December Term 1840.

begun and held at Upper Marlborough Town in and for Prince Georges County afore-said on the first Monday in April being the first day of the same month in the year of our Lord one thousand eight hundred and thirty nine and the sixty third year of the Independence of the United States of America.

Present, The Hon'ble John Stephen Chief Judge
Edmund Key and Clement Dorsey Associate Judges.

Samuel Fowler, Shff. Aquila Beall, Clerk.

In the records of the proceedings of the same Court among others are the following to wit.

Thomas B. Crawford
vs.
Zachariah Berry.

Be it remembered that heretofore to wit, on the tenth day of November in the year of our Lord one thousand eight hundred and thirty five the said plaintiff by Thomas F. Bowie, Esquire his attorney prosecuted and sued forth out of the County Court here the writ of the State of Maryland of Capias ad respondendum to the Sheriff of Prince Georges County afore-said directed which is in the words and of the tenor following to wit.

Prince Georges County Set. The State of Maryland to the Sheriff of Prince Georges County Greeting. you are hereby commanded to take Zachariah Berry late of said County yeoman if he shall be found in your bailiwick and him safe keep so that you have his body before the County Court of Prince Georges County to be held at Upper Marlborough Town on the third Monday in November inst. to answer unto Thomas B. Crawford in a plea wherefore with force and arms to wit, with axes and other Iron instruments at the County aforesaid he broke and entered the close of him the said Thomas B. Crawford situate lying and being in the County aforesaid to wit, one close called "Green Wood" and the timber trees and other trees of the said Thomas B. Crawford there lately growing in his said close to wit, fifty oak trees of the value of five hundred dollars fifty poplar trees to the value of five hundred dollars Fifty Gum Trees of the value of five hundred dollars and Fifty Hickory trees of the value of five hundred dollars then and there felled and cut down and carried away and other wrongs to the said Thomas B. Crawford then and there did to the great damage of the said Thomas B. Crawford and against the peace government and dignity of the State of Maryland. Hereof fail not at your peril and have you then and there this writ, witness the Honorable John Stephen Esquire Chief Judge of the first Judicial District of Maryland the fifteenth day of July Anno Domini eighteen hundred and thirty five. Issued 10th Nov. eighteen hundred and thirty five. Aquila Beall Clerk.

At which mentioned third Monday in November being the sixteenth day of the same month in the year of our Lord one thousand eight hundred and thirty five comes into the County Court here the said plaintiff by his attorney aforesaid and the Sheriff of Prince Georges County to whom the said aforegoing writ was in form aforesaid directed, makes return thereof to the Court here thus endorsed to wit, "Cepi" Thomas Baldwin Sheriff." And the said defendant being called appears in Court here, by John B. Brooke his attorney. Whereupon on motion of the said defendant by his attorney aforesaid, It is ruled by the Court here that the said plff. declare against him in the plea aforesaid or Judgment by default thereof will be rendered against him. Whereupon the said plaintiff prays leave of the Court here to imparle until the fourth Monday of April next, and then to declare against the said defendant in the plea aforesaid and to him it is granted the same day is given to the said defendant also, at which mentioned fourth Monday of April being the fifth day of the same month in the year eighteen hundred and thirty six and the day until which the said plaintiff had leave to imparle and then declare against the said defendant in the plea aforesaid comes again into the County Court here as well the said plaintiff by his attorney aforesaid as the said defendant by his attorney aforesaid. Whereupon the said plaintiff by his attorney

December Term 1840.

aforesaid declares against the said defendant in the plea aforesaid in form following to wit. Maryland Prince Georges County Set. Zachariah Berry late of said County yeoman was attached to answer unto Thomas B. Crawford in a plea wherefore with force and arms &c. to wit, with axes and other Iron instruments at the County aforesaid he broke and entered the close of him the said Thomas B. Crawford situate lying and being in the County aforesaid to wit, one close called "Greenwood" and the Timber Trees and other Trees of the said Thomas B. Crawford there lately growing in his said close to wit fifty oak trees of the value of five hundred dollars fifty poplar trees of the value of five hundred dollars and fifty Hickory Trees of the value of five hundred dollars then and there felled cut down and carried away, and other wrongs to the said Thomas B. Crawford then and there did to the great damage of the said Thomas B. Crawford and against the peace government and dignity of the State of Maryland and whereupon the said Thomas B. Crawford by Thomas F. Bowie his attorney complains that the said Zachariah Berry on the thirteenth day of June in the year eighteen hundred and thirty one with force and arms to wit, with axes and other Iron instruments at the County aforesaid broke and entered the close of the said Thomas B. Crawford situate lying and being in the County aforesaid to wit, one close called "Greenwood and the timber trees and other trees of the said Thomas B. Crawford there lately growing in his close to wit fifty oak trees of the value of five hundred dollars current money, fifty poplar trees of the value of other five hundred dollars current money and fifty Hickory trees of the value of other five hundred dollars current money then and there felled cut down and carried away and other wrongs to the said Thomas B. Crawford then and there did to the great damage of the said Thomas B. Crawford and against the peace government and dignity of the State &c. Wherefore the said Thomas B. Crawford saith he is injured and hath damage to the value of fifteen hundred dollars current money and therefore he brings his suit &c.

John Doe } Pledges &c.
Richard Roe } Thomas F. Bowie, pltffs. atty.

Whereupon on motion of the said plaintiff by his attorney aforesaid it is ruled by the Court here that the said defendant answer to the declaration of the said plaintiff in the plea aforesaid or Judgment will be rendered against him by default thereof and the said defendant by his attorney defends the force and injury when &c. and prays leave of the Court here to imparle until the third Monday in November next and then to answer to the declaration aforesaid of the said plaintiff in the plea aforesaid and to him it is granted the same day is given to the said plaintiff also. At which mentioned third Monday of November being the twenty first day of the same month in the year of our Lord eighteen hundred and thirty six comes again into the County Court here as well the said plaintiff by his attorney aforesaid as the said defendant by his attorney aforesaid, And the said defendant by his attorney aforesaid comes and defends the force and injury when &c. And takes defence according to his pretensions as they shall appear to be laid down on the return of a warrant of resurvey to be issued in this cause and says that he is not guilty of the said trespasses above charged against him in manner and form aforesaid and of this he puts himself upon the County and the said plaintiff in like manner &c. and thereupon the said plaintiff by his attorney aforesaid prays the writ of the State of Maryland of warrant of resurvey to be issued in this cause and the same according issues in the words following to wit:

Prince Georges County Set. The State of Maryland to the Sheriff and Surveyor of Prince Georges County Greeting. Whereas at a County Court begun and held at Upper Marlborough Town in and for said County on the third Monday in November in the year of our Lord one thousand eight hundred and thirty six it was so far proceeded in a certain plea of trespass of quare