verdict aforesaid for the Reasons aforesaid by him shewn but ought
verdict aforesaid ought to be held for nought and to be allowed, &c.
Reasons enacted &c.
John Sunderland plt
Robert Lobb deft

Replication

And the said John Sunderland says that for any thing in the pretended
Reasons before alledged, the said verdict aforesaid ought not to be
staied, &c. and he says that if the Declaration aforesaid be not
sufficient but to maintain the action aforesaid, the deft ought to have
demurred to the plts Declaration and had his judgment thereupon
which he hath not done but hath pleaded to issue and put himself
upon the Country aforesaid, &c.

James Crawford
John Sunderland plt
Robert Lobb deft

Short entry reply to Sunderlands answer to Lobbs Reasons of error
& rejoinder thereto & verdict thereupon & judgment upon demurrer
Hunt Chief Justice

And the said John Lobb saith that wee the pltf in the Declaration aforesaid
in sufficient in matter of forme such Declaration the said John Lobb
ought not to have answered thereunto & thereby the said John Lobb
hath lost the advantage of
demurring & judgment to be given for him as by law it should
& for error assigned & insufficiency of the said Declaration aforesaid
by the said John Lobb the now plt/ reasons for reversing of the
judgment and matters of substance which are not helped by any
law or statute after verdict in the first place the said John Lobb says
that he was not enjoyned by law to demur thereunto but that
he might take advantage thereof upon the pleading &c.
Also for error in the Record & proceedings aforesaid in this
honble Court & for that the opinion of this Court upon
consideration of the premisses & the opinion of this Court
was and is that the Reasons exhibited by the said John Lobb are not
sufficient to stay the giving and entring of the judgment upon the
verdict aforesaid & the giving and entring of the judgment upon the
verdict aforesaid was thereupon by this Court here ordered that the said John Sunderland should recover against the said
John Lobb deft the aforesaid sum of three thousand pounds
of the debts & damages aforesaid & also his costs & charges by him
about his prosecuting his said suite &
Then came the aforesaid John Lobb by Virgill Causey his Attorney
and appealed to this provinciall Court and for his prosecution
produced Virgill Littleton who in open Court acknowledged
the Recognizance following (viz.t)
Memorandum Littleton of Calvert County doth acknowledge himself bound
unto John Sunderland in the full sume of three thousand pounds
of Tobacco to be levyed on his goods and chattells land & tenements
& and for want of such goods & chattells land & tenements
the Condition of this Recognizance is such that if the aforenamed
John Lobb shall at this provincial Court now next ensuing pursue his
distresse of an Act of Assembly in this province entituled an Act of
Assembly for appeales and Regulating writts of Error according to the rules of
the said provinciall Court and prosecute his said appeale with effect
& shall also satisfy and pay unto the said John Sunderland his Attorney
executors & admrs assignes (in case the judgment in question against
the said John Lobb be affirmed) all such debts damages costs & charges by
the aforesaid judgment & also all costs and damages that shall be
awarded by this provinciall Court for the delaying of execution then
this Recognizance shall be voyd and of none effect or else to remain
in full force power and vertue

Test Copia Test: Kellett Dep.t Clk

And the said John Sunderland by George Pearle his Attorney comes &
defends the force and injury when &c. and craves that Sunderland may be
provinciall Court did direct & award unto him and the same day is given to
the plt &c.

Memorandum that at a provinciall Court held at St Maryes
Mariland the fifteenth day of May in the yeare of our Lord 1683

before the Right Worshipfull Thomas Notley Esqr Chief Justice of this Province & the rest of his Lordships Justices of the said Court upon the Docket by Robert Carvile his
Attorney and Robert Lobb is to this Court here a certain Exemplification of a Record of Calvert
County Court in a cause there depending between John Sunderland plt and the said Mr
Lobb deft of a plea of Trespasse &c. The tenor of which Record followeth in
manner &c.

On which said day & year & place came the said John Lobb by his said
Attorney and according to the direction of the Act of Assembly in that case made and provided the said
Act for appeales and Regulating writts of Error offers to the Court here for
reasons and causes of Error in the said John Lobbs appealing from the judgment of the
said County Court of Calvert County for that the Record and proceedings and judgment
before & therein and in manifold other wayes erroneous —

1.st Which said reasons & assignments of Error the said John Lobb craves leave to shew & have allowed before
this Court & offers and gives to the said John Sunderland & the said County Court of Calvert County
sufficient matter in law wherefore & for which the judgment of the said County Court
of Calvert County upon the verdict aforesaid and the verdict aforesaid to be avoided
Yet the Justices of the said County Court of Calvert County have (contrary to law) &c.
(reasons aforesaid notwithstanding) given judgment for the plt whereas they
ought to have given judgment for the deft Wherefore &c Error —

2.dly And the said John Lobb in the said Record doth say that there is not any time nor place laid in the
Declaration when the demand of the said 32£ 10s Sterling was made of the
deft which ought precisely to be set forth and the saying hereafter (viz.t) after
demanded) is not sufficient for by an Act of Assembly made at a session of
Generall Assembly begun & held at the City of St. Maries the 6.th day of August
1676. Entituled an Act for preventing vexations and unnecessary suits at law
now still in force &c it is amongst other things Enacted That from and after the 20.th
day of December then next no person or persons whatsoever shall for any debt due or owing by
accompt upon book or otherwise and for which the said debtor hath not past his hand
and seale to such his Creditor shall sue or implead at law such debtor for any such
debt contracted as aforesaid, unless he shall first demand or require the said
debt in the County where he shall then inhabit if at his habitation and
if not there by leaving a note under the hand of such Creditor or their servt shall em-
power to receive the same & not demanded to the end the same shall be paid
and if refused upon the said demand not paid accordingly then it shall & may be
lawfull for the said Creditor to sue and implead such his debtor for his said
debt and to recover against him all such costs & damages as upon a legall tryall
in any Court of this province shall be adjudged against him the said
person shall sue or implead any such his debtor as aforesaid contrary to
this Act the said plt shall loose all his costs of suite & be liable & obliged to satisfy all such
damages as shall accrue unto the said debtor by such his vexatious and
unjust suite at law By which it doth appear that the said plt ought to be barred
of a pretended demand laid in the Declaration The said Record in the
said County Court being begun after the commencement of the said Act and so the
said County Court being regulated is not sufficient and this said verdict
and all words & matter in any respect is not sufficient and this said verdict
to be avoided and for that omission & uncertainty in the said Declaration in further
bibicio and Erroneous and the verdict without proof of the demand bad
in law —

3.dly And the said John Lobb further saith in the said Record aforesaid it is not mentioned
that the said Jury upon their oaths do say this Jury finde for the plt which is also
Error —

And also upon the said John Lobbs saith that in the Record aforesaid & proceedings
and also in the rendring of judgment aforesaid it is manifestly erroneous
in the generall Record in formes aforesaid alledged and that the
judgment aforesaid may be reversed annulled & utterly for naught and
held to all things touching formation of the premisses be held & esteemed
And that the said John Sunderland the said Error may discover

Ro: Carvile

And the said John Sunderland by George Pearle his Attorney saith that by
any thing above by the plt in his Replication alledged the judgment of the
County Court ought not to be reversed annulled & utterly for naught but

Geo: Parker
Court