

JOHN MOUSLEY ET AL. }
 vs. } MARCH TERM, 1849.
 EDWARD WILSON ET AL. }

[ACT OF 1793, CH. 43.]

THE act of 1793, ch. 43, forbids the restoring the landlord to the possession of the premises, when he is proceeding under that act, only when the title is disputed or claimed by some person, in virtue of a right or title, accrued or happening *since the commencement of the lease.*

[This bill was filed by the complainants, Rachel Mousley, widow of Richard Simpvers, his infant children, and heirs at law, and John Mousley, the present husband of Rachel, to obtain an injunction, and the specific performance of a contract alleged to have been made (in writing it was believed) between Edward Wilson, the defendant, and the said Richard Simpvers, deceased.

The bill stated, that on the 3d of December, 1842, Richard L. Simpvers contracted with Edward Wilson, for the purchase of fifty acres of land in Cecil county, for \$1500, to take effect on the 26th of March, 1843; that in part payment of the purchase money, he assigned to Wilson three single bills in his favor, which were collected by the latter; that Wilson being indebted to him on several notes, and on open account, he released him from their payment; and, that he entered upon the land in pursuance of the agreement, on the 25th of March, 1843, and continued to reside thereon till his death in 1846; that his widow, together with his children, continued to reside thereon; and in the year 1847, (being ignorant of her rights,) she agreed to rent the land from Wilson for one year, at \$30 rent; that notice was given her to quit at the expiration of that time, and on her refusing to do so, steps were being taken, under the act of 1793, ch. 43, to put her and the other complainants out of possession; and, that Wilson, although offered the balance of the purchase money, (of which a small portion was still due,) on the execution of a deed for the land, had refused to accede to the proposition. An injunction was, accordingly,