

Premises aforesaid, being by the Court here, seen, heard, fully understood, and matter Deliberation thereupon had, and for that it seems to the Court here that the said Lyde Goodwin was not a freeholder, or a Person qualified by Law to serve as a Juror, it is therefore by the Court here ordered, & adjudged that the said Verdict be set aside and held for Nought and that a venire facias de novo issue to the Sheriff of Ann Arundell County.

U. H. J.
Liber No. 35
October 8

And thereupon for trying the Issue aforesaid, Command is a new given to the Sheriff of Ann Arundell County that he immediately cause to come here twelve good and lawful Men of his Bailiwick by whom &c. who neither &c. to recognize &c. because as well &c. of which said Precept the said Sheriff to wit John Gassaway Esquire makes Return that he has here ready twelve &c. as by his said Precept he was commanded (to wit) Thomas Jones, John Hamil, Ephraim King, Joseph Dashiel, Benjamin Welsh, Samuel Howard, George Johnson, William Bealle, Thomas Beall, Samuel Lockwood, James Maccubbin, and Samuel Lovejoy, who being duly elected, tried, and sworn to say the Truth in the Premises, upon their Oath do say that the said Edward did pay unto the Commissioners, or Trustees aforesaid the said Sums of £35..9..8.. current Money of Maryland and £14..5..0.. like money in manner and Form so as the aforesaid Edward above by pleading hath alledged.

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Therefore it is commanded by the Justices here that the said Lord Proprietary take Nothing by his Writ aforesaid, but that the said Edward go thereof without Day &c.

Memorandum, the following Bill of Exception was tendered to the Court before the Jury went from the Barr (viz.^t) Lord Proprietary against Edward Trippe on his Bond of 12. July 1740. in the Provincial Court in this Cause, the Defendant having given several Pieces of Evidence to prove by Circumstances the Payment of the Money to the Commissioners in the Proceedings mentioned pursuant to the Issue on their Part the Council for the Plaintiff after the whole Evidence on Defendants part hath been heard and read to the Jury pray leave to demur to the whole of the Defendants Evidence so as aforesaid given as being insufficient to prove the Issue, on the part of the Defendant and tendered his Demurrer ready drawn up, but the Court were of Opinion that the Plaintiff should not demur to the Evidence, and accordingly refused to suffer the said Demurrer to be filed or to receive the same to which Opinion of the Court the Plaintiff prays leave to accept, and that the Judges will to this their Exception offer their Seals, agreeable to the Statute.

Geo. Dent Seal

Whereupon the said Henry Darnall Esquire his Lordship's Attorney General who &c. prays Leave to appeal from the Judgment