one Moiety of the said Lands with their Appurtenances, and unto the said John and Mary in right of the said Mary and to the heirs of the said Mary it pertains to have the other Moiety of the said Lands with their Appurtenances to hold to them in severally so that the said Edward of his part of the said Lands with the Appurtenances to him belonging, and the aforesaid John and Mary of their part of the said Lands and the Appurtenances to them in the right of the said Mary belonging may be able severally to portion themselves; they the said John and Mary to make partion thereof between them and the said Edward according to the form of the Statute in that case made and provided do deny and the same most unjustly permit not to be done against the form of the Statute aforesaid; whereupon the said Edward saith he is dammified; and hath damage to the value of Five hundred pounds; and thereupon he brings his Action, &c.

Gust. Scott. L. Martin for Pltff. Pledges of Prosq. John Doe. Rich. Roe.

And the said Edward Lloyd by his Attorney prayed that the said John Gordon and Mary his wife to his Declaration aforesaid might answer: whereupon it was ruled by the Court at the prayer of the said Edward that the same John and Mary should answer to the Declaration aforesaid by the second Tuesday in September then next; and it was said to the same John and Mary that if they should not answer to the Declaration aforesaid, by the time aforesaid, Judgment should be rendered against



them by default. The same day was given to the said Edward Lloyd then and so forth.

At which said second Tuesday of September, seventeen hundred and eighty five, came again the parties aforesaid by their Attornies aforesaid. Whereupon further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties and their Attornies aforesaid, and by order of the Court here thereon was further continued until the second Tuesday in April then next following.

At which said second Tuesday of April, seventeen hundred and eighty six, came again the parties aforesaid, by their Attornies aforesaid. And the same John Gordon & Mary his wife by Robert Goldsborough their Attorney affirm their Plea in the above action in manner and form following, to wit.

Edward Lloyd
v.
John Gordon and Mary Gordon his Wife

} And the aforesaid John Gordon and Mary his wife by Robert Goldsborough their Attorney come and defend the force and injury, when, &c. And say that they the said John and Mary do not hold nor did they on the day of the Imputation of the aforesaid original writ of the aforesaid Edward Lloyd, to wit, on the fifth day of July in the year, seventeen hundred and eighty four, nor ever at any time afterwards hold the Tenements aforesaid with the appurtenances, nor any part thereof, together and undivided with the aforesaid Edward Lloyd, as the said Edward by his Writ and Declaration aforesaid, above doth suppose, and of this they put themselves upon the Country, &c. And the aforesaid John and Mary by the leave of the Court here according to the form of the Statute in such Cases made and provided come and defend the force and injury when, &c. And further say, that partion between them the said John and Mary and the aforesaid Edward Lloyd of the aforesaid Tract of Land called Timber