

(*ibid.*, p. 218). On that day the Court ordered that the deputy surveyor for Calvert County lay out the lands of Nehemiah Blackiston and Edward Connery according to their deeds from Thomas Gerard, in the presence of the sheriff of St. Mary's and of a jury summoned to attend the survey. The case came to trial on October 15, 1674. The jury to view the land and the surveying of it said that Nehemiah Blackiston's bounds set by his lease from Gerard were the same as those Robert Cooper had had before him, and that they existed before and at the time that Connery's lease, also from Gerard, was made. Now, when Blackiston and Connery appeared by their attornies, the jury found for the plaintiff, Nehemiah Blackiston, and the Court awarded him his costs and charges against Connery (*ibid.*, pp. 317-318).

Connery had lost to Blackiston, but he was not yet done fighting. Within a month or so of that decision, he brought suit against John and Rose Gerard, executors of the late Thomas Gerard, of St. Clement's Manor. Thomas had sold him the land from which he had been dispossessed and had covenanted to warrant the sale to him. This neither Thomas Gerard nor his executors had done, so Connery sued them for 40,000 pounds of tobacco (*post*, p. 491). They claimed that they had paid out more than the value of the estate, and both parties put themselves upon the country. When the case came up, on February 15, 1675, John and Rose came not, and Connery was awarded judgment by default, with a writ of inquiry of damages returnable next court. The jury, on May 7, 1675, awarded him 25,000 pounds of tobacco damages and 2434 pounds costs (*ibid.*, p. 553).

Before the case of Thomas Gibson *v.* Arthur Turner came to trial, Gibson filed a new declaration making James Neale and his wife defendants. A special warrant was ordered for a resurvey of the land in question (*post*, pp. 299, 464). Unless the lease, entry and ejection were confessed, leaving only the title to be decided, the defendant, Turner, would confess judgment, and the plaintiff, Gibson, would get possession (*ibid.*, p. 464). Neale, the new defendant, and Gibson, both put themselves upon the country, and each was ordered to pay the other's costs and charges. On October 16, 1674, the Court said that the action of ejection was really taken in order to try title to a piece of land in dispute between William Russell from whom Gibson had leased, on the one hand, and James and Anna Neale on the other. Therefore they ordered a survey to be made by the surveyor general or his deputy, in the presence of the Charles County sheriff and of a jury of the neighborhood, and according to their directions. Sheriff Rozer did as he was directed, and the survey was made. When the Neales said they had had no notice of the resurvey, another with the same jury was made, with the same result. The jury on the land declared that "the land now in question . . . now in the possession of Margaret Lovett . . . by Virtue of a lease from the said James Neale . . . to be and lye within the meets and bounds of the Land belonging to William Russell" (*ibid.*, 468). And yet, when, on February 11, 1674/5, the case came into court for decision the trial jury, sworn to say the truth "upon their Oathes doe say That they find for Cap^t James Neale defendant" (*ibid.*, p. 469). The Court looked at the decision and deliberated on it at length. Then they granted that