

Liber W. C. case they had proved they had payd it the Jury ought to have found for the deft and noe more, all w^{ch} is Erro^r

(5)—The Verdict of the Jury is vitious for the incertainty thereof, for first they finde noe Cause of ac^{con}, and then they finde for the deft That hee hath overpaid thirty nine pounds of Tobacco, and Costs of suite, w^{ch} incertainty is manifest Erro^r

(6)—The Court have given noe Judgment therein but onely said after the Verdict of the Jury <and Costs of suite awarded the deft, and that the said Collen Mackensy Recover against Lydia Solley the sume of six hundred and eight pounds of Tobacco for his costs and charges in this behalfe expended> If the Court had thought fit to have given Judgment upon that dubious and incertaine verdict against the deft. Itt ought to have been Entred thus, Therefore It is Considered by the Court here that the said Lydia Solley take nothing by her writt aforesaid, but for her false Claime thereof bee in mercy, and the said Collen Mackensy goe thereof without day, and that the said Collen Recover against the said Lydia the sume of six hundred and eight pounds of Tobacco for his Costs and charges in this behalfe most wrongfully and vexatiously Expended, Then of Entrance of the Judgment thus is Erro^r.

And hereupon the said Lydia Solley saith that in the Record and Processe afores^d as also in the givinge the Judgment aforesaid Itt is manifestly Erred in the seaverall Errors in the forme aforesaid alleadged, and prayeth that the Judgment aforesaid for these Erro^{rs} and others in the Record and pcesse aforesaid bee Revoaked adnulled and held for nothing, and that shee to all those things w^{ch} by occasion of the p^rmisses hath lost bee Restored, and that the said Collen to the said Erro^{rs} may Answer

And the said Collen by Robert Carvile his Attorney Prayeth the hearing the Erro^{rs} aforesaid by the said Lydia assigned and they are read unto him, w^{ch} being read and heard the said Collen prayeth Liberty of speaking thereto untill the next Provinciaall Court, and it is granted unto him, and the same day is given to both partyes.

Now here att this day to witt the Eighteenth day of ffebruary in the sixth yeare of the dominion of the Right hono^{ble} Charles Lord Baltmore &c Annoq̄ Dominj 1680 Came the said partyes by their Attorneys aforesaid And the said Collen Mackensy by his said Attorney Sayth, That in the Record and pceedings aforesaid and in the Rendring the Judgment aforesaid in the County Court aforesaid it is not in any thing Erred, and therefore hee likewise prayes that
 p. 320 this Court will proceede to the heareing aswell of the Record and proceedings as of the Erro^{rs} aforesaid: And hereupon the premisses being seene & by the Justices here fully understood, Itt Seemeth to the said Justices here That there is not any Erro^r in the said Judgment of the County Court of s^t Maryes County aforesaid but that the Judgment given in the said Plaint is good & sufficient in Law,