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taken No. 4.-

E. Denotes the place where the depositions of John Mattingly and Kenelm G. Cheseldine were taken No. 5.

The plaintiff locates in black lines for his pretentions the land mentioned in the deed from Edmund Key to Charls Llewellin dated the 23d. of February 1795 and subsequently owned and occupied by William and John Llewellin and Eleanor Ellis and now in the possession of Richard H. Miles - as "Penryn" containing 200 acres more or less as follows:- Beginning at a Bluestone marked A. on the plots and running to B. to C. to D to E. then to the beginning at A. Surveyed 10th July 1839. by.- John F. Wathen, S. S. M. Bo.-

The defendant counterlocates in pricked lines the land mentioned in the deed from Edmund Key to Charls Llewellin dated the 23d. of February 1795 and subsequently owned and occupied by William and John Llewellin and Eleanor Ellis and now in the possession of Richd. H. Miles as "Penryn" by beginning at E. and running to 2, 3, 4, 5. and then to the beginning.- John F. Wathen S. S. M. Bo.

The defendant counterlocates in pricked lines the pltffs. location of "Penerine" by the holdings by beginning at E. and running to 2, 3, 4, 5. then to the beginning containing 169 acres of land more or less.

J. F. Wathen.-

Ex.

Daniel T. Hyde.
vs
John MacTavish
and Richard S. Stewart
Trustees of Mary Eaton.-

Be it remembered, That now here on the first Monday in December being the sixth day of the said month, in the year of our Lord one thousand eight hundred and forty one the Chief Judge and associate Judges of the third 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 Anne Arundel County between Daniel T. Hyde plaintiff and John MacTavish and Richard S. Stewart Trustees of Mary Eaton defendants and wherein the said County Court gave judgment for the said John MacTavish and Richard S. Stewart Trustees as aforesaid against the said Daniel T. Hyde, and from which said judgment the said Daniel T. Hyde appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following to wit:

Maryland, Anne Arundel County to wit:- At a County Court of the third Judicial District of the State of Maryland begun and held at the City of Annapolis in and for Anne Arundel County aforesaid on the third Monday of April being the twentieth day of the same month in the year of our Lord one thousand eight hundred and forty; and in the sixty fourth year of the Independence of the United States of America.-

Present, The Hon'ble Thomas Beale Dorsey, Esquire Chief Judge
Thomas H. Wilkinson and, Nicholas Brewer, Esquires associate Judges.-
John S. Selby, Esquire Sheriff.- William S. Green, Clk.

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

Daniel T. Hyde - against John MacTavish and Richard S. Stewart Trustees

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of Mary Eaton.- Be it remembered, That now here at this term to wit, the third Monday of April being the twentieth day of the said month in the year of our Lord one thousand eight hundred and forty come into the County Court here a certain Daniel T. Hyde by John Johnson and Alexander Randall his attornies, and now here also comes certain John MacTavish and Richard S. Stewart trustees of Mary Eaton by James F. Brice Somerville Pinkney and Thomas S. Alexander their attornies; And thereupon by consent of as well the said Daniel T. Hyde by his attornies aforesaid as the said John MacTavish and Richard S. Stewart trustees as aforesaid by their attornies aforesaid it is agreed that an action of Replevin be docketted, wherein the said Daniel T. Hyde shall be plaintiff and the said John MacTavish and Richard S. Stewart trustees as aforesaid defendants, and that all errors by occasion thereof shall be released - whereupon the said Daniel T. Hyde by his attornies aforesaid declares against the said John MacTavish and Richard S. Stewart in the plea aforesaid as follows to wit:

Anne Arundel County to wit: John MacTavish and Richard Stewart late of the City of Baltimore Trustees of Mary Eaton were summoned to answer unto Daniel T. Hyde in a plea wherefore they took a negro man named Jim the proper negro of the said Daniel and him unjustly detain against sureties and pledges and so forth. And whereupon the said Daniel by Alexander Randall his attorney complains that the said John and Richard Trustees as aforesaid on the first day of October in the year eighteen hundred and thirty nine at the County aforesaid in a certain place there called the City of Annapolis took the said negro man named Jim the proper negro of the said Daniel and him unjustly detain against sureties and pledges, and so forth wherefore the said Daniel saith he is the worse and hath damage to the value of one thousand dollars current money and thereupon he brings his suit and so forth.-

J. Johnson and A. Randall, for pltffs.

And the said John MacTavish and Richard S. Stewart by Somerville Pinkney Thomas S. Alexander and James F. Brice their attornies come and defend the force and injury when and so forth and will avow the taking of the goods and chattels in the said declaration mentioned in the said place in which and so forth and justly and so forth because they say that a certain Charles Carroll of Carrollton before the said time when and so forth was seized in his demesne as of fee of the same place where the taking of the aforesaid goods and chattels is supposed to have been and being so thereby seized the said Charles Carroll of Carrollton by his deed bearing date on the fifteenth day of January in the year of our Lord one thousand seven hundred and ninety one demised and to farm let to a certain John Adam Boger his executors administrators and assigns the said place in which and so forth being part of Lot No. 31 of the City of Annapolis in the County aforesaid for and during the term of seventy five years from the fifteenth day of September in the year seventeen hundred and ninety fully to be complete and ended he the said John Adam Boger his executors administrators, or assigns yielding and paying to the said Charles Carroll of Carrollton his heirs or assigns the yearly rent of six pounds current money in Spanish dollars at seven shillings and six pence each dollar amounting to sixteen dollars current money by virtue of which said demise the said John Adam Boger entered into the said place in which and so forth with the appertenances and became and was possessed thereof of which said place the said plaintiff as assignee by virtue by virtue