

Case No. 8,244.

LENOX v. ARGUELLES.

[4 Cranch, C. C. 477.]<sup>1</sup>

Circuit Court, District of Columbia.

Nov. Term, 1834.

CERTIORARI—JUSTICE OF PEACE—SUBSTITUTE FOR EJECTMENT.

A certiorari will not lie to bring up the proceedings of justices of the peace, under the Maryland statute of 1793, c. 43, against tenants holding over.

{Action by Lenox's administrator against Arguelles.}

Mr. Bryce moved for a certiorari to a justice of the peace, to bring up his proceedings against a tenant holding over under the Maryland act of 1793, c. 43.

Mr. Lamed, by special permission, stated, that, by the practice in Maryland, a certiorari would be granted in such a case; the proceeding under the statute being considered as a substitute for an action of ejectment.

THE COURT, however (nem. con.), was of opinion, "as at present advised," that it has no power to issue a certiorari in such a Case.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]