said Third Tuesday of October and year aforesaid come the aforesaid Thomas Gillis by William Polk his Attorney and the Sheriff to wit, John Leatherbury Esqr. Sheriff of the County aforesaid returned that he had taken the aforesaid Andrew Adams whose body he had here ready to answer unto the aforesaid Thomas Gillis of the aforesaid plea as to him it was commanded &c. Whereupon the said Andrew Adams puts in his place Gustavus Scott Gentleman Attorney at Law against the aforesaid Thomas Gillis in the aforesaid plea &c. And thereupon the said Thomas Gillis complains against the said Andrew Adams in the Plea aforesaid in forme following — Somerset Sc. Andrew Adams late of Somerset County Planter was attached to answer unto Thomas Gillis of a Plea of Trespass upon the Case and so forth — And whereupon the said Thomas Gillis by William Polk his Attorney complains that whereas the said Thomas on the first day of May Anno Domini Seventeen hundred and eighty five unto the first day of January Anno Domini Seventeen hundred and ninety one was seized in his demesne as of fee of part of a tract of Land with its appurtenances called Smiths Adventure near adjoining and through which there runs an Antient Branch a Stream of water in the County aforesd. and the said Thomas and all those whose Estate he hath in the Lands aforesd. have had and ought to have the benefit of the aforesd Branch and Stream for the draining the Lands aforesaid. Nevertheless the aforesaid Andrew well knowing the Premises but maliciously contriving and fraudulently intending him the said Thomas of the Profits of his Land aforesaid and timber and grass thereon growing altogether to deprive on the first day of January Anno Domini Seventeen hundred and ninety, at the County aforesaid, did erect and build a dam across the aforesd Branch and Stream of water by means of erecting and building the said dam the antient Course was so stopped and impeded that great part of the aforesd part of the aforesd Tract of Land called Smith's Adventure was overflowed and drowned and the timber Trees and grass of him the said Thomas thereon growing of the value of Two hundred pounds Current Money of Maryland were drowned killed and destroyed whereby the said Thomas lost great part of the Profits of the aforesd. Land for a long time to wit, between the said first day of January Anno Domini Seventeen hundred and ninety above said and the first day of August Anno Domini Seventeen hundred and ninety whereby he says he is injured and hath sustained Damage to the value of one thousand pounds Current Money of Maryland and therefore he brings suit and so forth. Pledges &c. John Doe & Richard Roe. — And hereupon the said Andrew Adams by his Attorney aforesaid comes and defends the force and injury when &c. and prays leave to imparle until next Court to be holden at Princess Anne Town the third Tuesday of March then next following and he hath it and the same day is given to the aforesaid Thomas Gillis &c. also &c. And now to wit, at a Court held at Princess Anne Town in and for the County of Somerset the third Monday in May anno Domini one thousand Seven hundred and ninety one, by virtue of an Act of Assembly in such cases made and provided &c. came the Parties aforesaid by their Attorneys aforesaid, and the said Andrew Adams as before defends the force and injury when &c. and says that he is not guilty of the Premises in the Declaration aforesaid mentioned in manner and forme as the aforesaid Thomas Gillis above against him hath complained and of this he puts himself upon the Country &c. and the said Thomas in like manner. — And the cause aforesaid was continued over unto the second Monday in November then next following &c. At which said second Monday in November came the Parties aforesaid by their Attorneys aforesaid and hereupon the said Andrew Adams produced to the Court a Writ of Habeas Corpus the tenor whereof is as follows (viz)

The State of Maryland &c. To the Justices and Sheriff of Somerset County, Greeting. Whereas a certain Andrew Adams late of Somerset County is detained in the Prison of our said County, under the Custody of you our said Sheriff at the suit of a certain Thomas Gillis of a plea of Trespass upon the Case and so forth which said Plea as it is said still depends before you our said Justices undetermined and we being willing for divers Causes that the Plea aforesaid undetermined as aforesaid should be heard and determined before the Judges of our General Court, therefore we command you that you have the body of the said Andrew Adams by whatsoever name or names he may be called in the plea aforesaid together with the cause of his caption and detention and all things thereunto relating before the Judges of our General Court to be held for the Eastern Shore of this State at Easton in Talbot County at the Court House in the same County the second Tuesday of April next, that our said Judges of our said Court may further proceed thereon as to Justice appertains and so forth. Hereof fail not at your Peril and have you then and there this writ. Witness the Honourable Robert Goldsborough Esquire Chief one of the Judges of our