by consent of the said parties and their attornies aforesaid &c.
Thereupon the said writ issues forth out of the Court of appeals
here in the words and of the tenor following, to wit:
Maryland sc. The state of Maryland. To the Honourable the chief
Judge and associate judges of the fifth Judicial District greeting
Whereas in a certain plea of Power between James L Higgins and
Sophia his wife Demandants and William Hammond defendant.
lately depending in the County Court held in and for Frederick
County wherein Judgment was rendered for the said James L
Higgins and Sophia his wife against the said William Hammond
the said William Hammond did appeal from the Judgment
of the said County Court rendered against him as aforesaid
to the late General Court held at the City of Annapolis on
the second Tuesday of October in the year of our Lord one
thousand eight hundred and four. and in pursuance of the
said appeal a transcript of the Record of proceedings in the
plea aforesaid was transmitted: which said appeal and
the transcript of the Record of proceedings so as aforesaid
transmitted to the said General Court have in virtue
of an act of the General assembly of Maryland in such
cases lately made and provided. been transmitted to the
Court of Appeals for the Western Shore at the City of
Annapolis aforesaid: and also whereas it hath been
suggested in the said Court of appeals on the part of the
said James L Higgins and Sophia his wife that the
said Record of proceedings is diminished in this. that it
does not contain the writ and Declaration in the said
cause. nor the confession of Judgment for the Power.
or any of the proceedings upon which the said Judgment
was rendered: and for as much as the said Court of
Appeals are not satisfied that there is a sufficient Record
of the proceedings sent in the plea aforesaid. but that
in the Record of proceedings thereof there is diminution.
You are therefore hereby commanded. that without
delay a full transcript of the whole proceedings
therein you cause to be transmitted to the said Court
(of)

of Appeals to be held for the Western Shore at the City of Annapolis on the
third Monday of December next. without any diminution or addition
whatsoever to the end that speedy Justice may be done in the premises
according to Law. whereof you are in no wise to fail. and send you
then and there this writ. Witness the Honourable Jeremiah
Townley Chase Esquire Chief Judge of the said Court of Appeals.
the seventh day of July in the year of our Lord one Thousand
eight hundred and eight.
Issued the 18th day of July 1808. (Taney) Th. Harris Clerk
Day therefore is further given to the parties aforesaid (by consent of
the said parties and their attornies aforesaid) before the Court here
until the third Monday of December next to hear their Judgment
of and upon the premises. because the Court here thereof as yet
are not advised, &c.

At which said third Monday in December being the nineteenth
day of the said month in the year of our Lord one Thousand
eight hundred and eight. and the return day of the last
aforegoing writ. come again into the Court of appeals here the
parties aforesaid by their attornies aforesaid: and the chief
Judge and associate Judges of the fifth Judicial District to
whom the said last foregoing writ was in form aforesaid
directed make return to the Court here with the said writ
of Diminution a transcript of the Record and proceedings
aforesaid before them had. and which is contained in the
words following, to wit:
State of Maryland, Frederick County, to wit. At a County Court
begun and held at the Court house in Frederick Town in and for
the said County on the first Monday of August in the year one
thousand eight hundred and two.

Present
William Elagett Esquire Chief Justice
John Colegate and
Upton Bruce } Esquires associate Justices
Lawrence Brengle Esquire Sheriff
William Ritchie Clerk

are the following proceedings, to wit:
(James)