and proceedings aforesaid as of the matters aforesaid by the said Richard Mason above for errors assigned, and that the judgment aforesaid may be in all things affirmed and so forth.
But because the Court here are not advised to give their Judgment of and upon the premises, day therefore is given to the said parties aforesaid to hear thereof their Judgment of and upon the premises until the second Tuesday May next, for that the said Court here are as yet, are not and so forth.
And now at this day to wit, the said second Tuesday of October being the Ninth day of the same month in the year of our Lord one thousand seven hundred and ninety two, comes into the General Court here as well the said Richard Mason by his attorney aforesaid as the said Thomas Pownall by his attorney aforesaid.
Whereupon all and singular the premises being by the Court here seen heard and fully understood and mature deliberation thereupon had, for that it appears to the Court here that there is no error either in the record and proceedings aforesaid aforesaid in the rendition of Judgment aforesaid Therefore it is considered by the Court here that the judgment aforesaid of the said County Court of Charles be in all things affirmed and ratified and that the said Thomas Pownall have Execution as well for the debt, damages costs and charges aforesaid as also the quantity of six hundred and ninety eight pounds of Tobacco for his costs and charges which he hath sustained by occasion of the said Richard Mason appealing unto the General Court here and so forth.

Test John Ginn Clk

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**Brian Philpot.**
a
**Thomas McKim use of Robert McKim**

Be it remembered that heretofore to wit on the second Tuesday of October being the eleventh day of the said month in the year of our Lord one thousand seven hundred and ninety one, the Chief Justice and associate Justices of Charles County Court in pursuance of the Act of assembly in such case made and provided transmit to the General Court here the record and proceedings of a plea which was lately depending before them, in the County Court between Thomas McKim use of Robert McKim plaintiff and Brian Philpott defendant, and wherein the said County Court gave judgment for the said Thomas McKim as aforesaid against the said Brian Philpott and from said judgment Brian Philpott prayed an appeal unto the General Court here, the tenor of which said record and proceedings is in form



following to wit.

Baltimore County to wit at a County Court of the State of Maryland held at the Court house in Baltimore Town in and for the County aforesaid on the fourth Monday in August in the year of our Lord one thousand seven hundred and ninety one.
Present. Benjamin Nicholson Chief Justice
Otho Holland Williams } Associates
James Carroll }
Thomas Rutter Esquire Sheriff..... William Gibson Clk
Among other were the following proceedings to wit.

**Thomas McKim use Robert McKim a Brian Philpott**

Be it remembered that heretofore on the fourteenth day of August in the year of our Lord One thousand seven hundred and ninety the State of Maryland sent Capias ad respondendum Issued to the Sheriff of Baltimore County in the words and figures following to wit.

State of Maryland To the Sheriff of Baltimore County Greeting: we command you that you take Brian Philpott late of Baltimore County Gentleman if he shall be found in your bailiwick and that him so taken you safe keep so that you have his body before the Justices of Baltimore County Court at the Court house in the same County on the first day in September next to answer unto Thomas McKim of a plea of trespass upon the case and so forth. Hereof fail not at your peril and have you then there this writ. Witness John Moale Gentleman presiding Justice of our said Court the 11th day of May In the year of our Lord seventeen hundred and ninety.
S. P. Issued the 14th day of August 1790. Wm. Gibson Clk
At which said first day of September in the year of our Lord one thousand seven hundred and ninety cometh the said Thomas McKim by Samuel Johnson his Attorney; and now here also cometh the Sheriff of Baltimore County to whom the aforesaid writ was directed to wit, Thomas Rutter Gentleman who maketh return thereof to the Court now here thus endorsed Bepi Thomas Rutter Sheriff. And now here also cometh the said Brian Philpot by Archibald Robinson his attorney and defends the force and Injury when and so forth.
And whereupon the said Thomas by Samuel Johnson his attorney complains that whereas the said Brian on the twenty fifth day of April in the year of our Lord one thousand seven hundred and Eighty at Baltimore County aforesaid made his certain in writing called a promissory note with his own proper