

the record and proceedings aforesaid, or in the rendition of the Judgment aforesaid and prays likewise that the Court here may proceed to examination as well of the record and proceedings aforesaid as of the matter aforesaid by the said Appellant above for error assigned, day therefore is given to the parties aforesaid until the second Tuesday of June next to hear their Judgment of and upon the premises because the Court now here thereof are not yet to. And now here at this day to wit the second Tuesday of June being the twelfth day of the same Month Seventeen hundred and ninety eight comes again here into our high Court of Appeals the said parties Appellant and appellee by their Attornies aforesaid Whereupon as well the record and proceedings aforesaid and the Judgment given in form aforesaid as the matters aforesaid by the said Appellant above for errors assigned being seen heard and fully understood. Thereupon it is fully considered by the Court that the Judgment aforesaid be in all things in its whole force and effect the said causes and matters above for error assigned in any wise notwithstanding and further it is considered by the Court here that the said Henry Townsend do recover against the said Elizabeth Doncastle the quantity of Eleven hundred and forty four pounds of Tobacco for his Costs and Damages which he hath sustained by reason of the delay of the Execution of the Judgment aforesaid by pretence of prosecution of the State of Marylands Writ of Error and that the said Henry Townsend use of Bartons Executors have thereof execution. &c.

Test. Purton Whetcroft, Clerk of the Court of Appeals,

Priscilla Simmonds
 agt
 Susannah & Sarah
 Hills Lessee.

Be it remembered that heretofore, to wit, On the first day of February Anno Domini Seventeen hundred and ninety six the aforesaid Priscilla

Simmonds sued out of the State of Maryland's high Court of Chancery the Writ of the State of Maryland of Error directed to the Honorable the Judges of the General Court in the words following, to wit,

The State of Maryland. To the honorable the Judges of the General Court Greeting Because in the Record and procefs and also in the rendering of Judgment on a certain Action of Ejectment brought by Susannah & Sarah Hills Lessee against Priscilla Simmonds at a General Court held before you our said Judges at May Term one thousand seven hundred and ninety three, Manifest Error as it is said has happened to the great damage of the said Priscilla Simmonds as of her 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 Priscilla in this behalf command you that if Judgment be thereof rendered that then the record and procefs 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 in June next that the Record and procefs aforesaid being inspected into we may further therein for the correcting of that Error which of right and according to the

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and Customs of this State may be done. Witness the honorable Alexander
Bonte Hanson Chancellor this first day of February One thousand seven
hundred and ninety five.

Great Seal in War app^{rs}

Sam^l H. Howard,

Reg. Cur. Can

At which mentioned second (Tuesday) of June being the fourteenth day
of the same Month Seventeen hundred and ninety six and the day of
the return of the aforesaid Writ the honorable the Judges of the Ge-
neral Court to whom the said Writ of Error was made and directed
in pursuance thereof and according to the form & effect of the act of As-
sembly in such case made and provided make return to the Judges
of our Court here of the same Writ with the following Record, to wit. —

The State of Maryland, to wit,

At a General Court for the Western Shore of the
said State begun and held at the City of Annapolis on the second Tues-
day of May being the fourteenth day of the same Month, in the year
of our Lord one thousand seven hundred and ninety three, And in the
Seventeenth year of the Independence of the said State. —

Present.

The Honorable } Samuel Chase, Esquire Chief Judge,
Robert Goldsborough &
Jeremiah Townley Chase } Esquires Puisne Judges
William Goldsmith Esquire Sheriff. John Gwynn, Clerk.

In the Record of proceedings of the same Court,
among others is the following, to wit. —

Wb P^{ss} Susannah Hill &
Sarah Hill's Lessee
against
G^d Priscilla Simmonds

Western Shore, State of Maryland,
Anne Arundel County, to wit. Be it
Remembered that on the second Tuesday
of May being the eighth day of the same

Month Anno Domini Seventeen hundred and ninety two, Priscilla Simmonds
late of Anne Arundel County, was attached to answer unto James Trusty of a
plea wherefore with force and arms she the said Priscilla at Ann Arundel Coun-
ty aforesaid into all that Tract or parcel of plantable Land called Birkheads
Parcel lying in the County aforesaid and into all that Tract or parcel of
plantable Land called Birkheads Meadows lying in the County aforesaid which
Susannah Hill and Sarah Hill demised to the said James for a Term
which is not yet expired entered and him the said James from his said
Farm, Ejected and other wrongs to him the said James there did to his great
Damage and against the peace of the State of Maryland and so forth. And
whereupon the said James by William Booke his attorney complains that
whereas the said Susannah Hill and Sarah Hill on the fifteenth day
of June in the year Seventeen hundred and ninety one at Ann Arundel
County aforesaid had demised to the said James the said several Tracts or

parcels of Land and Tenements with the appurtenances aforesaid to have and to hold the said Tracts or parcels of Land and Tenements with the appurtenances to the said James and his Assigns from the fourteenth day of June in the year aforesaid until the full End and Term of fifteen years thence next ensuing and fully to be compleat and ended by virtue of which said Demise the said James entered into the said Lands and Tenements with the appurtenances and was thereof possessed And the said James being so thereof possessed the said Priscilla afterwards to wit, on the same fifteenth day of June in the year aforesaid at the County aforesaid with force and Arms and so forth, into the said premises with the Appurtenances which the said Susannah Hill and Sarah Hill had demised to the said James for the Term aforesaid, which is not yet passed entered and him the said James from his farm aforesaid ejected and other harms to the said James then and there did to the great Damage of the said James in the sum of Two hundred pounds current money and against the peace and so forth, And therefore he brings Suit, and so forth, W. Cooke, p. Plff. pledges and so forth, John Doe and Richard Roe.

And the said Priscilla Simmonds by Gabriel Duvall her attorney, comes and defends the force and injury when and so forth, and enters into the Common Rule and prays leave of the Court to Impare hereunto until next Court, and she hath it, the same day is given to the aforesaid James (Trusty Lessee of the aforesaid Susannah Hill & Sarah Hill also-

At which said next Court, to wit, the second Tuesday of October being the ninth day of the same Month Anno Domini Seventeen hundred and ninety two comes again here into our General Court as well the said James (Trusty Lessee of the aforesaid Susannah Hill and Sarah Hill by his attorney) aforesaid, as the aforesaid Priscilla Simmonds by her attorney aforesaid. And the aforesaid Priscilla Simmonds by her attorney aforesaid as before defends the force and injury when and so forth, And saith she is not guilty of the Trespass and Ejectment aforesaid in manner and form so as the aforesaid James Trusty Lessee of the aforesaid Susannah Hill and Sarah Hill above against her hath complained, and of this she puts herself upon the Country; And the said James Trusty Lessee of the aforesaid Susannah Hill and Sarah Hill in like manner and so forth.

Therefore let a Jury thereupon appear before the Judges of our General Court here on the second Tuesday of May next, by whom &c. and who are thereto to recognize &c. because as well &c. the same day is given to the parties aforesaid then and there &c.

And now here, at this day, to wit, the said second Tuesday of May being the fourteenth day of the same Month Anno Domini Seventeen hundred and ninety three comes again here into our General Court as well the aforesaid James Trusty Lessee of the aforesaid Susannah Hill and Sarah Hill by William Cooke and Philip Barton King his Attornies, as the aforesaid

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Priscilla Simmonds by her Attorney aforesaid Nevertheless the aforesaid Priscilla Simmonds by her Attorney aforesaid Nevertheless the aforesaid Priscilla Simmonds by her Attorney aforesaid, relinquishing the Averment aforesaid above by her pretended says that she cannot deny the Action aforesaid of the aforesaid James Trusty Lessee of the said Susannah Hill and Sarah Hill as aforesaid against her brought, nor but that the aforesaid James Trusty Lessee of the said Susannah Hill and Sarah Hill ought to recover his Term yet to come and unexpired of in and into all that Tract or parcel of plantable Land called Birkheads Parcel lying in the County aforesaid and into all that Tract or parcel of plantable Land called Birkheads Meadows lying in the County aforesaid.

Therefore it is considered by the Judges here that the said James Trusty Lessee of the aforesaid Susannah Hill and Sarah Hill recover against the aforesaid Priscilla Simmonds his Term aforesaid, yet to come and unexpired of in and into All that Tract or parcel of plantable Land called Birkheads Parcel lying in the County of Anne Arundel aforesaid and into all that Tract or parcel of plantable Land called Birkheads Meadows lying in the County aforesaid, and that he have thereof his possession against the aforesaid Priscilla Simmonds. And it is also considered that the said James Trusty Lessee of the aforesaid Susannah Hill and Sarah Hill recover against the aforesaid Priscilla Simmonds the quantity of Six hundred pounds 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 Priscilla Simmonds in Mercy and so forth.

Memorandum. Judgment was rendered in this Cause, on the eighteenth day of May Anno Domini Seventeen hundred and ninety three.

Tert. John Gwinn. Clerk.

Afterwards, to wit, On the first day of February, Anno Domini Seventeen hundred and ninety six, the aforesaid Priscilla Simmonds 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 enoves in the words and figures, following, to wit. —

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 Susannah and Sarah Hills Lessee against Priscilla Simmonds at a General Court held before you our said Judges at May Term one thousand seven hundred and ninety three, Manifest Error as it is said has happened to the great damage of the said Priscilla Simmonds as of her Complaint we have received and we being willing that the Errors (if any there be) should be fully corrected and full and speedy Justice done to the said Priscilla Simmonds in this behalf command you that if Judgment be thereof

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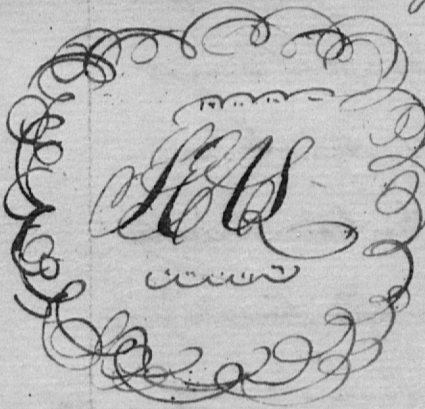
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rendered that then the Record and process aforesaid with all things thereunto relating under your Seals distinctly and openly you send and this Writ so that the same may be had before the Judges of our High Court of Appeals at Annapolis the second Tuesday in June next, that the Record and process aforesaid being inspected into we may further do therein for the correcting of that Error which of right and according to the Laws and Customs of this State may be done. Witness the Honorable Alexander Contee Hanson Chancellor this first day of February one thousand seven hundred and ninety six.

Samuel H. Howard, Reg. Cur. Can.

In pursuance whereof and according to the form and effect of the Act of Assembly in such cases made and provided, a Transcript of the Judgment aforesaid, so as aforesaid rendered with all things thereunto relating, is hereby transmitted to the said High Court of Appeals of the said State accordingly.

In Testimony that the foregoing Transcript is truly taken from the Record, and proceedings of the General Court for the Western Shore of the State aforesaid, I have hereunto set my hand and affixed the Public Seal of the said General Court, this first day of February in the year of our Lord One thousand seven hundred and ninety six, and in the Twentieth year of the Independence of the said State.



John Gwinn Clerk General Court,
Western Shore, State of Maryland

At which said second Tuesday of June being the fourteenth day of the same Month Seventeen hundred and ninety six comes into our High Court of Appeals as well the aforesaid Priscilla Simmons by her Attornies Jonathan Roberts Wilmer and John Thompson Mason and Arthur Shaaff as the aforesaid Susannah & Sarah Hills Lessee by his Attornies Luther Martin, William Cooke & Philip Barton Key but because the Court are not advised to give their Judgment of and upon the premises day therefore is given to the parties aforesaid before the Judges of our high Court of Appeals here until the second Tuesday of November next to hear their Judgment of and upon the premises because the Court now here thereof not yet &c. At which said second Tuesday of November being the eighth day of the same Month Seventeen hundred and ninety six comes again here into our high Court of Appeals the said parties Appellant & Appellee by their Attornies aforesaid but because the Court are not advised to give their Judgment of and upon the premises day therefore is given to the parties aforesaid before the Judges of our high Court of Appeals here until the second Tuesday of June next to hear their Judgment of and upon the premises because the Court now here thereof not yet &c. At which said second (Tuesday) of June being the thirteenth day of the same Month Seventeen hundred and ninety seven comes again here into our high Court of Appeals the said parties Appellant & Appellee by their Attornies aforesaid but because the Court are not advised to give their Judgment of and upon the premises day therefore is given to the parties aforesaid before the Judges of our high Court of Appeals here until the second (Tuesday) of November next to hear their Judgment of and upon the premises because the Court now here

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not yet &c. At which said second (Tuesday of November being the fourteenth day of the same Month Seventeen hundred and ninety seven comes again here into our high court of Appeals the said parties Appellant & appellee by their Attornies aforesaid and the said Appellant by her Attornies saith that in the Record and proceps aforesaid likewise in the rendering of Judgment aforesaid there is manifest error in this to wit that by the record and proceps aforesaid it does appear that the Judgment aforesaid rendered was given for the aforesaid Appellee against the aforesaid Appellant whereas by the Law of the Land that Judgment ought to have been given for the said Appellant against the said Appellee therefore in that it is manifestly erred - And the said Appellee aforesaid says that there is no error in the record and proceedings aforesaid, or in the rendition of the Judgment aforesaid and prays likewise that the Court here may proceed to examination as well of the record and proceedings aforesaid as of the matter aforesaid by the said Appellant above for error assigned - day therefore is given to the parties aforesaid until the second Tuesday of June next to hear their Judgment of and upon the premises because the Court now here thereof are not yet &c. And now here at this day to wit the second Tuesday of June being the ^{twelfth} eighth day of the same Month Seventeen hundred and ninety eight comes again here into our high court of Appeals the said parties Appellant and Appellee by their Attornies aforesaid whereupon as well the record and proceedings aforesaid and the Judgment given in form aforesaid as the matter aforesaid by the said Appellant above for errors assigned being seen heard and fully understood. Thereupon it is fully considered by the Court that the Judgment aforesaid be in all things in its whole force and effect the said Causes and matters above for error assigned in any wise notwithstanding and further it is considered by the Court here that the said Susannah & Sarah Hills Lessee do recover against the said Pussilla Simmonds the quantity of Eleven hundred and fourteen pounds of Tobacco for his costs and Damages which he hath sustained by reason of the delay of the execution of the Judgment aforesaid by pretence of prosecution of the State of Marylands Writ of Error and that the said Susannah and Sarah Hills Lessee have thereof execution &c -

Test. Burton Whetcroft, Clerk of the Court of Appeals. -

Luther Martin Joshua
Barney & Jerk T. Chase,
against
Chas. Carroll use of Rob. Carter.

Be it remembered that heretofore to wit,
On the thirtieth day of July Anno Domini
Seventeen hundred and ninety six the aforesaid
Luther Martin Joshua Barney & Jeremiah T.

Chase sued out of the State of Maryland's high Court of Chancery the Writ of the State of Maryland of Error commanding directed to the Honorable the Judges of the General Court in the words following to wit, -

Maryland for The State of Maryland to the honorable the Judges
of the said Court commanding because in the record and proceps, and also in the