

(to Salve the Said Breach) was produced a Bond wherein the Said Blackmores name was mencioned but neither Signed nor Sealed by him, but Signed and Sealed by one Thomas Tench; and then the Question was whether that bond was a Sufficient bond within the lette[r] of the Said Clause, of the Said Statute, and that Question being a meere Question in Law, and by Law, not determinable by a Jury (Quia ad questionem Juris non respondent Juratores;) the Jury having taken upon themselves the determination thereof contrary to that Rule and Maxim of Law, who are only to trie matter of Fact, renders their Verdict Vicious Especially when they have mistaken the law in the Point in adjudging a bond Sufficient according to the Statute w^{ch} in Law is not Soe, therefore the Judges ought not to have given Judgment upon the Said Verdict and in doing thereof have Erred, therefore their Judgment ought to be reversed.

The Judgment is erroneious in this that in the Entring up thereof It is only Said, Therefore is considered by the Court here that the Said Edward Randolph who as well etc. take nothing by his information afore Said but be in mercy for his False clamour, and that the Said John Blackmore goe thereof without Day, whereas to make the Entry Right and Free from Errorr (as may appear by the Book of Entries) it ought to be made thus, It is therefore Considered that their Said Majesties, and the Said Edward Randolph who as well etc. take nothing by the Said information, Therefore for want of a Right Entry the Judgment is Erronious. It is Errorr in this that in the Said Judgment it is Said and the Said Edward in mercy, wherea[s] he being their Ma^{ties} cheif Officer of their Customes in this Province etc. The information brough[t] by him as Such, and being Joyned with the King and Queen therein Noe Misericordia lyes as may appear by the Book of Entryes in like cases therefore the Said Judgm^t ought to be reversed, for Judging One in Mercy, who by Law ought not to be Soe. [16] for all Which Errors and imperfections the Said Edward Randolph pray's that the Said Judgment may be reversed, and he to what he has lost thereby may be restored.

George Plater

Then produced and read the following bond Viz^t

MARYLAND SS: Know all men by these p^rsents that wee John Blackmore Comander of the Ship Ann and Thomas Tench of Ann Arrundell County Esq^r are holden and firmly bound unto our Sovereign Lord and Lady King William and Queen Mary etc: In the full and Just Sum of One Thousand pounds Sterl^t: to be paid to their Ma^{ties} Their Heires and Success^{rs} to the which payment well and truly to be made, We bind our Selves and Either of us Our and Either of our Heires Ex^{rs} and Adm^{rs} in the whole and for the whole Joyntly and Severally firmly by these p^rsents Sealed with our Seals and Dated in Maryland the Twentieth day of July in the fifth Year of their Ma^{ties} Reign etc. Annoque Domi 1693: