of the aforesaid Stephen Garrett Gill recover against the aforesaid Giles Cole the sum of seventy three Dollars and fifty Cents and quantity of Ten thousand five hundred and sixty four pounds and half a pound of Tobacco by the Court here unto him on his assent adjudged for his costs and charges by him about his suit in this behalf laid out and expended. and the aforesaid Giles Cole in Mercy and so forth.

Memorandum. Before the Jurors aforesaid withdrew from the bar of the Court here the Defendant by his attorney aforesaid filed in Court here the following Bill of Exception. towit

Stephen G. Gills Lessee
in
Giles Cole

Ejectment

The Defendant in this cause offered from the annexed plat returned as a plat in this cause at May Term 1796. to show the direction which a line would have if run according to the proof in the cause given at the two points marked D and marked E according to the green line S to be, but it appearing to the Court that after the said location had been made in the said plat by the surveyor for the plaintiff. and after the May Term in the year 1796 the plaintiffs Counsel had upon leave given to add to and amend the plats in this cause returned at May Term 1796 some time on or about the twenty seventh day of August in the year 1796 complained to the surveyor by his instructions that he had misunderstood his former instructions and had made the said location contrary to his intentions and had directed the surveyor to cease the said location and to make a new location according to directions then given and it appearing further that the said surveyor had accordingly amended the plats which had come to his possession according to the last instructions given by the plaintiffs Counsel and had returned such amended plats in this cause. but that the annexed plat had not been amended either because the surveyor could not obtain it for the purpose. or from his being directed

by the opposite Counsel not to amend it. The Court were of the opinion it could not be considered as a plat filed in this cause. and that the defendant was not at liberty to show the plat annexed to the Jury for the purpose aforesaid To which opinion of the Court the Defendant by his Counsel excepted and prays the Court here that this his bill of Exception may be signed. sealed and enrolled agreeable to the directions of the statute in such case made and provided

G. Dawalt (seal)

Test John Gwinn Clk

Afterwards towit. on the twenty second day of June in the year of our Lord one thousand seven hundred and ninety seven the aforesaid Giles Cole produced the writ of the State of Maryland of error commanding the Judgment aforesaid to be transmitted to the high Court of Appeals of the said State the tenor whereof ensues in the words and figures following. towit

Maryland sc. The State of Maryland To the Honorable the Judges of the General Court greeting: Because in the record and process and also in the rendering of Judgment on a certain action of Ejectment brought by Stephen Garrett Gill against Giles Cole for part of a tract of land situate in the County of Baltimore called Coles Struggle and the costs of the said suit at a General Court held before you our said Judges at Annapolis at May Term last manifest error as it is said has happened to the great damage of the said Giles Cole 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 Giles Cole in this behalf. Command you that if Judgment be thereof rendered that then the Record 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 high Court of Appeals at Annapolis the second Tuesday of November next that the record and process aforesaid being inspected into we may further do therein for correcting that error