

not hold but have broken the same in that the aforesaid Thomas Gerard the elder his  
 heirs and assigns would warrant the aforesaid Mannor of Westwood and the aforesaid  
 said four hundred Acres of Land called the Meadows and every part thereof to be free  
 and clear and free and clearly acquitted exonerated and discharged from all and all  
 manner of jointures Dowry Tithes of Dowry Mortgages former Grants Raiments or in-  
 truments whatsoever (except before excepted) to him the said Thomas Gerard the  
 younger his heirs and assigns for ever and the said Rose and John the Covenant aforesaid  
 said to him the said Thomas Gerard the younger doo still deny to hold whereupon his faith  
 he is damnified and hath lost to the Value of Sixty thousand pounds of Tobacco  
 and thereupon he being in his suit  
 and the said Rose and John Gerard by Vincent Low their Attorney come and  
 say they are not bound by the law to hold Covenant with the said Thomas and albow  
 it against them supposed for that the said Rose and John have paid and are  
 engaged by bills to pay out the said Estate of Thomas Gerard Esq deceased more  
 then the personall Estate of him the said Thomas deceased do amount unto and have  
 or will come to their hands and Exors of him the said Thomas deceased and of  
 this they putt themselves upon the Country: And the said Thomas saith that he ought not  
 to be debarred from having his Action aforesaid against them the said Rose Gerard  
 and John Gerard for that he saith that they the said Rose and John have not fully  
 administered and paid out of the Estate of the said Thomas Gerard deceased nor  
 are indebted by debts of a higher nature beyond what Assets are come to the hands  
 of them the said John and Rose and of this he putt himself upon the Country and the  
 defendant's likewise: Therefore Command is Given to the Sheriff of St Marys County that  
 he cause to come here Involuntarily by whom or whom neither or because as well or to Recognize  
 Now here at this day to wit the ffiftenth day of May in the forty third Year of the  
 Dominion of Cecilus and came the said Thomas Gerard by his Attorney and the said  
 Rose and John Gerard by their Attorney and the Jurors of that Jury came likewise to  
 wit John Bailey John Lowlynn Richard Arkworth Morgan Jones Henry Rider John Hunt  
 Thomas Dorey John Dorey Joseph Edloe Richard Ball Thomas Courtney and Stephen  
 Morty who being impeached Sworned and Sworned to speake the Truth of and in the  
 promised upon their Oathes do say they find for the plaintiffe ffin and thirty thousand  
 pounds of Tobacco: Therefore it is Considered of by the Court here that the said Thomas  
 Gerard Executor of the Estate of the said Thomas Gerard Esq deceased the said sum of  
 ffin and thirty thousand pounds of Tobacco for his Damages occasioned by the Gross paye  
 aforesaid as also the sum of Two thousand & eight pounds of Tobacco for his Costs and  
 Charges in this suit Expended whereupon it was Comanded to the Sheriff of St Marys  
 County that of the Goods Chattells or Credits late of Thomas Gerard Esq deceased if  
 they should be found in his Balowith he cause to be made as well the sum of  
 thirty ffin thousand pounds of Tobacco as certain Debt Recovered against John Gerard  
 and Rose Gerard Exors of the last will and Testament of the said Thomas Gerard  
 Esq by Thomas Gerard Gentle at a Provinciall Court hold at the City of St Marys the  
 ffiftenth day of May now last past whereof they are Comitt as also the sum of  
 Two thousand and eight pounds of Tobacco more for his Costs and Charges in that behalfe  
 laid out and expended and when he had the same soe made or any part thereof the  
 same to deliver to the said Thomas Gerard or his Order and that he make knowne  
 to his Executors Justice here of the Execution of the same writt Now here at this day  
 to wit the ffifteenth day of May in the Thred and ffortyth year of the Dominion of  
 Cecilus and the said Sheriff maketh retorne of the writt aforesaid that he hath  
 Executed of the Credits late of Thomas Gerard Esq deceased the sum of ffourteen  
 hundred pounds of Tobacco being part of the said sume whereupon the said Thomas  
 Gerard by Robert Carnile his Attorney then prayed an Elegit against the Goods and  
 Chattells lands Tenements for the remainder of the Debt and Costs aforesaid according  
 to the forme of the Statute in that behalf made and Provided and it is Granted unto him  
 here Afterwards to wit the Thirtieth day of September Anno Domini One thousand  
 six hundred Seventy and six his Excellency the Lord Proprietary sendeth his writt to the  
 Sheriff of St Marys County that the Tenor whereof followeth in these words  
 Charles absolute Lord & Proprietary of the Province of Maryland and Avalon  
 Lord