Generally of this Province at Severall Sittings in the Years aforesaid in Severall
months specifically Named that is to say in September November January March June for
the Orphans and August see that June Court is not for Tryall of any things but what
Orphans and is not Tryall to Jury and being Fairs for Ingrossing the
Grand Jury for the Body of this County let Great Fines or if Needed to Arraign Non
and Trye them and give Judgement against any Criminall at that Court proceedings
at the Court as aforesaid Story is as Cram Non Judice and not warranted by Law

2: Hanny Cecilment had Been Legally Brought before Thomas that Court or indeed at any
other Court within Criminalls and Lately and when the proceeds goes out to Summon any
Jurors to Cind out of all parts of this County and Especially the Court for is that a Jury Fairs
Jurors on Lagains the Plye that he may have Convenient Notice and time to provide for
his Tryall which was not done but he Justices to Accept of such Jurors Non
any Jury Non Inquirendis and on and the Same day when the said Court to proceed to Judgment
is Erronious and against Law

3: The Defendant had no matter to plead to the Indictment and Judicement as that is properly
of the Tobacco supposed to be Pilferion Stolen and Conveyed away was in time and had to Ha
Ordinance to make his Defence Witness have proved the same for could not be Strong or Pilfering
in Key because it could not said Late Stole Animo Furandi his Claiming a property in the
said Tobacco and he ought to have been admitted to his Favors of the Judicement and
meane time Stil to Bayle and not Force Orphans to plead if Jury Non Culp: e
Tryall of the property was Moved in Arrest of Judgement and Overruled and the Most
could be made of the Matter Could be but no pass for which the Tryall had Other Bone
dye Thanby Judicment on the Bill to get Fair Jury which is Erronious and against Law

4: It doth not appear who were of the Grand Jury only the Record mentions the Saver
Foreman but who the rest were or what number there were of them is all wrong the mere
laid out of any Plaints Venire Jurors and pannell returned by the Sheriff as by Law
against to be which is Error

5: The Petit Jury indeed as appeared by the Transcript Found the Defendant Guilty but
have not added the Damages for the two hogsheads of Tobacco and brought it Delays in
the Judicment Nine hundred thirty two pounds of Tobacco yet the Jury ought to have
valued the Same on their oaths for that time might be the Gross weight out of Each
of which had Ninety two pounds of Tare or that comes to and hundred eighty and four
of Tobacco which Quadrupled comes to seven hundred thirty and four lbs of Tobacco
then the Judgement Given by the Court and the Two says that Judges may Ratify Da
mages Thereby but the Jury ought first to have Inquired of the Damages and then
the Same and then the Court might have Ratified the Jury to Wrong upon the Sheriff with the
Judgement Ratified is Erronious and void in Law

Now which reasons and others in the Transcript Also the said Thomas Lewis prays
the said Judicment and Judgement thereupon may be Quashed Set aside
and reversed and that he to all things therein sustained may be restored

Now here at this day to wit the Eighth day of September Anno Domini 1695 came
the said Thomas Lewis by Samuel Wathkins his Attorney and the said Willi am Ewell all by
John Deul his Attorney and the Record and proceedings of the County Court aforesaid
being given and Heard and by the Court fully understood It is considered by
the Court that the Reasons Also and Sufficient in Law to reverse the Judgement
aforesaid that the Judgement of the County Court be Given Also be reversed Stayed
and Stand for Nonest and that the said Thomas Lewis to all things that Hereby his Right
Sustained be restored

Henry Lane
ayt
Brents ady

Reasons for the plaintiffs appeal to the Justices of the Provincial Court from
the Judgement of the Justices of Prince George's County

The plaintiff in the Month of July 1695 did bring his Action on the Case against Brents
in Calvert County Court in which County all the parties then lived whereupon to the third
Tuesday in March following at which time the Defendants by their Attorney appeared
and imparled to the next Court and the plaintiff did then file his Declaration by the
said Name whereby sets to the value of Eighteen hundred pounds of Tobacco which he
promised to return again in as good condition as he received them which he will
sets the Defendants Prince Mariage have not done to the Damage of 3600 lbs of
Tobacco but before any plea put in the County were Devided and that part of
Calvert County where the Defendant lives happened to fall into Prince George County
and the other part where the plaintiff lives happened to fall into Saint Marys County and
most of the witnesses that could prove the plaintiffs Action are resident in St Marys
County whereupon the Defendants got the transcript of the Record removed to Prince
George's County and there in that County they would not Answer the plaintiffs
Action and there pleaded Non Assumpsit and put themselves upon the Country and
the Justices of Prince George's County Court took upon them the Judging of and upon
the writt Declaration and the Case as begun in Calvert County as aforesaid Never duly
brought or removed thereto and ordered the plaintiff to joyne Issue or Suffer a
Nonsuit whereupon Mr William Bladen the Attorney of that Court being employed
by Samuell Wathkins in Several other Cases the said Wathkins was employed in the
Calvert County appeared also for the plaintiff and joyned Issue on that plea on the
Country also whereas the Justices of the said Prince George's County Court have no Power
or Jurisdiction over the plaintiff or his Cause and so could not receive nor try any
Issue in that County joyned on the Original in the Court of Calvert County so that
the Matter before them was Cram non Judice and they could take not Cognizance
thereof or give any Rule therein so that all their proceedings therein is Erronious and void in Law for which reasons the prays the Judgment may be Quashed

2: The Matter of Fact is about the Hand of a horse to be returned Safe against the horse
by over Riding or proving the horse through Swamps or overloading dyed so
the Assumption broken in not returning them Safe against the Fact was in
Calvert County then now in St Marys County and from one of those places the