and produced the subscribing Witness Simon Wilmer who proved the execution & delivery of the said Note by the defendant. The Counsel for the defendant then prayed the Court to instruct the Jury that the evidence offered by the plaintiff was not sufficient to sustain his case — which prayer and direction the Court accordingly gave. The plaintiff by his Counsel thereupon prayed leave to except, and that the Court would sign and seal this his Bill of Exception. Samuel Ringgold (Seal) Attorney (Seal) And thereupon the said Hiram Brown by his Attorney aforesaid, prays an Appeal from the Judgment aforesaid so as aforesaid rendered to the high Court of Appeals of the Eastern Shore of the State of Maryland, and the same is granted unto him, it is therefore ordered by the Court here that the record and proceedings aforesaid, with all things thereunto relating be transmitted to the said high Court of Appeals of the Eastern Shore of said State and the same are transmitted to the said Court accordingly. Test. John Brown Clk.

Maryland Queen Anns County, towit. I do hereby Certify that the aforegoing is a true copy taken from the record of Proceedings of the County Court of Queen Anns.

In Testimony whereof I have hereunto set my Hand & Seal of the County Court aforesaid this first day of June anno domini Eighteen hundred & fourteen.

John Brown Clk of Queen Anns County Court. (Seal of the County Court)

And now came into the Court of Appeals here as well the said William Warran by William Carmichael Esquire his attorney, as the said Hiram Brown by Ezekiel F. Chambers Esq. his attorney, and the said Hiram Brown by his Attorney aforesaid saith that in the record and proceedings aforesaid and also in the giving of Judgment aforesaid, there is manifest error in this, towit, that by the record aforesaid it appears that the Judgment aforesaid in the plea aforesaid given was given for the said William Warran against the said Hiram Brown, when by the law of the land that Judgment ought to have been given for the said Hiram Brown against the said William Warran, therefore in that there is manifest error and he prays that the Judgment aforesaid for that error and others being in the record and proceedings aforesaid may be reversed, annulled and held entirely as void, and that he the said Hiram Brown may be restored to all that he has lost by occasion of the said Judgment and that the said William Warran may rejoin to the errors aforesaid &c. And the said William Warran by his attorney aforesaid, says, there is no error in the record and proceedings aforesaid or in the rendition of the Judgment aforesaid, and prays likewise that the Court here may proceed to the Examination as well of the record and proceedings aforesaid as of the matters aforesaid by the said Hiram Brown above for error assigned, and that the said Judgment may be in all things affirmed &c. Whereupon it is ruled by the Court here that the matters in controversy between the parties aforesaid be argued & fully discussed as well on the part of the said Hiram Brown as on the part of the said William Warran before the Judges of the Court here &c. Thereupon further process of and upon the premises aforesaid between the parties aforesaid, by consent of the said parties and their attorneys aforesaid & by order of the Court here thereon is continued unto the last Monday of November next.

At which day, towit, the last Mon day of November Eighteen hundred & fourteen, come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid, thereupon further process of and upon the premises aforesaid between the parties aforesaid, by consent of the said parties and their attorneys aforesaid by order of the Court here thereon is further continued until the first Monday of June next. And now here, at this day towit, the first Monday of June Eighteen hundred and fifteen, come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid, whereupon all and singular the premises being seen, and by the Court here now fully understood & mature deliberation thereupon had, for that it appears to the Court here that there is manifest error in the record and proceedings aforesaid, and also in the rendition of the Judgment aforesaid, therefore it is considered by the Court here that the Judgment aforesaid, for those errors & others in the record and proceedings aforesaid, be revoked annulled & held entirely as void

and that the said Hiram Brown be restored to all things which by reason of the Judgment aforesaid he hath lost, and because it clearly appears to the Court here that Justice and the merits of this case require, that there should be a new trial of the issue aforesaid, thereupon the Court here, according to the directions of the Act of Assembly, in such case made and provided, order & direct a remission of the record and proceedings aforesaid to the Clerk of the said County Court of Queen Anns with the Writ of the State of Maryland of Procedendo to the said County Court, directing them to proceed in the action aforesaid, and to a new trial thereof, in the same manner as if no trial had taken place, or any appeal had been prosecuted. It is also considered by the Court here that the said Hiram Brown recover against the said William Warran the sum of Seventeen Dollars & Sixty cents by the Court here adjudged unto the said Hiram Brown on his assents, for his Costs & Charges by him laid out & expended about his prosecution of the appeal aforesaid and the said Hiram Brown have thereof Execution &c. —

Memorandum. Judgment reversed June 8th 1815. Test. James Parrott Clerk

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Peggy Collins against Sesse King.

Be it remembered that on the first Monday of June Eighteen hundred and thirteen the Chief Justice and associate Justices of Somerset County Court, in pursuance of of the Act of Assembly in such case made and provided, transmit to the Court of Appeals here the record and proceedings of a plea which was lately depending before them in the said County Court, between Peggy Collins Plaintiff and Sesse King, defendant, and wherein the said County Court gave Judgment for the said Peggy Collins against the said Sesse King, and from which said Judgment the said Sesse King prayed an appeal unto the Court of Appeals here, the tenor of which said record and proceedings is in form following, towit: "Maryland Somerset County, towit. At a County Court of the fourth Judicial District, of the State of Maryland, begun and held at Princess Anne in & for the County of Somerset aforesaid, on the second Monday of April being the twelfth day of the same month in the year of our Lord one thousand eight hundred and thirteen and in the thirty seventh year of the Independence of the United States of America, by the Judges & other Officers of the said Court, duly appointed commissioned and qualified agreeable to Act of Assembly for that purpose made and provided. Were Present on the said day. The Hon.ble John Done Esquire Chief Judge. James R. Robins and William Whittington Esquires associate Judges. William Waller Esquire Shff. Elias Bailey, Crier — Josiah Polk Clk.

Among other things the following proceedings were had, towit.

Q.TO. Peggy Collins vs. Sesse King } Be it remembered that heretofore towit on the seventh day of April in the year of our Lord One thousand eight hundred & twelve, the said Peggy Collins by her Attorney aforesaid, towit, George Handy Esq. prosecuted & thereafter out of the County Court here the writ of the State of Maryland & Capias ad respondendum, to the Sheriff of Somerset County directed, in the words and of the tenor following, towit. Somerset County, towit. The State of Maryland to the Sheriff of Somerset County Greeting. You are hereby commanded to take Sesse King late of Somerset County, Gentleman if he shall be found in your bailiwick and him safe keep, so that you have his body before the County Court to be held at Princess Anne in and for Somerset County, on the second Monday of April next to answer unto Peggy Collins in a plea that he render unto her the sum of two hundred and ninety three pounds fifteen shillings and eight pence current money, which to her he owes and from her he unjustly detains as she saith. Hereof fail not at your peril & have you then and there this Writ. Witness the Honorable William Polk Esquire Chief Judge of the County Courts in the fourth Judicial District this ninth day of September in the year of our Lord Eighteen hundred & eleven. Issued this seventh day of April 1812. Q.TO. Wm Done Clk

At which mentioned second Monday of April, being the thirteenth day of the same month in the year of our Lord One thousand eight hundred & twelve, and the day of the return of the foregoing Writ, came into the County Court here the said Peggy Collins, by her attorney