June Term 1832

Dem your loving friend Richard Fenn March 12. 1829.
To Mr Daniel Harbine Tenant for possession of the premises or of some part thereof
A copy of which said declaration and notice was made and sent to the Sheriff of Washington county aforesaid, thereon endorsed "to be served on the defendant, tenant in possession, & not upon the premises at least eight days before court." R. McTidball atty. Pltff." At which mentioned fourth Monday of March, being the 19th day of the third month, in the year of our Lord one thousand eight hundred and twenty nine, and the return day of the service of a copy of the aforegoing declaration, comes into Court here the said John Dem Lepee of the said Abraham Bonnes by his attorney aforesaid, and the Sheriff of the county aforesaid int. Christian Newcomer Esq. Gentleman, to whom a copy of the said declaration & ejectment, and notice aforesaid, was in form aforesaid made and sent, comes to the Court here the same thereof, in form following to wit. "I hereby certify that I did on the thirteenth day of March 1829 serve Daniel Harbine the tenant in possession of the premises, with a copy of the within declaration in ejectment, and to the thereunder written, and that I did read the said notice to him the said Daniel Harbine. Christian Newcomer Sh. Pltff."
Whereupon the said John de Lep Lepee as aforesaid, by his attorney aforesaid prays that the said Richard Fenn the defendant, the said Daniel Harbine the tenant in possession of the said premises, or those under whom he claims, be the declaration aforesaid may end: And thereupon the said Daniel Harbine by William Price his attorney, acknowledged of the notice aforesaid, comes into Court here. Whereupon it is ruled by the Court here with the consent of the said John Dem Lepee as aforesaid, by his attorney concerned, and the said Daniel Harbine (who claims the title in question) by his attorney aforesaid, that the said Daniel Harbine 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 wit, the said Daniel Harbine shall appear in his proper person or by his attorney or counsel, and confess the lease, entry and actual ouster and explain of so much of the tenements in the declaration of the said John Dem Lepee as aforesaid, as is in possession of the said Daniel Harbine or his tenants, or of any other person claiming, or under his title, or in default thereof that judgment be entered against the now defendt Mr 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 consent of counsel, that if by reason of such default the said John de Lep Lepee as aforesaid, shall become nonsuit at the trial, the said Daniel Harbine shall take no advantage thereof, but shall pay to the said John Dem Lepee as afsd 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 Daniel Harbine, or if the said John Dem Lepee as aforesaid shall not prosecute his declaration upon any other cause, than for the not confessing lease, entry and

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ouster as aforesaid, then the said Abraham Bonnes Lepee of the aforesaid John Dem shall pay costs &c. And thereupon the said John Dem Lepee as aforesaid by his attorney aforesaid declares against the said Daniel Harbine in the plea aforesaid, in manner and form following to wit. State of Maryland Washington County Sc. Daniel Harbine late of Washington county yeoman, was attached to answer unto John Dem 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 Bonnes demised to the said John for a term of years, which is not yet expired and ejected him from his said farm; and also wherefore the said Daniel Harbine with force and arms &c. at Washington county aforesaid, entered into another 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 Bonnes demised to the said John for a term of years which is not yet expired, and ejected him from his said last mentioned 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 by Robert McTidball his attorney complains, that the said Abraham Bonnes 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 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 Bonnes 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 - 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 Daniel Harbine afterwards to wit, on the said tenth day of March in the year of our Lord one thousand eight hundred and twenty nine aforesaid, with force and arms, that is to say, with swords, clubs 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