Attorney, And the said Nathan Philips & Wife Administratrix as aforesd by their said Attorney come and say, that in the Record and proceedings aforesd of the opening, reversing & annulling the Judgment aforesd there is manifest Error in this, towit; that the said County Court had original Jurisdiction only in the Action aforesd, which said original Jurisdiction the said Court did exercise fully in the rendition of the Judgment aforesd, as appeareth: There is also Error in this, that the aforesd County Court in the Action aforesd after the rendition of the Judgment aforesd had not Appellate Jurisdiction or power, Jurisdiction or Authority thereby to reverse, annul or make void the Judgment aforesd: — There is Error also in this, towit, that this Honorable Court alone and not the County Court aforesd in the Action hath power, Jurisdiction and Authority Appellate, and to correct Errors in the rendition of the Judgment originally given: And hereupon the said Nathan Philips and Wife also prays that the proceedings aforesd in the opening & reversing the original Judgment for the Errors aforesd, and for other Errors in the Record and proceedings of the said County Court in the opening, annulling & reversing the aforesd original Judgment may be reversed, annulled and set aside, and that they may be restored to all things which they have lost by occasion of opening, reversing & annulling the aforesd Judgment; and that the aforesd Judgment may be established and restored to the same State & condition in every respect as if the said proceedings in the opening, reversing & annulling the Judgment had never been had or obtained &c.

And the said Nathan Philips and Wife by their said Attorney pray that a Writ of Scire facias of the State of Maryland might be issued against the said Ann Savin Executrix as aforesd to hear the Errors in the Record and proceedings aforesd appearing; and it was granted unto them; which said Writ here ensues

The State of Maryland, To the Sheriff of Cecil County Greeting:

Because in the Record and proceedings and also in the rendition of the Judgment on a plea which was in our Cecil County Court

before the Justices of the same County Court between Nathan Philips and Elizabeth his Wife Administratrix of Hannah Hankey late of Cecil County deceased, Plaintiffs, and Ann Savin Executrix of Thomas Savin late of the same County, Defendant, of a plea of debt, whereof the same Ann Savin Executrix as aforesd was convicted; and whereas afterwards, towit, on the Monday before the second Sunday of March in the year one thousand seven hundred and eighty nine the said Ann Savin Executrix as aforesd came into our County Court aforesaid and moved the said Court to open the Judgment aforesaid, because in the rendering of that Judgment it was manifestly Erred. Whereupon the said Court after mature deliberation had on the premises, for that it appeared that in the Record and process and also in the rendering of the said Judgment it was manifestly Erred, and therefore Ordered that the Judgment aforesaid for that Error and others in the Record and proceedings aforesd should be reversed, annulled and for nothing held, as by the said Record thereof now remaining manifestly appears; and it is said that a manifest Error hath happened to the great damage of the said Nathan Philips and Elizabeth his Wife as we have by their complaint understood, the Record & process of which said Judgment and reversal aforesd are now affixed of Record in our General Court for the Eastern Shore of this State for the aforesd causes of Error: And because the said Nathan Philips and Elizabeth his Wife Administratrix as aforesaid have duly assigned the Errors on Record in the premises aforesd, and we being willing that the Errors if any hath been should be duly corrected and full and speedy Justice done to the parties aforesd as is reasonable, Do command you that by good and lawful Men of your Bailiwick you make known unto the said Ann Savin Executrix as aforesd that she be and appear before the Judges of our General Court to be held for the Eastern Shore of this State at Easton in Talbot County the second Sunday of September next, to hear the Record and proceedings aforesd and also the Errors assigned thereon, if she shall think fit and further to do and receive what our Judges of our said General Court shall then & there consider concerning her in this Behalf: And have you then & there the names of those before whom you shall make the same known unto her & this Writ