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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 complaining 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 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 Jacob afterwards to wit, on the fifteenth day of September in the year aforesaid with force and arms that is to say, with sticks and staves at the county aforesaid entered into the said tract or parcel of plantable land 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, Attorney for plaintiff.

And the said cause was thereupon continued by regular continuances from term to term of the said court from the said second Monday of October in the year last aforesaid until the second Monday of October in the year of our Lord one thousand eight hundred and thirty eight. At which said second Monday of October in the year last aforesaid come again into court here the said Richard Roe lessee aforesaid by his attorney aforesaid as the said Jacob Devore by Thomas J. M'Kaig his attorney and the said Jacob by his attorney aforesaid defends the force and injury when &c. and takes his defence of and upon the premises in question upon his title thereto and says he is not guilty of the trespass and ejectment in the said declaration mentioned in manner and form as the said Richard lessee as aforesaid above complains against him and of this he puts himself upon the country &c. and the said Richard lessee as aforesaid in like manner &c. therefore for trying the issue aforesaid above joined between the parties aforesaid it is ordered by the court here that twenty persons from the pannel of petit Jurors be drawn by ballot according to the act of Assembly in such made and provided and written upon two lists one of which said lists is delivered to the counsel for the respective parties and the counsel for each of the said parties having stricken out four persons from the said lists - thereupon the remaining twelve persons being called come to wit; Martin Rizer of M. Robert Rodgers Robert A. Robinson Nathaniel T. Barnes Leonard Shefcliff Christopher Stoller David Rutan, David Hinkle, John Dawson George M. Blocher John Gregg and John Reckner who being empannelled and sworn to say the truth in the premises - Whereupon for certain reasons as well to the court here as to the parties aforesaid appearing the said Martin Rizer of M. one of the Jurors of the Jury within mentioned from

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the pannel aforesaid is withdrawn by consent of the said parties and by order of the court here the rest of the Jurors of that Jury are wholly discharged from giving any verdict of and upon the premises within mentioned - Thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their aforesaid and by order of the court here thereon is further continued until the third Monday of April next &c. At which said third Monday of April and the fifteenth day of the same month in the year of our Lord one thousand eight hundred and thirty nine comes again into court here the said Richard Roe lessee as aforesaid by his attorney aforesaid as the said Jacob Devore by his attorney aforesaid. Thereupon for trying the issues aforesaid above joined between the parties aforesaid it is ordered by the court that twenty persons from the pannel of petit Jurors returned to the court by the sheriff of the county aforesaid be drawn by ballot according to the directions of the act of Assembly in such case made and provided and thereupon the twenty persons being so drawn by ballot and written upon two lists one of which said lists is delivered to the counsel for each of the said parties who having stricken out four persons from the said lists thereupon the remaining twelve persons being called come that is to say Godfrey Faenbaker, George W. Elliott, Henry A. Jamison, Henry J. Shaw, Stephens A. Gross, Lewis Davidson, Mechael Wilson, Michael Fisher, Thomas M. Lawson, Jonathan Mill, and John Porth, who being empannelled and sworn to say the truth in the premises upon their oaths do say that the said Jacob Devore is not guilty of the trespass and Ejectment aforesaid in manner and form as the said Richard Roe lessee as aforesaid within complains against him - And the parties aforesaid by their attornies aforesaid before the trial filed in court here an agreement of which the following is a true copy to wit. Agreement between S. M. Semmes and Thomas J. M'Kaig that in the suit between John Tomlinson's lessee against Jacob Devore that no objection shall be made to the suit by the defendants counsel on the ground that the said Tomlinson appeared by attorney instead of his his trustee, but that the said suit shall stand as though said Tomlinson appeared by his trustee. The said Semmes on his part agrees that if it be a valid objection to said suit because the same was not brought in the name of the trustee instead of the name of the lunatic then the said plaintiff will suffer a non pros.

April 6th 1839.

S. M. Semmes
Thomas J. M'Kaig

Memorandum - Before the Jurors aforesaid withdrew from the bar of the court here, the said Richard Roe lessee of John Tomlinson by his attorney aforesaid filed in court here the following bill of exceptions to wit:

John Tomlinson's Lessee
who appears by James Smith
the Trustee of John Tomlinson
vs.
John Doe with notice to
Jacob Devore -

Ejectment in Allegany county court, April Term 1839. The parties plaintiff and defendant in this case agreed to the following facts in the motion of a case stated for the opinion of the court - It is admitted that the land for the recovery of which this suit is brought, was conveyed by John Tomlinson, Sen. the father of the plaintiff to the plaintiff by his deed duly executed acknowledged recorded on the 3d day of August 1818 - That on the 21st. of July 1821 four Judgments were recovered