

Contee Ex<sup>rs</sup> as aforesaid Shall make Restitution unto him the said S<sup>r</sup> John Rogers of all or Such part thereof as Shall So be made appears to be undue etc. or that he the said William Bladen will do it for her Therefore it is Considered by the Justices here the 11<sup>th</sup> day [of] October aforesaid that the said Summe of Six thousand pound[s] of tobacco as of the goods and Chattles rights and Creditts so as aforesaid Attached be Condemned in the hands of the said Mary Contee as of the goods and Chattles rights and Creditts of the said S<sup>r</sup> John Rogers towards Satisfaction of the said Mary Contee Ex<sup>rs</sup> as aforesaid her damages and Costs aforesaid and that she Have the Value of her Execution according to act of Assembly.

In testimony Whereof the Seale of the Provinciall Court is hereunto Affixed

per John Beale Clerk.

Afterwards to witt on the nineteenth day of July Anno Domini One thousand Seaven hundred and Fourteen that same day before his Excy John Hart Esqr Captain General [297] and Governour in chief in and over her Maj<sup>ty</sup> Province of Maryland and before her Maj<sup>ty</sup> Hon Councill of the same province came the said S<sup>r</sup> Edmond Pridiaux Barronet and Dame Mary his wife Executrix of the last Will and Testament of S<sup>r</sup> John Rogers Barronett deceased by Daniell Dullany their Attorney and Say that in the Record and process aforesaid as also in rendring of Judgment it is Manifestly Erred.

Imp<sup>rs</sup>. In this that attachment was awarded against the said Sr John Rogers it not appearing that ever he lived in this Province.

2<sup>dly</sup>. It is Erred in this that Attachment was awarded ag<sup>t</sup> the said S<sup>r</sup> John Rogers without two Non Est Inventus being returnd.

3<sup>dly</sup>. It is Erred in this that attachment was awarded against the said S<sup>r</sup> John A cobby of the declaraco[n] not being returned to be left according to the directions of the Act of Assembly in such case made and provided:

4<sup>thly</sup>. Fourthly it is Erred in this that attachmen[t] was awarded against the said S<sup>r</sup> John in the sam[e] plea not being A plea of Debt nor the demand reduce[d] to A certainty.

5<sup>thly</sup>. It is Erred in this that attachment was granted proo[f] by law required not being made of the said Action

6<sup>thly</sup>. It's erred in this that the action being brought on A quantum Merruit attachment is granted without enquiry for the sume the said Mary Cont[ee] Averrd to be reasonably deserved in the declara[tion] and therefore pray that the Judgment aforesaid for the Errors aforesaid and others in the said w[ritt] and Process being may be reversed annulled and altoget[her] [298] held for nought and that the said Sr Edmond Prideaux and Dame Mary his wife Executrix as aforesaid to all things that the said Sr John Rogers in his life time or they the said Edmond and Dame Mary his Wife lost thereby may be restored and that the Court of our Lady the Queen here