June Term 1832.

Daniel Harbine
vs
Abraham Barnes Lepee.

Be it remembered, That now here on the second Monday in June being the eighth day of the said month, in the year of our Lord one thousand eight hundred and twenty nine the Chief Judge and Associate Judges of the fifth Judicial District of Maryland, in pursuance of the directions of the act of Assembly in such case made and provided, transmit to the Court of Appeals here, the record of proceedings of a plea which was lately depending before them in the County Court of Washington between John Penn Lepee of Abraham Barnes plaintiff, and Daniel Harbine defendant, and wherein the said County Court gave judgment for the said John Penn Lepee as aforesaid against the said Daniel Harbine, and from which said judgment the said Daniel Harbine appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following, to wit:

Maryland, Washington County sc. At a County Court of the fifth Judicial District of the State of Maryland, begun and held at Hagers Town in and for the county aforesaid, on the fourth Monday of March, being the twenty third day of the same month in the year of our Lord one thousand eight hundred and twenty nine

Were present

The Honble
John Buchanan Esq Chief Judge
Abraham Shriver &
Thomas Buchanan
Esquires Associate Judges

Christian Newcomer Jr Esq. Shff. Otho H Williams Clk

In the record of proceedings of the same Court among others are the following viz.

R. M. T. Abraham Barnes Lepee
vs
W. T. Daniel Harbine

Be it remembered, That heretofore to wit, on the twelfth day of March in the year of our Lord one thousand eight hundred and twenty nine, John Penn Lepee of Abraham Barnes by Robert M Tidball his attorney declared in 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, Washington County sc. Richard Fenn late of Washington County yeoman, was attached to answer unto John Penn in a plea wherefore with force and arms &c at Washington county aforesaid, he entered into all that tract or parcel of plantable land called "Perseverance", lying and being in Washington county aforesaid, containing four hundred and seventeen acres, with the appurtenances, which Abraham Barnes demised to the said John for a term of years which is not yet expired, and ejected him from said farm. And also wherefore the said Richard Fenn with force and arms &c at Washington county aforesaid, entered into one other tract or parcel of plantable land called "Lads and Lapes" lying and being in the county aforesaid, containing one thousand acres with the appurtenances, which the said Abraham Barnes demised to the said John for a term of years

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which is not yet expired, and ejected him from his said last mentioned farm, and other wrongs to the said John then did, to the great damage of the said John, and against the peace government and dignity of the State &c. And whereon for the said John by Robert M Tidball his attorney complains, that the said Abraham Barnes heretofore to wit, on the tenth day of March in the year of our Lord one thousand eight hundred and twenty nine at Washington county aforesaid, had demised to the said John all that the said first above mentioned tract or parcel of plantable land called "Perseverance" lying and being in the county aforesaid containing four hundred and seventeen acres, with the appurtenances, to have and to hold the same to the said John and his assigns from the ninth day of March then last past, for and during and unto the full end and term of sixteen years from thence next ensuing, and fully to be complete and ended; and also that the said Abraham Barnes heretofore to wit, on the said tenth day of March in the year of our Lord one thousand eight hundred and twenty nine, at the county aforesaid had demised to the said John all that the said tract or parcel of plantable land called "Lads and Lapes" containing one thousand acres secondly above mentioned; to have and to hold the same to the said John and his assigns from the said ninth day of March in the year of our Lord one thousand eight hundred and twenty nine, for and during and unto the full end and term of sixteen years from thence next ensuing and fully to be complete and ended, by virtue of which said several demises, the said John entered into the said several tracts or parcels of plantable land, first and secondly above mentioned, with the appurtenances and was possessed thereof, and being so possessed thereof, the said Richard afterwards to wit, on the said tenth day of March in the year eighteen hundred and twenty nine aforesaid, with force and arms, that is to say, with swords, staves and knives, at the county aforesaid, entered into the said several tracts or parcels of plantable land, with the appurtenances first and secondly above mentioned, which the said Abraham had severally demised to the said John for the several terms aforesaid, which are not yet expired and ejected the said John from his said several farms, 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 &c. Wherefore the said John saith he is injured, and hath sustained damage to the value of five thousand dollars; and therefore he brings suit &c.

Robt M Tidball Pltffs Atty

Sir— I am informed that you are in possession of, or 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 and having no title or claim to the same premises, do advise you to appear in Washington County Court, to be held at the Court house in Hagers Town on the fourth Monday of March instant, by some attorney of that Court, and there and there by 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.