County, yeomen were attached to answer unto John Denn in a plea whereon with force & arms at Somerset County aforesaid they entered into all that tract or parcel of plantable land called Sailors Delight lying and being in Somerset County aforesaid containing three acres with the appurtenances which Nathaniel Trift demised to the said John for a term of years which is not yet expired and ejected him from his said tract & farm, and other wrongs then & there did to the great damage of the said John and against the peace, Government & Dignity of the State. And whereupon the said John by Littleton P. Dennis his attorney complains that the said Nathaniel Trift heretofore, to wit on the first day of January in the year of our Lord eighteen hundred and eleven at Somerset County aforesaid had demised to the said John all that the said tract or parcel of plantable land called Sailors Delight lying and being in the County aforesaid containing three acres with the appurtenances to have & to hold the same unto the said John and his assigns from the thirty first day of December then last past 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 demise the said John entered into the tract or parcel of plantable land with the appurtenances and was possessed thereof and being so possessed thereof the said John Parsons & Thomas Connerly, tenants on the said first day of January in the year eighteen hundred and eleven aforesaid with force and arms that is to say with guns staves & knives, at the County aforesaid entered into the said tract or parcel of land with the appurtenances which the said Nathaniel Trift had demised to the said John in manner aforesaid for the term aforesaid which is not yet expired, and ejected the said John from his said farm and other wrongs to the said John then and there did, to the great damage of the said John and against the peace government and dignity of the State, wherefore the said John saith he is injured & hath sustained damage to the value of Two thousand Dollars and therefore he brings suit &c.

L. P. Dennis, Plaintiffs attorney.

And thereupon the said John Parsons & Thomas Connerly by their attorney aforesaid defend the force and injury when &c and take defence according to their pretensions as they shall appear to be laid down on the return of a Warrant of Resurvey to be issued in this cause & says that they are not guilty of the trespass and ejectment aforesaid in the declaration aforesaid mentioned in manner and form as the said John Denn lessee as aforesaid above complains against them and of this they put themselves upon the Country and the said John Denn lessee as aforesaid in like manner. Whereupon on the ___ said John Denn lessee as aforesaid by his attorney aforesaid it is ordered by the Court here that the Writ of the State of Maryland of Warrant of Resurvey issue in this cause: and the same accordingly issues directed to the Sheriff and Surveyor of Somerset County, in form following, to wit.

Maryland Set. The State of Maryland. To the Sheriff and Surveyor of Somerset County, Greeting: Whereas at a County Court, begun and held at Princess Anne in & for Somerset County on the second Monday in September in the year of our Lord One thousand eight hundred and eleven there so far proceeded in a certain plea of Trespass and Ejectment in the said Court depending, between a certain John Denn lessee of Nathaniel Trift plaintiff, and a certain John Parsons & Thomas Connerly, defendants that it was considered absolutely necessary for the better information of the Court and Jury in the premises that a that tract or parcel of plantable Land called Sailors Delight, lying and being in Somerset County aforesaid containing three acres with the appurtenances be carefully resurveyed and laid out according to the ancient metes & bounds thereof is expressed to the end that the said lands in Controversy and the claims & pretensions of both parties may more plainly and indifferently appear to the Court and Jury. Therefore you the said Surveyor in the presence of you the said Sheriff are hereby commanded carefully to resurvey and lay out as well the said lands in dispute as any other land adjacent thereto which

shall be thought necessary by the said plaintiff or Defendants to be laid out for the better illustration of the matter according to the claims and pretensions of the plaintiff, in the presence of the defendants if they being summoned think fit to be present, and without any interruption of them the said defendants if absent, notice to be left at their place of residence or last place of abode, and likewise survey and lay out the same lands in dispute as aforesaid according to the claims and pretensions of the defendants in the presence of the plaintiff, if he being summoned think fit to be present without any interruption of him the said Plaintiff, or if absent notice to be left at his place of residence or last place of abode and you the said Sheriff are hereby empowered to examine upon Oath any Witness or Witnesses that by either of the said parties shall be produced in relation to the same. And you the Sheriff are hereby ordered to give both the said parties ten days notice before the day of the execution of this Writ. And you the said Surveyor are hereby commanded to return five fair Certificates and plots therefor, drawing the pretensions of the plaintiff in black lines and the pretensions of the defendants in pricked lines as well under the hands & seal of you the said Sheriff as you the said Surveyor to the said County Court to be held at Princess Anne on the second Monday of april next that the said Court and Jury being rightly informed of the truth of the premises may further proceed therein as to Justice appertains and so forth. Witness the honorable William Pole Esquire Chief Judge of the fourth Judicial District the ninth day of September in the year one thousand eight hundred and eleven. Issued this twenty second day of February 1812. Order Wm Done Clk.

And thereupon the same day is given to the parties aforesaid then and there their days of Court. At which said second Monday of April being the thirteenth day of the same month in the year of our Lord One thousand eight hundred and twelve, and the day of the return of the aforegoing Warrant of Resurvey comes again into the County Court here as well the said John Denn lessee as aforesaid by his attorney aforesaid, as the said John Parsons and Thomas Connerly by their attorney aforesaid, & the Sheriff and Surveyor of the County aforesaid, to whom the said Warrant of Resurvey was in form aforesaid directed made return thereof to the Court here with five plots & Certificates thereto annexed. And thereupon the said Robert Lemmon, at whose instance and for whose use the said suit was instituted by Littleton P. Dennis Esquire his attorney files in Court here the following suggestion and affidavit, to wit. Robert Lemmon suggests to the honorable County Court of Somerset that in an action of Ejectment brought by Nathaniel Trifts lessee use of Robert Lemmon vs. John Parsons and Thomas Connerly tenants in possession last September Term in this Court and now depending therein, that a fair and impartial trial cannot be had in the County Court of Somerset. Be it remembered that Robert Lemmon maketh oath on the holy Evangelists of Almighty God, that the above suggestion is just and true, and that he does not believe he can with safety and Justice to himself proceed in the trial of the above cause in the County Court of Somerset. Sworn to in open Court this eighteenth day of april anno Dominii eighteen hundred and twelve. Test William Done Clk.

And thereupon on motion of the said Littleton P. Dennis the plaintiffs attorney it is ordered by the Court here that the record and proceedings aforesaid in the ejectment aforesaid be transmitted to Dorchester County Court, for trial; and the same are accordingly transmitted. Test Wm Done Clk.

State of Maryland — }
Somerset County to wit } I hereby Certify that the foregoing is truly transcribed from the records and proceedings of Somerset County Court — In Testimony whereof I have hereunto set my hand & affixed the seal of my Office this twenty sixth day of september in the year of our Lord Eighteen hundred & twelve. Josiah Polk Clk of Somerset County.

Whereas by an Act of the General Assembly of Maryland passed at November Session eighteen hundred and four entitled an Act to provide for the trial of facts in the several Counties of this State, and to alter, change and abolish all such parts of the Constitution & form of Government as relates to the General Court and Court of appeals. It was enacted that in any suit or action at law hereafter to be commenced or instituted in any County Court