and Benjamin Wood shall appear in their proper persons or by their Attorney or Counsel, and confess the lease, entry and actual ouster and expulsion of so much of the tenements in the declaration of the said Jacob Goodtitle Lessee as aforesaid as is in the possession of the said Richard Gardener and Benjamin Wood or their tenants, or any other person or persons claiming by or under their title, or in default thereof, that Judgment be entered against the now Defendant Thomas Knight the Casual Ejector, but that but that prosecution be staid against him until he makes default in any of the premisis; and it is ruled by the Court here, with consent of Counsel, that if by reason of such default, the said Jacob Goodtitle Lessee as aforesaid, shall become nonsuit at the trial, the said Richard Gardener and Benjamin Wood shall take no advantage thereof, but shall pay to the said Jacob Goodtitle Lessee as aforesaid his Costs and so forth: and it is further ruled by the Court here, that if upon the trial of the said issue a verdict shall be given for the said Richard Gardiner and Benjamin Wood or if the said Jacob Goodtitle Lessee as aforesaid shall not prosecute his declaration upon any other cause than for the not confessing lease, entry and ouster as aforesaid, then the said Walter Hyde Hooton or the said Walter Hooton Guardian to the said Walter Hyde Hooton Lessor of the aforesaid Jacob Goodtitle shall pay Costs and so forth. and thereupon the aforesaid Jacob Goodtitle Lessee as aforesaid, by his Attorney aforesaid, declares against the said Richard Gardiner and Benjamin Wood in the plea aforesaid, in manner and form following, to wit: — Maryland: Charles County, to wit; Richard Gardiner & Benjamin Wood late of Charles County planters were attached to answer unto Jacob Goodtitle of a plea wherefore with force and arms and so forth into all that tract or parcel of plantable Land called Nuthells branch lying and being in the County aforesaid containing two hundred acres of Land with the appurtenances which Walter Hyde Hooton to him the said Jacob demised for a term not yet passed they the said Richard and Benjamin did enter and him the said Jacob from his farm aforesaid did eject and other harms to him the said Jacob

did,

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 Hooton being an infant under the age of twenty one years by Walter Hooton 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 aforesaid did demise unto him the said Jacob the said Premises with the appurtenances thereunto belonging: to have hold use and occupy the same premisis with the appurtenances thereunto belonging to him the said Jacob and his assigns from the thirty first day of august last past until the full end Term of ten years then next following fully to be compleat and ended; by vertue of which demise the aforesaid Jacob into the Premises with the appurtenances did enter and was thereof possessed; and the said Jacob so being thereof possessed the aforesaid Richard & Benjamin 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 premisis with the appurtenances aforesaid which the said Walter Hyde Hooton to him the said Jacob in form aforesaid had demised for the Term aforesaid which is not yet passed 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 the Lord Proprietary that now is his good rule and government: whereby the said Jacob saith he is the worse and hath damage to the value of five hundred pounds Current Money; and therefore brings Suit and so forth.

John Hall. Pledges &c John Doe } Rich^d Roe.

Thereupon on motion of the said Richard Gardiner and Benjamin Wood by their attorney aforesaid leave is given by the Court here to the said Richard Gardiner and Benjamin

Wood,