December Term 1843.

fifth Judicial District of Maryland composed of Frederick Washington and Allegany Counties begun and held at the Court House in the Town of Cumberland in and for Allegany County on the third Monday of April and fifteenth day of the same month in the year of our Lord one thousand eight hundred and thirty nine.—

Were present, The Hon. John Buchanan Esquire Chief Judge
Abraham Shriner Esquire
Thomas Buchanan Esquire } Associate Judges—

Thomas Dowden, Esquire sheriff. Asa Beall, Clerk.

At which said Court among others were the following proceedings to wit.

John Tomlinson's Lessee.
vs.
Jacob Devore.

Be it remembered that heretofore to wit on the fifth day of October in the year of our Lord one thousand eight hundred and thirty six Richard Roe, Lessee of John Tomlinson by Samuel M. Semmes Esq. his attorney declared in Court here against John Doe in a plea of trespass and Ejectment with a notice thereto annexed in form following to wit.

Allegany County to wit. John Doe late of Allegany County yeoman was attached to answer unto Richard Roe, in a plea wherefore with force and arms &c. at the County aforesaid he entered into all that tract or parcel of plantable land called "Sampson's Riddle Amended" lying and being in the County aforesaid containing three hundred acres with the appurtenances which John Tomlinson demised to the said Richard for a term of years which is not yet expired and ejected him from his said farm and other wrongs to the said Richard did there to the great damage of the said Richard and against the peace government and dignity of the State &c. And whereupon the said Richard by Samuel M. Semmes his attorney complains that the said John Tomlinson heretofore to wit, on the first day of September in the year eighteen hundred and thirty six, at the County aforesaid had demised to the said Richard all that the said tract or parcel of plantable land called "Sampson's Riddle Amended" lying and being in the County aforesaid containing three hundred acres with the appurtenances to have and to hold the same to the said Richard and his assigns from the said first day of September for and during and unto the full end and term of fifteen years from thence next ensuing, and fully to be complete and ended by virtue of which said demise the said Richard entered into the said tract or parcel of plantable land with the appurtenances and was possessed thereof, and being so possessed thereof the said afterwards to wit; on the fifteenth day of September in the year aforesaid with force and arms, that is to say, with stiles and stones at the County aforesaid entered into the said tract or parcel of plantable with the appurtenances which the said plaintiff had demised to the said Richard in manner aforesaid for the term aforesaid which is not yet expired and ejected the said Richard from his said farm and other wrongs to the said Richard then and there did to the great damage of the said Richard and against the peace government and dignity of the State &c. Wherefore the said Richard saith he is injured and hath sustained damage to the value of ten dollars and therefore he brings suit &c.

S. M. Semmes, plaintiffs Attorney.

Sir— I am informed that you are in possession of or claim title to the premises in this declaration mentioned or to some part thereof and I being sued in this action as a casual ejector and having no claim or title to the same premises do advise you to appear in Allegany County Court on the 2d

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Monday of October it being the first day of the ensuing term of said Court 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

To Mr. Jacob Devore tenant in possession of the premises— } I am &c. / October 5th. 1836. } John Doe—

A copy of which said declaration and notice was made and sent to the sheriff of said County thus endorsed "to be served on tenant in possession if no tenant to be set up on the most conspicuous part of the premises at least eight days before the sitting of the Court." At which mentioned second Monday in October to wit: in the year of our Lord one thousand eight hundred and thirty six being the return day of the service of the copy of the foregoing declaration comes into the County Court here the said Richard Roe Lessee as aforesaid by his attorney aforesaid, and the sheriff of the County aforesaid to wit, Lawrence O. Bell, gentleman to whom the copy of the declaration in ejectment and notice aforesaid was in manner aforesaid sent certifies to the Court here the service thereof in form following to wit "Copy and notice delivered on 7th October 1836 L. O. Bell, Shff." Whereupon the said Richard Roe, lessee as aforesaid by his attorney aforesaid prays that the said Jacob Devore the defendant and tenant in possession of the said premises or those under whom he claims to the declaration aforesaid may appear and thereupon the said Jacob Devore in his own proper person in pursuance of the notice aforesaid comes into Court here— Whereupon it is ruled by the Court here with the consent of the said Richard Roe lessee as aforesaid by his attorney aforesaid that the said Jacob Devore be admitted defendant in the place of the now defendant John Doe the casual ejector and that he immediately receive a declaration and plead thereto the general issue and at the trial thereon to be had the said defendant shall appear in his own proper person or by attorney or counsel and confess lease entry and ouster and expulsion of so much of the tenements in the declaration of the said Richard Roe, lessee as aforesaid as in the possession of the defendant or his tenants or of any other person claiming by or under his title or in default thereof Judgment be entered against the now defendant and it is further ruled by the Court here with consent of counsel that if by reason of such default the said Richard Roe, lessee as aforesaid shall become non suit at the trial the said defendant shall take no advantage thereof but shall pay to the said Richard Roe lessee as aforesaid his costs &c. And it is further ruled by the Court here that if upon the trial of the said issue a verdict shall be given by the said defendant or if the said Richard Roe, lessee as aforesaid and shall not prosecute his declaration upon any other cause than for the not confessing lease entry and ouster as aforesaid then the said Richard Roe lessee as aforesaid shall pay costs &c. and thereupon the said Richard Roe lessee as aforesaid by his attorney aforesaid declares against the said Jacob Devore in the plea aforesaid as follows to wit:

Allegany County to wit. Jacob Devore late of Allegany County yeoman was attached to answer unto Richard Roe, in a plea wherefore with force and arms &c. at the County aforesaid he entered into all that tract or parcel of plantable land called "Sampsons Riddle amended" lying and being in the County aforesaid containing three hundred acres with the appertenances which John Tomlinson demised to the said Richard for a term of years which is not yet expired and ejected him from his said farm and other wrongs