Which bill of Indictment was thus endorsed to wit.

True Bill Stephn. Shelmerdine foreman.

And the said Negro Peter being called appear at the Bar of the Court here and being demanded how he of the premises in the Indictment aforesaid above on him imposed would acquit himself by Arthur Shaaff his attorney saith that he the said Negro Peter on the Indictment aforesaid ought not to be tried because he saith that the same Indictment is contrary to the form of the act of Assembly of the State aforesaid wherefore the said Attorney of the said Negro Peter saith that he the said Negro Peter on the same Indictment ought not to be tried and prays that the said Negro Peter be thereof discharged and that the same may be quashed And the said Lenox Martin Esquire who for the said State of Maryland in this behalf prosecuteth saith that the plea aforesaid of the said Negro Peter in manner and form aforesaid above pleaded and the matter in the same contained are not sufficient in law to preclude the said Negro Peter from being tried on the Indictment aforesaid now is the same Indictment contrary to the form of the act of Assembly aforesaid And because the said Negro Peter doth not answer to the Indictment aforesaid nor any way deny the same the said Lenox Martin prays Judgment and that the Court here will proceed to Judgment against the said Negro Peter upon the Indictment aforesaid. Whereupon the premrises being seen and by the Court here fully understood it seems to the Court here that the said Lenox Martin hath shewn to the Court here sufficient matter for the Court to proceed to Judgment against the said Negro Peter upon the indictment aforesaid.

Therefore it is Considered by the Justices now here that the said Negro Peter for the offence aforesaid be taken from the Bar of this Court to the public whipping post and there to receive on his bare back ten stripes and afterwards be set in the pillory for the space of five minutes.

Which said Judgment the sheriff of the said County is commanded to do immediate execution who soon after returns and says that he hath done execution of the Judgment aforesaid as he was commanded.

It is also Considered by the Justices aforesaid that Lucy James to whom the aforesaid Negro Peter is a slave pay unto Daniel Burkhart the proprietor of the Goods and Chattels so stolen as aforesaid the quantity of forty eight pounds of Tobacco And also the quantity of two hundred and

and sixty pounds pounds of tobacco to the officers of the Court by occasion of the premises.

Test Wm. Ritchie Clerk.

In Testimoney that the aforegoing is a true Copy of the record and Proceedings on the Indictment aforesaid, I have hereunto set my hand and affixed the publick seal of Frederick County Court the 6th day of May 1797.

(The seal of Fredk. Coty. Court)

William Ritchie Clerk.

Whereupon come into the General Court here as well the said Negro Peter by his attorney aforesaid as the said State of Maryland by Luther Martin the attorney General of the said State of Maryland. And the said Negro Peter 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 given was given for the said State of Maryland against the said Negro Peter when by the law of the land that Judgment ought to have been given for the said Negro Peter against the said State of Maryland 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 Negro Peter may be restored to all that he has lost by occasion of the judgment, and that the said State of Maryland May rejoin to the Errors aforesaid and so forth: And the said State of Maryland by the attorney General aforesaid says, there is no Error in the record and proceedings aforesaid or in the rendition of the Judgment aforesaid and prays 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 Negro Peter above for Errors assigned and that the said Judgment may be in all things affirmed and so forth. Whereupon as well the record and proceedings aforesaid and the judgment thereupon given as the matters aforesaid by the said Negro Peter above for errors assigned being seen and by the Court here more fully understood and mature deliberation thereupon had for that it appears to the Court here that in the record and proceedings aforesaid and also in the rendering of the Judgment aforesaid it is manifestly erred; Therefore it is Considered by the Court here, that the judgment aforesaid for those errors and others in the record and Proceedings