counsel and confess the lease, entry and actual - ouster, and expulsion of so much of the tenements in the declaration of the said John Denn, lessee as aforesaid, as is in the possession of the said Thomas Hammond, Joseph G. Nesbitt and Wesley Dike, or their tenants, or of any other person claiming by or under their title, or in default thereof that judgment be entered against the now defendant, Richard Fenn, but that prosecution be staid against them until they make 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 Denn, lessee as aforesaid, shall become non suit at the trial, the said Thomas Hammond, Joseph G. Nesbitt and Wesley Dike shall take no advantage thereof, but shall pay to the said John Denn lessee as aforesaid, his costs &c.

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 Thomas Hammond, Joseph G. Nesbitt and Wesley Dike, or if the said John Denn lessee as aforesaid, shall not prosecute his declaration upon any other cause - than for the not confessing lease, entry and ouster as aforesaid, then the said James Morrison lessee of the said John Denn, shall pay costs &c. And thereupon the said John Denn lessee, as aforesaid by his attorney, aforesaid, declares against the said Thomas Hammond, Joseph G. Nesbitt, and Wesley Dike, in the plea aforesaid, as follows, to wit,

In the Circuit Court for Allegany County

State of Maryland, Allegany County, to wit;

Thomas Hammond, Joseph G. Nesbitt and Wesley Dike, late of said County, was attached to answer unto Richard Fenn, in a plea wherefore with force and arms, at the county aforesaid, he entered into all that tract or

parcel of land lying and being in the County, aforesaid called "The Trap" which James Morrison demised to the said Richard Fenn, for a term of years which is not yet expired, and ejected him from his said farm to the damage of the said Richard Fenn and against the peace, government and dignity of the State aforesaid &c.

And thereupon the said Richard Fenn by Josiah H. Gordon, his attorney complains that the said James - Morrison, heretofore, to wit; on the first day of June in the year of our Lord eighteen hundred and sixty six, at the county aforesaid, demised to the said Richard Fenn, all that lot or parcel of land lying and being in the county aforesaid, and called and known as the "The Trap" with appurtenances, to have and to hold the same unto the said Richard and his assign from the said first day of June for and during and until the full end and term of twenty years from thence next ensuing, and fully to be complete and ended by virtue of which said demise, the said Richard Fenn entered into the said lot or parcel of land with the appurtenances, and was possessed thereof, and being possessed thereof, the said Thomas Hammond, Joseph G. Nesbitt, and Wesley Dike afterwards to wit, on the second day of June aforesaid, with force and arms, at the County afore - said entered into the said lot or parcel of land, with the appurtenances, which have been so demised to the said Richard Fenn in manner aforesaid, for the term aforesaid, which is not yet expired, and ejected the said Richard Fenn from his said farm, and other - wrongs to the said Richard Fenn, then and there did to the damage of said Richard Fenn, against the - peace, government, and dignity, of the said State &c, Wherefore the said Richard, saith he is injured and