Daniel Carroll so as aforesaid against him brought, now but that he owes to the aforesaid Daniel Carroll the aforesaid sum of four thousand pounds current money of Maryland in manner and form aforesaid so as the aforesaid Daniel Carroll above against him hath declared. Therefore it is considered by the Court here, that the aforesaid Daniel Carroll recover against the said Thomas Johnson as well the sum of four thousand pounds current money of Maryland his debt aforesaid in form aforesaid confessed, as the quantity of eight hundred and forty five pounds of tobacco, by the Court here unto the aforesaid Daniel Carroll in his assumpsit adjudged as well for his damages sustained by reason of the detention of that debt, as for his costs and charges by him about his suit in this behalf laid out and expended, and the said Thomas Johnson in mercy and so forth.

Memorandum, Judgment to remain in this cause, on the twenty fifth day of may in the year of our lord one thousand seven hundred and ninety eight, for the penalty and costs of suit, and the Plaintiff agrees to release the penalty upon the payment of principal, Interest and costs, and agrees to stay execution until the first day of august next, all payments made appear to John Gwinn by the said first day of august next to be allowed.

Test John Gwinn Clk

Afterwards, towit, on the thirty first day of July in the year of our lord one thousand seven hundred and ninety eight, the said Thomas Johnson by his attorney aforesaid produced the writ of the State of Maryland of error, directed to the Judges of the General Court, in the words and figures following, towit. Maryland, sc. 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 Daniel Carroll against Thomas Johnson for the sum of four thousand pounds current money or thereabouts for the debt and the costs of the said suit, at a General Court held before you our said Judges at may term last manifest error as it is said has happened to the great damage of the said Thomas Johnson 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 Johnson 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 unto 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 thirty first day of July in the year of our lord one thousand seven hundred and ninety eight.

Samuel Harvey Howard Reg Cancellar

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 in the Judgment aforesaid and all things thereunto relating with the writ of error aforesaid annexed, is hereby transmitted to the said High Court of Appeals

Test John Gwinn Clk

The State of Maryland, sc. I hereby Certify that the foregoing is a true copy, taken from the record of proceedings of the General Court of the western shore of the said State.

SEAL In testimony whereof, to this exemplification (the same being first duly stampid) I have hereunto set my hand and affixed the seal of the said General Court, this thirty first day of July in the year of our lord one thousand seven hundred and ninety eight, and in the twenty third year of the Independence of the United States of America.

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

At which day, towit the said second tuesday of November being the thirteenth day of the same month Seventeen hundred and ninety eight, Comes into the High Court of Appeals as well the said Thomas Johnson by Arthur Shaaff and William Branch his Attornies, as the said Daniel Carroll of Duddington by John Thomson Mason his Attorney, and thereupon on the motion of the said Appellee by his Attorney aforesaid, It is ruled by the Court here that the said Appellant assign the errors in the record of proceedings between the said Appellant and the said Appellee before the Court here brought for correcting those errors in the record and proceedings aforesaid supposed to be therein or Judgment by the Court here will be entered against him in default thereof. Whereupon the said Appellant by his Attorneys aforesaid comes and prays a day of imparlance to the errors aforesaid for the reversal of the Judgment aforesaid by him the aforesaid Appellant to be assigned until the second tuesday of June next and then to assign those errors for the reversal of the Judgment aforesaid in the record and proceedings aforesaid rendered and to him it is granted, the same day is given to the said Appellee also. At which said second tuesday of June being the eleventh day of the same month Seventeen hundred and ninety nine, to which said day the said Appellant had leave to imparle and then to assign those errors for the reversal of the Judgment in the record and proceedings aforesaid rendered supposed to be therein, comes again into the High Court of Appeals here as well the said Appellant by his Attornies aforesaid, as the aforesaid Appellee by his Attorney aforesaid, and the said Appellant by his attornies aforesaid, comes and says that in the record and process aforesaid and also in the rendering of Judgment aforesaid there is manifest error in this towit: that whereby the record aforesaid it appears that the Judgment aforesaid in the plea aforesaid rendered was given for the said Appellee against the said Appellant. Therefore in that there is manifest error and he prays that the Judgment aforesaid for that error and others being in the record and process aforesaid may be reversed annulled and held entirely as void and that the said Appellant may be restored to all that he hath lost by occasion of the Judgment aforesaid and that the said Appellee may reply to the Errors aforesaid &c. And the said Appellee by his