

by Vertue of which demise the same Edmond into the Tenements Land and premisses af^d with the Appurtenances af^d Entered and was thereof possessed as the said Plaintiff in his Decleration above Supposes upon which said possession of the said Plaintiff afterwards the same Samuel in his Own right to witt at the af^d time when etc: in the tenem^t af^d with the Appurtenances Re-Entered and the af^d Plaintiff from his farm af^d Ejected as for him was Lawfull. Whereupon the Councill of the af^d P^lt^t insisted that the matter af^d in Evidence given where Sufficient in Law to prove that the Land and premisses in question were intailed on the said Johannah Sewell and her heirs in fee tail Generall and that the Def^t was Guilty of the tresspass and Ejectment above supposed and pray'd of the af^d Justices of the Provinciaall Court that they might tell and Declare to the Jury af^d that the Evidence before given on the part of Plaintiff were Sufficient to prove the Defend^t Guilty of the tresspass and Ejectment af^d nevertheless the Justices af^d altogether refused so to do but informed the Jury af^d that the Evidence af^d and the matter therein Contained on part of the af^d plaintiff were not sufficient in Law to prove that the afores^d Def^t was Guilty of the Trespass and Ejectment af^d whereupon the Jury af^d Gave their Verdict for the af^d Def^t against the af^d P^lt^t for which the said P^lt^t for that that the Evidence given on part of the Plaintiff does appear Sufficient to maintain the Issue on the part of him the said Plaintiff and that the Evidence on part of the Def^t does not appear Sufficient to maintain the Issue Joynd on part of the Def^t according to the Verdict af^d by his Councill af^d required the Justices of the Court af^d according to the form of the Statute in such Cases made and provided to Seal this present Bill of Exception Containing in it[s] Self the matter af^d on part of the af^d Plaintiff as is set forth in the said Exceptions Whereupon the same Justices at the request of the af^d plaintiff this Bill have sealed Dureing the sitting of the Court on the same day the Tryall af^d was.

Samuel Young [Seale]

John Mackall [Seale]

W^m Lock [Seale]

Roger Woolford [Seale]

[585] But for that the Justices here as yet are not advised of their Judgment of and upon the premisses and Verdit afsaid day thereof is given unto the said parties to hear thereof their Judgm^t untill etc: for that the said Court as yet are not etc.

Afterwards in the same Court or term to Witt the tenth day of April Anno Domi 1722 af^d It is Considered by the Justices here that the said Edmond Benson lessee of the said Henry Sewell and his Pledges of prosecuting be in mercy etc: and that the said Samuel Howard go thereof without day.

And it is also Considered by the Court here the same day and year last mentioned That the said Samuel Howard recover against the said Henry