

being the same Court or terme, Comes again as well the said plaintiff as the said defendant by their Attorneys aforesaid And whereupon all and Singular the premisses being the Court here Seen heard and fully understood and Mature deliberation being thereupon had, for that it Seems to the Court here that the said James Crooke hath above Shown in evidence [339] to the Jurors aforesaid Sufficient matter in law to maintain the Issue aforesaid on the part of the same James Crooke.

Therefore it is Considered by the Justices here the eleventh day of May Anno Dom 1716 afores^d that the s^d John Hyde take nothing by his Writt aforesaid but be in mercy for his false clamour, and that the said James Crooke go thereof without day.

And also it is Considered by the Justices here the same day and year Last mentioned that the said James Crooke recover agt the said John Hyde the sume of nine hundred and twenty Six pounds of tobacco by the Court here adjudged unto him for his Costs and charges by him about his defence in this behalf laid out and expended according to the forme of the Statute etc.

Whereupon the said John Hyde by his Attorney prays an Appeale from the Judgment of this Court to the Governour and Council which is granted Giving Security on Ten thousand pounds of tobacco according to law

Thereupon Thomas Macnemara Esq^r and Dan^t Dulany Gent^l acknowledge themselves to owe and stand Justly indebted unto the said James Crooke in the Sume of Ten thousand pounds of tobacco to be levyed on their Bodys goods and Chattles lands or tenements to the use of the s^d James Crooke according to law. On Condition That if the s^d John Hyde shall not pursue the Directions of the act of Assembly Intituled (An Act for regulating Writts of Error and granting appeals from and to the Courts of Comon law within this Province) at the next Court of Appeals, to be held by the Governour and Council before whom the Appeale afore said is to be tryed, And prosecute the Same appeale with effect, And also Satisfye and pay to the said James Crooke his ex^rs adm^rs or assignes in Case the said Judgment Shall be affirmed, all and Singular the Costs adjudged by the Justices of the Provincial Court aforesaid, as all Costs and damages that shall be awarded by the Court of Appeals before whom the appeale afores^d [340] Shall be heard tryed and determined as aforesaid, Then the recognizance aforesaid to be and remain in full force and Vertue otherwise of no Effect

[Locus Sigilli Provincial]

In Testimony whereof the seale of the
Provincial Court is here unto affix^t
per Joh Beale Cl^r Prov^t Co^t

And now here at this day To witt the 13th day of September Anno Domini Seventeen hundred and Sixteen Comes the said John Hyde into his Lordships the Right Hon^{ble} the Lord Proprietary his High Court of Appeals and Errors before the Honourable the Governour and Council by