

take Receipt for the same w<sup>ch</sup> should be his discharge and further Liber W. C.  
yo<sup>r</sup> Deponent sayth not

Benjamin Pricstley

September the 7<sup>th</sup> } Sworne before us: ) Thomas Taylor  
Anno Doni: 1680 } Henry Hooper

The Jury being every one sworne and their Charge given them to Enquire into the truth of the matter went forth to consider and after a short time Returned with this following verdict (Wee of the Jury doe find for the Plt with costs of Suite Itt is therefore Considered by the Court that the said Walter Davis Recover against the said Henry Mitchell his said Debt w<sup>th</sup> his Costs of Suite And the said Henry to remaine in mercy &c.

**Whereupon** the said Henry Mitchell came into open Court and desired an appeale to the Provinciaill Court w<sup>ch</sup> was granted

**Then** came into open Court John Edmondson of Talbott County gentl and Edward Pindar of Dorchester County gentl. and became Security that the said Henry Mitchell should prosecute his Appeale

This is a true Coppy of the Proceedings as witnessse my hand and County seale

W<sup>m</sup> Smithson Cler: Com: Dor: (sealed)

And the said Henry Mitchell Assignes for Cause of such his appeale and Erro<sup>rs</sup> in the said County Court's Proceedings upon the Judgment aforesaid According to the Act of Assembly in that Case made and Provided as followeth Viz

(1<sup>st</sup>)—Itt is Erro<sup>r</sup> in this, in that it is said in the Declaraçon that Henry Mitchell stands & remains Justly indebted unto the said Walter Davis ffoure hundred and foure pounds of tobacco And yett it is Sayd in the same Declaraçon that the said Henry Mitchell the fifth day of November 1678 Att James Island upon the said Mitchells Plantaçon did pay the said Davis the same ffoure hundred and foure pounds of Tobacco, soe that he Could not Remaine indebted when he had payd it soe that the same Declaraçon Contradicts itself

(2<sup>dly</sup>) Itt is Erro<sup>r</sup> in that the acçon was not brought right for that if Henry Mitchell payd the said Davis a hogshead of Tobacco the Property of the said hogshead of Tobacco was altered And the said Mitchells disposing thereof after the Property was in Davis is Criminall and contrary to the Act of Assembly imposeing a penalty of all such who shall dispose of Tobacco Seized and received by the sheriffe or others And the said Davis were he guilty of the breach of the said act Ought to indict him thereupon or Exhibit his information against him but this action as it is brought lyes not

(3<sup>dly</sup>) Itt is Erro<sup>r</sup> in this in that noe issue is Joyned to put themselves upon the Country w<sup>thout</sup> wch noe tryall by Jury could be upon this Case And all the Proceedings therein are absolutely Vitious

(4<sup>thly</sup>) The Evidence of Benjamin Preistly wch appeares upon