Trying the Issue aforesd. Command is again given to the Sheriff of St Marys County that he Cause to come before the Justices of the 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 Wednesday the Twentieth day of September next to the County Court House in the said County come Twelve good Lawfull Men of his Bailiwick by whom &c. who neither &c. to Recognize &c. because as well &c.

Afterwards the Process continued between the parties aforesd. in the Plea aforesd. 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 Wednesday the Twentieth day of September next to the County Court House in the said County shall come

And now here at this day to wit the said third Tuesday of October being the Twentieth day of the same Month Anno Dom. 1750 comes again into his Lordships Provincial Court here as well the said Henry Nassau Lessee of the said Charles Carroll by his Attorney aforesd. as the said John Lewellin by his Attorney aforesd. But the Sheriff hath not sent his Writ &c. Whereupon the said Cause is Continued untill next Court

At which said next Court to wit the 10th. day of April Anno Dom. 1750 comes again as well the said Henry Nassau Lessee of the said Charles Carroll by his attorney aforesd. as the said John Lewellin by his Attorney aforesaid Whereupon for Trying the Issue aforesaid Command is given to the Sheriff of Annarundell County that he immediately cause to come here Twelve good Lawfull Men of his Bailiwick by whom &c. who neither &c. to Recognize &c. because as well &c. of which said precept the said Sheriff to wit John Gafaway Gent. makes return that he has here ready Twelve &c. as by his said Precept he was commanded to wit Thomas Reynolds, Thomas Johnson, Thomas Hawke, Woolman Gibson, John Smith, Basil Dorsey, John Hayne, William Theobalds, James Sadler, Smith Howsey, Arthur Rigbie and Thomas Harwood who being duly Elected Tryed & Sworn to say the Truth in the Premisses upon their Oath do say That the said John Lewellin is not Guilty of the Trespass and Ejectment aforesd. in manner and form as the aforesd. Henry Nassau Lessee of the said Charles Carroll above against him hath Complained so as the said John Lewellin above by Pleading hath Alledged

Therefore it is Considered by the Justices here that the said Henry Nassau Lessee of the said Charles Carroll take nothing by his Writ aforesd. But be in Mercy for his false Clamour and that the said John Lewellin go thereof without day &c. and it is also Considered that the said John Lewellin recover against the said Charles Carroll Lessor of the said Henry Nassau the sum of

Pounds of Tobacco by the Court here unto him on his Affent Adjudged for his Costs and Charges by him about his defence in this behalf laid out and Expended and that he have thereof his Execution &c.

Memd. Before the Jurors aforesd. went from the Bar the Plaintiff and Defendant by their Attorneys aforesd. filed the following Bills of Exceptions Viz.

Maryland ss. On the tenth day of April in the Year of our Lord Seventeen hundred and fifty Before the Honorable Robert Lyndon Esqr. and his Associates Justices of the Provincial Court a Plea of Trespass and Ejectment which Henry Nassau Lessee of Charles Carroll Esqr. in our said Provincial Court by Writ & Declaration doth Prosecute against John Lewellin late of St. Marys County Planter Supposing by the said Writ and Declaration that the aforesd. Charles Carroll on the first day of August in the Year of our Lord Seventeen

(hundred)

hundred and forty Seven at Saint Marys County aforesd. had Demised unto him the aforesd Henry All that Tract or Parcel of Plantable Land called Brambly Plantation otherwise called Gerrards Brambly lying and being in the County aforesd with the Appurtenances Containing five hundred Acres of Land To have and to Occupy the same Premises with the Appurtenances to him the said Henry and his Assigns from the thirty first Day of July then last past untill the full end and Term of Fifteen Years then next following fully to be Compleat and ended By Virtue of which Demise the aforesd. Henry into the Premisses with the Appurtenances did enter and was thereof Possessed and the said Henry so being thereof Possessed the aforesd. John afterwards to wit on the same first day of August in the Year Seventeen hundred Forty Seven aforesd. at St. Marys County aforesd. with Force and Arms &c. into the Premisses with the Appurtenances aforesd. which the said Charles Carroll to him the said Henry in form aforesd. had Demised for the Term aforesd. which is not yet past entered and him the said Henry from his Farm aforesd. did Eject and other harms to him the said Henry then and there did to the great Damage of him the said Henry and against the Peace &c. To which said matter the aforesd. John Lewellin pleaded that he was not thereof Guilty and of that he put himself upon the Country and the aforesaid John in like manner And now here at the Trying the Issue aforesd. between the Parties aforesd. by Jeremiah Chase of Counsell with the aforesd. John Lewellin to maintain the Issue aforesd. on the part of the aforesd John and to prove that the aforesd. John was not Guilty of the Trespass and Ejectment aforesaid to the Jurors then Impannelled between the Parties aforesd. Offered to give in Evidence a Copy of Enrolment under the Seal of the Provincial Court and attested by the Clerk of that Court to be a True Copy which was in the Words and Figures following "To all People to whom this present Writing shall come I Thomas Gerrard of "St Clements Manor in St Marys County in the Province of Maryland Esqr. send Greeting Know ye "that I the said Thomas Gerrard as well for and in Consideration of the Natural Affection and Paternal Love which I have and do bear to my beloved Son Justinian Gerrard of the same Manor "and County aforesd. as also for divers other good Causes and Considerations me at this present "especially moving Have given and granted and by these Presents Do give grant & Confirm "unto the said Justinian Gerrard All and Singular that Tract and Parcel of Land known and called by the "Name of Brambly Plantation or Gerrards Brambly Situated Lying and being in the County aforesd. and at "this present in the Tenure and Occupation of me the said Thomas Gerrard which Plantation belongeth or "Appertaineth unto St Clements Manor aforementioned and is Bounded as followeth to say "Beginning at Haycocks Creeks Mouth and so running up the line of Mr. Robert Ryves Land or "Plantation called Bushwood unto the Utmost Patent of the said Manner of the one side and by the "River of Wicocomoco of the other side up to Brambly Creeks Mouth and so up the said Creek and "up the Branch thereof to a marked White Oak with nine Notches which Boundeth the Land of "Thomas Notley and from the said Tree running upon a direct Line North East unto the Utmost "Patent of the aforesd. Manner into the Woods Containing by Estimation five hundred Acres be it "more or less Together with all the Orchards Gardens, Structures Edifices Buildings and all other "Hereditaments to the same belonging or any manner of way appertaining or with the said Land "or Plantation commonly Used Occupyed or Enjoyed or which are accepted reputed or taken to be "part Parcel or member of the same Together with all Commons and Common of Pastures "whatsoever to the same belonging as likewise free Liberty of Hawking Hunting Fishing and "Fowling in and upon the said Manner or the Liberty thereof Together with all other Privileges "Benifits and Commodities and falling of Timber upon the said Manner in as full and ample "manner as ever by me the said Thomas Gerrard hath heretofore been Granted unto any Tenant "holding of me upon the said Manner or as fully and amply as I the said Gerrard do or may "Possess by my Previledge of my Patent of the said Manner from the Lord Baltimore Together "with all and Singular such Goods and Chattels and Implements of House hold Stuff "Servants for their respective time to serve Horse and Mare Cattle Hoggs or Swine and

(Commodities)