William T. Day
vs
Walter T. Allender

Be it remembered that now here on the first Monday of December being the third day of the said Month in the year of our Lord 1860 the Judge of the Sixth 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 for Baltimore County between William T. Allender plaintiff and William T. Day defendant and whereon the said Circuit Court gave judgment for the said Walter T. Allender against the said William T. Day and from which said judgment the said William T. Day appealed to the Court of Appeals here the tenor of which said Record of proceedings is in Form following to Wit,

State of Maryland } Baltimore County Sct,

At a Circuit Court of the 6th Judicial District of the State of Maryland begun and held at the Court House in Towsontown in and for said County on the third Monday in May being the 16th day of the said Month in the year of our Lord 1859

Were Present

The Honorable John H. Price Judge

Richard W. Hook Esquire Sheriff
George H. Carman Clerk

Among other were the following Proceedings to Wit.

Walter T. Allender
vs
William T. Day

Be it Remembered that heretofore to Wit on the 22d day of November in the year of our Lord 1854 the said Walter T. Allender by Richard T. Jennings Esquire his attorney prosecuted and sued forth out of the Circuit Court here the Writ of the State of Maryland of Summons to the Sheriff of Baltimore County aforesaid directed in the Words and of the tenor following to Wit

Baltimore Sct,

The State of Maryland to the Sheriff of Baltimore County Greeting. We command you that you summon William T. Day late of Baltimore County if he shall be found in your bailiwick, that he be and appear before the Judge of the Circuit Court for Baltimore County, at the Court House in the same County, on the 4th Monday of November Next to answer unto Walter T. Allender in a plea where Force with Force and Arms &c at Baltimore County aforesaid broke and entered the close of the said Allender situate lying and being in Baltimore County aforesaid called the Old Joppa Road and then and there with the feet of Cattle to Wit, horses mares geldings and oxen and with the wheels of Carts Wagons and other carriages tore up subverted and injured the soil of the said plaintiff and other wrongs to the said Jeff then and there did to the great damage of the said plaintiff and against the peace government and dignity of the State of Maryland. Hereof fail not at your peril, and have you then and there this Writ.

Witness the Honorable Albert Constable Judge of our said Court this 7 day of March in the year of our Lord 1854.

H. M. Fitzhugh Clerk

And the said Walter T. Allender by his attorney aforesaid on the day of prosecuting and suing forth the foregoing Writ declared against the said William

T. Day in the plea aforesaid in Form following to Wit,

State of Maryland } Baltimore County Ss.

William T. Day late of the said County the defendant in this suit was summoned to answer unto Walter T. Allender the plaintiff in this suit in a plea of trespass &c and thereupon the said Walter T. Allender by Richard T. Jennings his attorney complains against the said defendant for that the said defendant heretofore to Wit on the 1st day of January in the year of our Lord 1853 and on divers other days and times between that day and the commencement of this suit with Force and Arms &c to Wit, with guns axes and other iron instruments and weapons broke and entered a certain close of the said plaintiff situate and being in the said County said close being part of a certain piece or parcel of land called the Old Joppa Road and lying between the land of John Bennett and land of one Keith, that is to say bounded southwardly by land of said Keith and bounded Westwardly by land of said John Bennett and then and there with the feet of Cattle to Wit horses mares geldings and oxen and with the wheels of Carts Wagons and other carriages tore up subverted and injured the soil of the said close of the said plaintiff and also then and there to Wit with axes hatchets spades mattocks and such axes broke down prostrate and destroyed a certain fence of the said plaintiff in the said close to Wit 10 ps of post and rail fence of great value to Wit of the value of fifty dollars and then and there also hindered and interrupted the said plaintiff from having the use and benefit and advantage of his said close in so large and ample a manner as he might and otherwise would have done to Wit at the County aforesaid And also that the said defendant afterwards to Wit on the day and year aforesaid and on divers other days and times between that day and the commencement of this suit with Force and Arms &c to Wit with axes and other iron instruments iron with divers horses and oxen and divers wagons and carts at the County aforesaid broke and entered a certain other close of the said plaintiff situate in the County aforesaid called the Old Joppa Road lying on the Northwest side of a certain other close of the said plaintiff called Mount Ararat and then and there with the feet of cattle to Wit horses and oxen and with the wheels of carts and wagons tore up subverted and injured the soil of the said close of the said plaintiff and also then and there to Wit with axes and other iron instruments broke down prostrated and destroyed a certain other fence of the said plaintiff in the said close to Wit the rafters of post and rail fence of great value to Wit of the value of fifty dollars to Wit at the County aforesaid.

And also that the said defendant afterwards to Wit on the day and year aforesaid and on divers other days and times afterwards and before the commencement of this suit with Force and Arms &c to Wit with axes and other iron instruments and with divers horses mares and oxen and divers wagons carts and other carriages at the County aforesaid broke and entered a certain other close of the said plaintiff situate lying and being in the County aforesaid being that part of the Land heretofore conveyed by Elias Scott trustee to said Walter T. Allender which abuts towards the North East on land of one Rebecca Bennett and land of one James Bennett and towards the South on a certain piece or parcel of land called the Old Joppa Road and towards the Southwest on land of said John Bennett and land of one Thomas Knight and with the feet of said horses mares and oxen and the wheels of said wagons carts and other carriages damaged spoiled and destroyed