one thousand seven hundred and ninety two that it was considered that the plea aforesaid by him the said John Smurr pleaded and the matter in the same contained was good and sufficient in Law to preclude the said William Burns from having his action aforesaid thereof against him the said John Smurr; It was therefore considered by the said Court that the said William Burns take nothing by his said writ and that the said John Smurr should go thereof without day andsoforth: it was further considered that the said John Smurr recover against the aforesaid William Burns the quantity of two hundred and forty pounds tobacco by the said Court unto him on his afent adjudged for his Costs and Charges by him about his defence in that Laid out and expended, and that he have thereof his Execution andsoforth, as by the record and proceedings of our said County Court of Washington which the said William Burns caused to be brought before the judges of our general Court by reason of his appealing unto our said Judges from the judgment aforesaid, is manifest. And the said William Burnes by his attorney came into our general Court before the judges thereof and said that in the record and process aforesaid likewise in the rendering of the judgment aforesaid then was manifest Error, in that, to wit, that by the record and process aforesaid it appeared that the judgment aforesaid rendered was given for the aforesaid John Smurr against the aforesaid William Burns; whereas by the Law of this state that Judgment ought to have been given for the Jaid William Burns against the said John Smurr therefore in that it was manifestly erred and prayed that the judgment aforesaid for those errors and others in the record and process aforesaid being might be revoked, Annulled and utterly for nothing had; and that the aforesaid William Burns to all things which by occasion of the judgment aforesaid he had Lost might be restored: and that the said John Smurr might rejoin to the said Errors andsoforth and the said John Smurr by his attorney came into our General Court before the judges thereof and said

Jaid that in the record and process aforesaid and also in the rendition of the judgment aforesaid there was no error and prayed that the judges of our said Court might proceed to the examination as well of the record and process aforesaid as of the matters aforesaid above for error assigned; and that the judgment aforesaid might be in all things affirmed: And it was in such manner thereon proceeded in our same Court before the judges thereof at the City of Annapolis on the second Tuesday of May last that it was considered that there was manifest error in the record and process aforesaid and also in the rendition of the judgment aforesaid and for those errors and others in the said record and proceedings it was considered that the Judgment aforesaid be revoked, annulled and held intirely as void But because our said judges here doth not know what damages the said William Burns hath sustained by reason of the premises aforesaid: Therefore we command you that by the oath of twelve good and lawful men of your bailiwick you diligently inquire what damages the said William Burns hath sustained by reason of the premises aforesaid his costs and Charges by him about his suit in that behalf expended; and the inquisition which you shall thereof make the same have before the judges of our general court to be held at the City of Annapolis on the second Tuesday of October next under your seal and the seals of those by whose oath you shall take that Inquisition together with this our writ, and the names of the Jurors. Witness the honorable Samuel Chase Esquire Chief Judge of our said court, the thirty first day of May Anno domini Seventeen hundred and ninety four.

Issued the 3d day of June 1794.

J. T. M. Jno Gwynn Clk

And now here at this day to wit, the said second Tuesday of May comes again into the general Court here the said William Burns by his attorney aforesaid, and the sheriff of the County aforesaid to whom the said last aforesaid writ was in form aforesaid directed, now