further molestation of said Harvey in the quiet possession of said Land. Hereof fail not at your peril. Witness the Honorable William George Krebs Judge of our said Circuit Court for Baltimore City the thirteenth day of November in the year 1854, Issued the 15th day of December 1854.

Wm H. Farmer Clerk.

True Copy. Test. Wm H. Farmer Clk.

Which said Injunction was duly returned Non Est as to Viguis and was served upon Inloes on the 21st day of December 1854 who refused to obey the same. A Petition for a writ of Habere Facias Possessionem was filed by the Complainants on the 12th day of January 1855, in the following words:

State of Maryland, City of Baltimore Sct.

(Seal) The State of Maryland. To the Sheriff of Baltimore City, Greeting:

Whereas by the Original Decree passed in the Circuit Court for Baltimore City on the 30th day of November 1854, in a cause therein depending wherein Susan E. Dukehart and William H. B. Dukehart are complainants by John H. Thomas their next friend, and Thomas W. Viguis and George C. Harvey are defendants it was decreed that the said Thomas W. Viguis should deliver the possession of certain Leasehold property and premises, in the said decree mentioned to wit, certain Leasehold property on the East side of North Howard Street in the City of Baltimore named and described in a certain deed from John Zell and Alexander Harper to Thomas W. Viguis bearing date the 24th day of September 1850 and recorded among the Land Records of Baltimore City in Liber A.W.B. No. 443. Folio 47 &c. unto the said defendant George C. Harvey or such person as he should designate, and whereas by a subsequent order made and passed in the same cause on the fifteenth day of December 1854, it was ordered and directed that a writ of Injunction should issue commanding the said Thomas W. Viguis to deliver Possession of the said leasehold property aforementioned to the defendant George C. Harvey or such person as he should appoint and direct, and whereas according to the decree and order aforesaid and in conformity therewith on the fifteenth day of last mentioned month of December 1854 an Injunction did issue directed to the said Thomas W. Viguis his servants agents and all persons assisting him and every and all other person or persons in possession of said land commanding and enjoining them that they each and every of them should deliver possession of said land and premises and of every part and parcel thereof to the said George C. Harvey or such person as he should appoint and direct pursuant to the decree aforesaid and should cease from any further molestation of said Harvey in the quiet possession of said land: and whereas the Sheriff of Baltimore City to whom the said Injunction was delivered to be served has made return that the same was served upon a certain E. J. Green the tenant in possession of said premises and also on a certain Joshua S. Inloes and that the said Viguis was not within his bailiwick: and whereas the Complainants and the defendant George C. Harvey have represented to the said Circuit Court for Baltimore City that the said tenants in possession have refused utterly to give up possession of the said premises or to obey the said Injunction and are still in such possession in defiance of the authority of said Circuit Court and that said Thomas W. Viguis having had actual notice of the decree aforesaid and directions had avoided the said Sheriff and in fact actually left the State of Maryland permanently or at all events for the time in order to avoid process. leaving no property whatever on which execution might be levied and the said Complainants and said Harvey having applied to the said Circuit

Court for the writ of Habere Facias possessionem to enforce the said decree & order.

Know ye, therefore that to complete and carry into full effect the decree of the said Circuit Court for Baltimore City made and passed in the manner aforesaid the said Circuit Court hath given and from this time doth give to you full power and authority that to the land and premises aforesaid situate in Baltimore County aforesaid and in the decree and injunction aforesaid mentioned and expressed you approach and enter and from thence the said E. J. Green and the said Joshua S. Inloes as well as all and every other person or persons in possession of the premises being against the form and effect of the decree and Injunction aforesaid you remove and the said George C. Harvey or the person he shall designate therefor in full quiet and peaceable possession of all and singular the premises aforesaid immediately and from time to time as often as necessary you put and place and that they said George C. Harvey or the person by him designated for that purpose so being put and placed in possession you protect and keep quiet, and therefore you are hereby commanded that immediately after the receipt of this writ to the land and premises aforesaid you approach and enter and the said E. J. Green and the said Joshua S. Inloes as well as all and every other person and persons in possession of said land and premises being against the form and effect of the decree & Injunction aforesaid from the possession thereof you remove and the said George C. Harvey or the person by him designated therefore unto the full peaceable and quiet possession of all and singular the premises you deliver put and place and from time to time as often as necessary, and the said George C. Harvey or the person by him so designated so being put in possession you present keep and continue and cause to be preserved kept and continued according to the true intent of the decree and writ of Injunction aforesaid and of this writ.

Witness The Honorable William George Krebs Judge of our said Circuit Court the 8th day of January 1855. Issued the 12th day of January 1855.

Wm H. H. Farmer Clerk.

Endorsed - Possession given to William H. B. Dukehart husband of Susan E. Dukehart. January 15th 1855.

Saml Hindes Sheriff

True Copy: Test. Wm H. Farmer Clk.

By authority of the said writ the Sheriff of Baltimore City on the 15th day of January 1855 delivered possession of the said premises to the defendant Harvey, through his authorized agent William B. Dukehart the husband of Susan E. Dukehart, and said defendant Harvey has continued so possessed of said premises down to this time. Whereupon the plaintiff by his counsel prayed the Court to instruct the Jury as follows, viz:

That upon the evidence in this case offered if believed by the Jury the legal title to the possession of the premises for recovery of which this action is brought was vested in the Lessor of the plaintiff by the deed of Assignment from Thomas W. Viguis to the said Lessor, and remained vested in him at the time of his demise of said premises to the plaintiff: and that the plaintiff is entitled to recover notwithstanding the decree and other facts offered in evidence on the part of the defendant. But the court refused to grant said instruction, to which refusal the plaintiff excepted, and prayed the Court to sign and seal this his bill of exceptions, which is accordingly done this 27th day of December 1855.

J. Collins Ex (Seal)

And thereupon the said plaintiff by his attorneys aforesaid prays an