Wherefore they pray Judgment if the said Spencer ought to have or maintain his action aforesaid thereof against them the said Hile, Jackson & Mann &c. And the said William Spencer, as to the said plea of the said Thomas Hile, George Jackson and George V. Mann first above pleaded doth thereof in like manner &c. And as to the second plea of them the said Hile, Jackson and Mann by them above pleaded in bar, the said William Spencer saith, that notwithstanding any thing any thing by the said Thomas Hile, George Jackson and George Vansant Mann in their plea above alledged, he ought not to be barred from having his said action against them because he saith, that the said Thomas Hile, George Jackson and George Vansant Mann, did promise and undertake in manner and form as the said William Spencer hath above complained against them, within three years next before the day of the suing out the said Writ of the said Hannah Spencer, deceased, Court, at Queen Ann's County aforesaid; and this the said William Spencer prayeth may be enquired of by the Country &c. And the said Hile, Jackson and Mann likewise &c. Whereupon for trying the issues aforesaid between the parties aforesaid above joined, let a Jury thereon appear before the Court here on the second Tuesday of April next, by whom &c. and who neither &c. to recognize &c. because as well &c. the same day was given to the parties aforesaid there &c. there &c. And now here at this day to wit, the second Tuesday of April in the year of our Lord one thousand seven hundred and ninety eight, comes again into Court the parties aforesaid by their attorneys aforesaid. Whereupon for trying the issues herein above joined between the parties aforesaid, it is ordered by the Court here with consent of the Parties aforesaid by their Attorneys aforesaid, that twenty persons from the Panel of Petit Jurors returned to the Court there by the several Sheriffs of the different County's of the Eastern Shore be drawn by ballot according to the act of Assembly in such case made and provided; and thereupon the twenty persons being so drawn by ballot, and written upon two lists, one of which said lists is delivered to the Counsel for the respective parties, and the Counsel for each of the said parties having stricken out four persons from each of the said lists, thereupon the remaining twelve persons being called, come, to wit — George Downes, Charles Blair, Thomas Purnell, Edward Waters, Joseph Scott, Benjamin Keene, John Cox, Henry Darden, James Goldsborough, Caleb Boyer, John Carville and William Tilghman who being empannelled and sworn to say the truth in the premisses, upon their oath do say, that the said Thomas Hile, George Jackson and George Vansant Mann did assume upon themselves in manner and form as the aforesaid William Spencer within against them hath complained, and they assess the Damages of the said William Spencer, sustained by occasion of the non-performance of the promise and assumption aforesaid to the sum of two hundred and fifty three pounds fourteen shillings and two pence half penny Current money: Therefore it is considered by the Court here that the said William Spencer Administrator as aforesaid, recover against the said Thomas Hile, George Jackson and George Vansant Mann as well the sum

of two hundred and fifty three pounds fourteen shillings and two pence half penny Current money the Damages aforesaid by the Jurors aforesaid in form aforesaid assessed, to be sustained by occasion of the non performance of the promise and assumption aforesaid, as the quantity of seven thousand three hundred and forty seven pounds of Tobacco by the Court here unto him the said William Spencer on his assent adjudged for his Costs and Charges by him about his suit in this behalf by the Court here expended, and the said Thomas Hile, George Jackson and George Vansant Mann in mercy &c.

Memorandum. After the Jurors aforesaid withdrew from the bar of the Court here the said Thomas Hile, George Jackson and George Vansant Mann by their Attorneys aforesaid tendered to the Court here their bills of Exceptions, and which was by the Court here signed and sealed, and is in form following, to wit —

William Spencer Admor of Hannah Spencer against Thomas Hile, George Jackson and George Vansant Mann

And now at the trial of this cause, the Plaintiff having offered in Evidence that the said Hile and Jackson, which said Jackson was at that time the sole Partner of the said Mann, in a Retail Store where they usual received Wheat in the way of their business, entered into the said Agreement for the said Mile and Land, the said Jackson at the time of the Agreement, declaring that he acted on behalf of himself and the said Mann — and having offered in evidence that the said Mile was conducted under the firm of Thomas Hile and Co: and that the said Mann is generally reputed to have been one of that Company or firm — The Plaintiff offered to read in Evidence the following Record of a Judgment, between Seraph Myers against Thomas Hile, George Jackson and George Vansant Mann in order to prove the Defendants partners, in the present action {Here insert the Record} To which the Defendants, by their Counsel objected and prayed the opinion of the Court, whether said Record was admissable; to which opinion the Defendants excepted — and prayed the benefit of their exception &c. &c. — R. Goldsborough Esqr Jeremiah T. Chase Esqr G. Duvall Esqr

And the said Thomas Hile, George Jackson and George Vansant Mann by their attorneys aforesaid pray an appeal from the Judgment aforesaid so as aforesaid rendered to the High Court of Appeals of the State of Maryland, and the same is granted unto them; It is therefore ordered by the Court here, that the Record and proceedings aforesaid, with all things thereto relating, be transmitted to the said High Court of Appeals of the State aforesaid; and the same are transmitted to the said Court accordingly —

Test, James Earle Jun., Clerk —

Abraham Millan Admor of Rebecca against John Cox Exor of John Cox

Be it remembered that on the sixteenth day of August in the year of our Lord one thousand seven hundred and ninety three, Commission was given to the Sheriff of Cecil County to take John Cox, Executor of the Testament and last Will of John Cox late of Cecil County deceased, if he