

Liber W. C. (6): Its: Erro^r in that the Jury found for the Deft wth Costs of suite Whereas by Lawe Noe p^lt Ex^r or Ad^r is to pay any Costs besides his owne Costs:

(7)—Its: Erro^r in that it appeares by the Record that after the Jury had found for the deft it doth not appeare by the said Record that the Court ever gave any Judgment for the said Deft upon the said Verdict Nor was ever any Judgm^t Entered upon y^e said Record

(8) Itts Erro^r in that it appeares by the said Record & proceedings that after the Juryes verdict & before any Judgment of the said Court given upon the same that there was a New writ Issued forth by order of Court. the Deft had a New referrence a New Declaracōn filed, & the p^lt & Deft sayes the Record willingly Joyne Issue & put themselves upon the Court, but yet by the said Record It appeares not what that issue was Yet the Court gave Judgment wth Costs of suite for the deft the Plantiffe being an Administrato^r plantiffe, & all this New matter while the old suite was depending Contrary to the maxim Prudente lite nihil inovetur

(9) Its Erro^r in that it appeares by the said Record that though Judgment was given against the Plantiffe Yett he was not amerced Whereas in every Case the plantiffe or deft ought to be in Misere Cordia or cap: unlesse the Deft comes the first day and confesse Judgment to the action

And thereupon the said Peter and Elizabeth for the Causes and Erro^{rs} aforesaid prayeth that the Proceedings aforesaid and Judgmentt thereupon may be Quashed adnulled and made Voyd

p. 514 And that they unto all things w^{ch} by occasion thereof they have Lost may be Restored And the said Thomas Preston by Robert Ridgely his Attorney cometh and defendeth the force and Injury when &c and Prayeth Liberty to imparle hereunto untill next Provinciall Court and it is Granted unto him the same Day is given to the Plantiffes Likewise

Now here at this Day (to wit) the seaventh day of March in the Seaventh yeare of the Dominion of the R^t hono^{ble} Charles Lord Baltmore &c. Annoq̄ Doni. 1681 Came the sd Parties by their Attorneys aforesaid. And the said Thomas Preston by his said Attorney prayed the Hearing of the Record and Processe & also of the Erro^{rs} aforesaid & they are read unto him w^{ch} being Read and heard the said Thomas Preston sayth that in the Record and Processe aforesaid made in the Giving of Judgment aforesaid it is in nothing Erred & Prayed that the Court here Proceede aswell to the Examination of the Record & the Processe as the Causes aforesaid for Erro^{rs} alleadged & that the Judgment aforesaid in all things may be affirmed

And hereupon the the Record and Processe aforesaid to the Rendering the Judgm^t thereupon & the aforesaid Causes and matters by the aforesaid Plantiffes for Erro^{rs} assigned, and the defts answer thereunto being seene and heard, and by the Justices here