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terre tenant of the said George Boothe for his possession of his Term aforesaid yet to come and unexpired of and in the land and premises aforesaid and as well for the damages costs and charges aforesaid as also for the sum of five dollars and eighty five cents for his costs and charges which he had sustained by delay of the execution aforesaid whereof the said Jane Boothe terre tenant as aforesaid is convict as by the record and proceedings thereof now remaining in the said Court more manifestly appears. And whereas also in the said Court on the first Monday of March eighteen hundred and twenty it was considered that the said John Denn Lessee as aforesaid should have his execution against the said Jane Boothe terre tenant as aforesaid for his possession of his term aforesaid yet to come and unexpired of and in the land and premises aforesaid and as well for the damages costs and charges aforesaid as also for the sum of ten dollars and forty one and two thirds cents for his costs and charges which he had sustained by delay of the execution aforesaid whereof the said Jane Boothe terre tenant as aforesaid is likewise convict as by the record and proceedings thereof now remaining in the said Court more manifestly appears, and whereas the said Jane Boothe terre tenant as aforesaid is since deceased to wit at the County aforesaid as by the suggestion of the said John Denn Lessee as aforesaid hath been stated. And now on the behalf of the said John Denn lessee as aforesaid it hath been understood in the said Court that although Judgment aforesaid in form aforesaid is given yet execution of that Judgment still remains to be made whereof the said John Denn Lessee as aforesaid has hereto ought that a proper remedy be granted to him in this behalf and because it is right that those things which are lawfully transacted and adjudged in the said Court should have a due execution, Therefore you are hereby commanded that by good and lawful men of your bailiwick you give notice to Elias Boothe and all and every other the tenant or tenants of the said premises with the appertenances that they and each and every of them be and appear before the County Court to be held at Leonard Town on the first Monday of August next for the said Elias Boothe and all and every other the tenant or tenants of the said premises with the appertenances if they and each and every of them have or know or hath or knows of any thing matter or claim why the said John Denn Lessee as aforesaid should not have his execution of his said term yet unexpired of and in the said premises with the appertenances according to the force form and effect of the recovery aforesaid if they or any of them shall think fit and expedient so to do and for the said Elias Boothe to shew if he knows of any thing why the said John Denn Lessee as aforesaid should not have his execution for the damages costs and charges aforesaid according to the force form and effect of the recovery aforesaid if he shall think fit or expedient so to do and further to do and receive whatever the said Court shall then and there consider concerning him in this behalf and have you there the names of those by whom you shall give him the said Elias Boothe and all and every of them the tenant or tenants aforesaid notice and this writ witness the Honorable John Stephen Esquire Chief Judge of the first Judicial District the 7th day of April eighteen hundred and thirty five. Issued the 21st day of May 1835. (Test.) Jo. Harris, Clk.

On the back of the aforegoing Scire facias was the following return to wit: "Made known to Elias Samuel and Stanislaus in the presence of John Brantl and George H. Mellorgan."

Geo. H. Mellorgan, Shff:

Which being read and heard the defendants say that the said plaintiff ought not to have his action against him for the debt damages costs and charges aforesaid in the writ of Scire facias aforesaid mentioned of the lands and tenements in the return of the writ of Scire facias aforesaid mentioned whereof they the said Elias Boothe Samuel Boothe and Stanislaus Boothe are returned tenants because they say there is not any such record of the recovery of the debt damages costs and charges

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aforesaid by him the said plaintiff against the said George Boothe remaining of record in the said Court as the said plaintiff by the writ aforesaid doth above suppose and this they are ready to verify &c. Wherefore they pray Judgment if the said plaintiff ought to have execution against them for the debt damages costs and charges aforesaid on the lands and tenements aforesaid and the said defendants for further plea by their attorney aforesaid say that the said plaintiff ought not to have his execution against him for the debt damages costs and charges aforesaid in the writ of Scire facias aforesaid mentioned of the lands and tenements in the return of the writ of Scire facias aforesaid mentioned whereof the said defendants are returned tenants because they say that the said George in the said writ of Scire facias named or any other person or persons for the use of the said George and his heirs at the time of the rendition of the Judgment aforesaid in the said writ of Scire facias above mentioned or ever after were not nor was seized of the same lands and tenements or any parcel thereof in their demise as of fee and this they are ready to verify wherefore they pray Judgment if the said plaintiff ought to have execution against them for the debt damages costs and charges aforesaid on the lands and tenements aforesaid. And thereupon the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid by their attorney aforesaid pray that the said John Denn lessee as aforesaid may reply to the answer of the said Elias Boothe, Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid in the plea aforesaid, whereupon it is ruled by the Court here that the said John Denn reply to the answer of the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants aforesaid in the plea aforesaid and if he doth not reply to the said answer of the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid judgment will be rendered against him by default, and the said John Denn Lessee as aforesaid by his said attornies prays leave of the Court here to imparle until the first Monday of August next to reply to the answer of the said Elias Boothe, Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid in the plea aforesaid and he hath it the same day is given to the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid then and so forth. At which said first Monday of August being the first day of the said month in the year of our Lord one thousand eight hundred and thirty six until which day the said John Denn Lessee as aforesaid had leave to imparle and then to reply to the answer of the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid in the plea aforesaid come again into the County Court here as well the said John Denn Lessee as aforesaid by his attornies aforesaid as the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid by their attorney aforesaid and the said John Denn lessee as aforesaid by his said attornies saith that he by reason of any thing in the first plea of the said Elias Boothe, Samuel Boothe and Stanislaus Boothe above alleged from having his execution against the said Elias Boothe Samuel Boothe and Stanislaus Boothe for the damages costs and charges aforesaid in the writ of Scire facias aforesaid mentioned to be precluded ought not because he saith that there is such record of the judgment and recovery of the damages costs and charges aforesaid as he by the said writ of Scire facias aforesaid above doth suppose as appears of record in the said term in the said Court and this he prays may be enquired of by the Country and the said Elias Boothe Samuel Boothe and Stanislaus Boothe do the like and so forth, and the said John Denn Lessee as aforesaid by his attornies aforesaid saith that the second plea above pleaded aforesaid by the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid in manner and form aforesaid and the matters in the same contained are not sufficient in law to preclude him the said John Denn lessee as aforesaid from having and maintaining his action aforesaid thereof against