appurtenances which Sarah Bordley Elizabeth Bordley and John F. Mifflin Surviving Devisees of John Beal Bordley deceased (a certain Robert Milligan the other devisee being deceased) demised unto the said Titus Goodright for a Term of years which is not yet expired and ejected him from his said farm and other wrongs to him the said Titus Goodright then and there did to the great damage of him the said Titus and against the peace government and dignity of the State of Maryland &c. And Whereupon the said Titus by William Alexander his Attorney Complains that the said Sarah Bordley Elizabeth Bordley and John F. Mifflin Surviving Devisees of John Beal Bordley heretofore Toswit, on the second day of January in the year of Our Lord Eighteen hundred and twelve at Cecil County aforesaid had demised to the said Titus all that the said tract or parcel of land called Painters Rest lying and being in the County aforesaid containing Nineteen hundred and one acres more or less with the Appurtenances, to have and to hold the same to the said Titus and his Assigns from the first day of January then last past for and during and unto the full end and term of fifteen years from thence ensuing fully to be complete and ended, by virtue of which said demise the said Titus entered into the said Tract or parcel of land with the Appurtenances and was possessed thereof, and being so possessed thereof, the said Nathan afterwards to wit, on the said second day of January in the year Eighteen hundred and twelve aforesaid with force and arms, that is to say with Swords Staves and Knives at the County aforesaid entered into the said tract of land with the Appurtenances, which the said Sarah Bordley Elizabeth Bordley, and John F. Mifflin Surviving Devisees of John Beal Bordley, had demised to the said Titus, in manner aforesaid for the Term aforesaid which is not yet expired and ejected the said Titus from his said farm, and other wrongs to the said Titus then and there did to the great damage of the said Titus and against the peace Government and dignity of the State of Maryland &c. Wherefore the said Titus saith he is injured and hath damage to the Value of One thousand pounds, and therefore he brings his Suit and &c. Pledges &c. John Doe &
Richard Roe. —

Wm. Alexander Atty. for the Plaintiff.

The notice annexed to the aforegoing declaration is as follows, Toswit,

Sir.) I am informed you are in possession of or claim title to the premises in this declaration mentioned or to some part thereof and being sued in this action as Casual ejector, and having no claim or title to the premises do advise you to appear at the next County Court to be held for the County of Cecil at Elkton on the first Monday of April next by some Attorney of that Court and then and there by rules of the same Court to cause yourself to be made defendant in my stead otherwise I shall suffer Judgment to be entered against me and you will be turned out of possession. —

Your friend

Nathan Noright.

To Mr. Joseph Pennington Tenant in possession of the premises or some part thereof. —

A Copy of which said Declaration and Notice was made and sent to the Sheriff of Cecil County aforesaid thereon endorsed "To be served on the Tenant in possession, or left at his last place of abode at least eight days before the return day exclusive of the day of service and day of return". — At which said mentioned first Monday of April being the sixth day of the same Month in the Year of Our Lord Eighteen hundred and twelve and the return day of the service of the aforegoing declaration Comes into Court here the said Titus Goodright Lessee as aforesaid by William Alexander Esqr his Attorney, and the Sheriff of the County aforesaid to whom a Copy of the said declaration in Ejectment and Notice aforesaid, was in form aforesaid Made and sent Certifies to the Court here the service thereof as follows toswit,

"Service & Copy left with Joseph Pennington the 24th March 1812.

John Crespell Shff. —

Whereupon the said Titus Goodright Lessee as aforesaid by his Attorney aforesaid prays that the said Joseph Pennington the Tenant in possession of the said premises or those under whom he claims to the Declaration aforesaid may appear. And thereupon the said Joseph Pennington by William Carmichael Esqr his Attorney in pursuance of the notice aforesaid Comes into Court here, Whereupon it is ruled by the Court here with the Consent of the said Titus Goodright Lessee as aforesaid by his Attorney aforesaid and the said Joseph Pennington who claims the Title in question by his Attorney aforesaid that the said Joseph Pennington be admitted defendant in this cause in the place of the now defendant Nathan Noright the Casual Ejector. — And the said Joseph Pennington by his Attorney aforesaid comes and defends the force and injury when &c and takes his defence according to his pretentions as they shall appear to be laid down on the return of a Warrant of Resurvey to be issued in this cause and enters into the common rule and thereupon on Motion of the said Titus Goodright Lessee as aforesaid by his Attorney aforesaid it is ordered by the Court here that the writ of the State of Maryland of Warrant of Resurvey issue in this cause and the same accordingly issues directed to the Sheriff and Surveyor of Cecil County in form following toswit,

Cecil County Toswit, The State of Maryland to the Sheriff and Surveyor of Cecil County,
Greeting: Whereas at a County Court begun and held at Elkton on the first Monday
Seal County
Seal place
of April in the year of Our Lord Eighteen hundred and twelve it was so for proceeded in a certain plea of Trespass and Ejectment in the said Court depending between a Certain Titus Goodright Lessee of Sarah Bordley & others Surviving devisees of John Beal Bordley their Lessee plaintiffs and a Certain Joseph Pennington Defendt that it was considered absolutely necessary for the better information of the said Court and the Jury in the truth of the premises, that all that tract of land called Painters Rest lying and being in Cecil County aforesaid containing Nineteen hundred and one acres of land more or less be carefully resurveyed and laid out according to the ancient Metes and bounds thereof as in the original Certificate of Survey thereof is expressed to the end that the said Land in Controversy and the Claims and pretences of the parties may more plainly and indifferently appear to the Court and Jury, therefore you the said Surveyor in the presence of you the said Sheriff are hereby commanded carefully to resurvey & lay out as well the said lands in dispute as any other land adjacent thereto which shall be thought necessary by the said Plaintiff or Defendant to be laid out for the better illustration of the matter according to the Claims & pretentions of the Plaintiff in the presence of the defendant if he being Summoned think fit to be present and without any interruption of him the said defendant or if absent Notice to be left at his place of residence or last place of abode, and likewise survey and lay out the same lands in dispute as aforesaid according to the claims and pretentions of the Defendant in the presence of the Plaintiff if he being summoned think fit to be present without any interruption of him the said Plaintiff or if absent Notice to be left at his place of residence or last place of abode and you the said Sheriff are hereby empowered to examine upon Oath any Witness or Witnesses that by either of the said parties shall be produced in relation to the same and you the said Sheriff are hereby ordered to give both the said parties ten days Notice before the day of the execution of this writ, and you the said Surveyor are hereby commanded to return fair certificates and plots therefor, drawing the pretences of the Plaintiff in black lines and the pretences of the Defendant in pricked lines as well under the hand and seal of you the said Sheriff as you the said Surveyor, to the Judges of the said County Court to be held at Elkton on the first Monday of September next, that the said Court and Jury being rightly informed of the truth of the premises may further proceed therein as to justice appertains and so forth. Witness the Honble Richard Earle Esqr Chief Judge of the said County Court the 11th day of April Anno Domini 1812.

Issued the 9th day of May Anno Domini 1812

James Sewall Clk. —

And the said Joseph Pennington by his Attorney aforesaid prays leave of the Court here to imparle hereunto untill the next Court and he hath it and the same day is given to the said Titus Goodright Lessee as aforesaid also. — At which said next Court Toswit, the first Monday of September being the seventh day of the same Month in the year of our Lord Eighteen hundred and twelve and the day of the return of the return of the aforegoing Warrant of Resurvey Comes here into Court as well the said Titus Goodright Lessee as aforesaid by William Alexander and Jeremiah Cadden Esqrs his Attornies as the said Joseph Pennington by his Attorney aforesaid, and the said Sheriff and Surveyor of Cecil County aforesaid to whom the said Warrant of Resurvey was directed Comes & makes return thereof to the Court here thus endorsed toswit, "Not executed" Geo. W. Lightner Shff.

Thereupon on Motion of the said parties by their Attornies aforesaid it is Ordered by the said Court here, that the said Warrant of Resurvey be renewed in this cause and the same was accordingly directed to the Sheriff and Surveyor of Cecil County as aforesaid in form following Toswit, Cecil County Toswit, The State of Maryland, To the Sheriff and Surveyor of Cecil