June Term 1839.

John Dunn Lessee of Gerard Morris and Sophia Morris vs. Kitty Shorter.

Be it remembered, That now here on the second Monday in June being the eleventh day of the said month in the year of our Lord one thousand eight hundred and thirty eight 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 Dunn Lessee of Gerard Morris and Sophia Morris plaintiffs and Kitty Shorter defendant and wherein the said County Court gave judgment for the said John Dunn Lessee as aforesaid against the said Kitty Shorter and from which said judgment the said Kitty Shorter appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following to wit:

State of Maryland Washington County to wit:

At a County Court of the Fifth Judicial District of the State of Maryland begun and held at Hagerstown in and for the County aforesaid on the fourth Monday of March being the twenty seventh day of the same month in the year of our Lord one thousand eight hundred and thirty seven

Were Present The Honourable Abraham Shriver, Esq. and Thomas Buchanan Esq. Associate Judges

John Newcomer Esq. Sheriff. O. H. Williams Clerk

In the record of proceedings of the same Court amongst others is the following to wit:

D. Weisel 265 Trials W. Price.

Gerard Morris and Sophia Morris, Lessee vs Richard Fenn - Kitty Shorter, Tenant in Ejectment

Be it remembered that heretofore to wit, on the sixth day of November in the year of our Lord one thousand eight hundred and thirty four John Dunn Lessee of Gerard Morris and Sophia Morris by Daniel Weisel his attorney declared in Court here against Richard Fenn in a plea wherefore with force and arms at the County aforesaid, he entered into a certain house and portion or lot of ground thereto belonging situate lying and being in Rohrers Addition to the Town of Hagerstown, in the County and State aforesaid known and distinguished on the plan or plat of said Rohrers Addition to Hagerstown as Lot Number thirteen (13) containing 225 feet in length, and eighty two feet in breadth, with the rights privileges and appurtenances thereto belonging which a certain Gerard Morris and Sophia Morris his wife demised to the said John for a term of years which is not yet expired and ejected him from his said house and portion or lot of ground situate as aforesaid with the appurtenances 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.

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And whereupon the said John by Daniel Weisel his attorney complains that the said Gerard Morris and Sophia Morris his wife heretofore to wit: on the first day of April in the year one thousand eight hundred and thirty one at Washington County and State aforesaid had demised to the said John, all that the said House and portion or Lot of Ground thereto belonging situate lying and being in Rohrers Addition to the Town of Hagerstown in the County and State aforesaid containing 225 feet in length and 82 feet in breadth, with the rights privileges and appurtenances thereto belonging - To have and to hold to the said John and his assigns from the thirty first day of March then last past for and during and unto the full end and term of ten years, thence next ensuing and fully to be complete and ended, by virtue of which said demise the said John entered into the said House and portion or Lot of Ground with the appurtenances and was possessed thereof; and being so possessed thereof the said Richard Fenn afterwards to wit on the first day of April one thousand eight hundred and thirty two with force and arms, that is to say with swords staves and knives, at the

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County aforesaid entered into the said house and portion or lot of ground with the appurtenances which the said Gerard and Sophia had demised to the said John as aforesaid for the term aforesaid which is not yet expired, and ejected the said John from his said house and portion or lot of ground, and the rights privileges and appurtenances thereto belonging, and other wrongs to the said John there and there did to the great damage of the said John, and against the peace government and dignity of the State &c. Whereupon the said John saith he is injured, and has sustained damage to the value of two hundred dollars, and therefore he brings his suit, &c.

D. Weisel, attorney for plaintiff.

Notice

Madam: I am informed that you are in possession or claim title to the premises in this Declaration mentioned or to some part thereof, and I being sued in this action as casual ejector, and having no claim or title to the same premises, do advise you to appear in Washington County Court on the third Monday of November next by some attorney of that court, and then 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. Your true loving friend. Nov. 6th 1834.

Richard Fenn.

To Kitty Shorter Tenant in possession of the premises or 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 in possession, or copy set up on the premises at least eight days before Court."

Endorsement

Plaintiffs Appearance at November Term 1834

All which mentioned third Monday of November being the seventeenth day of the same month in the year of our Lord one thousand eight hundred and thirty four, and therefore the day of the service of a copy of the aforegoing Declaration comes into Court here the said John Dunn Lessee of the said Gerard Morris and Sophia Morris by his attorney aforesaid, and the Sheriff of the County aforesaid, to wit: William H. Fitzhugh Gentleman 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:

Return of Sheriff

"Served November 6th 1834 - William H. Fitzhugh - Sheriff."

Prayer that defendant may answer.

Whereupon the said John Dunn Lessee as aforesaid by his attorney aforesaid prays that the defendant, the tenant in possession of the premises aforesaid or those under whom she claims to his declaration aforesaid may appear and answer. Thereupon further proceeding of and upon the premises aforesaid between the parties aforesaid and by order of Court here is continued until the fourth Monday of March next. At which said fourth Monday of March being the twenty third day of the same month in the year of our Lord one thousand eight hundred and thirty five come again into Court here the aforesaid John Dunn Lessee as aforesaid by his attorney aforesaid but the said Richard Fenn, nor the said Kitty Shorter nor any other person whatsoever appears to the declaration aforesaid according to the said notice, but makes default. Therefore it is considered by the Court here that the said John Dunn Lessee of the said Gerard Morris and Sophia Morris recover against the said Richard Fenn his term aforesaid yet to come and unexpired of, in and unto a certain House or Lot or portion of ground thereto belonging situate lying and being in Rohrer's Addition to the Town of Hagerstown in the County and State aforesaid known and distinguished on the plan or plat of said Rohrer's Addition to Hagerstown as Lot number Thirteen (13) containing 225 feet in length and eighty two feet in breadth, with the rights privileges and appurtenances thereto belonging which a certain Gerard Morris and Sophia Morris his wife demised

Continuance to March Term

Appearance of Plaintiff

Default of Defendant

Judgment for Possession