the said tract of land mentd in the Grant & Cert aft. and that after the date of the said Cert & before the date of the sd patent to wit in the year 1765 several persons by the command & as the servants of the said N. R. Gay entered on the sd tract of land in houses thereon then being & therein resided as under the right or title of the sd N. R. Gay for the space of ten weeks or two months & not longer and that Francis Philips as Servant and agent of the said Defendts ousted the said Servants of the aft. N. R. Gay and that the said Deftts have always since continued in the Occupation of the said land claiming the same as their right and property. And it was not proved that the said Nicholas Ruxton Gay or any other person ever made any other entry on the said Defendts or disturbed their said Occupation of the land aft. And the Deftts Council thereupon objected that the said devise to the Lessor of the Plaintiff is void because as he alledges the said Nicht R. Gay was by the acts aft. disseised of the sd land and was & continued disseised at the time of his making his will aft. and at the time of his death which was in the year 1770. The consideration of which point is reserved for the opinion of the Court &c.

Th Johnson Junr Pplf.

Danl of St Thos Jenifer. Jas Tilghman of Annapolis

And because the Court here will advise themselves before they give their judgment of and upon the premises, day therefore is given to the parties aforesaid until the second Tuesday of April next, to hear their judgment of and upon the premises, because the Court here thereof are not advised &c.

At which said second Tuesday of April being the ninth day of the same month in the year of our Lord one thousand seven hundred and seventy five come again into the Provincial Court here as the said Titus Fruetitle Lessee as aforesaid by his attornies aforesaid, as the said William Pellett, Mary Whitwick, William Russell, Thomas Russell and Charles Wright by Thomas Stone and James Tilghman their Attornies; But because the Court here are not yet advised to give their judgment of and upon the premises aforesaid, day therefore is further given to the said parties to hear thereof their Judgment of and upon the premises, until the second Tuesday of September next, for that the said Court here as yet are not &c.

At which said second Tuesday of September being the twelfth day of the same month in the year of our Lord one thousand seven hundred,

hundred and seventy five come again into the Provincial Court here, as well the said Titus Fruetitle Lessee as aforesaid by his Attornies aforesaid, as the said William Pellett, Mary Whitwick, William Russell, Thomas Russell and Charles Wright by their attornies aforesaid; but because the Court here are not yet advised to give their judgment of and upon the premises aforesaid, day therefore is further given to the said parties to hear thereof their judgment of and upon those premises, until the second Tuesday of April next, for that the Court here as yet are not &c.

On which said Tuesday of April in the year of our Lord one thousand seven hundred and seventy six the plaint, plea and proceedings aforesaid, remained without day, because the Court aforesaid was not held nor opend, and afterwards, by virtue of a certain act of the General Assembly of this State, made at a Session of Assembly begun and held at the City of Annapolis on the fifth day of February and ending the twentieth day of April Anno Domini one thousand seven hundred and seventy seven the said Court was revived, continued and adjourned until the second Tuesday of May Anno Domini one thousand seven hundred and seventy eight, the same day was given by the act of Assembly aforesaid as well to the said Titus Fruetitle Lessee as aforesaid, as to the said William Pellett, Mary Whitwick, William Russell, Thomas Russell and Charles Wright in the Court aforesaid;

On which said second Tuesday of May being the twelfth day of the same month in the year of our Lord one thousand seven hundred and seventy eight, come into the General Court here, as well the said Titus Fruetitle Lessee as aforesaid by Samuel Chase and Robert Alexander his Attornies, as the said William Pellett, Mary Whitwick, William Russell, Thomas Russell and Charles Wright by their Attornies aforesaid; and the said William Pellett, Mary Whitwick, William Russell, Thomas Russell and Charles Wright by their Attornies aforesaid suggest to the Court here that since the last continuance of the plea aforesaid and before this day to wit, on the Eleventh day of May last the said William Lee the Lessor of the said Titus Fruetitle departed this life; and this is not denied; But because the Court here are not yet advised to give their judgment of and upon the premises aforesaid, day therefore is further given to the said parties to hear thereof their Judgment of and upon those premises, until the second Tuesday of October next, for that the Court here as yet are not &c.

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