produces to the Court here the following writ of Certiorari to wit:
The State of Maryland Sc. To the Justices and Clerk of Frederick County
Greeting: Whereas lately in our said Court, William Emmit was
attached to answer unto Charles Robison of a plea of Trespass quare
clausum Fregit and so forth, which said plea is still depending before
you our said Justices in our said County Court as it is said undetermined
and we being desirous for certain reasons that the Record and proceedings
in the plea aforesaid should by you be certified to us do Command
you that you send under your seals the Record of the proceedings aforesaid
in the plea aforesaid with all things touching the same unto our General
Court to be held at the City of Annapolis the second tuesday of May next
plainly and distinctly and in as full and ample manner as it now
remains before you together with this writ so that we may be able thereon
to proceed and to do what shall appear to us of right ought to be done:
Witness the honorable Robert Goldsborough Esquire Chief Judge of our
said Court the Eleventh day of October Anno domini 1796. — Issued the
2d. day of November 1796. — A.S. — Jno. Gwinn Clk. —
Whereupon it is ordered that the Record of the proceedings in the action
aforesaid be transmitted accordingly. — Test, William Ritchie Clerk.
In Testimony that the aforegoing is a true Copy of the Record and
proceedings in the action aforesaid, I have hereunto subscribed my
name and affixed the public Seal of Frederick County Court the 20th
day of April 1797. — — William Ritchie Clerk. —

Clerks Fredk. County

Whereupon come into the General Court here, as well the said Charles
Robinson by Arthur Sharff his attorney aforesaid, as the said William
Emmit by John Thomson Mason and Roger Nelson his attorneys: And
thereupon it is agreed by and between the parties aforesaid by their attorneys
aforesaid that the plats taken in this Cause in Frederick County Court be
brought to this Court and received as part of the Record in this cause.
Whereupon the parties aforesaid, by their attorneys aforesaid, pray leave
of the Court here to amend the said plats and certificates to be brought to the
Court here in this Cause, and to add thereto, if necessary, by the second
tuesday of October next, and to them it is granted; and a Copy of the said amendment thereof
delivered to the Sheriff and Surveyor of Frederick County, for that purpose;
Thereupon further process of and upon the premises aforesaid, between the
parties aforesaid, by order of the Court here is continued until the said
second tuesday of October next. — At which said second tuesday of
October in the year of our Lord One thousand seven hundred and ninety seven,
come again into the General Court here, as well the said Charles Robinson
by his attorney aforesaid, as the said William Emmit by his attorneys aforesaid:
whereupon on motion of the said Charles Robinson by his attorney aforesaid,
it is ruled by the Court here, that the said William Emmit answer to the
Declaration of the said Charles Robinson in the plea aforesaid, or Judgment
by the Court here will be rendered against him in default thereof: Whereupon

the parties aforesaid, by their attorneys aforesaid, pray leave of the Court here further
to amend the said plats and certificates in this cause, and to add thereto if
necessary, by the second tuesday of May next, and to them it is granted; and
thereupon further process of and upon the premises aforesaid, between the parties
aforesaid, by order of the Court here is further continued until the said second
tuesday of May next. — At which said second tuesday of May in the year
of our Lord One thousand seven hundred and ninety eight, come again into the
General Court here, as well the said Charles Robinson by his attorney aforesaid
as the said William Emmit by his attorneys aforesaid: And the said Sheriff and
Surveyor of the County aforesaid, to whom the said plats and Certificates were
delivered, for the purpose of amending or adding thereto if necessary, return the
same to the Court here as amended; And the said William Emmit by his
attorneys aforesaid, defends the force and injury, when and so forth, and as to
the force and arms and any thing that is against the peace dignity and
Government of the State of Maryland, and also the whole trespass aforesaid
except the breaking and entering the close aforesaid, and the felling cutting
down taking and carrying away the timber trees aforesaid, and the
ploughing digging and turning up the Earth and Soil aforesaid, says
he is not Guilty thereof and of this he puts himself upon the Country, and
the said Charles Robinson likewise: And as to the breaking and entering
the close aforesaid, and the felling cutting down taking and carrying away
of the timber trees aforesaid, and the ploughing digging and turning up the
Earth and Soil aforesaid, the said William Emmit says that the said
Charles Robinson ought not to have and maintain his action thereof
against him because he says that the close aforesaid in which that
trespass is supposed to be committed contains in itself
acres of land with the appurtenances called and known by the name of
which said acres of land with the
appurtenances are and at the said time when that trespass is supposed to be
committed were the soil and freehold of the said William Emmit: wherefore
the said William Emmit in his own right at the said time when the
said trespass is supposed to be committed the close aforesaid as the close
and soil and freehold of the said William Emmit broke and entered and
the timber trees aforesaid in the Declaration aforesaid above specified in
the close aforesaid growing felled cut down took and carried away and
the Earth and Soil ploughed digged and turned up as he lawfully might
do: and this he is ready to verify wherefore he prays Judgment if the said
Charles Robinson ought to have or maintain his action aforesaid thereof
against him Co.a. — Whereupon the parties aforesaid, by their attorneys
aforesaid, pray leave of the Court here to amend the said plats and
certificates returned to the Court here in this cause, and to add thereto if
necessary, by the second tuesday of October next, and to them it is granted;
and the same are delivered to the Sheriff and Surveyor aforesaid, for that