same contained is not sufficient in law to maintaine the action aforesaid of the said Edward who appeared against the said Shelhorn brought, wherefore it is considered by the Court, here that the said Edward Lynn who appeared for the said Lord Proprietary as for himself prosecuteth as aforesaid take nothing by his writt aforesaid but be in mercy for his false claime thereupon, and that the said Shelhorn Demondadie may goe from thence without Day, and that the said Shelhorn Demondadie recover against the said Edward Lynn the Sume of One thousand thirty one pounds of Tobacco for his costs and charges by him about his Defence in this behalfe expended and out of Goods and Chattels &c. And the said Shelhorn may have Writ of Common

January the 3d. 1670.

Whereas Christopher Saudell and Johannah Norman being both of this County are intended marriage, This is there is any that can show a just cause why that the same may not be joyned in Matrimony, wee doe hereby give our consent

Test
James Sheppard, John Hathway
Wm. Osbourne

Pubblished
Vera Copia p me Thos: Pedgr Dep: Clk: p ord: Dep:

Henry Johnston Mr: Clk

Maryland ss. Dated this Twelfth day of Feb: Anno Dni. 1670

These to certifie whom it may concerne that the Banns of Matrimony between Christopher Saudell and Johannah Norman have been duly published according to act of Assembly in that case provided Therefore I do thinke fit the said parties should be joyned together in the holy state of Matrimony

To all Magistrates Members & Officers in this Province

Thomas Pedgr Dep: Clk p ord: Dep:

Hen: Johnston Clk

Susanna Ully ag^t John Nicholls

Memorandum that at a Provincial Court held at the Citty of St Marys the fifth day of October in the yeare of our Lord 1670 before the Lord Justice of the said Court came Susanna Ully of Baltimore County by Robert Carvile her Attorney and exhibited to the Court here a certaine Transcript of a Record of Baltimore County in a Cause there depending between John Nicholls plt and the said Susanna Ully Defdt of a plea of Trespass of the Case the tenor of wch Record followeth in these words: viz

Charles Absolute Lord and Lord of the Province of Maryland &c. To the Sheriffe of Baltimore County Greeting Wee command you to take Susanna Ully if she shall be found in your Balliwick and her safe keepe for that you have her body at a Court to be held for Baltimore County the first court day in February next Ensuing to answer unto John Nicholls in a plea of Trespass in the Case. Fails not and have you there this writt Dated January the 26th Anno Dni 1670 & in the fifth yeare of our Dominion &c.

Russell Ayres Entered & signed p ord: Ms Pedgr Clk
Ed. Bate

John Dunston appeared for Susanna Ully at the Suite of John Nicholls in a plea of Trespass on the Case

Baltimore County Susanna Ully was attached to answer unto John Nicholls of a plea that she render unto him the Sume of Nine hundred pounds of Tobacco wch he lent her on the and unjustly detaineth

And Whereupon the said John by Thomas Russell his Attorney complaineth that the said Susanna standeth Justly indebted unto him the said John in the Sume of Nine hundred pounds of Tobacco wch she (although the said John hath the said Sume of Nine hundred pounds of Tobacco hath often of the said Susanna Demanded) the said Susanna hath altogether refused to pay to doth Deny Whereupon the said John saith he is damnified in the Sume of twelve hundred pounds of Tobacco & therefore he brings his Suite

Baltimore County ss. The p. Defendant for Nine hundred pounds of Tobacco wch he lent him the Deft owe & unjustly detaineth

And the said Susanna Ully by John Dunston her Attorney Comes and Defendeth the force & injury when &c. saith that the aforesaid John Nicholls his action against her ought not to have because she saith that she the said Susanna before the said John Nicholls commenced this action aforesaid Declaration required to the said John Nicholls & is yet ready to pay the same unto the said John Nicholls, and this she is ready to make appeare & whereupon prayes Judgment of this Court if the said John Nicholls his aforesaid action against her ought to have,

Whereupon the p. Attorney Declareth that it is not a Lawfull Tender of the Tobacco by the Deft and putteth himself upon the Country & the Deft likewise. Whereupon command is given to the Sheriffe of Baltimore County to cause twelve Men who neither be Tenants nor Servants as well &c. The next Court Day of July in the year aforesaid Came the said John Nicholls & the said Susanna Ully by their Attorneys aforesaid as the Jurors to wit Rowland Thornberg, William Cromwell, Michael Judd, James Collier, John Wright, Thomas Heath, James Dutton, Thomas Lemon, George Gunnett, Peter Reid, Robert Love, & John Mowed Who being Impannelled sworne and sworne to say the truth in the premisses & having heard what could be said on either part Upon their Oathes do say All of the Jury do find that the plaintiffe Ought to have his wages and ffoure hundred & fifty pounds of Tobacco Damages wth Costs.

Whereupon the said Susanna Ully by John Dunston her Attorney alledgeth that she is not guilty &c. But this Court not Consenting thereunto the said Susanna prayes and Appeales from the said Judgment aforesaid & that the said Cause might stand before his Lopps Justices at the Provinciall Court to be held at the Citty of St Marys On the ffifth day of October next Ensueing, That the Trial of the Record and Proceedings in the Cause aforesaid might be sent to his Lopps Justices of this Provinciall Court aforesaid to have inspection of the same & to render Judgment thereon, Wee order to wit the said Susanna Ully together with her Sureties James Sheppard & David Jones became bound unto the said John Nicholls the said Susanna in the Sume of foure Thousand pounds of Tobacco and the said James and David in the like Sume to be levyed of their goods Chattels Lands and Tenements In Case likewise the said Susanna Hace not satisfy and pay if the said Judgment be affirmed &c. and Inquire the Debt damages & costs Upon the Two Severall Judgments Viz. This Judgment and the Judgment following And the Costs and Damages to be Awarded for Delaying of Execution upon the said Judgments, unless the aforesaid Susanna Ully do pay the same or render her body to Prison

Whereas the said Provinciall Court on the said fifth day of October was by the Lopps writ of Adjournment Adjourned till the Three and Twenty-th Day of November following, Att which said Three and Twenty-th day of November came the said Susanna by her Attorney aforesaid, and according to the act of Assembly in that case made and provided Exhibited an Act for Supplying and Regulating writs of Error & Appeals to this Court the Cause and Reason of her the said Susanna's appealing from the Judgment of the Court of Baltimore County aforesaid for that the Record and Proceedings before recited are Manifestly Erroneous

First — First It is manifestly Erroneous in this, In that there is a Variance between the writ and the Declaration, for the writ says That you take Susanna Ully if she shall be found in