

for Baltemore County the first Tuesday in february next Ensueing to answere unto John Nicholls of a plea of Trespasse of the Case, And the Declaracōn sayes Susanna Uty was Attached to answere unto John Nicholls of a plea that she Render unto him the sūme of Nine hundred pounds of Tobacco w^{ch} to him she Oweth and unjustly Detaineth Soe that the writ Doth not warrant the Declaracōn aforesaid w^{ch} is Erro^r : Liber W. C.

(2^{dly}) The said John in and by his Declaration aforesaid sayd That Whereas the said Susanna stands Jusly indebted to the said John the Just sūme of Nine hundred pounds of tobacco wth Caske Although the said John the said sūme of Nine hundred pounds of Tobacco hath often of the said susanna Demanded Yett the said Susanna hath altogether refused to pay &c. w^{ch} is manifestly Ero- nious in that the said John doth not in and by the sd Declaracōn sett Downe the certaine time Neither Day, Month nor Yeare when the said debt supposed to be due was Contracted Nor how Nor for what, whether by specialty Mutualus Simple Contract or Other- wise w^{ch} ought specially and Certainely to have been layd for for Ought appears by the Declaration or the writ aforesaid the Cause of accōn might have risen upon a debt by Special Contract of Mu- tualus or otherwise w^{thout} Specialty w^{ch} might be above Two yeares before the said action was begunn or Comenced. and soe the same would have been barred by an Act of Assembly Entituled an Act for Limitacōn of certaine actions to avoyd Suites att Lawe w^{ch} doth prohibit any accōn of debt lending or Contract Trespasse upon the Case &c to be Comenced after two yeares Expired from such Cause of Accōn, and if the same debt had risen upon any Specialty he Ought to have Certainely alleadged ye same that the said Susanna might have Craved Oyer thereof the better to Enable her to plead thereunto, w^{ch} is Vitious uncertaine & manifest Erro^r :

(3^{dly}) The Jury in their Verdict doe say Wee finde that the p^{lt} ought to have his wages & foure hundred & ffifty pounds of Tobacco Damages wth costs. Which verdict is very vitious Erronious and un- certaine & the same is not maintaineable by the Declaration w^{ch} De- clares for debt and not for wages, & there is not one word of wages in all the Proceedings, They also Ought to have sett Downe how much the p^{lt} Ought to have for his wages & have ascertained that aswell as ye damages the Not ascertaineing whereof is Erro^r And thereupon the sayd susanna sayth that in the Record and processe aforesaid there is manifest Erro^r & for the reasons aforesaid and others therein Contained she Prayeth the proceedings aforesaid and Judg- men thereupon may be Quashed Reversed, adnulled & made voyd, & that she unto all w^{ch} she by Occasion thereof hath sustained may be restored.

And the said John Nicholls by Robert Ridgely his Attorney com- eth and Defendeth the force and Injury when &c and prayeth Lib-