

have and if so much thereof they have not etc. then the aforesaid Summe of Six hundred and [279] Ninety five pounds of tobaccoe to be leavyed of the proper goods and chattles of the said Renatus Smith and Anthony Ivey and the defendants in mercy etc.

MARYLAND ss. Att A Provinciall Court held at the City of Annapolis in the County of Ann Arundell for the province of Maryland the fifth day of Aprill in the Eighth year of the Reigne of our Sovereigne Lady Queen Anne etc. Annoque Domini 1709.

Present: The Honoble William Holland Chief Justice; Thomas Smith; Phil^o Loyd; Robert Bradley, Esqrs Justices

John Gresham Jun^r Sher

Jn^o Beale Ckr.

[RG.] Thomas Robins ag^t Renatus Smith and Anthony Ivey Exec^{rs} of Rob^t Smith Esqr

This being A fi fa Issued on A Judgment rendred for the plaintiff against the defendants the first day of Aprill 1708 As well for the Summe of Two hundred and Eighty Eight pounds Currant money of England A certain debt as also the Sume of Six hundred Ninety five pounds of tobaccoe costs of Suite on the back of Which Writt is endorsed as follows Viz^t Memd^m the plaintiff releases unto the defendants part of the within Judgment reserving to himself the Sume of Two hundred and Twenty pounds Sterling and costs of Suite Test

Jn^o Beale Ckr

And the Sheriff of Queen Anns County to whom the same writt was directed makes returne thereof endorsed in these words Viz^t fieri feci plaintiff satisfied.

Rich^d Tilghman Sher of Queen Anns County.

[Loc Sigil Prov^s] In Testimony Whereof the Seale of the Provinciall Court is hereunto Affixed by Jn^o Beale Ckr Prov^l Court

Renatus Smith and Anthony Ivey Executors of Rob^t Smith Esqr ag^t Thomas Robins

Errors Assigned on A Judgment rendred the first day of Aprill 1708 in the Provinciall Court for Robins against Smiths Exec^{rs}

And the said Renatus Smith and Anthony Ivey by William Bladen their Attorney come and say that in the Record and proces [280] aforesaid as also in rendring the Judgment as aforesaid tis manifestly Erred to witt

1th In that the declaration of the said Thomas Robins and the matters therein Contained are insufficient and incertain in law and want forme.

2^dly. In that the Judgment rendred is for Thomas Robbins to recover against said Smiths Executors Whereas it should have been for the said Executors against the said Robins and that the said Robins should have taken nothing by his Writt etc.

3^dly. For that altho' Judgment be given for the said Robins yet it