the neck until he be dead; and thereupon he is committed to the custody of the sheriff aforesaid and soforth.

Afterwards that is to say on the eighth day of June in the year of our Lord one thousand eight hundred and nine the said Thomas Burk produced the writ of the State of Maryland for the correcting of errors of and upon the premises commanding that the Judgment aforesaid so as aforesaid rendered with all things thereunto relating be transmitted to the High Court of Appeals of the said State, the tenor of which writ is as follows, to wit: Maryland Sc. The State of Maryland to the Honourable the Judges of the fifth Judicial district greeting. Because in the record and process and also in the rendering of Judgment of conviction on a prosecution by the State against Thomas Burke in Washington County Court. at a County Court held before you our said Judges at March Term last manifest error as it is said hath happened to the great Damage of the said Thomas Burke 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 Burke 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 on the third Monday of June instant 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 Honourable William Kilty Chancellor this fifth day of June Eighteen hundred and nine.

Test. — Nich.s Brewer clg Cur Can

In pursuance whereof, and according to the act of Assembly in such case made and provided, a Record of the Judgment aforesaid together with all things thereunto relating together with said writ of error is hereby — transmitted to the High Court of Appeals accordingly.

(State)

State of Maryland Washington County Sc.

I Otho Holland Williams Clerk of Washington County Court in the State of Maryland do hereby certify that the aforegoing is truly taken from the Record of proceedings of Washington County Court aforesaid.

(Seal of Washington Coty Ct.)

In Testimony whereof I hereunto subscribe my name and affix the seal of the said Court this thirteenth day of June in the year of our Lord one Thousand eight hundred and nine.

O. H. Williams Clk W.n Coty Ct

And now at this day, to wit, the said third Monday in June being the nineteenth day of the said month in the year of our Lord one thousand eight hundred and nine come into the Court of Appeals here as well the said Thomas Burke by Luther Martin, Roger Brooke Taney and Upton Lawrence his attornies as the said State of Maryland by John Johnson its General Attorney: and the said Thomas Burke by his said attornies saith that in the Record of proceedings aforesaid and also in the giving of Judgment aforesaid there is manifest error in this, to wit, that by the Record of proceedings aforesaid it appears that the Judgment aforesaid in the plea aforesaid given was given for the said State of Maryland against the said Thomas Burke when by the Law of the land that Judgment ought to have been given for the said Thomas Burke against the said State of Maryland, therefore in that there is manifest error and he prays that the Judgment aforesaid for that error and others being in the Record of proceedings aforesaid may be reversed annulled and held entirely as void and that he the said Thomas Burke may be restored to all he hath lost by occasion of the said Judgment and that the said State of Maryland may rejoin to the errors aforesaid and soforth. and thereupon on motion of the said Thomas Burke by his attornies aforesaid it is ordered by the Court here that the said State of Maryland join in the errors by the said Thomas Burke above assigned in the Record and proceedings of the Judgment aforesaid or Judgment by the Court here will be rendered against the said State in default thereof. And the said State of Maryland by its said attorney

(says)