above against him hath Complained and of this he puts himself upon the
County and &c forth and the Plaintiff also — Whereupon for Trying the
Issue aforesaid Command is given to the Sheriff of Annarundell County that he
Immediately Cause to Come here twelve good and Lawful men of his
Bailiwick by whom &c forth who neither &c forth to recognize &c forth
because as well &c forth, of which said Precept the said Sheriff to wit
Kinsey Johnson Esquire, makes return that he has here ready twelve &c
as by the said Precept he was Commanded to wit, Charles Somerset Smith
Humphry Bell, Simon Wroth, Joseph Flint, Samuel Perry, Francis
Hoolland, Samuel Pennington Jacob Hoolland, Stephen Andrews, Matthew
Cannon, Thomas Sollors, Elias Dalashmet, who being duly Elected
Tryed and Sworn to say the Truth upon the Premises upon their Oath
do Say that they find the Defendant Guilty of the Trespass and Ejectment
mentioned in the Declaration as to all the Land for which the Defendant
took Defence except the five Acres and half Contained within the prick'd
lines from the Letter B upon the Platt within the Plaintiffs location
of the Tract of Land Called Crumpton and as to the said five acres and
half they find the Defendant not Guilty —

£ 1007 3/4
Tobo

Memorandum, Before the Jurors aforesaid went from the Bar
the Plaintiff by his attorney aforesaid filed the following Bill
of Exceptions Viz^t —

Henry Callister dev^t
vs
John Hughes

In this Case the Jury being Sworn to Try the Issue
Joined in the Cause, the Plaintiff gave in Evidence
to the Court and Jury the Patent for the Land in
Dispute Called Crumpton which follows in these words

and gave in Evidence to the Court and
(Jury)



Jury that one John Woodall after the Grant &c, died Seized of the said
Land in fee after whose Death his Son and heir John Woodall entered into
the said Tract of Land and was thereof Seized in fee and afterwards made
a Deed of Bargain and Sale to the Plaintiff Lessor for the said Tract of land
for a Valuable Consideration which Deed was shewn to the Court and Jury
and is in these words —

Whereupon the Defendant gave in Evidence to the Court and Jury that before
the making the said Deed one James Robasp sued out his Landship warrant of
adquod Damnum for Building a Mill in Consequence whereof an Inquisi-
tion was on the ninth day of June in the year 1761 taken by the Sheriff of
Queen Anns County whereby it was found that five and an half Acres
of Land part of the said Tract of Land Called Crumpton and which
are part of Ten Acres mentioned in the Certificate of Survey returned
in this Cause were part of the said Tract of Land Called Crumpton and
that the said John Woodall last mentioned was the then Owner and
Possessor of the said Five and half Acres of Land after which Inquisition
and in Virtue thereof the said Robasp entered into the said five and half
Acres and was Actually possessed thereof and Built the house laid
down upon the platt and afterwards Sold the Same to one Joshua
Woolaston who entered into the Same and was Actually Possessed
thereof at the time when the Deed of Bargain and Sale was made to the
Lessor of the Plaintiff and that Woolaston being so possessed Sold the
Same to the present Defendant who has ever Since been in possession thereof
and thereupon the Counsel for the Defendant prayed the Court to Direct the
Jury that by the Law no Estate Interest or use in the said five & half
Acres of Land did pass by the said Deed to the Lessor of the Plaintiff which
the Counsel for the Plaintiff did oppose and prayed the Court to Direct
the Jury that the Estate Interest and use of the said John Woodall the
Bargainor did pass to the said Lessor of the Plaintiff by the said Deed
but the Court did Direct the Jury that in point of Law no Estate
Interest or use in the said five and half Acres of Land did pass by
the said Deed to the said Plaintiffs Lessor to which the Counsel for the
Plaintiff prayed leave to Except &c — Jnt Brice (Scribe)