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Harbour within the Jurisdiction of this Court the said Richard Jeromes Being a freeman on board of the ship the said Ramalus Smith Master did take and detaine Richard Jeromes not having given Bond according to Law of the intended departure out of this province by Setting upon the Shipp office the full Space of three months one good and Sufficient Surety to the Governr. Deputy of the great Seale or Secretary to discharge and pay all the debts and accounts due Owing from the said Richard Jeromes to any the inhabitants of this province thereby having not the Cattle to Invite him to the great damage of the said plaintiff and against the forme of the act of Assembly in that behalfe made and provided whereupon the said Richard Jeromes out of this province as aforesaid not returning within the time limited according to the true intent of the act of Assembly aforesaid the said plaintiff to have and require of the said Ramalus Smith the afore Summe of three thousand Six hundred and twelve pounds of tobacco together with their damages &c. And thereupon they bring their Suit, Whereupon the said Ramalus Smith and the said Defendant by William Dorsey their Attorney Charles Marshall &c. } Comes and Defends the force and Injury when &c. And for Plea Say that the plaintiffs their action against him the said Defendant ought not to have and maintaine for that the said Defendt. Saith that he was not obliged by the act of Assembly in that behalfe to pay the said Summe of three thousand Six hundred and twelve pounds of tobacco in said plaintiffs Bill Mentioned at the time when &c. and where &c. Ready to Averr and prove Wherefore he prays Judgt. for him to be adjudged to him by this Court &c. Charles Marshall &c. And the said plaintiff by their Attorney for Replication Ramalus Smith } Saith that the said plea of the said Defendant in manner and forme as the same is pleaded and the matter therein Contained in him Sufficient in Law to Law the said plaintiff to Maintaine their Action aforesaid and that the said plea in manner and forme as the same is pleaded Hath no warrant by the Laws of this Land is bound to answer and the Defendant ready to verify and thereupon prays Judgt. for their debt and damages to be adjudged unto them &c. Simple the said Defendant in his plea aforesaid Saith that the plaintiff ought not to have and maintaine their action &c. because the said Defendant by the act aforesaid is not obliged &c. in such plea as is alleadged insufficient and uncertaine to be Grate for and no answer to the plaintiffs Bill for the said Defendt in his plea aforesaid hath not taken any Issue nor any thing alleadged to be taken &c. Wherefore the said Demurr Joyned Leave &c.

The which said plea and Demurr being read allowed and fully understood and by the Court Mature[ly] deliberated and it is considered by this Court that the said plea of the said Defendant is not Sufficient to Debarr the plaintiffs from

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having their action &c. as is aforesaid and the said Demurr of the said plaintiffs to the plea of the said Defendant is held good and it is therefore further considered by this said Court that the said Charles Marshall and Anne his wife recover against the said Ramalus Smith as well the Summe of three thousand Six hundred and twelve pounds of tobacco the Debt for Damages in the Declaration Mentioned as also the Summe of three hundred and fifty three pounds of tobacco for their Costs of Suit and the Defendt. in Mercy &c.

Whereupon Comes the said Ramalus Smith and appealed from the Judgt. of this Court to the next provll. Court which is granted and he giving Security according to Law Whereupon comes the said Ramalus Smith with William Hare and Johathan Lloyd his Sureties and became bound for the said Ramalus Smith according to Act as by the Bond may more fully appear filed in this Court

Vera Copia Quarterly Court Clerk

And the said Ramalus Smith by William Dorsey his Attorney aforesaid comes into this Court here the following Errors and Reasons in Appeale from the Judgt. aforegiven as hereinafter

1 The Returne of the Sheriff upon the writt is not Sufficient to the writt as to the returne thereof in Album Essex

2. The plaintiffs Attorney appeares by the record to appeare and Imparls for the Defendant and yt. without Warrant

3: Whereas it is Impertinent and Vicious for it doth not set forth the manner of the act of Assembly by which Continuance in force right in that yt. prosecution is founded

4. The plaintiffs by their writt have Demanded a greater quantity of tobacco than ever due to them from Jerome and this appears by their own Showing

5: The plaintiffs have not in their Declaration set forth how and in what Manner and when Jerome became indebted to them nor have they averred yt. Jerome did not pay their debt to themselves the Creditors or to their Attorney

6: The plaintiffs have not averred in their Declaration yt. the said Jerome was an inhabitant and did not before his departure out of this province procure a pass &c.

7. The Court have given Judgt. against the Defendt. absolutely yt. the said Defendt. ought to have Answered they ought to have awarded the Defendt. to answer over

8: The Court have given Judgt. against the Defendt. for more than their debt &c.

9 The Court have given Judgt. for the plaintiffe to recover when their proper Evidence does not Entitle them to recover but proves the contrary

for all which Errors and Diversities of Errors as well in the record and proceedings as in the proceeding and rendring of the said Judgt. aforesaid the said Defendt. prayeth that the said Judgt. given against him in the County Court may be reversed and set aside and he to be restored to all that he hath lost thereby May be reversed and the said Charles Marshall &c. having heard the record & proceedings aforesaid and also the Judgt. aforesaid and the Matter & Errors & Reasons of Appeale assigned &c.

all