of Tobacco hath dayned and Rice doth dayne to the greater damage of them the said Peter and Elizabeth his wife for whose sayd they are Plaintiffs in this sume of three thousand pounds of Tobacco and thereupon they commence their suite

John Thompson appeared for the Defendt the Plaintiffs Attorney by writing by Joyneth issue and prayeth Judgment according to the Judgment of this Court now sitting.

Whereas Peter Ellis and Elizabeth his wife late wife of William Brooke commenced an action against Thomas Preston the said Preston and Ellis Joyneth issue and prayeth Judgment according to the Judgment of this Court then sitting, this Court finding no Issue, Judgment was given by the said Preston wch was granted in Court of Judicature for the Plaintiffs.

Bill of Cost: 184: — Miles Gibson. (Seale) — Vera copia Thomas Hedges Clk.
ex errorings — 169: — Edw: Beale — (Seale)

Wch. day three and twenty:th day of November aforesaid came the said Peter Ellis & his wife by their Attorney aforesaid & says that in the Record and Proceed aforesaid & also in the Rendring the Judgment aforesaid divers manifest Errors in the

Jno. Wch. It appeared by the said Record that the Court were held the fourth day of August 1679 & that the Court was held, & by the Entry of the writ upon Record it appeared to be found out after the Decease of the Court

(2) The Error in that by the said Record in One Plea it appeared that for Court & fine at the Court made and another place only one Fine was passing at the Court Namely Old George Wells:

(3) The Error in that it appeared by the said Record that the defendt was sued upon an action of the case upon an Assumption, and the Defendts plea is that he owed nothing of the accompt whereas the Proceeding was Non Assumpsit.

(4) The Error in that the said Record says that after the Defendt pleaded aforesaid the Pltff was willing to Joyne issue but it doth not appeare wch issue that was nor that any issue was Joyned, but that the Defendt twice put himself upon the Country but what they were to try does not appear by the said Record

(5) The Error in that the said Record says that the Jury found for the Defendt & yet by the same it does not appeare that any Fact was put in Issue to them

(6) The Error in that the Jury found for the Defendt his costs of suite whereas by law the Plaintiff ought to pay any costs before his own costs.

(7) The Error in that it appeares by the Record that after the Jury had found for the Defendt it doth not appeare by the said Record that the Court did give any Judgment for the said Defendt upon the said Verdict nor was any Judgment entered upon the said Record

(8) The Error in that it appeare by the said Record & proceedings that after the Jury had divided & before any Judgment of the said Court given upon the same that there was a New writ Issued forth by order of Court the Defendt had a liberty to prefer a New Declaration filing & the Pltff & Defendt desire the Record willingly Joyne issue & put themselves upon the Court, but yet by the said Record it appeared not what that issue was Yet the Court gave Judgment to the Pltff of suite for the Defendt the Plaintiff being an Plaintiff & as this New matter will the old suite was depending contrary to the maxim Pendente lite nihil moveatur

(9) The Error in that it appeared by the said Record that though Judgment was given against the Plaintiff Yet it was not entered Nihil in every case the Plaintiff or Defendt ought to be in Mercy Capia or cap: mthe: the Defendt entered the first day and enjoyed the Judgment to the action

Wherupon the said Peter and Elizabeth for the Errors and Errors aforesaid pray that the Proceedings aforesaid and Judgments thereupon may be Quashed adnulled and made

Void that they and all things wch by occasion thereof they have Lost may be restored

Wherefore Thomas Preston by Robert Quigly his Attorney cometh and defendeth the force and injury when &c and prayeth leave to imparle hereunto until next Provincial Court and it is granted unto him the same Day is given to the Plaintiffs Attorney

Wch. day (to wit) the seventh day of March in the Twentyth year of the Dominion of Lord Charles the second Lord Baron of Baltimore &c Anno Dom. 1681 came the Plaintiffs by their Attorney aforesaid. And the said Thomas Preston by his said Attorney prayed the Hearing of the Record and Proceed also of the Errors aforesaid & they are read unto him & being heard and heard the said Thomas Preston saith that in the Record and Proceed aforesaid made in the Giving of Judgment aforesaid there is no thing Erroneous & prayed that the Pltffs here Proceed & will to the Examination of the Record & the Proceed as the Errors aforesaid for Errors alledged & that the Judgment aforesaid in all things may be affirmed

And hereupon the Record and Proceed aforesaid to the Rendring the Judgment hereupon & the aforesaid causes and matters by the aforesaid Plaintiffs for Errors assigned, and the defendants thereunto being seene and heard, and by the Justices here fully due considered and diligently Examined, And for that it appeareth to the same Justices that in the Record and Proceed aforesaid & the Rendring the Judgment aforesaid divers manifest Errors were Committed It is considered by the Court here that the Judgment aforesaid for the Errors in the Record Proceed and Proceedings aforesaid be revoked adnulled and altogether held for Nothing, & that the said Peter Ellis & Elizabeth his wife Have & as aforesaid unto all things wch they by occasion of the Judgment aforesaid have lost be restored, And that the said Peter Ellis and Elizabeth his wife Recover against the said Thomas Preston the sume of two thousand Nine hundred Eighty & three pounds of Tobacco for their costs and charges in this behalf Laid out and expended &c.

Thomas Tasker agt John Browne } In Chancery March 9:th 1681

The Defendt moved the Court here that whereas there was an Injunction formerly granted in this Court & the same accordingly issued being directed to Robert Brooke heire of Elizabeth Brooke daughter and heire of William Thompson deceased & Thomas Foxden his Guardian to stop the Proceedings at Common Law in this Court unless the said Plaintiffs should put in his answer to the Defendts bill of Compt. and this Court give further order to the Contrary, but because the said Brooke name was mistaken in the said Injunction and likewise in the Defendts bill of Compt. (to wit) Robert, in stead of William) the said Plaintiffs refuse to answer thereunto, Whereupon the said Defendt prayed leave to amend his said bill by putting in (Wm Brooke) in stead of (Robert) & that another Injunction may issue to the said Williams Brooke and Thomas Foxden their Attorneys to desist to stop the Proceedings at the Common Law in this Court unless they have put in their answer to the said bill of Complaint and this Court give further order to the Contrary and it is granted by the Court here & this Court continue unto next Court the said Defendt paying to the Plaintiffs Thirteen shillings and foure pence costs of suite for the same

John Rousby agt Joseph Sparrow } Joseph Sparrow late of Lancaster County was arrested to answer unto John Rousby of a plea of the peace of the peace.

And Whereupon the sew John Rousby in his proposition saith That whereas by an act of Assembly made at the City of St Maryes begun and held the fifteenth day of May in the yeare of our Lord 1676 yet standeth Enacted by the authority of this said Assembly amongst other things That for the better discovery of runaways any person or persons which should within this Province travelling out of this Country where he shee or they shee lives or resides without a pass under the seale of the said County for wch they are to pay tenn pounds of tobacco or one shilling in Money such person or persons if apprehended not being sufficiently Known or able to give a good accompt of himself