

Maj^{ty}s Reigne etc. Annoque Dmi 1701 came the said partys by their Attorneys aforesaid And the Jurors impannell'd being called likewise came to witt John Brannock James Moore John Pottinger Edward Dawson James Bishop Robert Eagle Uppat Reeves Wm White Thomas Frederick Anthony Le-compt Joseph Owens and John Sly who being elected tryd and Sworne to say the truth in the premises upon their oaths do say We of the Jury do find for the defendant

Wherefore its considerd by the Court here that the said Charles Greenberry lessee of the said Josh^a Merekin take nothing by his plea aforesaid but be in mercy for his false clamour therein and that the said James Heath go thereof Without day And that the said James Heath recover against the said Joshua Merekin pounds of tobacco for his cost and charge by him in this behalf layd out and Expended and the said James May have thereof execution.

Thereupon came the said Joshua Merekin and prayeth an Appeal from the Judgment of this Court to his Majestys high Court of Appeals which being granted by the Court here the said Joshua Merekin together with Thomas Reynolds and Rich^d Beard his Security became bound to prosecute the same with Effect According to the forme of the Act of Assembly in that case Made and provided in Tenn thousand pounds of tobaccoe In Testimony Whereof the seale of the said Provinciaall Court is herunto Affixed per Tho. Bordley Clk Prov^l Court

And now here at this day to witt the Sixteenth day of July Anno Dom 1707 came the said Joshua Merekin by William Bladen his Attorney offers his reason of Appealing from the Judgment of the Prov^l Court aforesaid that the Issue was not Joynd when said by the record and therefore no full bar and divers others offerd ore tenus and prays that the Judgment of the provinciall Court may therefore be set aside and he to all things that he hath thereby lost be restored.

Which said reasons being read and fully debated and argued on both sides and by the Court here fully understood do adjudge the same not good.

It is therefore consider'd that the Judgment of the prov^l Court be Affirmed and that procedendo to the provinciall Court Issue as is usuall in such cases and that the said James Heath recover ag^t the said Joshua Merekin his terme aforesaid and also Two thousand Eight hundred pounds of tobacco costs of suit.

[161] Archibald Edmondson Lessee Hugh Ryley ag^t Wm Hollyday

In the Records of the Provinciaall Court of Maryland among other things is thus containd as follows Viz^t

At A Court of her Sacred Majesty Anne by the Grace of God of England Scotland France and Ireland Queen defender of the faith etc. held at Annapolis in Ann Arundell County for the Province of Maryland the Sixteenth