June Term 1830

whereupon the said Richard by Alexander & Magruder and James Shaw his attorneys complains that the said Lancelot Warfield on the second day of March in the year eighteen hundred and twenty seven at the county aforesaid had demised unto the said Richard all those the aforesaid five tracts or parcels of plantable land called "Friendship" and "what you please" lying and being in the county aforesaid with the appurtenances, to have and to hold the said premises with the appurtenances to him the said Richard and his assigns from the first day of March eighteen hundred and twenty seven for and during and until the full end and term of fifteen years from thence next ensuing and fully to be compleat and ended: and also that the said Lancelot on the said second day of March at the county aforesaid had demised unto the said Richard seven undivided eighth parts of the said tracts or parcels of land called "Friendship" and "what you please," lying and being in the county aforesaid with the appurtenances, to have and to hold the said premises with the appurtenances to him the said Richard and his assigns from the first day of the same month of March then last past for and during and until the full end and term of fifteen years from thence next ensuing fully to be compleat and ended: and also that the said Lancelot Warfield on the said second day of March eighteen hundred and twenty seven at the county aforesaid had demised unto the said Richard six undivided seventh parts of the said tracts or parcels of land called "Friendship" and "what you please" lying and being in the county aforesaid with the appurtenances, to have and to hold the said premises with the appurtenances to him the said Richard and his assigns from the first day of the same month of March then last past for and during and until the full end and term of fifteen years from thence next ensuing, fully to be compleat and ended, by virtue of which said several devises the said Richard entered into all and singular the premises aforesaid with the appurtenances thereunto belonging and was thereof possessed, and the said Richard being so thereof possessed the said Augustin Gambrill and Lydia Gambrill afterwards to wit, on the said second day of March in the year aforesaid with force and arms that is to say, with guns staves and knives at the county aforesaid entered into the said several premises with the appurtenances which the said Lancelot Warfield had demised to the said Richard in manner aforesaid, for the term aforesaid which are not yet expired, and him the said Richard from the premises aforesaid ejected, and other outrages to him the said Richard then and there did to the great damage of the said Richard and against the peace government and dignity of the State of Maryland, and so forth: whereby the said Richard saith he is injured and hath damage to the value of five thousand dollars and therefore he brings his suit and so forth. Alexander & Magruder, James Shaw for Plaintiff.

Thereupon on motion of the said Augustin Gambrill and Lydia Gambrill by their attorney aforesaid leave is given by the court here to the said Augustin Gambrill and Lydia Gambrill to ascertain their defence and answer to the declaration aforesaid of the said Richard Fenn Lessee as aforesaid in the plea aforesaid until the third Monday of October next: the same day is given to the said Richard Fenn Lessee as aforesaid and so forth. At which said third Monday of October being the fifteenth day of the same month in the year of our Lord one thousand eight hundred and twenty seven till which said day the said Augustin Gambrill and Lydia Gambrill had leave to ascertain their defence and answer to the declaration aforesaid of the said Richard Fenn Lessee as aforesaid in the plea aforesaid come again into the county court here as well

June Term 1830

the said Richard Fenn Lessee as aforesaid by his attorneys aforesaid, as the said Augustin Gambrill and Lydia Gambrill by their attorney aforesaid, and thereupon on motion of the said Augustin Gambrill and Lydia Gambrill by their attorney aforesaid, further leave is given by the court here to the said Augustin Gambrill and Lydia Gambrill to ascertain their defence and answer to the declaration aforesaid of the said Richard Fenn Lessee as aforesaid in the plea aforesaid until the third Monday of April next, the same day is given to the said Richard Fenn Lessee as aforesaid, and so forth. And now here at this day to wit, the third Monday of April being the twenty first day of the same month in the year of our Lord one thousand eight hundred and twenty eight until which day the said Augustin Gambrill and Lydia Gambrill had further leave to ascertain their defence and answer to the declaration aforesaid of the said Richard Fenn Lessee as aforesaid in the plea aforesaid come again into the county court here as well the said Richard Fenn Lessee as aforesaid by their attorneys aforesaid, as the said Augustin Gambrill and Lydia Gambrill by their attorney aforesaid: But the said Richard Fenn Lessee as aforesaid does not further prosecute his action aforesaid against the aforesaid Lydia Gambrill in the plea aforesaid: Therefore it is considered by the court here that the said Richard Fenn Lessee of the aforesaid Lancelot Warfield take nothing by his declaration aforesaid against the said Lydia Gambrill but that he for his false clamour be in mercy and so forth, and that the said Lydia Gambrill go thereof without day and so forth. And the said Augustin Gambrill by his attorney aforesaid defends the force and injury when and so forth, and takes his defence of and upon the premises in question upon his title therein and says that he is not guilty of the trespass and ejectment in the said declaration mentioned in manner and form as the said Richard Fenn Lessee as aforesaid above against complains against him, and of this he puts himself upon the country and so forth: and the said Richard Fenn Lessee as aforesaid in like manner and so forth. Whereupon for trying the issue aforesaid it is ordered by the court here that twenty persons from the panel of petit jurors be drawn by ballot according to the act of assembly in such case made and provided, and because a sufficient number of persons on the said panel have not appeared, others from the bystanders are by order of the court here, summoned and returned by the Sheriff of Anne Arundel county and whose names are annexed to the said panel: and thereupon the twenty persons being so drawn by ballot and written upon ten lists, one of which said lists is delivered to the counsel for the respective parties, and the counsel for each of the said parties having stricken out four persons from the said lists, whereupon the remaining twelve persons being called come, that is to say, Leonard Ogleheart, Rinaldo Pindell, Thomas I Simmons, Wesley Linthicum, Thomas W Watkins, M Lane Brown, Franklin F Iams, Charles Hammond of Philip, Zachariah Brown, Abner Linthicum, John Clayton and Stephen Beard, who being empannelled and sworn to say the truth in the premises upon their oath do say that the said Augustin Gambrill is guilty of the trespass and ejectment aforesaid, in manner and form as the said Richard Fenn Lessee of the aforesaid Lancelot Warfield within complains against him, and they assess the damages of the said Richard Fenn Lessee of the said Lancelot Warfield by occasion of the trespass and ejectment aforesaid to the sum of one cent current money. Therefore it is considered by the court here that the said Richard Fenn Lessee of the said Lancelot Warfield recover against the said Augustin Gambrill his term aforesaid yet to come of and in the said two tracts or parcels of plantable land called "Friendship" and "what you please" containing five hundred acres and the said sum of one cent current money by the jurors aforesaid assessed for his damages which he has sustained by occasion of the trespass and ejectment aforesaid, and also the sum of twenty four dollars, and thirty seven cents and one