

Dominick Kerwan ag^t Samth Withers in Appeal. This Cause is Agreed; Eliz: Blackiston Ex^{rx} [P]Coł Blackiston dec^d ag^t Charles Carroll in Appeal It being signified by the Plaintiffes Attorney that the Transcript of this Cause was but filed with the Clerk of the Court this day, and having not had time to File Errors thereon, therefore Moved for time till the next Court, which was accordingly Granted; Eliz: Blackiston ag^t Jeoffrey a Malatta in Appeal. It being signified that the Defendant is Run away, therefore this Cause is dismissed; Thomas Tench Esq ag^t W^m Hopkins in Appeal. It being signified by the Plaintiffes Attorney that the Transcript of this Cause was not Filed untill this day with the Clerk therefore had no time to File any Reasons, for which he prayed time untill the next Court, which was accordingly Granted him.

Nober the 8th 1696

The Court again Sate and were p^rsent as Yesterday.

Miles Boroughs ag^t Governo^r Copleys Adm^r
in Appeal

The Reference and Report in this Cause Yesterday Read being by Ord[er] now again read over and debated vpon by the Councill on both sides is Adjudged by this Court that the Matter of Fact ought to be Tryed by [a] Jury as in the Error is laid down; the hono^{ble} Coł. Nicholas Greenberry on[ly] excepted who dissented from the s^d Judgm^t. Ordered therefore that precept hence issue directable to the Justices of the Provinciaall Court Commanding them for to inquire into the s^d Fact by a Jury of Twelve M[en] and that the Error be transmitted therewith out of which the s^d Fact arises.

The same accordingly issued as follows, Viz^t

William the third by the Grace of God King of England Scotland, France and Ireland defender of the Faith etc: To the Justices of the Provinciaall [44] Court in our Province of Maryland Greeting Whereas Miles Boroughs late of the City of S^t Maries Innholder did Appeal (from a certain Judgm^t given against him by the Justices of our s^d Court the 2^d day of Octob^r Anno 1695, vpon a plea in Abatem^t of an Action brought by Thomas Tench Adm^r of his Ex^{ney} Lyonell Copley Esq deceased) Unto our Governo^r and Councill constituted a Court for hearing Appeals and Writs of Error etc: which said Judgm^t and Proceedings thereon together with certain Reasons Filed for the s^d Appeal being laid before our s^d Govern^r and Councill for their Opinion and finall Judgm^t to be given in the premises; the third Reason by the s^d Miles for Error Assigned was that the s^d Thomas in his Acco^t wherewith he charges the s^d Miles as Adm^r of the s^d Copley inserts an Article Viz^t a brass kettle and skillet which was sold to the s^d Miles by the