thereof and being so possessed thereof the said Richard afterwards towit on the said first day of January in the year of our Lord eighteen hundred and twenty aforesaid with force and arms &c at Charles county aforesaid entered into the said tract or parcel of plantable land, with the appurtenances which the said Henry D Yates had demised to the said John in manner 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 of the said John and against the peace government and dignity of the State and so forth. Wherefore the said John says he is injured and hath sustained damage to the value of ten thousand dollars, and therefore he brings suit and so forth.

Henry Brawner Plaintiffs attorney

Sir. I am informed that you are in possession of or claim title to the premises in the declaration mentioned or to some part thereof, and I being sued in this action as a casual ejector and having no claim or title to the same premises do advise you to appear in the county court to be held for Charles county at Port Tobacco on the third Monday in August next by some attorney of that 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 Mrs. Elizabeth Fendall tenant in possession of the premises or some part thereof.

I am your loving friend
Richard Fenn"

At which mentioned, third Monday in August being the 19th day of the same month in the year of our Lord one thousand eight hundred and twenty two, and the return day, of the service of a copy, of the aforegoing declaration comes into the county court here the said John Denn Lessee of the said Henry D Yates by his attornies aforesaid and the Sheriff of Charles county aforesaid, towit, Alexander Matthews Gentleman, to whom a copy of the said declaration in ejectment and notice aforesaid was in form aforesaid made and sent makes no return to the Court here, of the service thereof. And the said Elizabeth Fendall by Clement Dorsey and Frederick D Stone her attornies 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 attornies aforesaid, and the said Elizabeth Fendall (who claims the title in question) by her attornies aforesaid, that the said Elizabeth Fendall be admitted defendant in the place of the non defendant Richard Fenn the casual Ejector, and that she immediately receive a declaration and plead thereto the general issue, and at the trial thereon to be had, the said Elizabeth Fendall shall appear in her proper person or by her attorney or counsel, and confess the base entry and actual ouster and expulsion of so much of the tenements in the declaration of the said John Denn Lessee as aforesaid as is in the possession of the said Elizabeth Fendall or her tenants or of any other person claiming by or under her title, or in default thereof, that Judgment be entered against the non Defendant Richard Fenn the casual ejector, but that prosecution be staid against her until she makes

default in any of the premises; and it is further ruled by the court here, with consent of counsel, that if by reason of such default, the said John Denn lessee as aforesaid shall become nonsuit at the trial the said Elizabeth Fendall shall take no advantage thereof, but shall pay to 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 Elizabeth Fendall or if the said John Denn Lessee as aforesaid shall not prosecute his declaration upon any other cause, than for the not confessing base, entry and ouster, as aforesaid, then the said Henry D Yates 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 Elizabeth Fendall in the plea aforesaid in manner and form following towit. "State of Maryland Charles county Sct. Elizabeth Fendall late of Charles County widow, was attached to answer unto John Denn in a plea wherefore with force and arms and so forth at the county aforesaid he entered into all those tracts or parcels of land or plantations called part of Yates's Meadows, part of Russel and part of Manchester lying and being in Charles County aforesaid containing five hundred acres more or less which Henry D Yates demised to the said John Denn for a term of years not yet expired and ejected him from his said farm and other wrongs and injuries there and to his great damage and against the peace government and dignity of the State and so forth. And whereupon the said John Denn by Henry Brawner his attorney complains, that whereas the said Henry D Yates heretofore towit, on the first day of January in the year of our Lord one thousand eight hundred and twenty, at Charles County aforesaid had demised unto the said John Denn the said tracts or parcels of land or plantation called part of Yates's Meadows, part of Russel, and part of Manchester lying and being in Charles County aforesaid containing one thousand acres with the appurtenances To Have and to Hold the same to the said John Denn 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 Denn entered into the said tract or parcels of land or plantation with the appurtenances and was possessed thereof, and being so possessed thereof the said Elizabeth Fendall afterwards towit, on the said first day of January in the year of our Lord eighteen hundred and twenty aforesaid with force and arms &c at Charles county aforesaid entered into the said tract or parcel of plantable land with the appurtenances which the said Henry D Yates had demised to the said John in manner 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 of the said John and against the peace government and dignity of the State and so forth. Wherefore the said John says he is injured and hath sustained damage to the value of ten thousand dollars, and therefore he brings suit and so forth.

Henry Brawner Plaintiffs attorney.