

and Defend<sup>t</sup> by their Attorneys af<sup>d</sup> and the said Def<sup>t</sup> by his said Attorney then and there as before defended the force and Injury when etc; and then said that he was in nowise Guilty of the Premises as the pl<sup>t</sup> above by Decleration Declared and of this put himself upon the Country and the af<sup>d</sup> Edmond likewise Thereupon Command was given to the Sherriff of Annarundell County that he should immediately cause to come there twelve etc; by whom etc; who neither etc: to recognize etc; because as well etc; off which s<sup>d</sup> Precept the said Sherriff to witt Henry Lazenby Gent: made return that he had there ready twelve etc; as by his precept he was Commanded to Witt Henry Dick, Peter Mercy, James Wyat, James Duke, Christop<sup>r</sup> Granger, Mathew Collier, James Chairs, W<sup>m</sup> Jones, Benjamin Cox, Barton Hungerford, Thomas Smoot, and William Marlow at which said 10<sup>th</sup> day of April 1722 Comes as well the afd P<sup>l</sup>t: as the af<sup>d</sup> Def<sup>t</sup> in their proper persons and the Jury being Sworn as af<sup>d</sup> likewise came who to the truth of the premises were Elected tryed and Sworn to Say upon which the aforesaid P<sup>l</sup>t for the maintaining and proving the Def<sup>t</sup> to be Guilty of the Trespass and Ejectment as is above set forth on the part of the said P<sup>l</sup>t. then and their to the Jury af<sup>d</sup> gave in Evidence and proved that James Warner was lawfully Seized of the above land and premises in the aforegoing Decleration mentioned in fee simple and that the said Warner duely made and Executed his Last Will and testament in Writting on the thirteenth day of February Anno Domi Sixteen hundred and Seventy three and Soon after dyed wherein amongst other things the said Warner did bequeath unto his Wife Elizabeth Warner all moveable and Immoveable whatsoever he was then possessed withall and after her Disposeing only the Plantation and Lands after her days to his the said Warners Daughter Johannah Sewell and her heirs for ever and not to be disposed of to none from them but his said Daughter and her heirs forever and [581] further Plaintiff gave in Evidence and proved that the said Johannah was the Mother of the Lessor of the Plaintiff and Dyed Seized of the above mentioned premises having Issue of her body lawfully begotten James her Eldest Son and Henry the Lessor of the Plt her Second Son And the said Plaintiff further gave in Evidence and proved that James Sewell heir at Law to Johannah Sewell Dyed without Issue and that Henry her Second Son who is now the Lessor of the Plaintiff survived and that he the said Edmond by Vertue of the Demise in the Decleration mentioned into the Tenements Lands and premises with the Appurtenances Entred and was thereof Possessed untill the af<sup>d</sup> Samuel Howard into the Tenements Lands and premises with the appurtenances Entered and him the said Edmond from his farm af<sup>d</sup> Ejected and other harms to him did do in manner and form as the said Edmond above by his Decleration hath Alledged and upon this the said Edmond prayed the Jury who were to try the Issue af<sup>d</sup> that they might give their Verdict for the said Edmond in and upon the premises And the af<sup>d</sup> Samuel Howard to prove himself not to have been Guilty of the Trespass