June Term 1826.

At which said first monday in September anno Domini one thousand eight hundred and eighteen being the return day of the service of a copy of the aforegoing declaration comes into the County Court here the said John Denn lessee as aforesaid of the said Priscilla Hardey by his attorneys aforesaid and the sheriff of the County aforesaid to wit Joseph Isaac gentleman to whom a copy of the said declaration in ejectment and notice aforesaid was in form aforesaid made and delivered certifies to the Court here the service thereof in form following to wit. "Service 27th August 1818. Jo Isaac Shff"

Whereupon the said John Denn lessee as aforesaid by his attorneys aforesaid prays that the said Richard Fenn the defendant the said Jeremiah Edelen the tenant in possession of the premises or those under whom he claims to the declaration aforesaid may appear and thereupon the said Jeremiah Edelen by Frederick D Stone Esquire his attorney in pursuance of the notice aforesaid comes into Court here Whereupon it is ruled by the Court here with the consent of the said John Denn lessee as aforesaid by his attorneys aforesaid and the said Jeremiah Edelen who claims the title in question by his attorney aforesaid that the said Jeremiah Edelen be admitted defendant in the place of the now defendant Richard Fenn the casual ejector and that he immediately receive a declaration and plea thereto the general issue and at the trial thereon to be had the said Jeremiah Edelen shall appear in his proper person or by his attorney or counsel and confess the lease entry and actual ouster and expulsion of so much of the tenement in the declaration of the said John Denn lessee as aforesaid as is in the possession of the said Jeremiah Edelen or his tenants or of any other person claiming by or under his title or in default thereof that judgment be entered against the nonsuit defendant Richard Fenn the casual ejector but that prosecution be stayed against him until he makes default in any of the premises and it is further ruled by the Court here with the consent of the counsel that if by reason of such default the said John Denn lessee as aforesaid shall become non suit at the trial the said Jeremiah Edelen shall take no advantage thereof but shall pay to

June Term 1826.

the said John Denn lessee as aforesaid his costs &c. And it is further ruled by the Court here that if upon the trial of the said issue a verdict shall be given for the said Jeremiah Edelen or if the said John Denn lessee as aforesaid shall not prosecute his declaration upon any other cause than the not confessing lease entry and ouster as aforesaid then the said Priscilla Hardey lessor of the aforesaid John Denn shall pay costs &c. And thereupon the aforesaid John Denn lessee as aforesaid by his attorney aforesaid declares against the said Jeremiah Edelen in the plea aforesaid in manner and form following to wit.

State of Maryland Prince George County to wit. Jeremiah Edelen late of the County aforesaid was attached to answer unto John Denn in a plea wherefore with force and arms &c at Prince Georges County aforesaid he entered into one undivided third part of all that tract or parcel of plantable land called What you please lying and being in the County aforesaid containing thirty four acres which Priscilla Hardey demised to the said John for a term of years which is not yet expired and ejected him from his 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 &c. And whereupon the said John the plaintiff by James Dunlop Jr and Augustus Taney his attorneys complains that the said Priscilla Hardey heretofore to wit on the first day of January eighteen hundred and eighteen at the County aforesaid had demised to the said John one undivided third part of all that tract or parcel of plantable land called What you please lying and being in the County aforesaid containing thirty four acres with the appurtenances 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 ten 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 Jeremiah afterwards that is to say the said first day of January in the year eighteen hundred and eighteen aforesaid with force and arms that is to say with swords staves and knives &c at the County aforesaid entered into the said tract or parcel of plantable land with the appurtenances