pursuance of the said Appeal a transcript of the Record of proceedings in the plea aforesaid was transmitted And Whereas also it hath been suggested in the said Court of Appeals on the part of the said Richard Smith Lessee as aforesaid that the said Record is diminished in this that in the first Bill of Exceptions in the said Record contained the opinion given by the Court to which the Exception was taken does not appear in the said Bill of Exceptions And for as much as the said Court of Appeals are not satisfied that there is a sufficient record sent in the plea aforesaid but that in the Record thereof there is diminution Therefore you are hereby commanded that without delay a full transcript of the whole proceedings therein you cause to be transmitted to the Court of Appeals to be held for the Western Shore at the City of Annapolis on the third monday in December next without any diminution or addition whatsoever to the end that speedy Justice may be done in the premises according to law wherefore you are in no wise to fail and send you then and there this writ Witness the Honourable Jeremiah Townly Chase Esquire Chief Judge of the said Court of Appeals the third day of July in the year of our Lord one thousand Eight hundred and Seven

Issued the 10th day of July 1807

Th Harris Junr clk.

The same day is given to the said parties then and there &c. At which said third Monday in December being the twenty first day of the said Month in the year of our Lord one thousand eight hundred and Seven and the day of the return of the foregoing writ of Diminution come again into the

Court of Appeals here the parties aforesaid by their Attornies aforesaid and the Chief Judge and associate Judges of the fifth Judicial District aforesaid to whom the said writ of Diminution was in form aforesaid directed now here certify and return to the Court of Appeals here a transcript of the Record of proceedings aforesaid had in the said County Court of Allegany and which is contained in the words following To Wit State of Maryland Allegany County To Wit At a County Court of the fifth Judicial District of the State of Maryland begun and held at the Court house in the Town of Cumberland in and for Allegany County aforesaid on the second monday in October being the thirteenth day of the same month in the year of our Lord Eighteen hundred and Six and in the thirtieth year of the Independence of the United States.

Were Present

The Honourable William Cladgett and Abraham Shrive Esquires Associate Judges

Levy Hillary Esquire Sheriff and John Lynn clk.

At which said Court among other were the following proceedings to Wit –

J. Johnson
R. Perry
P. B. Key
W. Pinkney
J. Hughes jun.

Richard Smith Lessee of William Stewart David Ross Horatio Ross & Archibald Ross against William Mason.

L. Martin
L. T. Mason

Be it remembered that heretofore To Wit on the nineteenth day of April in the year of our Lord one thousand Eight hundred Richard Smith Lessee of William Stewart David Ross Horatio Ross and Archibald Ross by John Johnson his Attorney declared in the General Court for the Western Shore of the State of Maryland against John Stites in a plea of trespass and ejectment with a notice thereunto annexed in form following To Wit Western Shore State of Maryland Allegany County to wit John Stites late of Allegany County yeoman