Guardian aforesaid his Action aforesaid to have ought &c And now at Joppa here (to wit) this Day and Year last mentioned Comes as well the said Michael by his Guardian aforesaid as the said Eliano in her Capacity aforesaid by her Attorney aforesaid Whereupon the Allegations of both Parties being by the Justices here more fully understood it seemeth to the same Justices that the Plea afd by the aforesaid Eliano in her Capacity aforesaid in manner and form above pleaded and the matter therein Contained is sufficient in Law to barr the said Michael from having and maintaining his Action aforesaid Wherefore it is Considered that the said Michael take nothing by his Writ aforesaid but be in Mercy for his false Clamour and that the said Eliano in her Capacity aforesaid go thereof without Day And it is also Considered that the said Eliano recover against the said Michael the Sum of four hundred and four Pounds of Tobacco By the Justices of this right Honourable the Lord Proprietary at Joppa here this sixth Day of March Anno Dni Seventeen hundred and twenty eight afd Adjudged unto her for her Cost and Charges by her about her Defence in this behalf Laid out and expended according to the form of the Statute in that Case made and Provided &c

(Seal) In Quorum Veritatem the Seal of Baltimore County is hereunto affixed this thirteenth Day of May Anno Domini Seventeen hundred and twenty five &c

John Stokes Clerk Cond Baltr

And now here at this Day to wit the 19th Day of May Anno Dni 1725 comes into his Lordships Prov. Court here the said Michael Macnamara by Daniel Delany his Attorney and says that in the record and Process afd and rendring the Judgement aforesaid it is manifestly Erred Inprimis It is Erred in this that the Court overruled the Demurrer to the Defendants plea which plea is apparently vicious in Substance and form It's Erred in this that Judgement is rendered against the said Michael whereas by the Law of the Land Judgement ought to have been rendered for the said Michael to recover his Damages by Occasion of the Premisses for which and many other Errors in the Record and Process and rendring the Judgement afd the said Michael prays that Judgement afd be reversed and held for Nous and that to all he thereby lost may be restored and that he may have Judgement to recover his Damages afd and the Court here will proceed to examine the Record and Process afd And the said Michael Macnamara suggests to the Court here that since the rending the Judgement afd the said Eliano hath intermarryed and taken to husband a Certain Lloyd Harris Gentleman Whereupon the said Lloyd Harris and Eliano his Wife Executrix as afd by Joshua George their Attorney comes and says that in the Record and Process afd and rendring the Judgement thereon it is nothing Erred and prays that the same Judgement may in all things be affirmed &c And thereupon as well the said Michael Macnamara as the said Lloyd Harris and Eliano his Wife Exx as afd by their Attorneys afd prays that the Court of the Lord Proprietary here will proceed as well to the examination of the record and process afd as of the matters above for Errors assigned But for that the Court here are not advised of their Judgement of and upon the Premisses afd Day is given to the said Parties to hear thereof their Judgement untill next Court for that the said Court as yet are not &c At which said next Court (to wit) the 19th Day of October Anno Dni 1725 comes again the said Parties pltf and Deft by their Attorneys afd But for that the Court here as yet are not advised of their Judgement of and upon the Premisses afd day is further given to the said Parties to hear thereof their Judgement untill next Court for that the said Court as yet are not &c —— At which said next Court (to wit) the 17th Day of May Anno Dni 1726 comes again as well the said Michael Macnamara as the said Lloyd Harris and Eliano his Wife by their Attorneys afd Whereupon all and Singular the Premisses being by the Court here soon heard fully understood and mature Deliberation thereupon had It is Considered by the Justices here the Day and Year last mentioned that the Judgement afd for the Errors afd and others in the record and Process afd being be reversed annulled and altogether held for none and that the said Michael Macnamara to all that he thereby lost be restored &c

And also it is Considered that the said Michael Macnamara recover against the said Lloyd Harris and Eliano his Wife Exx of the said Nicholas Rogers as well the Sum of five thousand Pounds of Tobacco in Cask his Damages afd as the Sum of

1305 Pounds of Tobacco by the Court here to the said Michael of his Assent adjudged for his Costs and Charges by him about his Suit laid out and expended to be levied of the Goods and Chattells which were of the said Nicholas Rogers at the time of his Death in the hands of the said Lloyd Harris and Eliano his Wife Exx as afd remaining to be administred if so much thereof in their hands they have &c

and if so much thereof in their hands they have not &c then the Costs of Suit afd to be levyed of the proper Goods and Chattells of the said Lloyd and Eliano And that they be in Mercy &c

Ex Benj. Gatchell . . . . .
Ad Elizabeth Emerson Admrx of Tobias Emerson . . . . . } The Justices of his Lordships County Court of Baltimore Examined to the Justices of the Provincial Court here. The following record on an appeal made by the said Benjamin Gatchell from the said County Court the Error whereof follows in the words viz.

Maryland ss. In the Records of Baltimore County amongst other things Contained is as followeth (viz.)

At a Court of the Right Honourable Charles Lord Baltimore Absolute Lord and Proprietary of the Province of Maryland and Avalon begun and held at Joppa in for Baltimore County the first Tuesday of March it being the Second Day of the said Month in the twelfth Year of his Lordships Dominion Anno Dni seventeen hundred and twenty four and there continued untill and held on the third Day of April following by his said Lordships Justices and Officers thereunto legally authorized and appointed of whom were present

Coll James Maxwell

The Worshipfull	Major Luke Raven Capt James Todd Mr Edward Dall	Coll John Dorsey Mr Saml Stolt Mr John Cockey	Court Justices

Wm Smith Shr — John Stokes Clk

Elizabeth Emerson Admx of Tobias Emerson Defendt at Suit
Benjamin Gatchell Pltf

Baltimore County ss.

Elizth Emerson late of Baltimore County Widow Admx of all and Singular the Goods Chattells and Credits which were of Tobias Emerson late dyed intestate as it is said) was attached to answer unto Benjn Gatchell of a Plea of trespass upon the Case And whereupon the same Benjn Gatchell by Joshua George his Attorney Complains that whereas the said Elizth Emerson the first Day of August Anno Dni Seventeen hundred and twenty four at Baltimore County afd was indebted unto the said Benjn in the Sum of fourteen Pounds five Shill and Eleven Pence Curr.t money being for the like Sum of money by the said Elizth for the use of the said Benjn before that time there had and received And being so thereof indebted the said Elizth Emerson in Consideration thereof afterwards (to wit) the same Day and Year at Baltimore County afd upon herself assumed and to the said Benjamin then and there faithfully promised that she the said Elizabeth the said Sum of fourteen Pounds five Shill and Eleven Pence to the said Benjamin when she should afterwards be thereunto requested would well and truly Content and pay Nevertheless the said Elizth her Promise and Assumption afd not regarding but minding and fraudulently intending the said Benjamin in this Part craftily and subtilly to deceive and defraud the said Sum of fourteen Pounds five Shill and Eleven pence or any part thereof to the said Benjn hath not paid Altho' so to do the said Elizabeth was by the said Benjn afterwards (viz.t) on the Second Day of August Anno Dni Seventeen hundred and twenty four at Baltimore County afd and often afterwards at the same County was requested But the same to pay hitherto hath refused and still doth refuse whereby the said Benjn saith he is the worse and hath damage to the Value of twenty Pounds like Money And therefore he brings the Suit &c Pledges &c John Doe and Richard Roe

And the said Elizabeth on the Day of the return of the Original Writ of the said Benjn (viz.t) the first Tuesday of November Anno Dni Seventeen hundred and twenty four at Joppa here by John Roberts her Attorney came and defended the force and Injury when &c And prayed leave in this Action to imparle to the then next County Court to be held at Joppa here the first Tuesday of March then next ensuing and had it and the same Day was given unto the said Benjn also At which next County Court on the same first Tuesday of March afd (that is to say) Now on this Day (viz.t) the Second Day of March in the Year last mentioned at Joppa here comes as well the said Benjn as the said Elizth by their Attorneys afores.d and here upon the same Elizth by her said Atty as before comes and defends the force and Injury when &c And saith that the said Benjn his Action afd against her to have and maintain ought not &c — Because she saith that she at the time of impetrating the Original Writ of the afores.d Benjn had fully administred all the Goods and Chattells which were of the afs.d Tobias at the time of his Death in her hands to be administred Wherefore she same Elizth the afs.d Sum of fourteen Pounds five Shill and Eleven Pence Curr.t Money in the Pltfs Declaration afs.d specified unto the said Benjn could not pay and this she is ready to verify and prays Judgement if the same