

Sume your Excy was pleased to adjudge y<sup>r</sup> pet<sup>r</sup> in full Satisfaction of his claime long before any Chancery Suit was Commenced as well as during the Continuance of it which the Said Gresham refused That is [sic] plainly appears y<sup>r</sup> pet<sup>r</sup> had cause to Sue the Said Gresham's Bond of Sheriffalty at law where the s<sup>d</sup> Gresham Suffered Judgment to go by Default That if y<sup>r</sup> pet<sup>r</sup> Executed him on that Judgment ag<sup>t</sup> the plainest Equity it could be only deemed the Consequence of his own neglect, In which case his Relief ag<sup>t</sup> his own neglect ought not to be (as y<sup>r</sup> petitioner with all due Submission takes it) at y<sup>r</sup> pet<sup>rs</sup> Cost, nor your petitioner Subjected to pay interest for what he recovered in the Queen's name and held by due Course of Law, nor to refund what the said Gresham rather chused to pay than the Tobacco Since the Tobacco was the Species due and recovered and the money only the price agreed to be paid by the Said Gresham to pay his Tobacco, Nor that if your pet<sup>rs</sup> whole claime had been paid only leaving the interest, unpaid Yet that therefore the Interest being only what is just and legall should be therefore [424] abated being due on the Crown's bond, Nor that the Said Gresham Should be Exempt from paying your pet<sup>r</sup> all the costs and charges he has been put to by neglecting his Defence in the Provincial Court and refusing to pay y<sup>r</sup> pet<sup>r</sup> what he offered to accept in full discharge of his Claime before he executed the Said Gresham which was no more Than y<sup>r</sup> Excellency found to be your petitioners due after rating his Tobacco at ten shillings per hundred. Your petitioner therefore Humbly prays that your Excellency will be pleased on a rehearing of the Said Matters to dismiss the Said Complainants Bill with reasonable Costs.

And your pet<sup>r</sup> as in duty bound shall pray etc.

Th Bordley per se

To his Excellency John Hart Esq<sup>r</sup> Governour of Maryland and Keeper of the Great Seale thereof.  
Sheweth

That your petitioner heretofore preferr'd his humble petition to your Excellency for rehearing of the cause betwix<sup>t</sup> a certain John Gresham Complainant and your petitioner Defendant for the Severall matters and causes therein Assigned to which petition lodged in this high and Hon<sup>r</sup>ble Court he prays leave to referr that Since the time of preferring the Said petition the Act of Assembly for granting Appeals from Chancery Court to the Governour and Councill takes place which at the time of your petitioners praying a rehearing he could not have the benefit of the twelue months therein Mentioned not being then expired, tho he conceived his proper remedy to be by Appeale.

Wherefore your petitioner Humbly prays that relinquishing his rehearing before your Excellency Solely as Chancellor) your Excy will be pleased to grant him an Appeale to y<sup>r</sup> Excy and Councill according to the act afores<sup>d</sup>