Seal of Worcester County Court } In Testimony whereof I have hereunto set my hand and affixed the Seal of my Office this second day of June in the year 1831. Jno C. Handy Cl. Worcester

And now came into the Court of Appeals here as well the said John Penn Lessee of the said Matthew Purnell by Ephraim K. Wilson and Irving Spence Esquires his Attorneys, as the said Charles Rider by William H. Handy and Isaiah Bayly Esquires his Attorneys; and thereupon on motion of the said Charles Rider by his Attorneys aforesaid, it is ruled by the Court here that the said John Penn Lessee of the said Matthew Purnell, assign the errors in the record of proceedings aforesaid, or in the giving of the judgment aforesaid, so as aforesaid bring it before the Court of Appeals here for correcting the errors supposed to be therein, or judgment by the Court of Appeals here will be entered against him in default thereof. And the said John Penn Lessee as aforesaid by his Attorneys aforesaid, says that in the record of proceedings aforesaid, and also in the giving of the judgment aforesaid there is manifest error in this, to wit, that by the Record aforesaid it appears that the judgment aforesaid in the plea afs.d given was given for the said Charles Rider against the said John Penn Lessee as aforesaid, whereas by the law of the Land that judgment ought to have been given for the said John Penn Lessee as aforesaid against the said Charles Rider, therefore he says that there is manifest error and he prays that the judgment aforesaid for that error and others appearing in the record of proceedings aforesaid may be reversed annulled & held entirely void, and that he the said John Penn Lessee as aforesaid, may be restored to all things which he hath lost by occasion of the said judgment and that the said Charles Rider may rejoin to the errors aforesaid; and thereupon it is ruled by the Court of Appeals here that the said Charles Rider join in the errors by the said John Penn Lessee as aforesaid above assigned in the record of proceedings aforesaid, or judgment by the Court of Appeals here will be rendered against him in default thereof; and the said Charles Rider by his Attorney afs.d says there is no error in the record of proceedings aforesaid nor in the giving of the judgment aforesaid and he prays that the Court of Appeals here will proceed to the examination as well of the Record of proceedings aforesaid as of the matters aforesaid by the said John Penn Lessee as aforesaid above for error assigned, and that the said judgment may be in all things affirmed &c. but because the Court of Appeals here are not advised what judgment to give of and upon the premises, day therefore is given to the parties aforesaid before the Court of Appeals here until the third Monday in November next to hear the judgment of the Court of Appeals here of and upon the premises, for that the Court now here thereof are not advised &c. At which said third Monday in November being the fifteenth day of the said month, in the year of our Lord one thousand eight hundred and thirty came again into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid thereupon further process of and upon the premises, between the parties aforesaid is by virtue of an act of Assembly in such case made & provided, further continued before the Court of Appeals here until the first Monday in June next the same day is given to the said parties, there then to hear the judgment of the Court of Appeals here of and upon the said premises and so forth.

And now at this day, to wit, the first Monday in June being the fifth day of the said month, in the year of our Lord one thousand eight hundred and thirty one came again into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid. Whereupon as well the record and proceedings aforesaid and the judgment given in form aforesaid, as the matters aforesaid by the said John Penn Lessee as

aforesaid above for error assigned being seen, and by the Court here being fully understood and mature deliberation being thereupon had, for that it appears to the Court here, that in the record and proceedings aforesaid, and also in the giving of the judgment aforesaid it is manifestly erred; Therefore the Considered by the Court of Appeals here that the judgment aforesaid for the errors aforesaid, and others in the Record & proceedings aforesaid be reversed annulled and held altogether void as void; and that the said John Penn Lessee of the said Matthew Purnell his heirs aforesaid get & come and be restored of in and into all those tracts or parcels of land called the one Square Choice, the second Square Assistance, Enlarged and the third Purnells Conclusion, lying & being in Worcester County and containing each five hundred acres, with the appurtenances, and that he have thereof his possession against the said Charles Rider, and it is also considered by the Court here that the said John Penn Lessee as aforesaid recover against the said Charles Rider the sum of Thirty dollars twenty four cents and two thirds of a cent, by the Court here into him on his said adjudged for his Damages costs & charges by him sustained by and about the prosecution of the said Appeal & upon the premises as aforesaid prosecuted; and that he have thereof execution &c.

Memorandum. Judgment Reversed & Judgment for Plaintiff in error the 10th June 1831. for possession and $30.21⅔ costs. Attest James Farrow Clk