Tabitha Lehew,
vs.
Mary Lehew and
John Walter Lehew.

Be it remembered, That now here on the second Monday in June being the tenth day of the said month, in the year of our Lord one thousand eight hundred and fifty, the Chief Judge and associate Judges of the first 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 Prince George's County between Tabitha Lehew, plaintiff, and Mary Lehew and John Walter Lehew defendants, and wherein the said County Court gave judgment for the said Mary and John Walter Lehew against the said Tabitha Lehew and from which said judgment the said Tabitha Lehew appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following, to wit.

State of Maryland Prince George's County, set.

At a County Court of the first Judicial District of Maryland begun and held at Upper Marlborough Town, in and for said County, on the first Monday of April, being the first day of the same month in the year of our Lord one thousand eight hundred and fifty, and the seventy fourth year of the Independence of the United States of America.

Were present. The Honorable A. C. Magruder, Chief Judge,
Edmund Key, and } Associate Judges.
Peter W. Crain,

James I. Lehew, Esq. shff. John B. Brooke, Clerk.

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

Tabitha Lehew
vs.
Mary Lehew and
John Walter Lehew.

Be it remembered that heretofore to wit, on the twenty second day of September in the year of our Lord one thousand eight hundred and forty eight, the said Tabitha Lehew by Daniel C. Digges, Esquire, her attorney prosecuted and sued forth out of the County Court here, the Writ of the state of Maryland of Dower, directed to the sheriff of Prince George's County aforesaid, in the words, and of the tenor following to wit.

Prince George's County, to wit: The State of Maryland to the sheriff of Prince George's County, Greeting: You are hereby commanded to take Mary Lehew and John Walter Lehew, late of said County, if they shall be found in your Bailiwick, and them safe keep, so that you have their Bodies before the County Court of Prince George's County, to be held at Upper Marlborough Town, in the County aforesaid, on the first Monday in November next, to answer unto Tabitha Lehew, widow, who was the wife of Robert Lehew deceased, in a plea that they render unto her the said Tabitha her reasonable dower which belongs to her of the free hold tenements which were of her husband lying and being in the County aforesaid, whereof she hath nothing as she says and whereof she complains that the said Mary Lehew John Walter Lehew unjustly deforce her &c. Hereof fail not at your peril, and have you then and there this writ. Witness the Honorable A. C. Magruder Chief Judge of the first Judicial District of Maryland the 2 day of September Anno Domini 1848. Issued the 22d day of September 1848.

(Digges) Jno. B. Brooke, Clk.

And the said Tabitha Lehew by Daniel C. Digges, Esq. her attorney aforesaid, on the day of prosecuting and suing forth the foregoing writ declared against the said Mary Lehew and John Walter Lehew in the plea aforesaid in form following, to wit:

State of Maryland Prince George's County to wit. Lehew late of said County widow and John Walter Lehew late of said County yeoman were summoned to answer unto Tabitha Lehew widow, who was the wife of Robert Lehew deceased in a plea that they render unto her the said Tabitha her reasonable dower which belongs to her of the freehold tenements which were of the said Robert formerly her husband, lying and being in the County aforesaid whereof she hath nothing as she says and whereof she complains that the said ____ Lehew and John Walter Lehew unjustly deforce her, &c. And whereupon the said plaintiff Tabitha by Daniel C. Digges her attorney demand against the said ____ Lehew and John Walter Lehew the third part of a tract or part of a tract or parcel of land called Moores Part of Barbadoes Enlarged or "Barbadoes" containing one hundred and ninety three acres; also the third part of a tract or part of a tract or parcel of land called "Eider" or "Part of Eidor" containing twenty acres, also the third part of a tract, or part of a tract or parcel of land called "Gilead" or Part of Gilead" containing sixty one acres and a half lying and being in the County aforesaid &c. with the appurtenances as the dower of her the said Tabitha of the endowment of the said Robert Lehew heretofore her husband, and who in his life time was seized in fee thereof, whereof she hath nothing &c. and which the said Defendants unjustly detain from her to her damage of one thousand dollars and therefore she brings her suit and so forth.

John Doe, and } Pledges to Prosecute } Daniel C. Digges
Richard Roe, } } Plffs atty.

At which mentioned first Monday of November, being the twelfth day of the same month in the year of our Lord one thousand eight hundred and forty eight, being the day of the return of the foregoing writ, comes into the County Court here the said plaintiff by her attorney aforesaid, and the sheriff of Prince George's County aforesaid, to wit, John R. Baden, gentleman, to whom the foregoing writ was in form aforesaid directed, makes return, makes return thereof to the Court here, thus endorsed, to wit, "Non Sunt - Jno. R. Baden shff." Nevertheless the said defendants, by Thomas G. Pratt, Esquire their attorney, voluntarily come into Court here; and thereupon, on the motion of the said plaintiff by her attorney aforesaid, it is ruled by the Court here, that the said defendants answer to the declaration aforesaid of the said plaintiff in the plea aforesaid or judgment by the Court here will be entered against them in default thereof, and the said defendants, by their attorney aforesaid defend the force and injury, when, and so forth, and pray leave of the Court here to imparle until the first Monday of April next, and then to answer to the declaration aforesaid of the said plaintiff in the plea aforesaid, and to them it is granted the same day is given to the aforesaid plaintiff also.

At which mentioned first Monday of April being the second day of the same month in the year of our Lord one thousand eight hundred and forty nine, until which day, the said defendants had leave to imparle, and then to answer to the declaration of the said plaintiff in the plea aforesaid, comes again into the County Court here, the parties aforesaid by their attornies aforesaid.

And the said defendants, by Thos. G. Pratt, their attorney come and say, that the said plaintiff ought not to have dower of the tenements aforesaid with the appurtenances, of the endowment of the said Robert Lehew, because they say, that the said R. Lehew late husband of the said plaintiff, neither on the day he married the said plaintiff, nor ever afterwards, was seized of the tenements aforesaid, with the appurtenances, whereof &c. of such an estate as he could thereof endow the said plaintiff, and of this they put themselves upon the County &c.