notwithstanding and further it is considered by the Court here that the said Appellees do recover against the said Appellant the quantity of one thousand two hundred and thirty eight pounds of tobacco for his costs and damages which he hath sustained by reason of the delay of the execution of the Judgment aforesaid by pretence of prosecuting the said Writ of Error by the said Appellant and that the said Appellees have thereof their Execution &c.

Test Burton Whetcroft Clerk Court of Appeals

Wilmer, Nb Thomas Caldwell
vs
JW Rich. & John Gernon

Be it remembered that heretofore to wit on the twenty ninth day of July seventeen hundred and ninety seven, the aforesaid Thomas Caldwell by Jonathan R Wilmer and Nicholas Brice his attorneys sued out of the State of Maryland's high Court of Chancery the Writ of the said state (of error) directed to the honorable the Judges of the General Court in the words following to wit,

Maryland Ss.

The State of Maryland to the honorable the Judges of the General Court greeting: because in the record and process and also in the rendering of Judgment on a certain Action brought by Richard & John Gernon against Thomas Caldwell for the sum of one thousand pounds Current money, damages and Costs to be released on payment of two thousand dollars with Interest thereon from the fifteenth day of October seventeen hundred and ninety five and eight hundred and seventy six pounds of tobacco costs of suit at a General Court held before you our said Judges at the City of Annapolis at May Term last manifest error as it is said has happened to the great damage of the said Thomas Caldwell as of his 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 Thomas Caldwell 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 second tuesday of november next that the record and process aforesaid being inspected into we may further do therein for correcting that error which of right and according to the Laws and customs of this state may be done Witness the Honorable Alexander Contee Hanson Chancellor this twenty ninth day of July one thousand seven hundred and ninety seven

Great seal was appended

Samuel Harvey Howard
Register

At which mentioned second tuesday of november being the fourteenth day of the same month seventeen hundred and ninety seven, and the

day of the return of the aforegoing Writ the honorable the Judges of the General Court to whom the said Writ of error was made and directed in pursuance thereof and according to the form and effect of the act of Assembly in such cases made and provided make return to the Judges of our Court here of the same Writ with the following record to wit

The State of Maryland to wit At a General Court for the Western Shore of the said State begun and held at the City of Annapolis on the second tuesday of May being the ninth day of the same month in the year of our Lord one thousand seven hundred and ninety seven. And in the Twenty first year of the Independence of the United States of America

Present

The Honorable { Robert Goldsborough Esquire Chief Judge; Jeremiah Townley Chase and Gabriel Duvall } Esquires Judges

Richard Harwood Esquire Sheriff — John Gwinn Clerk

In the record of proceedings of the same Court among others is the following to wit

JW. Richard Gernon & John Gernon
against
NBW. Thomas Caldwell

Be it remembered that heretofore to wit on the twelfth day of december in the year of our Lord one thousand seven hundred and ninety five the plaintiffs by James Winchester their attorney sued out of the General Court the Writ of the State of Maryland of Capias ad respondendum directed to the Sheriff of Baltimore County in the words and figures following to wit.

The State of Maryland. Ss. To the Sheriff of Baltimore County greeting We command you that you take Thomas Caldwell late of Baltimore County Merchant if he shall be found in your bailiwick and him safe keep, so that you have his body before the Judges of our General Court, to be held at the City of Annapolis on the second tuesday of may next to answer unto Richard Gernon and John Gernon of a plea of trespass upon the case and so forth. hereof fail not at your peril and have you then and there this writ, Witness the honorable Samuel Chase Esquire Chief Judge of our said Court the 30th day of October Anno Domini 1795

John Gwinn Clk

I served the 12th day of december 1795 (JW)

And the said Richard Gernon & John Gernon by their attorney aforesaid declare against the aforesaid Thomas Caldwell in the plea aforesaid in manner and form following to wit: Western Shore of the State of Maryland, Baltimore County to wit Thomas Caldwell late of Baltimore County merchant was attached to answer unto Richard Gernon and John Gernon of a plea of trespass upon the case and so forth. Whereupon the said Richard and John by James Winchester their attorney complain that whereas a certain John Tagart and Josias Pennington on the fifteenth day of April in the year one