by order of the Court here thereon this cause is continued under further leave to add and amend the plots and Certificates returned to the Court here in this cause by the first Monday of April next and the same are delivered to the Sheriff and surveyor aforesaid for that purpose upon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties by their Attornies aforesaid and by order of the Court here thereon is further continued until the next Court then &c. — At which said next Court the first Monday of April in the year Eighteen hundred and fifteen come again into Court here the parties aforesaid by their Attornies aforesaid, and the said parties by their said Attornies prays leave of the Court here to amend the said plots and certificates returned in this cause and add thereto if necessary by the first Monday of September next and to them it is granted and the same are delivered to the Sheriff and Surveyor aforesaid for that purpose &c there upon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their Attornies aforesaid is continued by order of the Court here until the next Court then &c. — At which said next Court to wit, the first Monday of September in the year Eighteen hundred and fifteen come again into Court here the parties aforesaid by their attornies aforesaid, and the Sheriff and Surveyor of Cecil County aforesaid to whom the said plots and Certificates were delivered for the purpose of amending or adding thereto if necessary return the same to the Court here as amended, and thereupon the said Titus Goodright Lessee as aforesaid by his Attornies aforesaid prays that the said Joseph Pennington the tenant in possession or those whom he claims to the declaration aforesaid, as to the remaining part of the lands aforesaid for which no defence is taken by the said plots may answer, but the said Nathan Norright nor the said Joseph Pennington nor any other person or persons whatsoever appear to the declaration aforesaid but makes default — Therefore it is considered by the Court here that the said Titus Goodright Lessee of the said Sarah and Elizabeth Bordly recover against the said Nathan Norright his Term yet to come and unexpired of in and to all the lands claimed by the said Titus Goodright Lessee as aforesaid with the appurtenances thereunto belonging for which no defence hath been taken up on the plots returned to the Court here in this cause, and that he have there of this possession against the said Nathan Norright returnable here &c.

Whereupon for the trying the issue aforesaid between the parties aforesaid joined, it is ordered by the Court here that twenty persons from the pannell of Petit Jurors returned to the Court here by the Sheriff of Cecil County aforesaid be drawn by ballott according to the act of Assembly in such case made and provided, and thereupon the twenty persons being so drawn by ballott and written upon two lists one of which said lists is delivered to the Council for the respective parties and the Council for each of the said parties having struck out four persons from the said lists, thereupon the remaining twelve persons whose names are to recognize &c because as well &c, being called come, that is to say, Levi Tyson, Thomas Biddle, John Cottier, Thomas Levenson, Israel Reynolds, George Lightner, Edward Oldham, William Lusby, Lambert Wickes, Jacob Vandegrift, James Cochran and William Ricketts who being impannelled and sworn to say the truth in the premises upon their oath to say that the said Joseph Pennington is guilty of the Trespass and ejectment aforesaid in manner and form aforesaid as the said Titus Goodright Lessee as aforesaid, within against him hath complained, and they assess the damages of the said Titus Goodright Lessee as aforesaid by occasion of the Trespass and Ejectment aforesaid to

Therefore it is considered by the Court here that the said Titus Goodright Lessee as aforesaid recover against the said Joseph Pennington his Term aforesaid yet to come unexpired of in and into all the lands mentioned and contained in the Declaration aforesaid so as aforesaid by the Jurors aforesaid found and the said sum of

said in form aforesaid assessed for her damages which he hath sustained occasioned by the Trespass and Ejectment aforesaid and that the said Titus Goodright Lessee as aforesaid have there of his possession against the said Joseph Pennington and so forth, and it is also considered by the said Court here that the said Titus Goodright lessee as aforesaid recover against the said Joseph Pennington the sum of by the Court here

unto him on his assent adjudged for his costs and charges by him about his suit in this behalf by him said out and expended, and the said Joseph Pennington in mercy &c. —

And thereupon the said Joseph Pennington by his attorney aforesaid prays that he may appeal from the Judgment of the Court so as aforesaid rendered to the high Court of Appeals and to him the same is granted by the Court here, whereupon the said Joseph Pennington by his Attorney aforesaid exhibits to the Court here an Appeal bond which by the Court here is approved of the Tenor Whereof ensueth in the following words to wit. —

Know all men by these presents that we Joseph Pennington of Cecil County and State of Maryland and William Carmichael and Richard T. Earle of Queen Anns County and State aforesaid are held and firmly bound unto Sarah Bordly and others devisees of John Beal Bordley in the full and just sum of One thousand Dollars Current money to be paid unto the said Sarah Bordly and others devisees of John Beal Bordley their Attorney Executors Administrators or assigns. To which payment well and truly to be made we bind ourselves and every of us our and every of our heirs, Executors & Administrators jointly and severally firmly by these presents Sealed with our seals and dated this fourteenth day of September Eighteen hundred and fifteen. Whereas a Court began and held at Elkton in Cecil County on the first Monday of September in the present year Eighteen hundred and fifteen, the above named Sarah Bordly and others Devisees of John Beal Bordley by the Judgment of the same Court recovered against the said Joseph Pennington in a certain suit Ejectment as well as their costs and charges by them about their suit in that behalf laid out and expended whereof the said Joseph Pennington is convict de. from which said Judgment the said Joseph Pennington hath prayed an Appeal to the next Court of Appeals. Now the Condition of the above obligation is such that if the above bounden Joseph Pennington shall not pursue the directions of the Act of Assembly for regulating writs of error and granting Appeals from and to Courts of common law within this Province and State, at the next Court of Appeals and prosecute the same with effect and also satisfy and pay unto the said Sarah Bordley and others devisees of John Beal Bordley, their executors, administrators, and Assigns, in case the said Judgment shall be affirmed, as well all and singular the said costs adjudged by the said County Court as also all costs and damages that shall be awarded by the Court of Appeals aforesaid then the above obligation to be and remain in full force and virtue in law. Jo. Pennington (Seal)
Wm. Carmichael (Seal)
R. T. Earle. (Seal)

Signed Sealed and delivered in the presence of Levin Gale. — 3

Thereupon it is ordered by the Court here that a Record of the proceedings aforesaid with all things thereunto relating be transmitted to the high Court of Appeals of the State of Maryland for the Eastern Shore to be held at Easton in Talbot County on the first Monday of December next and they are transmitted accordingly. —

Memorandum. At the Trial of this Cause Richard T. Earle Esq. Chief Judge withdrew from the Bench, and before the Jurors aforesaid withdrew from the bar of the Court here the said Joseph Pennington by his Attorney aforesaid filed in Court here the following Bills of exceptions to wit,

Sarah Bordley & others their Lessee
vs.
Joseph Pennington

Ejectment.

At the Trial of this cause the Plaintiff to support the issue joined on his part offered in evidence to the Jury the plots in this cause and the Surveyors Certificates thereof and the locations made by him thereon and gave in evidence to the Jury the Certificate of Painters Rest, dated 14th December 1678 which follows in the words and figures following to wit, —

Nicholas Painters Certificate 1000 acres Painters rest. By Virtue of a Warrant for fifteen hundred acres of land granted unto the Lord Baron of Baltimore unto Nicholas Painter of Saint Marys County the seventh day of November Anno One thousand six hundred and seventy seven, These are in humble Manner to Certify that I Joseph Chew Deputy Surveyor under the Honourable Baker Brooke Surveyor General have laid out for the said Nicholas Painter of Saint Marys County a tract of Land in Cecil County called Painters Rest lying on the East side of Chesapeake bay and on the North side of a river called Sassafras River Beginning at a Marked red Oak standing on the bank by the side of said River and running up the said River South East for breadth four hundred and fifty perches to a Marked red Oak standing on a point of a Neck called Spyers Cabbin neck and running from the said red Oak with a line drawn N. E. in to the woods for length five hundred and thirty and three perches and third part of a perch then from the end of the five with a line drawn North West four hundred and fifty perches then from the end of the North West line with a straight line to the first marked red Oak containing and now laid out for one thousand five hundred acres more or less: to be holden of the Manner of Baltimore, surveyed 18th November 1677.

Joseph Chew Depty Surr.