Paper (Viz.)

Sir I hereby certify to you, that on the 12th Day of this Instant August came Joseph White son of Samuel White & proved by Oath on the holy Evangelist of Almighty God that Mr. John Lomax did profanely swear by his Maker twenty four Oaths on Wednesday the sixth Day of this August and on Thursday the next Day he profanely swore thirteen Oaths more on which Information Mr. Lomax hath been heard & not paying the Money for his Fine for swearing down I hereby certify to you that you make out the sum of nine Pounds Current Money as a fine for his swearing to be levied by the Sheriff with his Fees & Fees according to Act of Assembly Given under my hand this 16th Day of August 1740

To Mr. John Brice Clerk of Anne Arundell County Court — Henry Ridgely

Pay

Thereupon it is ordered by the Court here that the Clerk file the same and give Account thereof to the Sheriff this November Court in order to levy the fine thereon according to the Directions of the Act of Assembly in such Case made and provided

Whereupon the said John Lomax by William Cumming his Attorney produces to the Court here his Lordship the Right honble the Lord Proprietary's Writ of Certiorari the Tenor whereof follows in these Words (Viz.)

Maryland ss. Charles Absolute Lord and Propry. of the Province of Maryland & Avalon Lord Baron of Baltimore &c. To Henry Ridgely Gent. chief Justice of Anne Arundel County Court & others his Associates Justices of our Peace in the County aforesd. to keep and divers Felonies Trespasses & other Misdeeds in the same County committed to hear & determine assigned and to John Brice Clerk of the same County Court Greeting We for certain Causes being willing to be certified of the Record of certain Convictions of John Lomax for profanely Swearing & cursing contrary to the Act of Assembly to punish Blasphemers Swearers Drunkards and Sabbath Breakers & for the repealing the Laws heretofore made for the punishing such Offenders whereof he is convicted (as it is said) before the said Henry Ridgely to be by ye. sent before Us Command ye that the Record of the aforesd. Convictions with every thing thereunto relating Ye send in our full and ample Manner as they now remain before ye by whatsoever Name the said John Lomax shall be called therein under your Seals to our Justices of our Provincial Court to be held at Annapolis the second Tuesday of April next & this Writ that our said Justices of our said Prov. Court may do therein that which of Right is to be done Witness Levin Gale Esqr. chief Justice of our said Court the 22d. Day of October in the 28th Year of our Dom. & Annoq. Dom. 1740

Issued Nov. 14th 1740 — Allowed per Robert Gordon — W. Cumming — Hyhiser Clk.

Which being read and heard the Record and Proceedings with all Things thereunto relating are ordered to be transmitted to the next Provincial Court to be held as aforesd. according to the Tenor of the Writ aforesd.

Seal

In Testimony whereof I have hereunto set my Hand and caused the Seal of the County aforesd. to be hereunto affixed this 4th Day of February Anno Domini 1740

Price Clk. Ann. Co. Court

And now here at this Day to wit the said second Tuesday of April being the 14th Day

of the same Month Anno Domi. 1740 comes into his Lordship's Provincial Court here as well Daniel Dulany Esqr. his Lordship's Attorney General who for his Lordship in this Behalf prosecuteth as the said John Lomax by William Cumming his Attorney And the said John Lomax by his said Attorney saith that the Record and Proceedings aforesd. and the matter in the same contained are not sufficient in Law to compell the said John to make Answer unto and therefore prays that the said record and Proceedings thereon may be quashed &c. Full for that the Court here are not as yet advised of and upon the Premises aforesd. Day is therefore given to the said Parties to hear their of their Judgment until next Court for that the said Court as yet are not advised

At which said next Court to wit the 13th Day of October Anno Domi 1741 comes again as well the said Daniel Dulany Esqr. who sues as the said John Lomax by his Attorney afore.

Whereupon all and singular the Premises being by the Court here seen heard fully understood and mature Deliberation thereupon had for that it seems to the Court here that the Record and Proceedings and the matters therein contained are not sufficient in Law to compell the said John Lomax to make Answer thereto

It is considered by the Justices here the 13th Day of October Anno Domi 1741 aforesd. that the Record of the Proceedings aforesd. be quashed and that the said John Lomax go thereof without Day

Memorandum The Plaintiff obtain'd his Lordship's Writ of Possession The Tenor whereof follows in these Words ss. — Maryland ss. Charles Absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &c. To the Sheriff of St. Mary's County Greeting Whereas at a Provincial Court held at the City of Annapolis the twenty first Day of October last past a certain John Edwards in the Name of Timothy Slender his late of St. Mary's County Planter his Possession of in and unto All that Tract or Parcel of Land called Edwards's Discovery lying in St. Mary's County containing two hundred & sixty nine Acres with the Appurtenances thereunto belonging by Consideration of the same Court which the said John Murphey from the said John Edwards unjustly detained Plaintiff Therefore command you that to him the said John Edwards full and ample Possession of in and unto the aforesd. two hundred and sixty nine Acres with the Appurtenances thereunto belonging without Delay you cause to be had and given And how you shall execute this Writ that you do make known unto our Justices of our Provincial Court to be held at Annapolis the second Tuesday of October next & have you then there the names of those before whom you shall execute this Writ and the same Writ Witness Levin Gale Esqr. chief Justice of our Provincial Court the 20th Day of April in the 27th Year of our Dominion & Annoq. Domi 1741

Issued April 20th 1741 — (D Dulany) — Hyhiser Clk.

Pl. John Edwards Lefore ag. John Murphey

At which said second Tuesday of October to wit the 13th Day of the same Month Anno Domi 1741 being the Day of the Return of the aforegoing Writ comes the said John Edwards by Daniel Dulany his Attorney and the Sheriff of St. Mary's County to whom the same Writ was directed likewise comes and makes Return thereof to the Court here Thus indorsed (Viz.)

By Virtue of the within Precept to me directed I certify to the Justices within mentioned that on the 27th Day of April Anno Domi 1741 I gave full and ample Possession of in and unto the Land and Premises within mentioned unto the within named John Edwards before Mr. Lock & Stourton Edwards two good and lawfull men of my Bailiwick as within I am commanded

So Answers Jno. Cartwright Late Sheriff