that the said sum of eight hundred dollars of the rent aforesaid at the time when &c was not in arrear and unpaid to the said Margery Fowke nor was any penny thereof at the said time when &c in arrear to the said Margery Fowke as the said Margery Fowke in her avowry aforesaid hath above alleged and this he prays may be inquired of by the country &c and the said Clement Kennedy Junr likewise &c whereupon for trying the issue aforesaid command is given to the sheriff of the County aforesaid that he cause to come before the court here immediately twelve &c by whom &c and who neither &c to recognize &c because as well &c and thereupon for trying the issue aforesaid it is ordered by the Court here that twenty persons from the pannel of petit jurors be drawn by ballot according to the act of assembly in such case made and provided and thereupon the twenty persons being so drawn by ballot and written upon two lists one of which said lists is delivered to the counsel for the respective parties and the counsel for each of the said parties having stricken out four persons from the said lists thereupon the remaining twelve persons being called come to court William McPherson, Henry Gill, Thomas Marshall, Edward Heard Nicholas Miles, James Boarman, Henry McPherson of Alexander, Gerard Robertson, John P Parnham, Horatio Blagett, Francis W Hawkins and William Hamilton who being empannelled and sworn to say the truth in the premises upon their oath do say that the said Margery Fowke did not of her own wrong but for such cause by her the said Margery Fowke in her avowry within written alleged in the within mentioned place in which &c take the said goods and chattels within contained of him the said Clement Kennedy Junr in the declaration of him the said Clement Kennedy Junr within specified and then detain until &c as she lawfully might as the said Margery Fowke hath within by pleading alleged. Therefore it is considered by the court here that the said Clement Kennedy Junr take nothing by his writ aforesaid but be in mercy &c and that the said Margery Fowke have a return of the said goods and chattels to be delivered to her irrepleviable &c to be released on the payment of the sum of twenty eight pounds and three pence half penny current money with interest thereon from the thirtieth day of august in the year of our Lord one thousand eight hundred and ten and it is further considered by

the court that the said Margery Fowke recover against the said Clement Kennedy Junr the sum of seventeen dollars ninety three and one third cents for her costs and charges by her about her defence in this behalf sustained to the said Margery Fowke by the said Court adjudged and that she have execution thereof &c.

Memorandum before the jurors aforesaid withdrew from the bar of the Court here the said Clement Kennedy Junr by his attornies aforesaid tendered to the court here his bill of exceptions and which was by the court here signed and sealed and which is in form following to wit —

Clement Kennedy Junr
vs.
Margery Fowke

The avowant in this cause to prove the issue joined on her part offered in evidence that a written paper or agreement for the renting of the premises in the avowry stated was sent and submitted to the avowant by the plaintiff which was assented to by the avowant and was returned and left in the desk of the plaintiff in his store, and thereupon offered to prove the contents of the said paper and the plaintiff objected to the admissability of said evidence and objected to the contents of the said papers being proved in as much as no notice had been given to the said plaintiff to produce it. But the Court allowed the contents of said paper to be given in evidence to the Jury to which opinion and allowance of the said evidence by the Court the plaintiff excepted and prayed the court to sign and seal this his bill of exceptions which is accordingly done this 30th day of august 1810.

Ja: M Gantt (Seal)

And thereupon the said Clement Kennedy Junr by his attornies aforesaid prays an appeal from the judgment aforesaid, so as aforesaid rendered to the High Court of appeals of the State of Maryland and it is granted him; Whereupon the said Clement Kennedy Junr by his attornies aforesaid files in Court here a certain writing obligatory commonly called an appeal bond and which is contained in the following words to wit " Know all men by these presents that we Clement Kennedy Junr, Horatio Smoot and Gustavus A Adams of Charles County and state of Maryland are held and firmly bound unto Margery Fowke of - County and State aforesaid in the full and just sum of two hundred pounds current money to be paid to the said Margery Fowke her certain attorney her executors administrators or assigns to which payment well and truly to be made and done we bind ourselves and every of us our and every of our heirs executors and administrators jointly and