aforesaid is withdrawn by the Court here for the purpose of adding to and amending the said plots and the rest of the Jurors of that Jury are wholly discharged from giving any verdict of and upon the premises within written. Whereupon on motion of the said Charles Alexander Warfield by his attornies aforesaid it is ordered by the Court here that the said Charles Alexander Warfield recover against the said Corporal Third lessee as aforesaid his costs and charges which he hath sustained, laid out and expended in and about his defence in this behalf, since the last Continuance of the plea aforesaid, and thereupon the said Corporal Third lessee as aforesaid by his attornies aforesaid prays that Commission be directed as he pro to the said Peregrine Fitzhugh James Rees and Samuel Baker gentlemen of Gennessee in the State of New York aforesaid and that they, any two or one of them examine &c returnable to the Court here with all Convenient speed &c and it is granted him and the said Corporal Third lessee as aforesaid by his attornies aforesaid also prays the Court here that Commission may again issue to the State of Kentucky to examine witnesses in this cause, and that the depositions returned with the said Commission may be read in evidence at the trial thereof, and that the same Commission may be directed to General Joseph Lewis, Benjamin Edwards, Joshua Wilson and Perry W. Humphrey gentlemen of the State of Kentucky aforesaid, and that they or any three, two or one of them examine &c returnable to the Court here with all Convenient speed &c and to him it is granted, and Commissions ordered to issue by the Court by the twentieth day of October instant unless the said Charles Alexander Warfield shall appear here in Court and show cause to the Contrary. Whereupon the parties aforesaid by their attornies aforesaid pray further leave of the Court here to amend the said plots and Certificates and to add thereto if necessary by the second Tuesday of May next and to them it is granted and order thereon is made and sent to the Sheriff and Surveyor

of the County aforesaid for that purpose. Thereupon further process of and upon the premises aforesaid, between the parties aforesaid by order of the Court here thereon is further Continued until the said second Tuesday of May next.

At which said second Tuesday of May being the eleventh day of the same Month in the year of our Lord one thousand eight hundred and two, Comes again into the General Court here as well the said Corporal Third lessee as aforesaid by his Attornies aforesaid as the said Charles Alexander Warfield by his attornies aforesaid, and the said Sheriff and Surveyor of the County aforesaid to whom the said plots and Certificates were delivered for the purpose of amending or adding thereto if necessary returned the same to the Court here as amended and the said Corporal Third lessee as aforesaid by his attornies aforesaid offers himself ready for trial against the said Charles Alexander Warfield in the plea aforesaid. Thereupon the said Charles Alexander Warfield by his Attornies aforesaid suggests to the Court here that he cannot safely proceed now here to the trial of this Cause because the plots and Certificates returned in this Cause to the Court here are defective and prays a further day may be given by the Court here to amend the said plots and Certificates and to add thereto if necessary, and for that it appears to the Court here that the said plots and Certificates are defective and that an amendment thereof is necessary for the trial of the merits between the parties aforesaid a further day is given by the Court here until the second Tuesday of October next, to the parties aforesaid to amend the said plots and Certificates and to add thereto if necessary and the same are delivered to the Sheriff and Surveyor of the County aforesaid for that purpose. It is also considered by the Court here that the said Corporal Third lessee as aforesaid recover against the said Charles Alexander Warfield the quantity of one hundred and eleven pounds of Tobacco for his costs and charges by him sustained about his suit in this behalf since the last Continuance of the plea aforesaid. Thereupon further process of and upon