Notley Rozier v. Philip Lynes. Contest of title to tract without dispute of boundary lines.

William Coursey v. Richard Bishop. Contest of title to tract without dispute of boundary lines.

Edward Hammond v. John Watts and Wife's Lessee (Stephens White). Contest of title to tract without dispute of boundary lines.

Charles Carroll's Lessee (William Fitzredmond) v. George Eskridge. Contest of title to tract without dispute of boundary lines.

Oswel Hoskins v. John Causeen's Lessee (Upgate Reeves). Contest of title to tract without dispute of boundary lines. The transcript not copied into this record. Case agreed before hearing.

Henry Sewell's Lessee (Edmund Benson) v. Samuel Howard. Contest of title to tract without dispute of boundary lines.

John Bush v. Thomas Robins' Lessee (Daniel Walker).[1] Contest of title of tract without dispute of boundary lines. Appeal to King in Council apparently not pressed.

Charles Carroll v. Robert Tyler's Lessee (William Jones).[2] Contest of title to tract without dispute of boundary lines.

John Digges' Lessee (Thomas Nelson) v. John Beale.[3] Contest of title to tract without dispute of boundary lines. Appealed to the King in Council.

Ann Lloyd v. David Robinson and Wife's Lessees (Daniel Walker and others).[4] Contest of title to tract without dispute of boundary lines. Record concluded before transcribing this case completely.

c) *Trespass Quare Clausum Fregit*

Richard Cooper v. Henry Bayley. Contest over boundary lines.

The forms followed in both ejectment and trespass *quare clausum fregit* still acknowledged their common origin in the writ of trespass. "Trespass and ejectment" was the title given the action of ejectment, and in it the plaintiff declared upon a trespass. The fictitious lease, entry, and ouster are here exhibited early in their career, and the English procedure in contests of title appears adhered to without substantial variation. In contests over boundary lines, on the other hand, there was the preliminary proceeding peculiar to the province, already mentioned, to define the ground of controversy for the trial court and jury. About the middle of the seventeenth century there grew up in Maryland, in place of the view resorted to in England, a practice of making a preliminary survey and preparing plats of the lines contended for by the opposing parties.[5] Before a case came to trial one or both of the parties would move the court that a warrant be issued for a resurvey, as it was called, and an order for it would be passed as a matter of course. Until about 1695 the warrant, directed to the sheriff of the proper county, usually required that the survey be made under the direction of a jury of twelve men of the neighborhood, the inquest, upon the evidence of witnesses if necessary, and that, when made, it should be returned

[1] Reported 1 Harris & McHenry, 50.
[2] *Ibid.*, 78.
[3] *Ibid.*, 26 and 67.
[4] *Ibid.*, 78.
[5] Kilty, *The Landholder's Assistant*, pp. 133 *et seq.*