June Term 1858

"Joseph Brown
Virginia Brown &
George H Mattingly &
Mary H his wife Lessee
pd.
Henry Ellis"

Be it remembered that heretofore to wit on the twenty fourth day of July Eighteen hundred and fifty two, John Denn Lessee Joseph Brown & Virginia Brown & George H Mattingly & Mary H his wife by Geo C Morgan his Attorney, declared in the Circuit Court here against Richard Fenn in a plea of trespass and ejectment with a notice thereto annexed in form following, to wit:

Western shore State of Maryland, Saint Marys County to wit, Richard Fenn late of Saint Marys County yeoman was attached to answer unto John Denn in a plea wherefore with force and arms &c, at Saint Marys County aforesaid he entered into all that tract or parcel of plantable land called Maidens Bower lying and being in Saint Marys aforesaid containing One hundred acres with the appurtenances which Joseph Brown, Virginia Brown, George H. Mattingly and Mary H his wife, demised to the said John for a term of years which is not yet expired, and ejected him from said farm, and other wrongs to the said John there did to the great damage of the said John and against the peace government and dignity of the State of Maryland &c — and whereupon the said John by George C Morgan his Attorney complains that the said Joseph H. Brown, Virginia Brown George H Mattingly and Mary his wife heretofore to wit, on the first day of January in the year of Our Lord one thousand eight hundred and fifty two at Saint Marys County aforesaid had demised to the said John all the said tract or parcel of plantable land called Maidens Bower lying and being in Saint Marys County aforesaid containing one hundred acres, with the appertenances, to have and to hold the same to the said John and his assigns from the thirty first day of December then last past, for and during and unto the full end and term of fifteen years from thence next ensuing and fully to be complete and ended, by virtue of which said demise the said John entered into the said tract or parcel of plantable land with the appurtenances and was possessed thereof, and being so possessed thereof the said Richard afterwards to wit on the said first day of January in the year of Our Lord one thousand eight hundred and fifty two, aforesaid with force and arms that is to say, with swords, staves and knives at the County aforesaid entered into the said tract or parcel of plantable land with the appertenances which the said Joseph H. Brown Virginia Brown, George H. Mattingly & Mary H his wife had demised to the said John in manner as aforesaid for the term aforesaid, which is not yet expired, and ejected the said John from his said farm and other wrongs to the said John then and there did to the great damage to the said John and against the peace government and dignity of the State &c. Whereof the said John saith he is injured and hath sustained damage to the value of Five thousand dollars and therefore he brings suit and so forth.

George C Morgan Attorney for Plaintiff.

Sir

I am informed that you are in possession of a claim title to the premises in this declaration mentioned, or to some part thereof, and I being sued in this action as a casual ejector, to be and appear in the Circuit Court for Saint Marys County, to be held at Leonardtown on the first

June Term 1858

Monday of August next, by some Attorney of that Court and then and there by rule of rule of the same Court to cause yourself to be made defendant in my stead, otherwise I shall suffer Judgment to be entered against me and you will be turned out of possession

To Henry Ellis tenant in possession of the premises or of some part thereof

I am Your loving friend
Richard Fenn.

A Copy of which said declaration and notice was made and sent to the Sheriff of Saint Marys County aforesaid thereon endorsed to be served on the defendant tenant in possession or set upon the premises at least ten days before Court.

At which mentioned first Monday of August being the second day of the same month in the year of Our Lord one thousand eight hundred and fifty two and the return day of the service of a copy of the aforesaid declaration comes into the Circuit Court here the said John Denn Lessee of Joseph H. Brown, Virginia Brown, George H. Mattingly & Mary H his wife by his Attorney aforesaid and the Sheriff of Saint Marys County to wit C. S. Durant Gentleman to whom a copy of the said declaration in ejectment and notice aforesaid, was in form aforesaid made and sent certifies to the Court here the service thereof in form following, to wit:

Saint Marys County to wit. I hereby certify to the Honorable the Circuit Court that I did on the twenty fourth day of July eighteen hundred and fifty two serve Henry Ellis tenant in possession of the premises mentioned in the declaration hereto annexed or some part thereof with a true copy of the declaration and notice thereunder written and hereunto annexed and at the same time I read to him the notice thereunder written

So Answers C. S. Durant Sheriff

Whereupon it is ruled by the Court, that the said cause continue until the first Monday in March next.

At which said first Monday in March next being the seventh day of the same month in the year of Our Lord One thousand eight hundred and fifty three, again comes into the Circuit Court here the said John Denn Lessee of Joseph H. Brown, Virginia Brown, George H Mattingly and Mary H his wife, whereupon the said John Denn Lessee of the said Joseph H. Brown, Virginia Brown George H. Mattingly and Mary H his wife by George C Morgan their Attorney aforesaid prays that the defendant the said Henry Ellis the tenant in possession of the said premises or those under whom he claims to the declaration aforesaid may appear and answer. But the said Richard Fenn casual ejector nor the said Henry Ellis nor any other person whatsoever appears to the declaration aforesaid according to the notice aforesaid, but the said Richard Fenn makes default. Therefore it is considered by the Court here that the said John Denn Lessee of the said Joseph H. Brown, Virginia Brown, George H. Mattingly & Mary H his wife, recover against the said Henry Ellis his term aforesaid yet to come, and unexpired of, in and unto all that tract or parcel of plantable land called Maidens Bower lying and being in Saint Marys County aforesaid containing One