read and fully by the Court here understood and diligently Examined into
for yt it appeares that In the record and proceedings aft and also in
the ensuing the Judg: aft by the Justices of Somerset County Court
It is Manifestly Erred If it is considered by the Court here this day and
year last Mentioned yt the said Judg: Ought as aft to be Set aside
Annulled and held for none and yt the said John Browne and Alexander
Browne to ake yt by occasion of the same Judg: they have Left
May be restored (they the said John and Alexander Browne paying their
fees &c)

Richard Tull
William Wellington } In Obedience to a Scilanie Writt of Error To the
Justices of Somerset County Directed for yt Searching
of Errors in a Scilanie Judg: by William Wellington
against Richard Tulle in Somerset County Court the
Judges have transmitted the record and proceedings Here
upon w[hich] follows viz:

Att a Court of Judicature held for Somerset County On the province
of Maryland by his Majties Justices Here mto appointed the Five
twenty first day of July anno Dni one thousand Seven hundred Ninety
present Mr. John Boyman Mr. James Dashield Mr. Charles Ballard
Mr. John Stevens Esq:

Somerset County ss: Richard Tulle Goaler of Somerset County prison
was attached to answer unto William Wellington gent one Sher of Somerset
County of an action upon the Case &c: and whereupon the said William
by Samuel Worlington his Atty Sworn yt whereas the said Richard Tulle
in yt year of our Lord 1698 was keeper of Somerset County prison
under him the said William and did undertake to keep such prisoners
as was Committed to the said Gaol by any order of Court or any other precept
or writing forth of the said Court for the Release of ten pounds of Tobacco
& Stem for every person yt he should receive into the said Gaol &c
and yt he would keep the said William his heirs &c: indemnified from
the losses which should be made out of the said Gaol whence
the Prisoner or Servant on the said Richard on the Second day of
May Anno Dni 1698 having received into the said Gaol at Rebecca
Ann John Popewell who was prisoner to the said Popewell by
Virtue of a Writt of Capias ad Satisfaciendum directed to the
Sher William the then present Sher upon a Judg: obtained out of Somerset
County Court for yt Sume of Three thousand Seven hundred twenty
three pounds of Tobacco to George Layfield of the County aft Sheriff the
the said Richard knowing the said John Popewell in the County aft

as by his receipt appeares by his negligent keeping suffered the said John Popewell
to make his escape out of the said prison — By which Means the said George Layfield
hath brought his action against William Wellington as aforesaid for
yt sume of two thousand eight hundred and twenty three pounds of Tobacco
which the said William saith he is damnified Besides two hundred and Seventy
pounds of Tobacco for his fees of the said Execution and the costs of Suit
Contended by said Layfield for which he saith he hath damage to the value
of Seven Thousand pounds of Tobacco and thereupon he brings this Suit &c:

Pledges Mr. John Doe Richd Roe

And yt Defendant by William Boyman his Atty comes and Defends the force
and Injury when &c: and for plea saith yt the plaint against him his action
ought not to have for yt he saith the said Richard Tulle was not obliged to keep
any prisoner but what he did was only out of Courtesie and saith he did not
assume &c Curia Boyman Dept

And the plaint for reply saith yt what he has declared against the Deft
is Just and yt the Defendant had the Men in Custody as Gaoler upon a consid-
eration allowed him by the plaint for yt safe keeping the prisoners —
&c Curia Wellington &c plaint

The Allegations on both Sides duly weighed and considered by the Court
Therefore it is ordered by the Court that the plaint recover against the Deft
as aft the Sume of three thousand and Seventy three pounds of Tobacco
in the Bond Mentioned as also yt Sume of three hundred and Seven pds
of Tobacco more for his Cost and Charges in this behalf laid out and expended
and the Defendt in Mercy — Vera Copia Geo: Gent Clk

And the said Richard by Jacob Lequier his Atty comes and Sues before
the honourable his Majties Justices of the provincial Court and saith yt in
the record and proceedings aft and also in the ensuing Judg: aft it is Manifest
Erred in that — First that in the said Wellington Suit it is not alledged
in what time in the year of our Lord 1698 the said Tulle was keeper of Somer-
set County prison 2dly It is not alledged at what place Somerset County
prison was in yt year 1698 and when in yt year 3. it is alledged Tulle
did undertake to keep yt prison & such prisoners as was Committed and doth
not show yt the prisoner in question was there Committed — 4th It is not
alledged yt the said Popewell in the Declaration Mentioned was Committed
to the said Goale by order of Court or any other precept whatsoever or
writing issuing out of the said Court — 5th It is not alledged yt Richard
Tulle did receive the said Consideration for which the said Tulle was
(as it is said) to indemnify the said Wellington 6: It is not Sayd for
What the said George Layfield obtained the said Judg: against Popewell
and when as it ought to have been for Certainly set forth —
7th It is said George Layfield brought his action against William
Wellington as quondam Sher but not that he recovered any thing
against him — 8th There is no sort of Issue Joyned at all for this Issue ought
to Consist of direct affirmative and negative — 9th The Court has given damages
without