Court aforesaid to the Judges of our General Court here, it is therefore ordered that a writ of the State aforesaid of diminution be impetrated and directed to the Justices of our County Court aforesaid for them more fully to certify the truth of the matter to our General Court here &c. Whereupon the writ aforesaid was issued forth out of our General Court aforesaid to the order above mentioned returnable to the Court here on the second Tuesday of April then next. The same day was also given to the parties then &c aforesaid. At which said second Tuesday of April in the year Seventeen hundred and ninety three, here came again into Court the parties aforesaid, by their Attorneys aforesaid, and the said Justices of Caroline County Court (by their Clerk) made return of one other record of the proceedings in the plea aforesaid between the parties aforesaid agreeable to the aforesaid writ. Whereupon the said Moses Walker Admor as aforesaid by his Attorney aforesaid affirmed in Court here the following assignment of Particular error, viz

Moses Walker Admor of Collison against John Durgan } Appeal &c. — Particular errors assigned, as causes for reversing the Judgment of the inferior Court. Because the Declaration in this Cause appears to have been exhibited on the monday before the third Tuesday in October in the year Seventeen hundred and eighty nine and is filed against the said Richard Collison as Defendant in the Cause: to wit as the death of the said Richard Collison appears to have been suggested on the record on the monday before the third Tuesday in June in the year Seventeen hundred and eighty eight; and the said Moses Walker in his Capacity of Admor appeared and became Defendant in the Cause on the monday before the third Tuesday in October in the year last mentioned in obedience to a process of subpoena issued agst him for this purpose, & then defended the same: Because the issue in the Cause is immaterial and not calculated to determine the allegations mentioned in the Declaration. Because it appears that the said issue was not tried by a Jury according to the Laws and Constitution of this State; & therefore the determination of Facts in any other manner than by a Constitutional Jury when the Parties put themselves upon the Country, cannot amount to a legal Verdict. If appearing therefore that the said Issue was determined by more than twelve men the same has not been duly tried. Because it appears by the pretended Verdict of the said men, that the allegation of the said Pltff as set forth in his Declaration aforesaid, which was an allegation founded on the promise of Richard Collison has not been tried; the said Verdict finding an assumption on the part of Moses Walker only, and assessing Damage for a Breach not complained of by the Plaintiff. — Because the Judgment appears to have rendered agst Moses Walker in his own right: Whereas the said Moses Walker defended the said Action expressly in Capacity of Admor of the said Richard Collison therefore supposing the Judgment to have been otherwise proper, the same ought to have been rendered against him in his said Capacity, & to have charged the property of the said deceased in his hands to be administered being &c. Because the said Suit appears to have been continued beyond the time limited by law, & no legal ground appears for authorizing the Court to sustain the jurisdiction thereof beyond the time so limited. N Hammond for Appt. And because it appeared to the Court here that there was still error & diminution in the record of proceedings aforesaid last filed as above mentioned it was again ordered that another writ of the State aforesaid of diminution be issued as aforesaid &c and the same was accordingly done and the proceedings on the premises aforesaid was continued by our Court here till the second Tuesday in September then next &c. — At which said second Tuesday of September here came again into Court the Parties aforesaid, by their Attorneys aforesaid. Whereupon it is again ordered by the Court here that another writ of the State of Maryland of diminution be issued directed as aforesaid in like manner & form

whereupon the process aforesaid and upon the premises aforesaid was continued by the Court here until the second Tuesday of April then next. Whereupon according to the order of Court last mentioned a writ of the said State of Diminution was issued directed to the Justices & Clerk of Caroline County Court, in manner & form following, to wit: "The State of Maryland to wit: To the Justices and Clerk of Caroline County, Greeting, Whereas in a certain action of trespass upon the case (Seal of the County Court) between John Durgan Plaintiff and Moses Walker Administrator of Richard Collison Defendant lately depending before you wherein the said Moses Walker Administrator as aforesaid appealed from the Judgment of the said County Court rendered against him to our General Court and in pursuance of the appeal, a Transcript of the record and proceedings therein was transmitted. But for as much as the Judges of our General Court are not satisfied that there is a sufficient record sent in the action aforesaid but that in the record aforesaid there is diminution. We therefore command you, that without delay a full transcript of the whole proceedings therein you cause to be transmitted to our Judges of our General Court to be held for the Eastern Shore of this State at Easton in Talbot County the second Tuesday of April next without any diminution whatsoever, to the end that speedy justice may be done in the premises according to law: Hereof fail not at your peril and have you then and there this writ. Witness the honourable Samuel Chase Esquire chief Judge of our said Court the tenth day of September Anno Domini 1793. (Issued the 14th day of February) Anno Domini 1794. James Earle Junr Clk."

At which said second Tuesday in April in the year Seventeen hundred and ninety four, here came again into Court the Parties aforesaid, by their Attorneys aforesaid, and the Justices of Caroline County Court in compliance with the demand of the above mentioned writ of diminution (by their Clerk) made return of a transcript of the record of proceedings aforesaid which ensues in manner & form, to wit: "Caroline County to wit. At a County Court of the State of Maryland held for Caroline County at Denton in the said County in virtue of an Act of Assembly entitled "An Act for the better administration of Justice &c" on the first monday in March being the seventh day of the same month in the year of our Lord Seventeen hundred and ninety one and from thence continued by sundry adjournments before the honourable John Done Esquire and his Associates the States Justices of the said County Court of whom were

Present John Done Esquire Chief Justice
William Richardson, Henry Downes — } Esquires Associate Justices —
Thos Hughlett Esqr Shff — Thos Richardson Clk.

John Durgan against Moses Walker Admor Richard Collison } Caroline County Set. Command was given to the Sheriff of Caroline County the ninth day of August Seventeen hundred and eighty six that he should take the body of Richard Collison late of Caroline County Planter if he should be found in his Bailiwick and him safe keep so that he might have his body before the Justices of our County Court to be held at Melvills Ware house on the monday before the third Tuesday in October then next to answer unto John Durgan of a plea of Trespass upon the Case &c aforesaid. And that thereof he the said Sheriff should not fail &c aforesaid. At which said Monday before the third Tuesday in October came the aforesaid John Durgan by William Hayes and his Attorney and the Sheriff of Caroline County to whom the said writ was directed also came and made return of the writ aforesaid thereon endorsed viz. by virtue of this writ to me directed I have taken the body of the within named Richard Collison which I have ready at the day and place within contained according