next; and he hath it, the same day is given to the aforesaid Richard Gernon and John Gernon also;

At which said second tuesday of october being the eleventh day of the same month in the year of our lord one thousand seven hundred and ninety six come again here into our General Court as well the aforesaid Richard Gernon and John Gernon by their attorney aforesaid as the aforesaid Thomas Caldwell by his attorney aforesaid, and the said Thomas Caldwell by his attorney aforesaid as before defends the force and injury when and wherefore and saith, that he did not assume upon himself in such manner and form as the aforesaid Richard Gernon and John Gernon above against him have declared, and of this he puts himself upon the Country and the aforesaid Richard Gernon and John Gernon in like manner and so forth Therefore let a Jury thereupon appear before the Judges of our General Court here on the second tuesday of May next by whom &c. and who neither &c to recognize &c because as well &c the same day is given to the parties aforesaid there and there &c And now here at this day to wit the said 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 come again here into our General Court as well the aforesaid Richard Gernon and John Gernon by their attorney aforesaid as the aforesaid Thomas Caldwell by his attorney aforesaid relinquishing the averment aforesaid above by him pretended say that he cannot deny the action afore=said of the said Richard Gernon and John Gernon so as aforesaid against him brought now but that the said Richard Gernon and John Gernon have sustained damage to the sum of one thousand pounds current money of Maryland by occasion of the promise and assumption aforesaid in such manner and form as the said Richard Gernon and John Gernon above against him have declared; Therefore it is considered by the Court here that the said Richard Gernon and John Gernon recover against the aforesaid Thomas Caldwell as well the sum of one thousand pounds current money of Maryland their damages aforesaid in form aforesaid confessed as also the quantity of seven hundred and eighty nine pounds of tobacco by the Court unto them the said Richard Gernon and John Gernon on their assent adjudged for their Costs and Charges by them about their suit in this behalf laid out and expended. And the aforesaid Thomas Caldwell in mercy and so forth,

Memoran, Judgment was rendered in this cause on the seventeenth day of May in the year of our Lord one thousand seven hundred and ninety seven for the damages laid in the declaration and Costs of suit. And the plaintiffs agree to release the Judgment on payment two thousand Dollars with

Interest thereon from the fifteenth day of October one thousand seven hundred and ninety five, and Costs; and agree to stay Execution until the first day of August next.

Test John Grimm Clk

Afterwards to wit on the twenty ninth day of July in the year of our lord One thousand seven hundred and ninety seven, the aforesaid Thomas Caldwell by his attorney aforesaid produced the Writ of the State of Maryland of Error commanding the record of proceedings aforesaid with all things thereunto relating to be transmitted to the Judges of the high Court of Appeals at the City of Annapolis the second tuesday in November next, which said writ of Error follows in these words 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 Gernon and 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 seven 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 error 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. Samuel Harvey Howard Reg. Cur. Can.

In pursuance whereof and according to the form and effect of the act of assembly in such case made and provided a transcript of the record of proceedings on the Judgment aforesaid and all things thereunto relating (with the writ of error annexed) is hereby transmitted to the honorable the Judges of the high Court of Appeals accordingly.

In testimony that the aforegoing transcript is truly copied from the record of proceedings of the General Court for the Western Shore of the State aforesaid in the Action aforesaid, I have hereunto set my hand and affixed the seal of the said General Court this twenty ninth day of July, in the year of our Lord one thousand seven hundred and ninety seven, And in the twenty second year of the Independence of the United States of America.

(Seal)

John Grimm Clerk. General Court, Western Shore, State of Maryland