

Isaac Winchester, also of Kent County, ejected him, cut down his timber and did other damage to him. Winchester put John Currer on the premises, and Currer was admitted defendant in place of Winchester. He was ordered to confess lease, entry and ejection and insist only on title. If he failed to do so, judgment should be entered against Winchester, the casual ejector. Each side was to pay the costs adjudged against the other. Marsh, the owner, declared he had given Currer, the tenant in possession, the proper copy of the proceedings, and, since Currer had not pleaded, Marsh prayed judgment against him. The Court decreed that Marsh should be restored to possession, and that he should have from Currer 864 pounds of tobacco for his costs. Because Marsh was sheriff of Kent, the writ to restore his tenant, Miller, to possession was directed to the coroner. On April 17, 1677, more than two years after Marsh began his action, the coroner returned that he had put Miller in possession of the land, but that he had found no goods or chattels of John Currer's from which he could make the 864 pounds of tobacco costs (*post*, pp. 372, 402).

Sometimes there was dirty work in connection with land grants. Elizabeth Brispo, widow of Anthony, petitioned the Court to restore to her a parcel of land that had belonged to her husband. "Crab Hill", Baltimore County, was patented in 1665 to John Lee. In 1667/8, Lee and William Osborne deeded it to Oliver Spry, and he in turn sold it to Richard Morgan and John Hall in 1670. In early 1673/4, Morgan, who had bought out Hall, sold it to Brispo. After Brispo's death, his nearest neighbor, James Philipps took out a warrant of resurvey and "tells the petition<sup>r</sup> the said land is his & will turne off . . . and Send his servants to work upon the said land which torments the petitioner very much". Philipps's only basis was a mistake of the surveyor who had laid out the lands and who took as Philipps's boundary a tree that was really Brispo's boundary. Elizabeth produced a deposition from William Osborne that "Crabb Hill" was the land he and John Lee had sold to Spry. The Court directed the sheriff to summon a jury of the neighborhood to enquire into the bounds of the land and report back, but it does not appear here what the result was (*post*, p. 474-475).

Mrs. Sarah (Cole) Claw Younger petitioned for relief against husband Alexander Younger and his attorney, Charles Boteler, and the Court granted her prayer. On July 10, 1673 there had been surveyed for Bryan Daley 500 acres of land, called "Daley's Desire", on the north side of Sassafras River, by a little cove. On July 20, 1674, Daley had assigned it to William Claw of St. Mary's County, and Claw left it at his death to his wife, born Sarah Cole. When Mrs. Claw married Alexander Younger, she took "Daley's Desire" with her into the marriage, and Younger wanted the land in his own right instead of his wife's. He "did sell & convey the same to Mr. Charles Boteler & did partly through menaces & partly through faire perswasions gett the petitioner to joyne with him in the sale thereof, for a valuable consideration pretended to be paid & received whereas in truth there was not any consideration paid for the sale thereof & only intended to defraud the petitioner of her interest in & to the same, & shortly after the said Charles Boteler made a deed of Conveyance thereof unto the said Younger whereby he is in his owne right