at the County afd with force and arms &c into all that Tract or parcel of plantable Land called Durham House Situate lying and being in Worcester County afd with the Appurtenances Containing two thousand three hundred Acres of Land, he broke and entered, and him the Said John Ayres from the use possession Occupation and benefit of the Said Tract or parcel of plantable Land with the appurtenances then and there expelled and removed, and him the Said John Ayres from the use possession and benefit thereof for a long time hindered and kept out, to wit, from the Said Second day of January in the year afd untill the twentieth day of September Seventeen hundred and ninety three and the Timber Trees and other profits and Emoluments of the Said John Ayres thereon growing and therefrom accruing did for all the time afd cut down take and carry away and to his own use and advantage did convert whereby the Said John Ayres the use, profits and benefits of the Said Tracts or parcel of Land with the Appurtenances and the timber Trees and other profits and Emoluments thereof for all the Said time lost and was deprived of and other Injuries to him the Said John Ayres then and there did, to the great Damage of the Said John Ayres and against the peace Government and Dignity of the State of Maryland: Wherefore the Said John Ayres saith that he is greatly injured and hath Sustained Damage to the value of five hundred pounds Current Money: and thereupon he brings this Suit &c.

Ats Hammond & Ellis. John Doe & Rich. Roe. pledges &c.

And the Said John Ayres by his Attorney afd prayed that the Said John Scarborough to his Declaration afd might answer; Whereupon it was ruled by the Court that the Said John Scarborough should answer to the Declaration afd by the second Tuesday in April then next following: the Same day was given to the Said John Ayres there &c. At which Said Second Tuesday of April Seventeen hundred and ninety five, came again the Parties afd by their Attorneys afd, and the Said John Scarborough by his Said Attorney, comes and defends the force and injury when &c and saith that he is not Guilty of the trespass and premises afd complained of against him by the said John Ayres: and of this he puttath himself upon the County &c. And the said John Scarborough by leave of the Court here first had and obtained according to the form of the Statute in Such Case made and provided comes and further defends the force and injury when &c and saith that the Said John Ayres his Action afd thereof against him the Said John Scarborough to have or maintain ought not, because he saith that he the Said John Scarborough was not Guilty of the trespass and the premises afd in the Declaration afd mentioned at any time within three years next before the day of the impetration of the Writ in this Cause in Such manner and form as the Said John Ayres above against him complains. and this he is ready to verify. Wherefore he prays Judgment if the Said John Ayres his Action afd thereof against him the Said John Scarborough to have or maintain ought &c —

And thereupon day was given as well to the Said John Ayres as to the Said John Scarborough by the Court here untill the Second Tuesday of September then next following: At which Said Second Tuesday of September Seventeen hundred and ninety five, came again the Parties afd by their Attorneys afd, and the Said John Ayres by his Said Attorney replied to plea of him the Said John Scarborough as follows, to wit, And the Said Ayres by his Attorney afd as to the first plea of the Said Scarborough doth thereof in like manner &c. And the said Ayres as to the Second plea of the Said Scarborough in manner and form afd pleaded, Saith that by any thing before alleged by the Said Scarborough in this Said Second plea he ought not to be precluded from having or maintaining his Action afd thereof against him the Said Scarborough because he saith that on the twenty sixth day of September in the year seventeen hundred and ninety three he the Said Ayres sued out and impetrated his original Writ in the plea afd against him the Said Scarborough to wit, at the County of Worcester afd, and that he the Said Scarborough within three years before the Suing out and impetration of the Said Original Writ of him the Said Ayres was guilty of the Premises above charged upon him in Such manner and form as the Said Ayres above against him hath Complained: And this he prays may be enquired of by the Country &c. And the Said Scarborough doth thereof in like manner &c. And thereupon day was given as well to the Said John Ayres as to the Said John Scarborough by the Court here untill the Second Tuesday of April then next following. And now here at this day, to wit, the Second Tuesday of April Seventeen hundred and ninety Six, come again into Court the Parties afd by their Attorneys afd. Whereupon for trying the issue afd it was Commanded to the Sheriff of Talbot County that he should cause to come here immediately before the Judges afd twelve &c who neither &c to recognize &c because as well &c. And thereupon the persons returned of that Jury whereof mention is above made being called certain of them to wit, David Kerr, Edward Wright, John Singleton, Peter Rea, John Stevens, Thomas Cannon, Joshua Clark, Augustine Boyer, Owen Kem and William Eliason, Lazarus Collman, and Adam Elzey, appeared, who being elected, Tried, and Sworen, to say the truth of and upon the premises, upon their Oath do say that the Said John Scarborough is Guilty of the trespass and premises afd in the Declaration afd mentioned, and they do assess the Damages of him the Said John Ayres Sustained by that occasion to the Sum of Eighty two pounds, eleven Shillings Current Money, and for his Costs and Charges by him about his Suit in this behalf expended, to one pound of Tobacco beyond the legal Costs. Whereupon the Said John Ayres by his Attorney afd prayed Judgment against the Said John Scarborough in and upon the Verdict afd given. Therefore it is considered by the Court here that the afd John Ayres do recover against the Said John Scarborough his Damages afd to Eighty two pounds, eleven Shillings Current Money, and also the Quantity of Three thousand two hundred and twenty