June Term 1800.

On the 28th day of July 1800 came before the Subscribers two of the Justices of the Peace for Frederick county Jacob Young and acknowledged the aforegoing instrument of writing to be his act and deed and the premises with the appurtenances to be the right title and estate of the said George Scott according to the true intent and meaning of the said writing; and the act of assembly in such case made and provided.

Jo: Swearingen. Saml Shoup.

Maryland, Frederick county Sct. I hereby certify that the within and aforegoing is a true copy taken from Liber WSB. No 25 folio 284 &c one of the land records of Frederick county. In testimony whereof I (Seal) hereunto subscribe my name and affix the seal of my office this 30th day of June 1824

John Schley clk. Fredk County Court.

The plaintiff likewise offered in evidence the record and proceedings in a cause between George Scott plaintiff and Robinson Eastburn defendant, which said cause was tried in Frederick county court and judgment thereupon remained at February Term 1808 of said court, and a writ of Habere facias possessionem issued on said judgment.

State of Maryland, Frederick county Sc. At a county court begun and held at the court House in Frederick Town in and for said county on the first Monday and sixth day of February 1804

Present

The Hon'ble | William Blagett Esq. Chief Justice
| Abraham Shriver — Ass. Justice.

George Creager Esq. Sheriff. Wm Ritchie Clerk

Amongst the proceedings of the same court are the following to wit.

George Scott's Lessee vs Robinson Eastburn. | Action of Ejectment. Vadit &c

Be it remembered that heretofore to wit, on the 17th day of February 1804. John Dorsey Lessee of George Scott by Joshua Dorsey and Arthur Shaaff Esquires his attorneys declared in the county court here against Richard Fenn in a plea of trespass and ejectment, with a notice thereto annexed, in form following to wit: State of Maryland, Frederick County to wit, Richard Fenn late of Frederick county yeoman was attached to answer unto John Dorsey in a plea wherefore with force and arms and so forth at the county aforesaid he entered into all that tract or parcel of plantable land called "The Reservey on Paumure" containing three hundred and seventy five acres, into one other tract of plantable land called "Zero" containing fifty three acres, into one other tract of plantable land called "Pallentine" containing three hundred and sixteen acres, and into one other tract of plantable land called "West Indies" containing eight acres and half an acre of land all lying in the county aforesaid with the several appurtenances which George Scott demised to the said John for a term 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 him the said John and against the peace government and dignity of the state of Maryland. And whereupon the said John by Arthur Shaff and Joshua Dorsey his attorneys complains, that whereas the said George Scott on the twentieth day of February one thousand eight hundred and five at Frederick county had demised to the said John Dorsey the said tracts or parcels of land with the appurtenances. To have and to hold the said tracts or parcels of land with the appurtenances to the said John and his assigns from the seventeenth day of the same month of February then last past unto the end and term of five years from thence next ensuing and fully to be complete and ended. By virtue of which said demise

June Term 1800.

the said John into the tenements aforesaid with the appurtenances entered, and was thereof possessed. And he the said John being so thereof possessed, the said Richard afterwards to wit, on the same twentieth day of February in the year aforesaid, with force and arms and so forth into the tenements aforesaid with the appurtenances which the said George Scott to the said John in form aforesaid demised for the term aforesaid, which is not yet past, entered, and from the said John from his farm aforesaid ejected, and other wrongs to the said John did to the great damage of the said John and against the peace of the State and so forth, whereby the said John says he is injured and has sustained damage to the value of five thousand pounds current money, and therefore he brings his suit and so forth.

Joshua Dorsey, Arthur Shaaff for Plff. Pleages &c. John Doe & Richard Roe

Sir — I am informed that you are in possession of a claim title to the premises in this declaration of ejectment mentioned or some part thereof, and I being sued in this action as casual ejector, and having no claim or title to the same do advise you to appear at next Frederick county court to be held at Frederick Town on the first Monday of August next and 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.

Yours &c. Richard Fenn. February 17th 1804.

To Robinson Eastburn. Tenant in possession.

A copy of which said declaration and notice was made and sent to the Sheriff of Frederick county aforesaid thereon endorsed to be served on the defendant, tenant in possession, or left on the premises at least eight days before court. At which said first Monday of August eighteen hundred and four, on the return day of the service of a copy of the aforegoing declaration, comes into the county court here the said John Doe Lessee of the said George Scott by his attorney aforesaid, and the Sheriff of Frederick county aforesaid 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. Frederick county Sc. I hereby certify to the Honorable the Judges of Fredk County court that I did on the 4th day of August 1804 serve Robinson Eastburn tenant in possession of the premises mentioned in the declaration hereunto annexed, or some part thereof with a true copy of the declaration and notice thereunder written, and hereunto annexed, and at the same time read to him the notice thereunder written. He answers George Creager Sheriff

Whereupon the said John Doe Lessee as aforesaid by his attorney aforesaid, prays that the said Richard Fenn the defendant, the said Robinson Eastburn the tenant in possession of the said premises, or those under whom he claims to the declaration aforesaid may appear. And thereupon the said Robinson by Roger Nelson 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 Doe Lessee as aforesaid by his attorney aforesaid, and the said Robinson who claims the title in question by his attorney aforesaid, that the said Robinson be admitted defendant in the place of the now defendant Richard Fenn the casual ejector, and that he immediately receive a declaration and plead thereto the general issue, and at the trial thereon to be had the said Robinson Eastburn shall appear in his proper person or by his attorney or counsel and confess the lease entry and actual ouster and expulsion of possession of the tenements in the declaration of the said John Doe Lessee as aforesaid, or is in the possession of the said Robinson Eastburn or his tenants or any other person claiming by or under his title, or in default thereof that judgment be entered against the now 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 Counsel that if by reason of such default the said John Doe Lessee as aforesaid shall become