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Of the Same Court by our Writt Between Wm Herbert Plt and Joseph Manning Deft Manifest Error it is sayed has happened to the Great Damage of the said Joseph Manning as of his Complaynt we have Received wee being Willing that the Error if any there be should in Due Manner be Corrected and full and Speedy Justice Done to Each of the said parties in this Behalf Command You that if Judgmt be thereof Rendered then the Record and Process afsd wth all things thereunto relateing under your Seales Distinctly and openly you Send and this Writt So that wee may have the Same before the Justices of our Provinciale Court to be held at the City of Annapolis the first Tuesday of October next that the Record and Process afsd being inspected wee may further doe therein for the Correcting that Error what of Right according to the Lawes & Customes of our Kingdom of Great Brittain and this Our Province of Maryland ought to be Done Witness Our Selfe at the City of Annapolis this 20th Day of July in the tenth year of our Reigne Annoq Domi 1711 (Daniel Dulany) (Thomas Bordley) Robert Halley in Chancery

Upon the Reading of said Writt it was then Ordered that the Clerk make a Record & transcript of the whole Proceeding and Send the Same wth the Writt afsd to the said Provinciale Court under the Seale of the said Court the Day in the Same Contained as they are Commanded Whereupon the said Action was Respitted here between the Parties afsd in the Condition it now Stands untill the next Court to be held here on the 13th Day of Novr Next to here their Judgmt of and upon the Error afsd by the Justices of the Error therein to be Given &c. at wch day to witt on the 13th day of Novr Came the parties afsd by the Attys afsd and the said Action was further respitted between the parties untill the next Court to be held here on the 16th Day of March next because the Justices heare there of not yett &c.

At wch day to witt the said 11th Day of March Came the parties afsd by their Attorneys afsd and the said Action was further Respitted untill the next Court to be held here on the tenth Day of June next because the Justices here heare there of not yett at wch day to witt the 10th day of June Came the parties afsd by their Attys afsd and the said Action was Respitted untill the next Court to be held here on the 12th day of Augt because the Justices here heare there of not yett at which day to witt on the said 12th day of Augt Came the parties afsd by their Attorneys afsd and the Action was further respitted between the parties afsd here &c. untill the next Court to be held here on the 11th day of Novr next because the Justices here hear thereof not yett at wch day to witt on the said 11th day of Novr Came the parties aforesaid by their Attorneys afsd and the sd Action was further Respitted between the parties untill the next Court to be held here on the 10th day of March next because the Justices here hear thereof not yett at wch day to witt the said 10th day of March Came the parties afsd by their Attorneys afsd and the said Action was further Respitted between the parties afsd here &c. untill the next Court to be held here on the 9th day of June next because the Justices here heare thereof not yett at wch day to witt on the said 9th day of June Came as well the said Joseph Manning as the said Wm Herbert by their Attorneys afsd as before it was Commanded; the Sheriffe that by the Oath of Honest & Lawfull men of said County of Charles he (Deligently)

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Deligently Enquire what Damages the afsd Wm Herbert hath Sustained as well by Occasion of the Premisses as for his Costs and Charges by him about his Suit Laid Out and Expended and the Inquisition which &c. Hold the said Sherr make Appear here at the next Court to be held here on the 11th day of Augt under the Seale &c. and the Seales &c. at which Day to witt on the 11th Day of Augt Came the said Wm Herbert by by his Attorney afsd and the Sherr Deputy of the Dont Court now Certifye here a Certain Inquisition before him at Charles Towne the 27th Day of July past by the Oaths of Twelve &c. Taken by wch it Appeareth that the afsd Wm Herbert hath Sustained by Occasion of the Premisses above his Expences and Costs by him about his Suit and Defense Expended to One thousand Seven Hundred & Six pounds of tobacco

Whereupon the Premisses being Seen and by the Justices fully Understood and Mature Deliberated It is Considered by the Court there that the said Wm Herbert do Recover agt the said Joseph Manning his Damages by Occasion of the Premisses One thousand Seven hundred and Six pounds of tobacco by the Inquisition afsd Informed afsd and also the Summe of Eight hundred thirty and Six pounds of tobacco by the Discretion of the Justices here of his Assent for his Costs & Charges in this behalf Laid Out and Expended by the Court here Adjudged and the Same to Joseph Manning &c. in Mercy — Whereupon the said Joseph Manning by his Attorney afsd prays that from the Judgmt of this Court he may have an Appeal Granted him to the next Provinciale Court to be held at the City of Annapolis the Second Tuesday in October next According to the Act of Assembly made in Such Cases Provided &c. Whereupon he Complying wth and Conforming himselfe to the Directions in said Act recited it is Granted him. Whereupon Came into Court Justice & persons Daniel Dulany & Matthew Stone of said County Gent & acknowledged themselves and Each of them to bee indebted unto the aforesaid Wm Herbert In the Summe of three thousand five hundred pounds of tobacco wch said Summ they & Each of them Severally Agreed to be Granted for themselves their heirs Execrs Admrs and Levyed of their Goods and Chattles Lands and tenements to the use & behoof of the said William Herbert — The Condition that the sd Joseph Manning do in all things Pursue the Directions in the Act Entituled An Act for Appeals and regulateing Writts of Error so farr as it Concerns him in the Judgmt afsd do Shall Prosecute the said Appeal with Effect and in case the said Judgmt in the Provinciale Court afsd Should be Affirmed that he satisfye and pay the sd Wm Herbert his heirs Exrs Admrs or Assignes as well the said Damages and Costs as afsd Adjudged as all Costs as Should be awarded and Adjudged him by the Justices of the Provinciale before whome this Appeal Shall be heard Determined and tryed then the Above Recog to be Void Otherwise to be and Remain in full force &c.

Vera Copia John Rogers Clk

And now here at this day to witt the 13th day of October Anno Domi 1716 Comes the said Joseph Manning into his Majestys Provll Court by Thomas Bordley his Attorney and Says that in the Record and Process and also in the rendering of Judgment thereupon it is manifestly Erred in this that the Court Gave Judgmt that the Plea in abatement pleaded was not Sufficient in Law to abate the Writt & Decl. and that the said (Joseph)