Taylor Thomas Downes William Covey Daniel Anderson who being sworn
the Jurors impanelled to try the Issue joyned between the parties
aforesaid do say upon their Oaths that they find for the plaintiffs
Therefore it is considered by the Court here that the said John Purves and Company recover against the
said Arthur Mcbally as well the sum of Nine hundred and forty
five pounds of Tobacco but his Debt aforesaid as also the sum of five
hundred and nine pounds of Tobacco for the costs and charges
in money by him sustained by reason of the said Judgment so given as aforesaid
Whereupon the said Arthur
by his said Attorney aforesaid prayeth that he may have liberty to appeal
from the order of process in this Court which is to him granted he giving
security according to Law to prosecute with Effect which he doth accordingly
And now here this day towit the twelfth day of October Anno
Domini Sixteen hundred and four Comes the said Arthur Mcbally by Ga-
lin Mayhew Justice of the Provincial Court here by William Ridout his
Attorney and Saith that in the Record and Proceedings aforesaid also in the
rendering of Judgment thereupon it is manifestly Error Fir: 2 for that
it does not appear the Defendant was brought into Court by any legal
process there being no process awarded to the said Sheriff or any return
by him of such.
2dly The plaintiffs having any certain Issue of the Defendants after imparlance
no regular Issue could be made up for the Jury to try where the af-
firmation made no Plea was the Issue in fact Joyned upon but by
the Court by
3dly Domus Proven by signing the Quorum Vobis Cognitum Lords Proved was not
sufficient Evidence for the Jury to find for the plaintiff unless he had
made Oath thereof or otherwise
4thly The Venire awarded by the Court was never returned by the Sheriff
for all certain Lands lead many more in the record and proceedings aforesaid
and rendering the Judgment aforesaid the said Arthur prays the Judgment of
the Court here and that the Judgment so given as aforesaid against him
may be set aside and he to alter the Order thereby made may be restored &c
also that the said John Purves and Company to the Errors aforesaid may answer
And thereupon the said John Purves and Company by George Slaughter
his Attorney the same day and year Comes in the other Court here before
the said Justices and Saith that in the record and proceedings aforesaid and
also in the rendering of Judgment aforesaid there is nothing erroneous and therefore
(they

pray the Judgment of this Court here and that the said Error assigned may be
also thereupon Cancelled &c
Whereupon for that this Court here is not advised of its Judgment to be given to the
said Errors but desires time to consider thereof the said Plaintiffs in Error
pray Judgment for that the said Court yet is not &c
It is Ordered that the said Court here do Affirm the Judgment of Appeals Anno Domini
Sixteen hundred and four in the said parties by their Attorneys aforesaid
record and process aforesaid and the Matters above for Errors assigned being by the
said Court here fully heard and seen and understood and matter doubtful alone being
thereupon had It is Considered by the Court here that the said Judgment of Dorchester
County Court aforesaid be affirmed to stand in full force and effect and
also in the rendering Judgment thereon it is Ordered and Adjudged that the said
be in all things affirmed and stand in its full force and effect the
Matters above for Errors assigned in any wise notwithstanding and also that
the said John Purves and Company recover against the said Arthur Mcbally the
Sum of
Costs by adjudged unto him for his Costs by him sustained and
pounds of Tobacco by him
ed by occasion of the Delay of Execution of the Judgment aforesaid by prosecuting the Appeals aforesaid
Thomas of Equition &c — And afterwards upon
Pa.
David Macall —
John Purves and Company } This Inquisition of Dorchester County from Hugh Coker Esqr
Justices of the Provincial Court here the following
Record viz:
At a Court held on behalf of the Right Hon.ble his Majesties Justices and Commissioners of the Peace
for the County of Dorchester the Eleventh day of March Anno Dni 1703
Present the Worshipfull Col.o Thomas Ennalls Esqr Col.o Jacob Lockerman
Mr. Walter Camp Coll. Maj.r John Taylor Mr. Joseph Ennalls Mr. Richard Anderson
Mr. John Thomas —
Forasmuch as David Macall of the aforesaid County was attached to answer
unto John Purves and Company of London of a plea of trespass for
the Case and thereupon the said John Purves and Company by
John Hook their Attorney complains and Saith that whereas the said
David Macall at Dorchester County in their the Jurisdiction of
this Court the 21st day of October Anno Domini 1699 stood and
justly indebted by accompt unto the said John Purves and Company
in the sum and just sum of two thousand nine hundred and seven
Eight pounds of Tobacco in Coming for Goods wares and merch
(andises