert County that he Cause to come before the Justices of this Prov: Court at Annapolis the third Thursday of October Next or before the Justices Appointed to take the Assizes in his County if they shall before that time to wit on Friday the Sixteenth Day of Sept. next to the County Court House in the said County come Twelve &c by whom &c who neither &c to recognize in Form af.

Afterwards the process continued between the parties af. on the plea af. by the Jury being put thereon in Respite hereuntill the third Tuesday of October Next. Unless the Justices of this Lordship the Lord Prop.y to take the Assizes in the said County Assigned on Friday the Sixteenth Day of Sept. Next to the County Court House in the said County should come.

And now here at this Day to wit the said third Tuesday of Octo. being the 18th Day of the same Month Anno Dom 1737 Comes again into this Lordships Prov: Court here as well the Ralph Peaceable Legee of the said Paul Busey by his Att. af. as the said Ephraim Gover John Norris & John Williams by their Att. af. But the Sheriff hath not sent his Writ.

Thereupon Command is again given to the Sheriff Calvert County that he Cause to come before the Justices of this Prov: Court at Annapolis the third Tuesday of May Next. Or before the Justices Appointed to take the Assizes in his County if they shall before that time to wit on Friday the fourteenth Day of April Next. to the County Court House in the said County come Twelve &c to recognize in form af.

Afterwards the process continued between the Parties af. on the plea af. by the Jury being put thereon in Respite here until the third Tuesday of May next. Unless the Justices of this Lordship the Lord Prop.y to take the Assizes in the said County Assigned on Friday the fourteenth Day of April Next to the County Court House in the said County should come.

And now here at this Day to wit the said third Tuesday of May being the 16th Day of the same Month Anno Dom 1738 Comes again into this Lordships Prov: Court here the said parties Plf. & Deft. by their Att.ys af. But the Sheriff hath not sent his Writ. Thereupon the process af. between the parties af. on the plea af. is further continued untill Next Court.

At which said Next Court to wit the 15th Day of May Anno Dom 1739 Comes again as well the said Ralph Peaceable Legee of the said Paul Busey by his Att. af. as the said Ephraim Gover John Norris & John Williams by their Att.ys af. And thereupon the action af. so far as relates to the said John Norris is Ordered to be Entered agreed And the process between the af. Plf. & Ephraim Gover & John Williams on the plea af. is further continued untill next Court. At which said Next Court to wit the 16th Day of October Anno Dom 1739 Comes again as well the said Ralph Peaceable Legee of the said Paul Busey by his Att. af. as the said Ephraim Gover & John Williams by their Attorney af., But for that it seems to the

the Court here that by the Act for Limitation of Actions this Cause hath continued longer than the said Act Accounts by reason whereof the said Action Discontinues —

Therefore at the Discretion of the Justices here the Sum of

6737 Pounds of Tobacco by the Court here is adjudged unto the said Ephraim Gover & John Norris for their Costs & Charges by them about their defence in this behalf laid out & expended, And that they have thereof their Execution against the said Paul Busey Legee of the Plf. According to the form of the Statute &c —

Dd Roger Fooble Legee of John Rowsby Esq.r ... } Calvert County ss.

Sy Edward Hungerford ....

Be it Remembered that heretofore to wit the 18th Day of October Anno Dom 1737 Edward Hungerford of Calvert County was Attached to Answer unto Roger Fooble of a plea Wherefore with force & Arms into one third part of a Tract of Plantable Land in Calvert County called the Desarts the whole containing one thousand Acres w.th the Appurtenances which John Rowsby Esq. Demised to the same Roger for a Term which is not yet past did enter & him from his Farm af. did Eject & other harms to him did to the great Damage of the said Roger & against the peace &c —

And Whereupon the same Roger by Daniel Dulany his Att. Complains that whereas the af. John Rowsby the first Day of April in the Year of our Lord Seven teen hundred & thirty seven in the County af. did demise unto the said Roger the said third part of the said One thousand Acres of Plantable with the Appurtenances to have & Occupy to him & his Assigns from the twenty fifth Day of March then last past untill the full End & Term of Seven Years from thence Next Ensuing & fully to be Compleat & Ended by Virtue of which Demise the same Roger into the said one third of the said One thousand Acres of Plantable Land with the Appurtenances did enter & was thereof possessed & the said Roger being so thereof possessed the af. Edward afterwards to wit the Second Day of April in the Year af. w.th force & Arms &c into the said One third Part of the said One thousand Acres of Plantable Land w.th the Appurtenances which the af. John Rowsby unto the af. Roger in form af. did demise for the Term af. which is not yet past did enter & him the said Roger from his Farm af. did Eject & other harms to him did to the great Damage of the same Roger & against the Peace &c Wherefore he saith he is the Worse & hath Damage to the Value of three hundred pounds Current money of Maryland & therefore he brings Suit &c

Pledges &c John Doe & R.d Roe

And the said Edward Hungerford by Sam.l Young his Att. Comes & Defends the force & Injury when &c. And takes Defence According to his pretentions as they shall Appear to be laid down on return of a Warrant of Nonsuit to be Issued in this Cause & Enters into the Common Rule & prays Leave to Imparle hereunto untill Next Court & he hath it & the same Day is given to the Plf. also —

At which said Next Court to wit the 16th Day of May Anno Dom 1738 Comes again as well the said Roger Fooble Legee of the said Joseph Rowsby by his Att. af. as the said Edward Hungerford by his Att. af. And the said Edward Hungerford by his said Att. as before Defends the force & Injury when &c. And saith that he is in no wise Guilty of the Trespass & Ejectment af. in such Manner & form as the Plf. above

(against)