Tuesday in October next unless the Justices of our Lady the Queen to take
the assizes in this County aft assigned on Thursday the Seventh day of September
next at the said County Court house in the said County should then
at which said Second tuesday of October to wit the Ninth day of the same
month Anno Domi 1710 before her Majtys Justices of the Queen's Court at the
City of Annap Comes as well the said John Gerard as the said
Edmond Long botham by their attorneys aft etc wts respective
before which day et Sent Nor their record before them the Sent hereof
their Record before them had in the words viz
Howard (to wit) the day and place aft before Wm Holland Esq
Chief Justice of the Ladyes the Queen's of the prov Court of this province
and Robert Bradley one of the same Court Justices of the said
Ladyes the Queen to take the assizes in the said County according to the
form of the statute &c assigned Cam war well the said John Gerard
by Wm Bladen his attorney and the said Edmond Longbotham by
Cornell Hunt his attorney as the Jurors of the Jury aft which
moreover in made (to wit) Thomas Foster and Robt Johnson Charles
Ridgley Thomas Cecky Ingram Wm Pennington Robt Hutch-
ins Burley Samuel Sentant Francis Mackelduff Thos Aldridge
Alexander Gaddis and being sworn and duly sworn upon their
oaths do say that the said Edmond is guilty in such manner
as is mentioned as the said Mr Gerard hath ag him within declared and
laid the damage of the said John by occasion of the premises
besides the costs & charges by the said John about his suit laid
out & expended to twenty four pounds stg — Therefore it is considered
by the Justices here that the 11th day of Decr Anno Domi 1710 aft that
Mr Gerard recover ag the said Edmond Longbotham as well
the sum of twenty four pounds stg his damages aft by the Jurors aft
in form aforesaid found as also the sum of
1773 in pounds of tobo by the Court here adjudged unto him for his costs &
charges about his suit in this behalf laid out & expended & that
in Mercy &c —

Luke Gaybert and Elizabeth his wife } Prov Court ss July Term 1710 ss.
vs } St Maries County ss. Be it Remem-
In the Plea John Code - - - - } bered that heretofore to wit the 15th day

of April in the ninth year of the Reigne of our Sovereigne Lady
the Queen that now is Anno Domi 1710 John Code of St Maries County
Gent was attached to answer unto Luke Gaybert of St Maries County Gent
and Elizabeth his wife of a plea wherefore with force and armes the Close of
the same Luke and Elizabeth at Suttons neck in Saint Maries County he did
(break)



October Court 1710

break and their trees viz twenty oaks ten Locusts and ten poplars trees all to the
value of thirty pounds stg thereon lately growing did there cut down and their
goods and chattels viz two thousand to the value of ten pounds stg there lately
found together with the said trees did take and carry away and other harms to them
did to the great damage of the said Luke and Elizabeth his wife and against the peace
of the Lady the Queen that now is &c

And whereupon the same Luke and Elizabeth by Cornelius Wheldon their attorney
complain that the aft John Code the tenth day of Nov in the 8th year of the
reigne of the now Lady the Queen anno Domi 1709 with force and armes the close
of the same Luke and Elizabeth at Suttons neck in St Maries County he did break and there
trees viz twenty oaks ten Locusts and ten poplar trees all to the value of thirty
pounds stg thereon lately growing did there cut down and their goods and chattels
viz two thousand and seven hundred to the value of ten pounds stg there lately found
together with the said trees did take and carry away and other harms to them
did to the great damage of the said Luke and Elizabeth his wife and against the peace of
the Lady the Queen that now is &c whereupon they say that the said damnified
and had lost to the value of fifty pounds stg and therefore they bring their suit &c
plegi &c In Dno &c Ad Lot —

And the said John Code by Richd Dallam his attorney comes and defends
the force and injury when &c and prays leave to imparle he cannot without
Court and it is granted and the same day is given to the plaintiffs also and for that
it seems to the Court here for the better information of the Court and Jury in the truth
of the premises that that tract or parcell of land called Sutton neck whereon or
the trespass aft is supposed to be committed by the said John Code be carefully resurveyed
and laid out according to the acres in metes and bounds therof in the original
Court Survey thereof if produced to the end of the said trespass (Jury) may more
plainly & indifferently appear to the Court & Jury it is ordered by the Court here
that the Deputy Surveyor of St Maries County for the time being or any other
discreet and skillful person in his absence to be nominated and appointed by the
plaintiffs & defendt in his presence of the sheriff of the said County carefully resurvey
and lay out as well the said land as any other lands adjacent thereto
which should be thought necessary by the said plaintiffs and defendt to be laid out for
the better illustration of the matter according to the claimes and pretences of
the plaintiffs in the presence of the defendt if he being summoned think fitt to be
present and without any interruption of him the said defendt and likewise survey
and lay out the same land as aforesaid according to the claimes and pretensions of the
defendt in presence of the plaintiffs if they being summoned think fitt to be
present without any interruption of the plaintiffs and the said sheriff is hereby
impowered to examine upon oath any witness or witnesses that by either of
the said parties shall be produced in relation to the same and the said surveyor
is hereby commanded to return two fair Cts and platts therof drawing the
pretences of the plaintiffs in black lines and the pretences of the defendt in
pricked lines as well under the hand and seale of the said sheriff as the surveyor
to the next Maj tys Justices here at the next Court to be held for this province on
(the)