

Samuel Perrie his surities acknowledge themselves to Owe and stand Severally and Justly Indebeted unto the said Thomas Cockshutt in the sum of Ten thousand pounds of Tobacco to be levyed on their or either of their Bodies goods or Chattles Lands or Tenements to the use of the said Thomas Cockshutt according to Law In Case the said Daniel Dulany does not prosecute his said appeale with Effect according to Act of Assembly in that Case made and provided.

In Testimony whereof the seale of the Provincial Court of Maryland is hereunto affixt. [Provincial Seale]

Vachel Denton Cłk.

[449] Afterwards to wit on the fourteenth day of October Anno Domi Seventeen hundred and twenty his said Lordship came here into Court by Thomas Bordley and Daniel Dulany his Attorneys and says that as well in the Records and proses as in the Rendring the Judgment afs^d It is manifestly Erred.

1. It is Erred in this That the plea afs^d of the said Thomas Cockshutt is insuff^t in Law to barr the said Lord Prop^r of the said Action in the Prov^t Court.

2. It is Erred in this that the Rejoynder of him the said Thomas is a Departure from and Contradictory to his plea.

3. It is Erred in this That the Judgment afs^d was rendered for the said Thomas Cockshutt against the said Lord Prop^r, whereas by the Law of the Land Judgment ought to have been for his Lordship to recover his Debt afs^d and his Damages Occasioned by the detention of that Debt for which Errors and others in the record and process and rendring the Judgment afs^d the said Attorney Gen^t prays that the Judgment afs^d may be reversed and held for none and that Judgm^t may be rendred for the said Lord Prop^r for his Debt and Damages Occasioned by the detention of that Debt and That he to the Errors afs^d may rejoyne

D Dulany

And the afs^d Thomas Bordley and Daniel Dulany pray his Lordships Writ to forewarn the said Thomas Cockshutt to be before his s^d L^dships Govⁿ and Council at Annapolis to hear the Record and proses afs^d and it is granted to him therefore Command is given to the Sherr: of Calvert County that he should make known to the said Thomas Cockshutt that he should be before us in our high Court of Appeales to be held at the City of Annapolis the third tuesday in April then next being the twentyth day of the same month Anno Domi Seventeen hundred and twenty one to hear the Record and Process afs^d if to him it should seem meet and the same day is given to the said Thomas Bordley and Daniel Dulany to appear for us also.

At which said twentyth day of April before his L^dships high Court of Appeales afs^d at the City of Annapolis afs^d as well the said Thomas Bordley and Daniel Dulany who for us etc: as the afs^d Thomas Cockshutt by Michael