June term 1790

On the second Tuesday of October next to satisfy unto John Allen Thomas as well the sum of sixty one pounds seven shillings and six pence current money certain damages which the said John Allen Thomas recovered against him before the Judges of our General Court on the second Tuesday of May last as also the quantity of seven hundred and six pounds and one fifth of a pound of tobacco which were adjudged to him for his costs and charges in this behalf laid out and expended whereof the said Patrick Sim is convict and so forth - hereof fail not at your peril and have you then and there this writ. Witness the Honorable Robert Hanson Harrison Esquire Chief Judge of our said Court the 12th day of June Anno Domini 1788.

Issued the 16th day of August 1788. Test; Jn.o Guinn Clk.

At which said second Tuesday of October being the fourteenth day of the same month Anno Domini seventeen hundred and eighty eight and the day of the return of the aforegoing writ comes the said John Allen Thomas in his proper person and the sheriff of Frederick County to whom the same writ was made and directed likewise comes and makes return thereof to the Court here thus endorsed to wit

Cepi Thomas Beatty Shff.

And the said Sheriff of Frederick County being called upon to bring into Court the body of the said Patrick Sim. Thereupon the said Patrick Sim comes and files in Court here the following supersedeas to wit,

John Allen Thomas against Patrick Sim.

You Patrick Sim, Joseph Sim and William Sim do confess Judgment unto John Allen Thomas for the sum of sixty one pounds seven shillings and six pence current money and seven hundred and six pounds of tobacco costs of suit which said sums of money and costs of suit were recovered by the said John Allen Thomas against the said Patrick Sim in the General Court for the Western Shore of Maryland at May term last past. The said sum of money and cost of suit to be levied off your Bodies goods or chattels Lands or Tenements for the use of the said John Allen Thomas in case the said Patrick Sim does not pay and satisfy to the said John Allen Thomas the said sums of Sixty one pounds seven shillings and six pence current money and seven hundred and six pounds of tobacco costs of suit so as aforesaid recovered with the additional costs thereon on or before the tenth day of February next They acknowledge themselves to be content therewith this 26th day of September 1788.

Before us

Will. Beale
Jacob Young.

Test.

John Guinn Clk.

Afterwards to wit On the tenth day of February seventeen hundred and Eighty nine the aforesaid Patrick Sim, Joseph Sim, and William Sim produced the state of Maryland a writ of Error commanding the Judgment aforesaid to be transmitted to the high Court of Appeals (which said writ of Error follows in these words to wit

Maryland fo.t The State of Maryland To the Honorable the Judges of the General Court Greeting Because in the record and process and also in the confessing of Judgment on a certain action brought by a certain John Allen Thomas against Patrick Sim for the sum of sixty one pounds seven shillings and six pence current money and costs of suit at a General Court held before you our said Judges in the General Court for the Western Shore at May term last which said Judgment Joseph Sim and William Sim superseded for the said Patrick Sim Manifest Error as it is said has happened to the great damage of the said Patrick Sim, Joseph Sim and William Sim as of their complaint we have received and we being willing that the Errors if any there be should be duly corrected and full and speedy Justice done to the said Patrick

(Sim,

Sim, Joseph Sim and William Sim in this behalf command you that if Judgment be thereof rendered that then the record and process aforesaid with all things thereunto relating under your seals distinctly and openly you send and this writ so that the same may be had before the Judges of our high Court of Appeals at Annapolis the first Tuesday in May next that the record and process aforesaid being inspected into we may further do therein for the correcting that Error which of right and according to the Laws and customs of this state may be done. Witness the Honorable John Rogers Esquire Chancellor this tenth day of February Anno Domini 1789.

(the great seal of the state in wax appendant)

Samuel H.y Howard Reg: Cur: Can

In pursuance whereof and according to the form of the act of Assembly in such case made and provided a record of the Judgment aforesaid with all things thereunto relating is hereby transmitted to the states high Court of Appeals accordingly.

(the seal of the Gen.l Court)

In testimony that the aforegoing is a true copy from the Record of proceedings of the General Court for the Western Shore of the state of Maryland I have hereunto set my hand and affixed the seal of my office this 10th day of February Anno Domini 1789.

John Guinn Cl. Gl. W.n S.h

And now here at this day to wit the first Tuesday of May being the fifth day of the same month Anno Domini seventeen hundred and eighty nine come here into our high Court of Appeals as well the aforesaid Patrick Sim, Joseph Sim and William Sim by Gabriel Duvall their attorney as the aforesaid John Allen Thomas in his own proper person, But because the Court here are not advised to give their Judgment of and upon the premises day therefore is given to the parties aforesaid until the first Tuesday of October next to hear their Judgment of and upon the premises because the Court here thereof as yet are not &c.

At which said first Tuesday of October being the sixth day of the same month Anno Domini seventeen hundred and eighty nine, come again as well the aforesaid Patrick Sim, Joseph Sim & William Sim by their Attorney aforesaid, as the aforesaid John Allen Thomas in his own proper person

And the aforesaid Patrick Sim, Joseph Sim and William Sim by their attorney aforesaid, saith and saith that in the record and proceedings aforesaid and also in the giving of the Judgment aforesaid there is manifest Error in this, that by the record aforesaid it appears that the said Judgment in manner and form aforesaid given was given for the said John Allen Thomas against the the said Patrick Sim, Joseph Sim and William Sim in the plea aforesaid, whereas by the law of the State of Maryland that Judgment ought to have been for the said Patrick Sim, Joseph Sim and William Sim against the said John Allen Thomas and therefore in this there is manifest error, and therefore prays that the said Judgment for the Error aforesaid and others being in the record and proceedings aforesaid may be reversed, annulled and entirely deemed as none, and that he may be restored to all which by the occasion of the Judgment aforesaid he hath lost and that the said John Allen Thomas to the errors aforesaid may rejoin and that the Court here may proceed to the examination as well of the record and proceedings aforesaid as of the matter aforesaid above assigned for error and that the Judgment may be given for the said Patrick Sim, Joseph Sim and William Sim against the said John Allen Thomas for their damages sustained by reasons aforesaid in the record and proceedings aforesaid mentioned and so forth

And the said John Allen Thomas saith that there is no error in the record and proceedings aforesaid, or in the rendition of the Judgment aforesaid, and prays likewise that the Court here may proceed to the examination as well of the record and proceedings aforesaid as of the matters aforesaid by the said Patrick Sim, Joseph Sim and William Sim above for Error assigned, and that the Judgment aforesaid may be in all things affirmed -

But because the Court here are not yet advised to give their Judgment of and upon the

(premises)