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Henry S. Mitchell
vs.
Sarah E. Mitchell's Lessee.

Be it remembered, That now here on the first Monday in June being the fifth day of the said month in the year of our Lord one thousand eight hundred and fifty four the Judge of the first Judicial Circuit 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 him in the Circuit Court of Charles County between Sarah E. Mitchell's Lessee plaintiff, and Henry S. Mitchell Defendant, and wherein the said Circuit Court gave judgment for the said Sarah E. Mitchell's Lessee against the said Henry S. Mitchell, and from which said judgment the said Henry S. Mitchell appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following to wit:

Charles County, to wit:- At a Circuit Court of the first Judicial Circuit of the State of Maryland, begun and held at Port Tobacco, in and for Charles County aforesaid, on the third Monday of July, being the 18th day of the same month, in the year of our Lord, one thousand eight hundred and fifty three and the seventy seventh year of the Independence of the United States of America.-

Present, The Hon'ble. William Matthews, Esqr, Special Judge,
Arthur D. Smoot, Esqr, Sheriff Joseph Stewart, Clerk

In the record of proceedings of the same Court amongst others was the following, to wit:

Sarah E. Mitchell's Lessee
vs.
Henry S. Mitchell.-

Be it remembered, that heretofore, to wit, on the 17th day of June, in the year of our Lord, one thousand eight hundred and fifty two, John Doe Lessee of Sarah E. Mitchell by Robert J. Brent his attorney, declared in the Circuit Court for Charles County here against Richard Roe, in a plea of trespass and ejectment, with a notice thereto annexed, in 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 and known by the name of Myrtle Grove, with the appurtenances situate and being in Charles County aforesaid, which Sarah E. Mitchell had demised to the said John Doe, for a term which is not yet expired, and ejected him from his said farm; And also, wherefore the said Richard Roe, with force and arms, &c, entered into all that other tract or parcel of plantable land whereof James D. Mitchell died possessed, with the appurtenances situate and being in Charles County aforesaid, which Sarah E. Mitchell had demised to the said John Doe, for a term which is not yet expired, and ejected him from his said last mentioned 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 whereas the said Sarah E. Mitchell on the first day of May, in the year eighteen hundred and forty six at the County aforesaid, had demised to the said John Doe, the said tenements with the appurtenances first above mentioned, 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. And also, that whereas the said Sarah E. Mitchell on the first day of May, in the year aforesaid, at the County aforesaid, had demised to the said John Doe, the said tenements with the appurtenances, secondly above mentioned, to have and to hold the same to the said John Doe and his assigns, from the said 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 several demises, the said John Doe, entered into the said several tenements, first and secondly above mentioned, with the appurtenances, and became and was possessed thereof, for the said several terms so to him thereof respectively 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, first and secondly above mentioned, in which the said John Doe was so interested, in manner and for the several terms, aforesaid, which are not yet expired, and ejected the said John Doe from his said several farms; 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.

Robert J. Brent, Atty. for the Plaintiff.-

Mr. Henry S. Mitchell - 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 third Monday in July next in the Circuit Court for Charles County, 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 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 second day of June in the year of our Lord eighteen hundred and fifty two.- Your loving friend,

Richard Roe.-

A copy of which said declaration and notice was made and sent to the Sheriff of Charles County aforesaid thereon endorsed "to be served on the tenant in possession of the premises mentioned in the within declaration or set up on the premises at least ten days before the third Monday of July next.-

At which mentioned third Monday of July being the 19th day of the same month, in the year of our Lord one thousand eight hundred and fifty two and the return day of the service of a copy of the aforegoing declaration comes into the Circuit Court here the said John Doe Lessee of the said Sarah E. Mitchell by his attorney aforesaid and the Sheriff of the County aforesaid to wit: Arthur D. Smoot Gentleman to whom a copy of the said declaration in ejectment and notice as aforesaid was in form aforesaid made and sent certifies to the Court here, the service thereof, in form following, to wit: