December Term 1840.

Saint Mary's County Court March Term 1818.

Clement Dorsey's Lessee use Jeremiah Alvey
(vs)
Jane Boothe Terre tenant George Boothe.

Writ of possession and fi fa for costs co. $9.33⅓ costs on Ser fa $5.85. ad. co. $2.40 possession not del.d and ⅓ B. Ser fa iss.d Nov. 16. 1822. Test. J. Harris, Clk.

Saint Mary's County to wit. I hereby certify that the aforegoing is truly taken from the records and proceedings of Saint Mary's County Court. In testimony whereof I have hereunto set my hand and affixed the seal of my office this sixteenth day of August eighteen hundred and thirty nine. (Seal) J. Harris, Clk. St. Marys County Court.

They then further proved by the Docket Entries of March Term 1825, that a Scire facias had been issued upon the Fiat entered in March Term 1817 by the present plaintiff against Jane Boothe as terre tenant of George Boothe upon which a Fiat was entered on which Fiat the present Ser fa issued. He having first proved that the records and papers of the Judgment of August Term 1812 and the papers in the Judgments of March Term 1817 and 1825, were burnt, they further proved that Jane Boothe at the time of the Fiats entered against her was in possession of a Tract of Land called Hopton Park and that the present defendant are now in possession of said land and were at the time of instituting this suit. The defendants then proved that there were several tracts of land called Hopton Park in Saint Mary's County and objected to the above recited Judgment of 1825 of Clement Dorsey use of Jeremiah Alvey against Jane Boothe terre tenant of George Boothe because the Ser fa in this case did not correctly recite the Judgment of 1817, of Clement Dorsey use of Jeremiah Alvey vs. Jane Boothe terre tenant of George Boothe and because the Docket Entries of the Judgment of 1825 above recited did not shew upon its face that said Judgment was against the tract of land called Hopton Park, but the Court overruled the objection to which decision of the Court, the defendant by their counsel excepted and prayed the Court to sign and seal this bill of exceptions which is done this 16th. day August 1839. John Stephen (Seal)

And thereupon the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid by their attornies aforesaid pray an appeal from the Judgment of the Court here so as aforesaid rendered to the Court of Appeals to be held for the Western Shore of the State of Maryland and to them it is granted; whereupon the said Elias Boothe Samuel Boothe and Stanislaus Boothe Terre Tenants as aforesaid by their attornies aforesaid file in Court here a certain writing obligatory commonly called an Appeal Bond which is in the words and of the tenor following to wit.

Know all men by these presents that we Elias Boothe Samuel Boothe Stanislaus Boothe Henry T. Key and Thomas M. Morgan of Saint Marys County in the State of Maryland are held and firmly bound unto Clement Dorsey Lessee of John Denn of the County and State aforesaid in the full and just sum of five thousand dollars current money to be paid to the said Clement Dorsey Lessee as aforesaid or to his certain attorney his executors administrators or assigns to which payment well and truly to be made we bind ourselves and every of us our and every of our heirs executors and administrators jointly and severally firmly by these presents sealed with our seals and dated the seventeenth day of August in the year of our Lord one thousand eight hundred and thirty nine whereas at a County Court begun and held at Leonard Town in and for Saint Marys County on the first Monday of August eighteen hundred and twelve the above named John Denn Lessee of Clement Dorsey by the Judgment of the same Court recovered against a certain George Boothe late of Saint Marys County yeoman his Term yet to come and unexpired of in and unto all that tract or parcel of land called Hopton Park which the said Clement on the thirty first day of December eighteen hundred and five at Saint Marys County aforesaid had demised to the said John Denn for a term of years which is not ended, To have and to occupy the same to the said John Denn and his assigns from the thirty first day of December then last past until the full end and term of ten years from thence next ensuing and fully to be complete and ended which is not expired or past by virtue of which said demise the said John Denn entered into the said tract or parcel

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of land with the appertenances so demised to him the said John Denn and became and was thereof possessed until the said George Boothe afterwards with force and arms and so forth ejected put out and amoved the said John Denn from the said tract or parcel of land with the appertenances so demised to him in form aforesaid for the term aforesaid which is not expired and also the sum of nine dollars and thirty three and one third cents for his damages which he had sustained as well by reason of the trespass and ejectment aforesaid as for his costs and charges by him about his suit in that behalf expended whereof the said George Boothe is convicted 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 seventeen it was considered that the said John Denn Lessee as aforesaid should have his execution against Jane Boothe 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 convicted 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 first 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 said 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 convicted 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 August eighteen hundred and thirty nine it was considered that the said John Denn Lessee as aforesaid should have his execution against Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants 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 and also for the sum of twenty nine dollars and eighty three and one third cents for his costs and charges which he had sustained by delay of the execution aforesaid whereof the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid is likewise convicted as by the record and proceedings thereof now remaining in the said Court more manifestly appears. From which said Judgment so as aforesaid rendered the said Elias Boothe Samuel Boothe and Stanislaus Boothe have prayed an appeal to the next Court of Appeals to be held for the western Shore of the State of Maryland now the condition of the above obligation is such that if the said Elias Boothe Samuel Boothe and Stanislaus Boothe shall not cause a transcript of the record and proceedings of the said Judgment to be transmitted to the Court of Appeals to be holden for the western Shore within the time required by law and prosecute the said appeal with effect and also satisfy and pay to the said Clement Dorsey Lessee as aforesaid his heirs executors administrators or assigns in case the said Judgment shall be affirmed as well the damages and costs adjudged in the said County Court aforesaid as also all damages and costs that may be awarded by the Court of Appeals aforesaid then the said bond to be and remain in full force and virtue otherwise to be of no effect.

Elias his mark Boothe (Seal)