Present, The Honorable, William Frick, Chief Judge
John Purviance and } Associate Judges.
John C. LeGrand, }
Charles F. Leland, Esquire Sheriff of Baltimore City,
S. W. Bradford, Clerk.

Among other were the following proceedings to wit:

William Peterkin,
Joshua Peterkin,
William Peterkin,
(Nephew of Wm.) and
Ellen Peterkin Lessee,
vs.
William Inloes
Joshua Inloes
James Hooper and
Jonathan Chapman.

Ejectment &c. – Be it remembered, that heretofore, to wit: on the twenty third day of August in the year of our Lord one thousand eight hundred and forty one John Doe Lessee of William Peterkin, Joshua Peterkin, William Peterkin (Nephew of said William Peterkin) and Ellen Peterkin, by Grafton C. Duleany Esquire his attorney, declared in the County Court here against Richard Roe, in a plea of Trespass and Ejectment, with a notice to his declaration annexed in form following, to wit:

Baltimore County, to wit, Richard Roe was attached to answer John Doe of a plea wherefore he the said Richard Roe with force and arms &c. entered into all that lot or piece of ground on Fells Point in the City of Baltimore Beginning for the same at the south west intersection of Fleet and Spring streets, and running westerly bounding on the south side of Fleet street, one hundred feet, then southerly, parallel with Spring street seven hundred and fourteen feet to the water of the dock, commonly called the City Dock, then easterly bounding on the Water of said dock, about one hundred feet, until it intersects the west line of Spring street, if the same way extended southerly, and then reversing said line northerly to the Beginning containing one acre more or less, with the appurtenances, situate and being in Baltimore County aforesaid which William Peterkin, Joshua Peterkin and William Peterkin, nephew of the aforesaid William and Ellen Peterkin had 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 G. L. Duleany his attorney complains that whereas the said William, Joshua and William (nephew of the said William) and Ellen, on the first day of May in the year eighteen hundred and thirty eight, at the County aforesaid, had demised to the said John Doe, the said tenements, 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 said tenements, 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 tenements 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 and against the peace, government, and dignity of the State of 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. G. L. Duleany, attorney for the plaintiff.

"Messrs. William Inloes, Joshua Inloes, James Hooper and Jonathan Chapman. – I am informed that you are in possession of or claim title to the premises in this declaration of Ejectment mentioned or to some part thereof, and I 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 first day of September next in Baltimore County Court, at the Court House in the said County by some attorney of that Court, and then and there by rule of the same Court to cause yourselves to be made defendants in my stead, otherwise I shall suffer judgment thereon to be entered against me by default, and you will be turned out of possession. Dated this eighteenth day of August, in the year of our Lord eighteen hundred and forty one. –

Your loving friend, Richard Roe."

Four copies of the aforegoing declaration and notice were made and sent under seal, to the Sheriff of Baltimore County aforesaid, thereon endorsed, "to be served on tenants in possession of no tenant to be set up on the most conspicuous part of the premises at least five days before the first day of September next" At which mentioned first day of September to wit, "in the year last aforesaid, being the return day of the service of the copies of the aforegoing declaration and notice, comes into the County Court here, the said John Doe, Lessee as aforesaid by his attorney aforesaid, and the Sheriff of the County aforesaid, to whom the copies of the declaration in Ejectment and notice as aforesaid was in manner aforesaid sent certifies to the Court here, the service thereof in form following to wit: "Copy served on Defendants, the 23d of August 1841. – Wm. D. Ball, Shff."

Whereupon the said John Doe lessee as aforesaid, by his attorney aforesaid, prays that the said Richard Roe, the Defendant, the said William Inloes, Joshua Inloes, James Hooper and Jonathan Chapman, the tenants in possession of the said premises, or those under whom they claim, to the declaration aforesaid may appear and answer; And thereupon the said William Inloes, Joshua Inloes, James Hooper and Jonathan Chapman by William F. Giles Esquire their attorney, in pursuance of the notice aforesaid, come into the County Court here. Whereupon it is ruled by the Court here, with the consent of the said John Doe Lessee as aforesaid, by his attorney aforesaid, and the said William Inloes Joshua Inloes, James Hooper and Jonathan Chapman (who claim the title in question) by their attorney aforesaid, that the said William Inloes Joshua Inloes, James Hooper and Jonathan Chapman be admitted Defendants in the place of Richard Roe, 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 Defendants shall appear in their proper person, or by their attorney or counsel, and confess the lease, entry and actual ouster and expulsion of so much of the tenements in the declaration of the said John Doe lessee as aforesaid as is in the possession of the said Defendants or their tenants, or of any other person or persons claiming by or under their title or in default thereof that judgment be entered against the non 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 Defendants shall take no advantage thereof, but shall pay 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 Defendants or if the said John Doe lessee as aforesaid, shall not prosecute his declaration upon any other cause