tract or parcel of Land called "Ek Garden" lying and being in the County aforesaid containing Six thousand acres with the appurtenances which Frederick Van Rebber and Mary P Van Rebber by their Guardian and next friend do the said Richard demise for a term of years which is not yet expired and from the said Richard from his farm aforesaid the goods and other harm to him the said Richard then and there did to the great damage of him the said Richard and against the peace government and dignity of the State of Maryland and so forth.

And whereupon the said Richard by Joseph G Wilkes his attorney complains that the said Frederick Van Rebber and Mary P Van Rebber by their Guardian and next friend Thomas Van Rebber heretofore have demised to the said Richard all that the said tract or parcel of pleasant Land called "Ek Garden" lying and being in the County aforesaid containing Six thousand acres with the appurtenances to have and to hold the same to the said Richard and his assigns from the 1st day of January 1852. then past for and during and until the first end and term of ten years from thence next ensuing and fully to be complete and ended and at and that the said Frederick Van Rebber and Mary P Van Rebber by their guardian and next friend on the said 1st day of January in the year 1852 at the County aforesaid had demised to said Richard all undivided fifth part of the said tract or parcel of Land called Ek Gardens lying and being in the County aforesaid containing Six thousand acres and the appurtenances to him the said Richard and his assigns from the 1st day of January 1852 then past for and during and until the first end and term of ten years from thence next ensuing fully to be complete and ended by virtue of which said several demises the said Richard entered in all and singular the said tract or parcel of pleasant Land with the appurtenances thereunto belonging and was possessed thereof and the said Richard being so possessed thereof the said Ferdinand Frazier Isaac Mouland James W Abernathy Simon Arnold Jacob Potter and William Haney afterwards to wit on the said day and year first aforesaid with force and arms at Cheltenham in said County aforesaid entered into the said tract or parcel of pleasant Land with the appurtenances which the said Frederick Van Rebber and Mary P Van Rebber by their guardian and next friend Thomas Van Rebber had demised to the said Richard in manner aforesaid for the term aforesaid which are not yet expired and yet the said Richard from the said farm or tract of Land and other rents to the said Richard then and there did to the great damage of the said Richard and against the peace government and dignity of the State and whereupon the said Richard saith he is injured and hath sustained damage to the value of five hundred dollars and therefore he says suit &c. Respondeo. Motion of the said Ferdinand Frazier Isaac Mouland James W Abernathy Simon Arnold Jacob Potter

and William Haney by their Attorney aforesaid leave is given by the Court here to the said Ferdinand Frazier Isaac Mouland James W Abernathy Simon Arnold Jacob Potter and William Haney to ascertain their defence and answer to the declaration aforesaid of the said Richard McLesser as aforesaid in the plea aforesaid until the second Monday in October next the same day is given to the said Richard McLesser as aforesaid

At which said second Monday of October to wit in the term last aforesaid and at which day the said Ferdinand Frazier Isaac Mouland James W Abernathy Simon Arnold Jacob Potter and William Haney had time to ascertain their defence and answer to the declaration aforesaid of the said Richard McLesser as aforesaid in the plea aforesaid came again into the Court here as well the said Richard McLesser as aforesaid by his Attorney aforesaid as the said Ferdinand Frazier Isaac Mouland James W Abernathy Simon Arnold Jacob Potter and William Haney by their Attorney aforesaid and the said Ferdinand Frazier Isaac Mouland James W Abernathy Simon Arnold Jacob Potter and William Haney by their Attorney aforesaid defend the force and injury when &c and the defence according to their pleas as they shall appear to be fit and drawn on the return of a Warrant of Resurvey to be issued in this case and say that they are not guilty of the trespass and ejectment aforesaid in the declaration aforesaid mentioned in manner and form as the said Richard McLesser as aforesaid above complains against them &c. of this they put themselves upon the Country and the said Richard McLesser as aforesaid in the manner and therefore on motion of the said Ferdinand Frazier Isaac Mouland James W Abernathy Simon Arnold Jacob Potter and William Haney by their Attorney aforesaid it is ordered by the Court here that the Clerk of the State of Maryland of Warrant Resurvey issue in this case and thereupon further process of and upon the premises aforesaid between the parties aforesaid and by order of the Court here thereon is continued until the first Monday of January next.

At which said first Monday of January to wit in the year 1862 came again into the Circuit Court here the said Richard McLesser as aforesaid by his Attorney aforesaid, as the said Ferdinand Frazier Isaac Mouland James W Abernathy Simon Arnold Jacob Potter and William Haney by their Attorney aforesaid and thereupon the said Richard McLesser aforesaid filed in Court the following Commissions and Precepts thereon and thereunder have also said Commissions and Precepts are in the words and of the tenor following to wit.

Maryland Allegany County sct. The State of Maryland to William McCoy Esquire of Williams County in the State of Virginia Greeting

Be it known that you are appointed Commissioner to examine Witnesses in a cause depending in the Circuit Court for Allegany County between Frederick Van Rebber and Mary P Van Rebber by their guardian and next friend Thomas Van Rebber plaintiff