

ought not to have been rendered for the Debt certaine being only A penall Sume for the performance of Certain Conditions the breach of Which conditions ought to have been enquired into and the damages thereof Assesd by A Jury without leaving the the [sic] plaintiff to be his owne Carver to Ascertain to himself What damages he thought fitt and therefore for the Court to give Judgment for the Sume Certaine without enquiring of the damages aforesaid is contrary to the Statute in that case lately made Wherefore its therein manifestly Erred And the said Renatus and Anthony Executors aforesaid pray the Writt of our Lady the Queen to Admonish the aforesaid Thomas Robins of being before the Honoble her Majestys president and Councill to hear the record and process Aforesaid if etc. by Which etc.

W Bladen Att^{ry} per Qr

Whereupon orderd Scire Facias Issue accordingly the tenour whereof followeth in these Words Viz^t

MARYLAND SS. Anne by the Grace of God of Great Brittain France and Ireland Queen defender of the faith etc. To the Sheriff of Talbot County Greeting Whereas in the Record and process as also in the rendring of Judgment on A certain Action of Debt of Two hundred Eighty Eight pounds Currant money of England lately brought in our Provinciaall Court by Thomas Robins Plaintiff against Renatus Smith and Anthony Ivey Executors of the last Will and testament of Robert Smith late of Talbott County Gentⁿ deceased otherwise called Robert Smith of Talbott County Esqr Manifest Error is said to have happened to the Great damage of the said Renatus and Anthony Executors as aforesaid as of their Complaint Wee have received (Which said Error if any be) Wee being Willing to correct and to do therein what to Justice apperteyneth [281] have lately caused the Record and proceedings therein to be before our President and Councill of Maryland constituted A Court for hearing Appeals and regulating Writts of Error Wee therefore Comand You that by Good and lawfull men of Your Blalywick [sic] you cause to be made knowne to the said Thomas Robins that he be and appear before our said President and Councill at the City of Annapolis the Scaventeenth day of July next to hear the Record and Errors aforesaid if to him it shall seem meet and to do and receive What our Court shall consider in this behalf And have You then and there the names of the persons before whom to him You cause to be made knowne the same and this Writt Witness Edward Lloyd Esqr our President and Chief Governour etc. the 18th day of Aprill in the 11th Year of our Reigne etc. Annoque Dom 1712

W Bladen Att^{ry} per Quer

Th Jones Ckr Appeales etc.

On Which said Seaventeenth day of July aforesaid being the day of the returne of the Writt of Scire facias aforesaid comes Foster Turbutt Sherriff of Talbot County and makes returne of the Writt aforesaid to him directed in these words Viz^t By Virtue of the Within Writt to me directed I humbly