in the year of our Lord one thousand eight hundred and forty five, John Doe Lessee of Sarah C. Mitchell by Robert J. Brent his attorney declared in Charles County Court, here against Richard Roe, in a plea of trespass and ejectment with a notice thereunto annexed in manner and form following to wit:

Charles County to wit. Richard Roe was attached to answer unto John Doe, of a plea, wherefore he the said Richard Roe, with force and arms &c. entered into all that tract or parcel of plantable land called "Myrtle Grove" containing sixteen hundred acres more or less, with the appurtenances, situate and being in Charles County aforesaid, which Sarah C. Mitchell demised to the said John Doe, for a term which is not yet expired, and ejected him from his said farm, and other wrongs to the said John Doe then and there did, to the great damage of the said John Doe and against the peace government and dignity of the state of Maryland &c. And thereupon the said John Doe by Robert J. Brent his attorney complains, that the said Sarah C. Mitchell on the first day of May in the year eighteen hundred and forty two, at the county aforesaid, had demised to the said John Doe all that, the said tract or parcel of plantable land called "Myrtle Grove" containing sixteen hundred acres more or less with the appurtenances to have and to hold the same to the said John Doe, and his assigns from the thirtieth day of April in the year aforesaid, for and during, and unto the full end and term of seventy years, from thence next ensuing and fully to be complete and ended.-

By virtue of which said demise, the said John Doe entered into the tract or parcel of plantable land with the appurtenances, and became and was possessed thereof for the said term, so to him thereof granted as aforesaid: and the said John Doe being so thereof possessed, the said Richard Roe afterwards to wit, on the first day of June in the year aforesaid, with force and arms &c. entered into the said tract or parcel plantable land with the appurtenances, in which the said John Doe was so interested, in manner and for the term aforesaid, which is not yet expired, and ejected the said John Doe from his said farm; and other wrongs to the said John Doe, then and there did, to the great damage of the said John Doe then and there did, and against the peace government and dignity of the state Maryland; Wherefore, the said John Doe saith, that he is injured and hath sustained damage to the value of one thousand dollars, and therefore he brings his suit &c. Robert J. Brent, Attorney for plaintiff.-

The following notice was annexed to the aforegoing mar. to wit: "Mr. Henry S. Mitchell. I am informed, that you are possession of, or claim title to, the premises in this declaration of ejectment mentioned, or to some part thereof, and being sued in this action as a casual ejector only, and having no claim or title to the same do advise you to appear on the third Monday in March instant in Charles County Court at the Court House in the said County by some Attorney of that Court and then and there by rule of same Court to chuse yourself to be made Defendant in my stead, otherwise I shall suffer Judgment therein to be entered against me by default, and you will be turned out of possession;- Dated this fourth day of March in the year of our Lord eighteen hundred and forty five. Your loving friend, Richard Roe."

Copies of which said declaration and notice were made and sent to the Sheriff of Charles County aforesaid thereon endorsed to be levied on the tenant in possession of the premises mentioned in the within declaration or set upon the premises at least ten days before the third Monday of March inst." At which

mentioned third Monday of March, being the seventeenth day of the same month in the year of our Lord one thousand eight hundred and forty five and the return day of the service of a copy of the aforegoing declaration to come into the County Court here the said John Doe Lessee of the said Sarah C. Mitchell by his attorney aforesaid, and the Sheriff of the County aforesaid to wit John B. Lawson Gentleman to whom a copy of the said declaration in ejectment and notice aforesaid was in form aforesaid made and sent, certifies to the Court here the service thereof in form following to wit:

Charles County, Set: I hereby certify to the Honble the Judges of Charles County Court that I did on the 8th day of March eighteen hundred and forty five serve on Henry S. Mitchell Tenant in possession of the premises mentioned in the declaration thereunto annexed or some part thereof with a true copy of the declaration and notice thereunto written and hereunto annexed by leaving a copy of the declaration and notice at the residence of the said Henry S. Mitchell on the premises.- So answers John B. Lawson, Shff.-

Whereupon the said John Doe, Lessee as aforesaid by his attorney aforesaid prays that the said Richard Roe, the Defendant the said Henry S. Mitchell the tenant in possession of the said premises or those under whom he claims may appear: And thereupon the said Henry S. Mitchell by Peter W. Crain his attorney in pursuance of the notice aforesaid comes into Court here.-

Whereupon it is ruled by the Court here, by consent of the said John Doe, Lessee as aforesaid by his attorney aforesaid and the said Henry S. Mitchell who claims the title in question, by his attorney aforesaid that the said Henry S. Mitchell shall appear in proper person or by his attorney or counsel and confess the release entry and actual ouster and expulsion of so much of the tenements in the said declaration of the said John Doe, Lessee as aforesaid as is in the possession of the said Henry S. Mitchell or his Tenants, or of any other person claiming by or under his title or in default thereof that Judgment be entered against the now defendant Richard Roe the casual ejector but that prosecution be stayed against him until he makes default in any of the premises; and it is further ruled by the Court here, with consent of counsel that if by reason of such default the said John Doe, Lessee as aforesaid shall become non suit at the trial the said Henry S. Mitchell shall take no advantage thereof, but shall pay to the said John Doe Lessee as aforesaid his costs and so forth:

And it is further ruled by the Court here that, if upon the trial of the said issue a verdict shall be given for the said Henry S. Mitchell, or if the said John Doe Lessee as aforesaid shall not prosecute his declaration upon any other cause than for the not confessing lease, entry and ouster as aforesaid then the said Sarah C. Mitchell Lessor of the aforesaid John Doe shall pay costs &c.

And thereupon the aforesaid John Doe Lessee as aforesaid, by his attorney aforesaid declares against the said Henry S. Mitchell in the plea aforesaid in manner and form following to wit:

"State of Maryland Charles County Set: Henry S. Mitchell late of Charles County farmer, was attached to answer unto John Doe, in a plea wherefore with force and arms he the said Henry S. Mitchell entered into all that tract or parcel of plantable land called "Myrtle Grove" containing sixteen hundred acres more or less, with the appurtenances situate and being in Charles County aforesaid, which Sarah C. Mitchell demised to the