to the Lessor of the plaintiff and gave in evidence that the said John was dead antecedent to the execution of the said last mentioned Deed and afterwards in order to make Title in the Lessor of the plaintiff to the said Land devised by the said Richard to the said John according to the said devise from the said Joseph Ratcliff to the Lessor of the plaintiff offered to read in Evidence the annexed Deed of bargain and sale from John Ratcliff aforesaid to the said James which was objected to on the part of the Defendants because the Cause of the said Deed were not Legally on the annexed Plate whereupon the Court were equally devided and the said Deed permitted to be read in evidence for the purpose aforesaid and thereupon the Counsell for the Defendants excepted and prayed the benefit of their exception according to the act of assembly in such case made and provided,

Rob.t H. Hanson (Seal)

And the said John Daugherty and Sarah Daugherty by their attorney aforesaid pray that they may appeal from the Judgment aforesaid of this Court here to the States High Court of appeals: And to them the same is granted by the Judges here on their complying with the directions of the act of assembly in such case made and provided: And the said John Daugherty by his attorney aforesaid exhibiteth to the Court here an appeal Bond entered into by himself and two certain sureties which by the Court here are approved of the Tenor whereof ensues in the following words to wit

Know all men by these presents, that we John Daugherty of Talbot County farmer John Cochran, of the same County farmer, and William Ratcliff of the same County farmer, are held and firmly bound unto William Marsh Coburn in the sum of four hundred pounds current money of Maryland to be paid to the said William Marsh Coburn, his Executors, Administrators and assigns: to which payment we bind ourselves our heirs, Executors and Administrators jointly and severally, firmly by these presents Sealed with our seals and dated this 28th day of September 1789

Whereas the said William Marsh Coburn, hath obtained Judgment against the said John Daugherty and his wife in a certain action of Trespass and Ejectment in the General Court for the Eastern Shore of Maryland at this present September Term 1789. from which

Judgment the defendant have appealed to the court of appeals; Now the Condition of the above Obligation is such, that if the said appellants shall not pursue the directions of the act of assembly. intitled "an act for Regulating writs of Error and granting appeals from and to the Courts of common Law within this province" at the next Court of appeals and prosecute the said appeal with effect; and also satisfy and pay to the said William Marsh Coburn, his Executors Administrators or assigns in Case the said Judgment shall be affirmed as well all and singular the Damages and Costs adjudged by the said General Court as also all Costs and damages that shall be awarded by the said Court of appeals then the said Bond to be and remain in full force and virtue otherwise of no Effect,

Sealed and delivered in the presence of James Kendall,

John Daugherty (Seal)
Wm. Ratcliff (Seal)
John Cochran (Seal)

It is therefore ordered that the record and proceedings in the premises aforesaid be transmitted to the High court of appeals accordingly. James Earle Clk

The will of Richard Ratcliff mentioned and referred to in the foregoing Bill of Exception runs in the following words and figures to wit,

In the name of God Amen I Richard Ratcliff of Talbot County being at this time in perfect Health and sound and perfect memory and Very knowing the uncertainty of this life doe therefore make and ordain this my last will and Testament upon this eighth day of January in the year of our lord one thousand seven hundred and twenty (revoking all other will or Wills hereafter made by me and this my last will to stand authentick above them all, (Imprimis) I Give and bequeath my soul to the Allmighty God that gave it hoping that by and through Jesus Christ our lord his only son to obtain remission for my sins and to find acceptance with him and my body to be buried in decency at the Discretion of my Executors hereafter named, and as for those worldly goods that it hath been pleased the allmighty God to bestow upon me I give and bequeath as follows, Item I give and bequeath unto my son James Ratcliff one half of one hundred and twenty acres of land called by the name of Jacob and Johns Pasture next to the main Road on the plantation where I now live to him and the Male heirs of his body forever, Item, I give and bequeath unto my son John