April Term 1742

William Holploe Lessee of Elizabeth Bigger ——— vs ——— Wm Abraham Burkott Junr

Charles County ss. Abraham Burkott Junr late of Charles County aforesaid Planter was attached to answer unto William Holploe of a plea Wherefore with force & Arms into Two hundred Acres of Plantable Land called Hundo Rest with the Appurtenances lying in Charles County aforesaid Which Elizabeth Bigger to the said William Holploe for a Term which is not yet past Demised He the said Abraham Hath entered & him from his Term aforesaid hath held & other harms to him hath done to the great Damage of him the said William and against the Peace &c.

And Whereupon the said William by Edmund Jennings his Attorney complains that Whereas the said Elizabeth Bigger on the first Day of May in the Year of our Lord Seven hundred & thirty three in Charles County aforesaid Demised to the said William Holploe the aforesaid Two hundred Acres of Plantable Land with the Appurtenances thereunto belonging To have & Occupy the same to the said William this Assignes from the last Day of April then last past untill the end and Term of Seven Years then next following to be fully Compleat & ended By Virtue of which Demise the said William into the Land aforesaid with the Appurtenances entered & was thereof possessed And the said William being so thereof possessed the said Abraham afterwards to wit the same first Day of May Anno Dom Seven hundred & thirty three with force & Arms into the said Two hundred Acres of Plantable Land called Hundo Rest with the Appurtenances which the aforesaid Elizabeth Bigger to the said William in Term aforesaid Demised for the Term aforesaid which is not yet past entered & him from his Term aforesaid held & other harms to him hath done to the great Damage of the same William against the Peace &c Wherefore he says He is the worse & hath Loss to the Value of Two hundred pounds Lawfull Money & therefore he brings Suit &c.

Pledges &c John Doe & Richd Roe.

And the said Abraham Burkott Junr by William Cummings his Attorney comes & defends the force & Injury when &c And takes Defence according to his Protections as they shall appear to the Court Here & Prays Oyer of the Writ of Warrant of Attorney to be spread in this Cause & Entered into the Common rule And prays Leave to imparle thereunto until next Court & that it And the same Day is given to the Pltff also.

At which said next Court to wit the 20th Day of May Anno Dom 1740 Comes again the said Partiet Pltff & Defdt by their Attorneys aforesaid And the said Defdt by his said Atty prays further Leave to imparle thereunto until next Court And that it And the same Day is given to the Pltff also.

At which said next Court to wit the 21st Day of October Anno Dom 1740 Comes again the said Partiet Pltff & Defendt by their Attorney aforesaid And the said Defdt by his said Attorney prays further Leave to imparle thereunto until next Court And that it And the same Day is given to the Pltff also.

At which said next Court to wit the 11th Day of April Anno Dom 1741 Comes again the said Partiet Pltff & Defdt by their Attorneys aforesaid And the said Defendt by his said Attorney prays further Leave to imparle thereunto Untill next Court & that it & the same Day is given to the Pltff also.

At which said next Court to wit the 10th Day of October Anno Dom 1741 Comes again the said Partiet Pltff & Defdt by their Attorneys aforesaid And the said Defendant by his said Attorney prays further Leave to imparle thereunto Untill next Court & that it and the same Day is given to the Pltff also.

At which said next Court to wit the 15th Day of April Anno Dom 1742 Comes again as well the said William Holploe Lessee of the said Elizabeth Bigger by his Attorney aforesaid as the said Abraham Burkott Junr by his Attorney aforesaid And the said Abraham Burkott Junr by his said Attorney as before Defends the force & Injury when &c And Saith that he is not Guilty of the Trespass and Ejectment aforesaid in Such manner & form as the aforesaid Pltff above against him hath Declared and of this he puts himself upon the Country &c

(And)

And the Pltff Also.

But for that it seems to the Court here that by the Act for limitation of Actions this Cause hath continued longer than the said Act appoints by reason whereof the said Action discontinues.

Therefore at the Discretion of the Justices here the Sum of Pounds of Tobacco by the Court here is adjudged unto the said Abraham Burkott Junr for his Costs & Charges by him about his Defence in this behalf laid out & expended And that he have there of his Execution against the said Elizabeth Bigger Lessee of the said Wm Holploe according to the form &c

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Joseph Nicholson Wife &c vs Aquila Page Wife

Command was given to the Sheriff of Baltimore County that he should take Aquila Page of Baltimore County Gentleman and Rachel his Wife if they should be found in his Bailywick and them safe keep so that he might have their Bodies before the Justices of this Lordships Provincial Court to be held at Annapolis the third Tuesday of May then next to answer unto Joseph Nicholson and Hannah his Wife Executrix of the Testament of Edward Scott of a plea of Trespass upon the Case &c And that thereof he the said Sheriff should not fail &c

And the said Joseph Nicholson and Wife &c as aforesaid by Daniel Dulany their Attorney declared against the said Aquila Page & Rachel in the plea aforesaid as follows — (Viz.t)

Maryland ss. Aquila Page of Baltimore County Gentleman & Rachel his Wife were attached to answer unto Joseph Nicholson and Hannah his Wife Executrix of the Testament of Edward Scott of a plea of Trespass upon the Case &c — And Whereupon the said Joseph and Hannah by Daniel Dulany their Attorney complain That Whereas the aforesaid Rachel whilst she was sole to wit the Day of in the Year of our Lord seventeen hundred and twenty at Anne Arundel County was indebted unto the said Edward the Executor of Colo Scott in his Life Time in the Sum of five hundred and twenty two Pounds three Shillings and eleven pence Current Money of Maryland being for such Things as properly lie and are chargeable in Account by the said Rachel while sole from the said Edward in his Life Time had and received as by an Account thereof here in Court ready to be produced may appear and so thereof being indebted the aforesaid Rachel whilst she was sole to wit the Day and Year aforesaid upon herself assumed and then faithfully promised that she the said Rachel the said five hundred and twenty two Pounds three Shillings and eleven pence unto the said Edward the Executor well and faithfully would pay and content Nevertheless the said Rachel whilst she was sole and a certain John Brown died who intermarried with the said Rachel and the said Rachel after their Intermarriage and the said Rachel after the Death of the said John and before her Intermarriage with the said Aquila and the said Aquila and Rachel after their Intermarriage her Promise and Assumption aforesaid nothing regarding but minding and fraudulently intending the said Edward the Executor in his Life Time the said Hannah whilst sole and the said Joseph and Hannah after their Intermarriage in this Part craftily and subtilly to deceive and defraud the aforesaid Sum of Money or any Penny thereof unto the said Edward the Executor in his Life Time or to the said Joseph & Hannah or either of them since the Death of the said Edward the Executor have not paid / altho to do the same the aforesaid Rachel while she was sole to wit the Day of in the Year of our Lord seventeen hundred and twenty by the said Edward the Executor in his Life Time and the aforesaid John Brown and Rachel after Espousals between them celebrated to wit the twenty Eighth Day of October in the Year of our Lord seventeen hundred and twenty one and the said Aquila and Rachel after Espousals between them celebrated to wit the tenth Day of May in the Year of Our Lord seventeen hundred and thirty

(One)