

of Charles County that he Cause to Come before the Justices of the Prov^l Court at Annapolis the third Tuesday of October next or before the Justices appointed to Take the Assizes in his County if they Shall before that Time To Witt on Monday the Twenty Sixth Day of September Next to the County Court house in his County Come Twelve good and Lawfull men of his Bailiwick by whom etc. Who neither To recognize etc. because as well etc.

Afterwards the process continued between the parties af^d on the plea af^d by the Jury being put thereon in Respect here Untill the third Tuesday of October Next Unless the Justices of his Lordship the Lord propry to Take the Assizes in the Said County Assigned on Monday the Twenty Sixth Day of Sept^r next to the County Court house in the Said County Should Come

At Which S^a Third Tuesday of Oct^r To Witt the Eighteenth Day of the Same Month Anno Dom 1726 before his Lordships Justices of the Prov^l Court at Annapolis Comes as well the S^d Dan^l Bryon as the S^d Pryor Smallwood by their Attorneys af^d and the Same Dan^l Bryon the Record af^d by him in his Declaration af^d alledged at the Same Day here in Court hath not but therein hath failed upon W^{ch} the Court here having fully Understood all and Singular the Premisses and mature Deliberation thereof having had. It is Considered by the Justices here the Day and year Last mentioned that the af^d Pryor Smallwood the matter in the Declaration af^d mentioned Concerning the Record of the Recovery therein mentioned go thereof without Day and that the S^d Dan^l Bryon touching the Record of the Recovery af^d in the Dec^t af^d mentioned be in Mercy for his false Clamour, and in the Same Court or Term the Justices of Assize before whom etc. Sent here their Record before them had in these words Viz^t

Afterw^{as} To Witt the Day and place above mentioned before Tho^s Addison Esq^r one of his Lordships Justices of the Prov^l Court of the province af^d and Philip Lee Esq^r one other of the Justices of the Said Court Assigned to Take the Assizes in Charles County According to the form of the Statute etc. Came the within named Daniel Bryon by Edmond Jennings his Attorney and the Said Pryor Smallwood by Daniel Dulany his Attorney and the Jurors of that Jury Whereof mention is above made being Called Likewise Come To Witt Robert Yates, Tho^s Stone, Jun^r John Clark Charles Musgrave John Chandler, Tho^s Mathews, Edward Ford, John Maddox Mark Penn Benj^s Douglass Cha^s Yates and Roger Fouks who being Duly Elected Tryed and Sworn to Say the truth in the premisses upon their Oath do Say That we of the Jury find that John Cane was Seized of the Land in Dispute and that he had a grant for the Same in the following words

Caecilius Absolute Lord and Propry of the Provinces of Maryland and Avalon Lord Baron of Baltmore etc. To All Persons to whom these presents Shall Come Greeting in Our Lord God Everlasting Know Ye that Wee for and in Consideration that John Cane of this Province Planter hath due unto him Two hundred and fifty Acres of Land for Transporting Mathew Sanders