Judgment ought to have been for the said William Wheteroft against the said Allen Quynn and Isaac McHard and therefore in this there is manifest Error and therefore prays that the said Judgment for the Error aforesaid and others being in the record and proceedings aforesaid may be reversed annulled and entirely deemed as none and that he may be restored to all which by the occasion of the Judgment aforesaid he hath lost and that the said Allen Quynn and Isaac McHard to the Errors aforesaid may repin and that the Court here may proceed to the examination as well of the Record and proceedings aforesaid as of the matter aforesaid above assigned for Error and that the Judgment may be given for the said William Wheteroft against the said Allen Quynn and Isaac McHard for his Damages sustained by reason aforesaid in the Record and proceedings aforesaid mentioned and so forth.

And the said Allen Quynn and Isaac McHard say that there is no Error in the record and proceedings aforesaid or in the rendition of the Judgment aforesaid and pray 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 William Wheteroft above for Error assigned and that the Judgment aforesaid may be in all things affirmed, But because the Court here are not yet advised to give their Judgment of and upon the premises, day therefore is given to the parties aforesaid until the second Tuesday of June next to hear their Judgment of and upon the premises because the Court here thereof as yet are not &c.

At which said second Tuesday of June being the tenth day of the same month Anno Domini seventeen hundred and ninety four come again as well the said William Wheteroft by his Attorney aforesaid as the said Allen Quynn and Isaac McHard by their Attornies aforesaid, Whereupon all and singular the premises being seen and by the Court here more fully understood and mature deliberation being thereon had because it seems to the Court here that there is manifest Error in the record and proceedings aforesaid and also in the rendition of the Judgment aforesaid. It is considered that the Judgment aforesaid for these Errors and others in the Record and proceedings aforesaid be reversed annulled and held entirely as void, And

(the)

the said Allen Quynn and Isaac McHard by their attornies aforesaid prays Judgment of procedendo agreable to an Act of Assembly lately made and provided for that the said Appeal was just. Whereupon it is commanded the said Judges of our General Court for the Western Shore of the State of Maryland that they proceed in the Action aforesaid as if Judgment before the said General Court had never been rendered any thing to the contrary notwithstanding; And the William Wheteroft by his Attorney aforesaid prays Judgment for his Costs and charges accruing by reason of the premises aforesaid. Therefore it is considered by the Judges here that the said William Wheteroft recover against Allen Quynn and Isaac McHard the quantity of

pounds of Tobacco unto the said William Wheteroft on his assent adjudged for his costs and charges by him about his Appeal in this behalf laid out and expended, and that he have thereof his Execution &c. Test. Thomas D. Merrick Clk.

Memorandum, Judgment was signed the 12th. of June 1794.

In Testimony that the aforegoing is a true Copy taken from the Record and proceedings of the High Court of Appeals I have hereunto set my Hand and affixed the Seal of my Office this 20th. day of October Anno Domini seventeen hundred and ninety four Thos. D. Merrick Clk Court of Appeals

Seal of the High Court of Appeals

At which said twentieth day of October, in this Term, to wit, October Term Anno Domini seventeen hundred and ninety four come here into our General Court as well the aforesaid Allen Quynn and Isaac McHard by Luther Martin their Attorney, as the aforesaid William Wheteroft by Thomas Jennings and John Thomson Mason his Attorneys And for the Trial of the Issues aforesaid between the parties aforesaid in the Record first aforesaid within joined to be tried by the Country, and according to the form and effect of the Act of Assembly in such cases made and provided therefore let a Jury thereupon appear before the Judges of our General Court here on the second Tuesday of May next, by whom &c. and who neither &c. to recognize &c. because as well &c. the same day is given to the parties aforesaid there and there &c.

And now here at this day, to wit, the said second Tuesday of May being the twelfth day of the same month Anno Domini seventeen hundred and ninety five come again into our General Court as well the aforesaid Allen Quynn and Isaac McHard by

(their)