Lands and Tenements for the Use of the said Eleanor Toogood in Case he the said Upton Scott shall at any Time during the Continuance of this Cause prevent or obstruct the said Eleanor Toogood from attending this Court in support of her said Petition. And it is further Ordered and ruled by the Court here with Consent of the parties that the Depositions of any Witnesses to be taken in this Cause either on the part of the Petitioner or Defendant before any Magistrate on giving ten Days Notice to the Adversarys Council shall be read in Evidence on the Trial of the same Cause and thereupon the said Cause is continued until next Court. At which said next Court Court the second Tuesday of October being the eighth day of the same Month Anno Domini 1782 comes again as well the said Eleanor Toogood by her Attorney aforesaid as the said Upton Scott by Thomas Jennings his Attorney and the said Eleanor Toogood by her Attorney aforesaid admits that Ann Fisher and her Issue have been in a state of Subjection ever since the Judgment against her in Ann Arundel County Court in the Year 1734. Whereupon all and singular the Premises aforesaid and the Allegations and Evidence as well on the part of the said Eleanor Toogood as the said Upton Scott being by the Court here seen heard and fully understood and mature Deliberation thereupon had It is considered by the Judge here that the said Eleanor Toogood of and from any further servitude to the said Upton Scott be hence discharged and Freed. And it is also considered that the said Eleanor Toogood recover against the said Upton Scott the Sum of One thousand three hundred and twenty four Pounds of Tobacco by the Court here unto her on her Absent adjudged for her Cost and Charges by her laid out and expended by occasion of the premises Sd Memor.dm Before the Judgment aforesaid was rendered the said Upton Scott by his Attorney aforesaid filed in Court here the following Bill of Exceptions to wit.

Eleanor Toogood vs Upton Scott } October Term 1782. Petition for Freedom.

The Defendant proved in Evidence that the Petitioner Eleanor Toogood was the Daughter of a certain Ann Fisher and also produced in Evidence the following Judgment. In the Records and Proceedings of Ann Arundel County August Court 1734 is the following to wit. To the Worshipful the Justices of Ann Arundel County. The Petition of Ann Fisher Humbly Sheweth That your Petitioners Grand Mother was a White Woman who served her Time in St. Marys County who had a your Petitioner by an East India Indian who became a free Mullatto after serving sometime to Major Beale in St. Marys County aforesd and after his decease came to John Beale Esq.r of this County where she now lives That your Petitioner is now made a Slave during her Life which your Petitioner humbly conceives is contrary to Law Yr. Petitioners Case tenderly considered your Petitioner most humbly Prays your Worships Opinion in the premises and your Petitioner as in duty bound shall ever pray &c. Which Petition being read and heard and the Allegations of both Parties being heard and mature Deliberation thereupon had its adjudged by the Court here that the Petitioner is a Slave during Life by virtue of an Act of Assembly made in the Year 1664 relating to Servants and Slaves under which Act the Petitioners freedom or Slavery depends and for that it appears to the Court here by Depositions legally attested that the Petitioners Mother was lawfully married by a Priest of the Romish Church one Mr Robert Brooke to a Negroe Man named Dick a Slave then belonging to Mr. Thomas Beale of St. Marys County by which Slave the Petitioners Mother had the Petitioner and several other Children after Marriage the Petitioner now being about thirty two Years of Age.

(depends)

(The County Seal) In Testimony that the aforegoing is a true Copy from Liber I.B. No.1 folio 83. I have hereunto set my Hand and affixed the Seal of Office this third day of September in the Year 1792.

Nic Harwood Cl.

Which said Ann Fisher in the said Judgment mentioned was the Mother of the present Petitioner Eleanor Toogood. And the Defendant contended that the said Judgment was conclusive Evidence against the Petitioner and that she ought not to be permitted to give in Evidence any Thing to prove that the said Ann Fisher was a free Woman at the time of the said Judgment rendered But the Court were of Opinion and so determined that the said Judgment was only conclusive against the said Ann Fisher and was not conclusive Evidence against the said Eleanor Toogood.

A. C. Hanson (Seal)

And thereupon the said Upton Scott by his Attorney aforesaid prays an Appeal from the Judgment aforesaid so as aforesaid rendered to the States High Court of Appeals and the same is granted on giving Security according to Act of Assembly. Whereupon the said Upton Scott by his Attorney aforesaid files in Court the following Appeal Bond Viz.

Know all Men by these Presents that We Upton Scott and Henry Ridgely of Ann Arundel County Gentlemen are held and firmly bound unto Eleanor Toogood in the full and just sum of Two hundred Pounds Current Money to be paid to the said Eleanor Toogood her Executors or Administrators to the which Payment well and truly to be made and done We bind ourselves our Heirs Executors and Administrators jointly and severally firmly by these presents Sealed with our Seals and dated this 29th day of October Anno Domini seventeen hundred and eighty two. Whereas the above named Eleanor Toogood upon a Petition for Freedom obtained a Judgment of the General Court against the said Upton Scott that the said Eleanor Toogood is intitled to her Freedom and that the said Upton Scott discharge the said Eleanor Toogood from his Service and suffer her to go at large as a free Woman and pay to the said Eleanor Toogood the Costs arising due on the Petition aforesaid from which Judgment the said Upton Scott hath appealed to the Court of Appeals Now The Condition of the above Obligation is such that if the said Upton Scott do and shall prosecute his said Appeal with Effect and do and shall pay to the said Eleanor Toogood all such Costs and Damages as shall be to her adjudged by the Court of Appeals and do and shall discharge the said Eleanor Toogood from his Service and suffer her to go at large as a free person if the Court of Appeals shall so determine and do and shall suffer the said Eleanor Toogood to attend the Court of Appeals whenever the same sits and do and shall pay to the said Eleanor Toogood reasonable Hire or Wages such as shall be adjudged by the said Court from the time of filing her Petition aforesaid if the said Court of Appeals shall determine her to be free And do and shall until a full determination can be had