And the said John Nicholls by Robert Ridgely his Attorney comith and Defend: the force and Injury when &c and prayth Liberty to imparle hereunto unto next Provincial Court and it is granted unto him the same day given to ye Plaintiff.

Now Here at this day (to wit) the fourth day of March in the twelfth year of the Dominion of the Right honble Charles Lord Baltimore &c Anno Dni 1681 came the said parties by their Attorneys aforesaid And the said John Nicholls by his said Attorney Saith That the appeale of the said Susanna from the Judgment of the County Court of Baltimore County Given on the fourth day of July 1680 in the Case therein Depending between the said John Nicholls Plt & the said Susanna Ully Defdt was not made and Lodged according to a certaine act of Assembly Enacted at the City of St Marys at a Generall Assembly there held the 20th day of October in the third year of the Dominion of Charles late Lord Baltimore 1669 Entitled an Act for appeales and Requesting writes of Error. Upon that the said Judgment that was appealed from was Given at a County Court held for the said County of Baltimore the fourth day of July in the year 1680 aforesaid. And the said Susanna did not appeale in the said action which the said County Court held for the said County viz the eighth day of September then next ensuing. The said Appellant having slight her hurt to appeale. Nor Remedy can be had therein but by writs of Error. And since the Justices of this Court of Appeals from the County Court can hold plea only by vertue of the said Act of Assembly before recited & by noe other Law whatsoever. The said Appellant Demand Judgt of this Court if the said Appellant having slighted to appeale from the Judgment of the County Court aforesaid to this Court, the day of the Judgment Given Whether she can by the said act of Assembly be admitted to appeale this Court after. And further if this Court the Inquiring the Error by her Assigned in the Judgment aforesaid by the Law can admit the said appeale not being made in due time. And prayth that he may be hence Dismissed with his Costs and Charges in this behalf unjustly sustained.

And thereupon the Record & Proceeds aforesaid to the Rendering the Judgment thereupon and the aforesaid Causes and matters by the aforesaid Plt for Error assigned being found & by the Justices here fully understood & diligently Examined and for that it appeareth to the same Justices that in the Record and Proceeds aforesaid and also in the Rendering the Judgment aforesaid it is manifestly Erred and the said John Nicholls being Solemnly called thereto appeared not by himself or Attorney. It is therefore considered by the Court here that the Judgment aforesaid for the Error in the Record and Proceeds aforesaid be Reversed Annulled and Altogether held for Nothing. And that the said Susanna Ully with all things were by Occasion of the Judgt aforesaid she hath lost be Restored. And that the said Susanna Ully Recover against the said John Nicholls the sum of Fourteene hundred Pounds and Nine pounds of Tobacco for her costs & charges in this behalf laid out and expended.

Peter Ellis & Elizabeth his wife Relict of Wm Palmer
&
Thomas Preston

Memorandum that upon the Eleventh day of November in the fifth year of the Dominion of Charles late Lord in the year of our Lord 1680 Peter Ellis and Elizabeth his wife Relict of William Palmer deceased by Lewellin Llewellyn their Attorney before the Right honble Philip Calvert Esqr Chancellor of this Province of Maryland, and Keeper of the Great Seal of the same Province the said Peter and Elizabeth to be granted to his Lordships Justices of the County Court of Baltimore County to be directed to Require them the said Justices to send before the Lordships Justices of the Provincial Court the Record of the Proceedings and Judgment of the said County Court in a Cause there depending between the said Peter Ellis & Elizabeth his wife Pls as aforesaid Plaintiffs & Thomas Preston Defdt in an action of Trespass upon the Case, and it is granted unto them wth the said writ followeth in these words.

Charles Absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &c To Our Justices of Our County Court of Baltimore County Greeting Because in the Record and Process as also in the Rendering of Judgment before you in Our said County Court again st Peter Ellis and Elizabeth his wife Relict of William Palmer dec in a Cause late there depending between the said Peter & Elizabeth Relict as aforesaid Pls and Thomas Preston Defdt Manifest Error hath happened to the grievous damage of the said Peter & Elizabeth as out of their Complaint we have accepted. The Tenor of the Record and Process of which said Judgment the Three and twentyth day of November before the Justices of Our Provincial Court to be held at Our City of St Marys We have caused to be fully and duly bring writing that the Error (if any be) should in due manner be corrected and full and speedy Justice be done to the said Pls in this behalf. We command you that the Tenor of the Record and Process aforesaid with all things touching the same before Our Justices of Our Provincial Court to be held at Our City of St Marys the Three and twentyth day of February next and you hands and Seales Distinctly and Openly you send that inspection being had of the Record and Proceedings therein We may cause further to be Done what of right and according to the Laws and Constitutions of this Our Province ought to be done therein. The said Three and twentyth day of December aforesaid the Commission of Baltimore County Court aforesaid (to wit) Miles Gibson & Edward Doddle Gentl sendeth to the Justices of the said Provincial Court the Tenor of the Record and Proceedings of the Judgment aforesaid wch follows in these words Viz.

Maryland ss: At a Court held for Baltimore County January the first Anno Dni 1677 & continued the Second Day following Viz wch Court were then Present (viz) George Wales Mr Jno Waterton Mr Henry Hazlewood Esqs John Stansby Mr Miles Gibson Mr John Ireland & Mr Edward Doddle

Which are in the Name of the Right honble the Lord Baron to will and Require you to take Thomas Preston if he be found in your Baliwick and him safe keep so that you have his body at a Court to be held for Baltimore County the first Tuesday in January next Ensuing to answer to Elizabeth Palmer Widow of William Palmer in a plea of Trespass on the Case and have you there this writ. Witness under my hand and Seale this fourth day of December Anno 1677

Entered pr Henry Johnson Clk

To the High Sheriff of Baltimore County or his Deputy:

To the Worshipfull Justices of Baltimore County. The humble Petition of Peter Ellis & Elizabeth his wife late Relict of William Palmer Shewth

That Thomas Preston Stands indebted to him by acct the sum of One thousand & Nine score pounds of tobo as by his acct produced in Court may appeare. Wherefore an Order pr

Wales