upon the Errors this Court &c. Worshipp long & fully got the Defendant & William Thomson his Atty comes and defends the Force and Injury when &c. And saith that the said William Carlile in his life time was not indebted unto the said Alexander Kellers in his life time in manner and form as declared and further saith that there is debts from England of a greater dignity which if they be recovered they will not be assets there will not be assets in his hands wherewith to satisfy the sums of pounds for which he pulls himself upon the Court. Issue mon for Defend.

And the Plaintiff for replye puts himself upon the Court for his pleade

Worshipp long pleaded

The Allegations on both parties being duly weighed and fully understood by the Court there do therefore considered that the Plaintiff recover against the Defendant Assets the sum of nine pounds fifteen shillings from the Debt in the Declaration mentioned as also the sum of three hundred & twenty pounds of tobacco cost and Charges in this behalf laid out and expended and the Deft in Mercy &c.

And now this day to wit this twenty seventh day of April Anno Dni 1703 comes the said Alexander Carlile by his Atty unto the Major his provincial Court here and says that in the record and proceedings aforesaid and also in the rendering of Judgt. Whereupon it is manifestly erred

First of all to wit, in this that there is neither day nor month
1 certain when the supposed Debt began or commenced both which are necessary to be precisely alledged in the Decl.

moreover it is erred in this that the said Hugh hath
2 not alledged himself to be adm. in the Decl nor that the over Administration was committed to him which is absolutely necessary to be shewn to maintain the action

and also in this that he hath not concluded with a profert
3 hic in Curia &c. as ought to have been done

There is no Issue joined without which no pleade could be tryed &c.

The Court have determined and Judged Matter of fact without a

(Jury

Apr. 1703 Apr. 1703

Lastly the Plaintiff Hamus and Hegalle and the said Alexander
prays the writ of Error may issue to forbear make answer unto the said
Hugh Thomson of being here before the Majesties Justices here to hear
the record and process aforesaid and it is granted him wherefore we command it
given the 15th of Octobr 1703 Lastly that by good and lawfull men of this
Bailiwick he make known unto the said Hugh Thomson in his office capacity
that he be and appears before the Majesties of the provincial Court
held at Annapolis the last tuesday in September next to hear the record
proceedings &c. The same day is given the said Alexander Carlile and
at also, at which last tuesday being the twenty eighth day of the Sept.
month the comes the said Alexander Carlile by his Atty and the said Hugh
Thomson that by virtue of the aforesaid writ to him directed he has made
known unto the said Hugh Thomson that he should bind appears as be-
him it was commanded to hear the record and process aforesaid

good and lawfull men &c.

Which said Hugh Thomson alledg. to him it has been so made known plainly
called the same day and yeare comes not, whereupon the said Alexr. by his
Atty as before saith that in the record and process aforesaid and also in
the rendering of Judgment aforesaid is manifestly three allegedge
Errors which he before he hath alledged in manner and form afore-
said prays that the Judg. aforesaid for the Errors aforesaid in the record and
process aforesaid being may be reversed annulled and altogether held for
none and that he be also restored to all things as he was before he was posed may be
restored &c. And because the Court here is not yet advised of their Judg.
and upon the premises day is given unto the said Alexander in the
Plea to hear in now, until next Court to hear their judgment &c.
At which said next Court to wit this fifteenth day of May Anno Dni
1704 comes the said Alexander by his Atty aforesaid and for that the Court here
is not yet advised of their Judg. of and upon the premises day is
given unto the said Hugh Alexander until next Court to hear
their judgment for if the said Court yet is not &c. At which
said next Court to wit this twelfth day of October anno Dni 1704 comes
against the said Alexander by his aforesaid Attorney and for that the
Court here is not yet advised the day is given unto the said defendant
as afore until next Court; at which said next Court to wit this twenty
fourth day of April Anno Dom 1705 comes against the said Alexander
by his Atty aforesaid Whereupon the record and process aforesaid as well as the
Errors afore alegd. & Pleaded being by the Court here seen and fully understood &c.

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