Term having a Verdict &c. And the aff. Benjamin Moreshead for that he hath above Shown in
Evidence to the Jurors aff. Sufficient matter in Law to Maintain the Issue Joyned for the Plaintiff
aff. which he is ready to Verify which matter the aff. Margaret Jordain hath not Gainsayed nor
the Same in Any wise Answered but the Same Verification to Admit Altogether Refuses,
Prays Judgment & that the Jurors aff. Giving their Verdict be Discharged &c. And that the
Damages by Occasion of the non Performance of the Promise & Assumption aff. in the aff.
Declaration mentioned may be to him Adjudged &c. Whereupon the Jurors aff. from rendering
Any Verdict thereon by the Consent of the Court & the Parties aff. are Discharged, And because the
Justices here are not advised of the rendering their Judgment thereupon upon the Premises Day thereof is
Given to the s.d Parties Plaintiff & Defendant to hear their Judgment until this Court for that
the s.d Justices are not advised &c. At which Said Court to wit the 9 Day of November Anno
Dominii 1781 Comes again as well the s.d Plff. as the s.d Def.t by their Attorneys aff. & thereupon all
& Singular the Premises being by the Court here Seen heard fully understood & Mature Deliberation
being thereupon had for that it Seems to the Court here that the aff. Benjamin Moreshead hath
Not above Shown in Evidence to the Jurors aff. Sufficient matter in Law to Maintain the Issue Joyned
for the Plff. aff. Therefore it is Considered by the Justices here the Ninth Day of November in the
Anno Dominii Seventeen hundred & thirty One aff. that the s.d Benjamin Moreshead take
Nothing by his Writ aff. but be in Mercy for his false Clamour & that the s.d Margaret Jordan
Go thereof without Day, and also it is Considered by the Justices here the Day & Year last
mentioned that the s.d Margaret Jordan recover against the Said Benjamin Moreshead the
Sume of two hundred & Ninety Eight Pounds of Tobacco by the Court here Adjudged unto her for
her Costs & Charges by her about her Defence in this behalf Expended & Expended According to the
Form of the Statute &c. Whereupon the Plaintiff in the Plea aff. by his Attorney prays an
Appeal to be granted him from this Judgment given in the Plea aff. to the Justices of this
Lord Hyes Provincial Court to be held at Annapolis the third Tuesday of April Next which
is granted upon Giving Security & Entering into Bond for the Due Prosecution of the Appeal
aforesaid According to the Directions of the Act of Assembly in that Case made & provided
And thereupon Samuel Peale and Wm. Cumming as Sureties for the Said Benjamin
Moreshead entered into bond in the Penalty of Forty Pounds Current money & three thousand
Pounds of Tobacco for the Due Prosecution of the Appeal aff. According the Directions of the
Act aff. as per the bond filed may Appear the Tenor of which bond be as a fresh follows
In these Words viz.t Maryland ss. KNOW all men by these Presents that we Samuel
Peale of London Town in Ann Arundel County Merchant & William Cumming of the County aff. Gent
Are held & firmly bound unto John Lomax & Margaret his wife late Relict & Mary
Jordan in the full & Just Sume of Forty pounds Current money & three thousand Pounds
of Tobacco to be paid unto the s.d John Lomax & Margaret his wife their certain Attorney
Ex.rs Adm.rs or Assigns to which Payment well & truly to be made & Done we bind our
Selves & each Either of us Our Heirs Ex.rs & Adm.rs Jointly Severally firmly by these
Presents Sealed with our Seals & Dated this 20.th November 1781.
The Condition of the Above Obligation is Such that if a certain Benjamin Moreshead Doth
Not Pursue the Directions Mentioned in the Act of Assembly for Regulating Writs of Error and
Granting Appeals for & in the Courts Common Law within this Province at the next Prov.l
Court & Prosecute with Effect an Appeal Granted to the s.d Benjamin Moreshead from the
County Court to the Provincial Court upon a Judgment Rendered Against the Said Benj.a
Moreshead in an Action of Trespass upon the Case Brought by him the Said Benjamin
Moreshead against the aff. Margaret while Sole by the Name of Margaret Jordan & Pay
& Satisfie unto the aff. John & Margaret their certain Att.y Ex.rs Adm.rs or Assignes in
Case the s.d Judgment Shall be Affirmed as well all & Singular the Damages & Costs
Adjudged by the Justices of Ann Arundell County aff. as also all Costs & Damages
As Shall be Awarded by the Prov.l Court then the Above Obligation to be void &c.

(Remain)

Remain in its full force & Virtue Otherwise to be Void &c.

Sealed & Delivered in the Presence of
Ezekiel Overall
John Reynolds

Samuel Peale (Seal)
William Cumming (Seal)

County Seal

In Testimony whereof the Seal of Ann Arundell County
Is hereunto Affixed &c. John Beale Clk Ann. Co.

And now here at this Day to wit the 15.th Day of April Anno Dominii 1782 the s.d Benj.a
Moreshead by William Cumming Esq.r his Att.y Comes into this Lordships Provincial Court
here & Saith that in the Record & Process aff. & Likewise in Rendering the Judgment aff. Erred
is Manifestly Error in this that by the Record aff. it Appears that the Judgment aff. was
Rendered for the aff. Margaret Jordan against the s.d Benjamin Moreshead whereas by
the Laws of the Land the aff. Judgment ought to have been rendered for the aff. Benj.a
Moreshead against the aff. Margaret Jordan it is also Erred in this that whereas by
the Record aff. it Appears that the Judgment aff. was rendered that the s.d Benj.a Take
Nothing by his writ aff. but be in Mercy for his false Clamour & that the s.d Marg.t
Jordan go thereof without Day & that the s.d Margaret Jordan recover against the said
Benjamin Moreshead two Hundred & Ninety Eight Pounds of Tobacco by the Court
Adjudged to her for her Costs & Charges by her about her Defence aforesaid Expended &c.
According to the form of the Statute in that Case made & provided whereas the aff.
Judgment Ought to have been rendered that the aff. Benjamin Should Recover of
the aff. Margaret his Damages aff. by Occasion of the Premises & Assumption aff.
with his Costs & Charges which he the s.d Benjamin in & about the Suit aff. had
Sustained therefore it is therein Manifestly Erred & the Same Benjamin Moreshead
Prays that for the Errors aff. Assigned in Record & Process aff. Appearing that the
Judgment aff. may be Reversed Annulled & altogether Void for none & that he the s.d
Benj.a to every thing which he by Occasion of the Judgment aff. hath Lost may
be Restored & that Such Judgment may be rendered in this Court for the s.d Benj.a
as by the Laws of the Land ought to have been rendered for the aff. Benj.a &
the aff. Margaret in the aff. County Court of Ann.e & that the aff. Margaret Jordan
to the Errors aff. may Reply &c. And the Said Benjamin Moreshead by his Said
Att.y Suggests to this Court here that the s.d Margaret Jordan Since the Appeal aff.
hath Intermarried & taken to her husband a certain John Lomax of Annapolis Gent
Whereupon the s.d John Lomax & the s.d Margaret his wife by Dan.l Dulany Esq.r their
Attorney Appears & Says that in the Record & Process aff. & also in rendering Judgment
thereon it is in Nothing Erred & Prays that the Same Judgment may in all things
be Affirmed &c. And thereupon as well the s.d Benjamin Moreshead by his Att.y aff.
as the s.d John Lomax & Margaret his wife by their Att.y aff. Pray that the
Court here of the Lord Proprietary well Proceed as well to the Examination of the Record
Process aff. as of the matters above for Errors Assigned &c. But for that the
Court here are not Advised of their Judgment of & upon the Premises aff. Day
Is given to the s.d Parties to hear thereof their Judgment until this Court for
that the s.d Court yet are not &c. At which Said Next Court to wit the 17.th
Day of October Anno Dominii 1782 Come again the Said Parties Plaintiff
& Def. by their Attorneys aff. but for that the s.d Court here are not Advised
of their Judgment of & upon the Premises aff. Day is further given to the
Parties aff. to hear thereof Judgment until Next Court for that the s.d Court
yet are not &c. At which Said Next Court to wit the 13.th Day of May
Anno Dominii 1783 Come again the s.d Parties Plff. & Def. by their Att.ys
aff. but for that the s.d Court here are not Advised of their Judgment of &

(Upon)