in the Declaration aforesaid mentioned, they find the said James Tilghman guilty &c. But if the Court shall be of opinion that a higher Estate than for the life of the said Elizabeth Rose passed by the Will aforesaid in the tract of Land in the Declaration aforesaid mentioned they find the said James Tilghman not guilty.

Impey Dawson.

Whereupon all and singular the premises being by the Court here seen heard and fully understood and mature deliberation thereupon had for that it seems to the Court here that the Law in the premises upon the verdict aforesaid is with the Defendant. Therefore it is considered by the Justices here that the said John Goodtitle Lessee of the said Thomas Winchester & Wife take nothing by his Writ aforesaid in the plea aforesaid, But be in mercy for his false clamour; and that the said James Tilghman go thereof without day &c. And it is also considered that the said James Tilghman recover against the said Thomas Winchester & Wife Lessors of the said John Goodtitle the sum of Seven hundred and fifty seven pounds & one half pound of Tobacco by the Court here unto him on his assent 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.

Ex. 57. Writ of Error filed 11. September 1772.

Test Reverdy Ghiselin Clk.

Walter Hyde Hoxton by Walter Hoxton his Guardian's Lessee
vs
Richard Gardiner & Benjamin Wood.

Be it remembered that heretofore, to wit, on the thirtieth day of September in the year of our Lord One thousand seven hundred and sixty nine a certain Jacob Goodtitle Lessee of Walter Hoxton Guardian of Walter Hyde Hoxton by John Hall his attorney declared in the provincial Court here against Thomas Knight in a plea of trespass and Ejectment with a notice thereto annexed in form,

form following, to wit;

Maryland Charles County to wit; Thomas Knight late of Charles County planter was attached to answer unto Jacob Goodtitle of a plea wherefore with force and arms and so forth into all that tract or parcell of plantable Land called Nuthalls branch lying and being in the County aforesaid containing two hundred acres of Land with the appurtenances which Walter Hyde Hoxton to him the said Jacob demised for a Term not yet passed he the said Thomas did enter and him the said Jacob from his farm aforesaid did eject and other harms to him the said Jacob did to the great damage of him the said Jacob and against the peace of the Right Honourable the Lord Proprietary that now is and so forth. And whereupon the said Jacob by John Hall his attorney complains that the aforesaid Walter Hyde Hoxton being an infant under the age of twenty one years by Walter Hoxton his Guardian for that purpose appointed, on the first day of September in the year of our Lord One thousand seven hundred and sixty nine at Charles County afd did demise unto him the said Jacob the said premises with the appurtenances thereunto belonging To have, hold, use and occupy the same premises with the appurtenances thereunto belonging to him the said Jacob and his assigns from the thirty first day of August last past untill the full end and term of Ten years then next following fully to be compleat and ended; by virtue of which demise the aforesaid Jacob into the premises with the appurtenances did enter and was thereof possessed; and the said Jacob being thereof possessed the afd Thomas afterwards, to wit, on the same first day of September in the year of our Lord Seventeen hundred and sixty nine aforesaid at Charles County aforesaid with force and arms and so forth into the premises with the appurtenances afd which the said Walter Hyde Hoxton to him the said Jacob in form afd had demised for the Term aforesaid which is not yet past entered and him the said Jacob from his Farm aforesaid did eject and other harms to him the said Jacob, then and there did to the great damage of him the said Jacob and against the peace of the Right Honourable,