as the said William Warram by their attornies aforesaid, and the said William Warram by his said attorney as before defends the force and injury when &c. and prays leave of the Court here, to further imparle until the third monday of October next, to answer to the Declaration of the said Hiram Brown in the plea aforesaid and he hath it, the same day is given to the said Hiram Brown then &c. At which said third monday of October, being the Eighteenth day of the said month, in the year Eighteen hundred and thirteen, to which said day the said William Warram had further leave to imparle, and then to answer to the Declaration aforesaid of the said Hiram Brown in the plea aforesaid, comes again into Court here as well the said Hiram Brown as the said William Warram by their attornies aforesaid and the said William Warram by his said attorney, as before defends the force and injury when &c. — and prays leave of the Court here to further imparle until the first monday of May next, and then to answer to the Declaration of the said Hiram Brown in the plea aforesaid, and to him it is granted, the same day is given to the said Hiram Brown also.—

And now here at this day to wit, the said first monday of May being the second day of the said month, in the year Eighteen hundred and fourteen, to which said day the said William Warram had leave to imparle, and then to answer to the Declaration aforesaid of the said Hiram Brown in the plea aforesaid, comes again into Court here, as well the said Hiram Brown by his attorney aforesaid as the said William Warram by his attorney aforesaid, and the said William Warram by his attorney as before defends the force and injury when and so forth, and saith that he did not assume upon himself in manner and form as the aforesaid Hiram Brown above against him hath complained, and of this he puts himself upon the Country, and the said Hiram Brown in like manner and so forth.— Therefore let a Jury thereon appear before the Court here, by whom &c. and who neither &c. to recognize &c. because as well &c.— Whereupon for trying the issue aforesaid, it is ordered by the Court here, that twenty persons from the panel of petit Jurors returned to the Court here by the Sheriff of Queen Ann's County aforesaid 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 wit; Daniel C. Hopper, Solomon wright, Charles Downs, Robert Stevens, William Wright, James Roe, John Hackett, Samuel Smith, John Tilghman, Joshua Mafsey, Henry Henry and William G. Bourke, who being empannelled and sworn to say the truth in the premises, upon their oath do say, that the said William Warram did not assume upon himself and promise in manner and form as the said Hiram Brown above against him hath complained as the said William Warram above by pleading hath alledged. Therefore it is considered by the Court here, that the said Hiram Brown take nothing by his Declaration aforesaid but for his false complaint against the said William Warram be in mercy &c. and that the said William Warram go thereof without day &c. and it is further considered by the Court here, that the said William Warram recover against the said Hiram Brown the sum of Thirteen Dollars and forty one cents and two thirds of a cent for his Costs and Charges by him laid out and expended in and about his defence in this behalf sustained to the said William Warram by the said Court now here adjudged &c.— and that the said William Warram may have Execution thereof.—

Memorandum. Before the Jurors aforesaid withdrew from the bar of the Court here, the said Hiram Brown, by his attorney aforesaid filed in Court here the following bill of exception, to wit.—

Hiram Brown vs. William Warram

Case.— At the trial of this cause the plaintiff produced the following promissory note, to wit— $ 180.— Bath May 30 1810.— For value received, we promise to pay Hiram Brown or to his Heirs or assigns, the sum of one hundred and eighty dollars, on or before the first day of June 1811, with legal Interest from the above date.— Lewis Brown, William Warham — Witnes. S. Wilmer.— and produced the subscribing witness, Simon Wilmer (who proved the execution and 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.—

Lem: Purnell (Seal) Tho: Worrell (Seal) — Attest. John Browne Clk:—

Afterwards, to wit, on the twenty ninth day of July, in the year of Our Lord one thousand eight hundred and fifteen, the said Hiram Brown, by his attorney aforesaid, produced the writ of the State of Maryland for the correcting errors of and upon the Judgment aforesaid, directed to the Honourable the Judges of the second Judicial District here, in the words and of the tenor following, to wit;— Maryland sc.— The State of Maryland, To the Honourable the Judges of the second Judicial District, Greeting: Because in the Record and process, and also in the rendering of Judgment in a certain action on the case brought by Hiram Brown against William Warram, in Queen Ann's County Court for the said William Warram against the said Hiram Brown at a County Court held before

(seal of the State)



you our said Judges at May Term 1814. manifest error as it is said, hath happened to the great damage of the said Hiram Brown 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 Hiram Brown in this behalf, command you, that if Judgment be thereof rendered, that then the records 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 Court of Appeals at Easton for the Eastern Shore on the last monday of November next, 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 Ritty, Chancellor, this fifteenth day of July Eighteen hundred and fifteen.— Test James P. Heath Reg: Cur: Can.—

In pursuance whereof, and according to the form and effect of the act of assembly in such case made and provided, a Transcript of the record of proceedings of the Judgment aforesaid, and all things thereunto relating, with the writ of error aforesaid annexed, is hereby transmitted to the said Court of Appeals.— Test. John Browne Clk:—

Maryland, to wit; I hereby Certify, that the aforegoing is truly taken from the record of proceedings of Queen Anns County Court. In Testimony whereof, to this exemplification, I hereunto subscribe my name and affix the public seal of my office this tenth day of August Anno Domini Eighteen hundred and fifteen.—

(seal of Queen Anns County Court)

John Browne Clk: of Queen Ann's County Court

And now here comes into the said Court of Appeals, as well the said William Warram by William Carmichael Esquire his attorney as the said Hiram Brown by Ezekiel F. Chambers Esquire 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, to wit, that by the record aforesaid it appears, that the Judgment aforesaid in the plea aforesaid was given for the said William Warram against the 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 Warram, 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 the same all that he has lost by occasion of the said Judgment, and that the said William Warram may rejoin to the errors aforesaid, &c. and the said William Warram, 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 errors 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 and fully discussed, as well on the part of the said William Warram as on the part of the said Hiram Brown before the Judges of the Court here; thereupon further process of and upon the premises aforesaid between the parties aforesaid, by consent of the said parties and their attornies aforesaid, and by order of the Court here thereon is continued until the first monday of June next. Before which day, to wit, the last monday of May in the year Eighteen hundred and sixteen, being the day to which the Court of Appeals here, by virtue of an act of the General Assembly in such case made and provided, was changed, continued and adjourned, come again into the Court of Appeals here, the parties aforesaid by their attornies aforesaid; thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties and their attornies aforesaid, and by order of the Court here thereon, is further continued until the last monday of November next.. At which day, to wit, the last monday of November Eighteen hundred and sixteen, come again into the Court of Appeals here, the parties aforesaid by their attornies aforesaid, thereupon further process of and upon the premises aforesaid between the parties aforesaid, by consent of the said parties and their attornies aforesaid, and by order of the Court here thereon is further continued until the last monday of May next.— And now here at this day, to wit, the first monday of June, being the day to which the Court of Appeals here, by virtue of an act of the General Assembly in such case made and provided, was changed, continued and adjourned, come again into the Court of Appeals here the parties aforesaid by their attornies aforesaid, whereupon all and singular the premises being seen, and by the Court here more fully understood, and 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 that errors and others in the record and proceedings aforesaid, be reversed, annulled, and 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 and 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 writ of error brought, it is also considered by the Court here, the said Hiram