the said Elisha Berry prayed an appeal unto the court of appeals here the tenor of which said Record of proceedings is in form following to wit

Maryland Prince Georges County Sowit

At a county Court of the first Judicial District of the state of Maryland begun and held at Upper Marlborough Town in and for Prince Georges County aforesaid on the first monday in April being the seventh day of the same month in the year of our Lord one thousand eight hundred and six and in the thirtieth year of the Independence of the United States.

Present

The Honorable { John H Gantt Chief Judge, Edmund Key and Daniel Clarke } associate Judges

Aleacies Boone Esq Sheriff - John Read Magruder Junr Clerk -

among other things contained in the record of proceedings of the same court is the following to wit

A.S.
Pl. Elisha Berry
Deft. John Waring

Prince Georges County Sowit

Be it remembered that heretofore to wit on the twelfth day of March in the year of our Lord one thousand eight hundred and four the said Elisha Berry by Arthur Shaaff his attorney prosecuted and sued forth out of the County Court of the County aforesaid the writ of the State of Maryland of Capias ad respondendum directed to the Sheriff of Prince Georges County aforesaid in these words to wit. Prince Georges County Sowit The State of Maryland to the sheriff of Prince Georges County Greating you are hereby commanded to take John Waring late of Prince Georges County Planter if he shall be found in your bailiwick and him safe keep so that you have his body before the Justices of the next county Court to be held for the county aforesaid at Upper Marlborough Town in said County on the first monday in April next to answer unto Elisha Berry in a plea of trespass on the case and so forth - Hereof fail not at your peril and have you then and there this writ. Witness John H Gantt Esqr chief Judge of the county courts of the first Judicial District the 24th day of October 1803

Issued the 12th day of March 1804 A.S. Jno. A Magruder Junr Clerk

at which said first monday in April being the second day of the same month in the year of our Lord one thousand eight hundred and four and the day of the return of the aforegoing writ comes here into the county court of the county aforesaid the said Elisha Berry by his attorney aforesaid and the sheriff of the county aforesaid to wit Aleacies Boone Gentleman to whom the aforegoing writ was in form aforesaid directed makes return thereof to the court here thus endorsed to wit "Cepi Aleacies Boone Shff" and the said John Waring being called appears in court here by Alexander Contee Magruder his attorney. And thereupon on motion of the said John Waring by his attorney aforesaid it is ruled by the court here that the said Elisha Berry declare against the said John Waring in the plea aforesaid and if he the said Elisha Berry doth not declare against the said John Waring in the plea aforesaid Judgment will be rendered against him by default, and the said Elisha Berry by his said attorney prays leave of the court here to imparle until the first monday in September next to declare against the said John Waring in the plea aforesaid and he hath it the same day is given to the said Elisha Berry then &c

At which said first monday in September being the third day of the same month in the year one thousand eight hundred and four aforesaid until which day the said Elisha Berry had leave to imparle and then to declare against the said John Waring in the plea aforesaid comes here again into the county court aforesaid as well the said Elisha Berry as the said John Waring by their attornies aforesaid and the said Elisha Berry by his said attorney defends the force and injury when and so forth and prays further leave of the court here to imparle until the first monday in April next and then to declare against the said John Waring in the plea aforesaid and he hath it and the same day is given to the said John Waring then &c

At which said first monday in april being the first day of the same month in the year one thousand eight hundred and five to which said day the said Elisha Berry had leave to imparle and then to declare against the said John Waring in the plea aforesaid comes here again into the county court aforesaid as well the said Elisha Berry as the said John Waring by their attornies aforesaid and the said Elisha Berry by his said attorney declares against the said John Waring in the plea aforesaid as follows that is to say -

Western Shore State of Maryland Prince Georges County to wit. John Waring late of Prince Georges County planter was attached to answer unto Elisha Berry of a plea of trespass on the case and so forth