December Term 1842.

them to wit: December 14th 1840 - The deposition of John M. Goldsmith age fifty five years or thereabouts after being duly summoned and sworn on the Holy Evangelly of Almighty God deposeth and saith that he was present when the tract of land called Penereene was sold, that Richard H. Miles was purchaser at the sale that said sale was by Judicial process and made by the then sheriff William Williams that the said tract of land was then in possession of William H. Slewellin and the tract of land on which he now stands is the same land then sold, that he was also present when the said land was subsequently sold under Judicial process and purchase by Francis Knott. The said deponent further says that the spot on which he now stands marked A. on the plots is the beginning boundary of Penereene further this deponent saith not.
George M. Morgan sheriff.

December 14th 1840 - The deposition of Alexander Ellis age fifty years or thereabouts after being duly summoned and sworn on the Holy Evangelly of Almighty God deposeth and saith, that the place he now shows was a boundary of Penerene and that Richard H. Miles at present occupies it, that it was formerly in the possession of William H. Slewellin further this deponent saith not. Geo. M. Morgan, Shff.

Whereupon for trying the issue aforesaid between the parties aforesaid both joined command issuen to the sheriff of the county aforesaid that he cause to come before the court here immediately twelve &c. by whom &c. and who neither &c. to recognize &c. because as well &c. and thereupon it is ordered by the court here that twenty persons from the pannel of petit Jurors be drawn by ballot according to the act of assembly in such case made and provided and because a sufficient number of persons on the said pannel have not appeared other from the by-standers is by order of the court here summoned and returned by the sheriff of Saint Mary's county and whose name is annexed to the said pannel and thereupon twenty persons being so drawn by ballot and written upon two lists one of which said lists is delivered to the counsel for the respective parties and the counsel for each of the said parties having stricken out four persons from the said lists thereupon the remaining twelve persons being called come to wit: John H. Milburn, Samuel Spalding, Benjamin H. Lothorow, Edward R. Bradburn Joseph Simms James A. Morgan, George Goddard, Joseph Shemwell James Wilkinson John J. Mills James Bean and Henry Jones who being empannelled and sworn to say the truth in the premises upon their oath do say that the said Richard H. Miles tenant as aforesaid is guilty of the Trespass and ejectment aforesaid of and in all that part of the tract or parcel of land in the declaration aforesaid mentioned called Penerine beginning at a blue stone marked A. on the plot and running thence to a Locust marked B. thence with the meanders of the run to a poplar marked C. thence to D. thence to E. thence to the beginning boundary in manner and form as the said John Denn Lessee as aforesaid above complains and they assess the damages of the said John Denn Lessee as aforesaid by reason of the Trespass and Ejectment aforesaid to one cent current money. And hereupon the aforesaid Richard H. Miles tenant as aforesaid by his attornies aforesaid moves the Court here in arrest of Judgment of and upon the verdict aforesaid by the Jurors aforesaid found and prays that the said verdict may be set aside and files in Court here the following reasons to wit:

Francis Knott's Lessee vs. Richard H. Miles tenant of Eleanor Ellis. — Ejectment in Saint Mary's County Court March Term 1841 - The defendant in this case moves in arrest of Judgment - Because the Jury have returned a verdict

December Term 1842.

for the plaintiff and found the second line of said survey to run with the meanders of the run when there is no run located on the plots as returned with the locations in the cause. - Because said verdict is defective in not finding the location consistent with those made and returned in the cause no run is located in the cause as shewn by the plotts and explanations in the cause and hence the Jury erred in bringing in a verdict designating what cannot be found in the plotts or in the explanations. Because they erred in bringing in such a verdict and the same is inconsistent with the plotts and explanations. - Because they had no right or power to return as a part of said location a natural boundary no where designated in the plotts. - Because the plotts and explanations in the cause did not justify such a verdict and the verdict is inconsistent with the locations in the cause. - P. M. Leran and B. G. Harris, for defendant.

And thereupon the said John Denn Lessee as aforesaid by his attorney aforesaid freely here in Court remits and releases to the said Richard H. Miles tenant as aforesaid all parts of the tract of Land called Penerine lying outside and beyond the boundaries B. C. and D. as located on the plotts.

Whereupon all and singular the premises being seen heard and by the Court here fully understood and matured deliberation thereupon had it is considered by the Court here that the said verdict is in no wise insufficient or erroneous and that the same ought not to be set aside and that no new trial ought to be had of the issue aforesaid. And the said Richard H. Miles tenant as aforesaid by his attornies aforesaid tendered to the Court here his bill of exceptions and which was by the Court here signed and sealed and which is in form following to wit:

Knott's Lessee vs. Miles tenant of Eleanor Ellis. — In Saint Mary's County Court - March Term 1842. Ejectment - In this case the defendant by his counsel made a motion in arrest of Judgment and filed his reasons therefor. -

Francis Knott's Lessee vs. Richard H. Miles tenant of Eleanor Ellis. — Ejectment in Saint Mary's County Court, March Term 1841. The defendant in this case moves in arrest of Judgment - Because the Jury have returned a verdict for the plaintiff and found the second line of said survey to run with the meanders of the run when there is no run located on the plots as returned with the locations in the cause - Because said verdict is defective in not finding the location consistent with those made and returned in the cause no run is located in the cause as shewn by the plotts and explanations in the cause and hence the Jury erred in bringing in a verdict designating what cannot be found on the plotts or in the explanations - Because they erred in bringing in such a verdict and the same is inconsistent with the plotts and explanations. - Because they had no right or power to return as a part of said location a natural boundary no where designated on the plotts. - Because the plotts and explanations in the cause did not justify such a verdict and the verdict is inconsistent with the locations in the cause - P. M. Leran & B. G. Harris for defendant. Whereupon the plff entered a remittitur &c.

Knott vs. Miles. — In this case the plaintiff entered a remittitur and release for all parts of the tract of land called Penerine lying out side and beyond the boundaries B. C. and D. as located on the plots - The defendant by his counsel objected to the entry of the remittitur but the Court overruled the objections and overruled the motion in arrest of Judgment from which