

Howard his Attorney and the sherriff afs^d did not send the Writ and thereupon the afs^d Thomas Bordley and Daniel Dulany who for us etc: say that in the Record and Process [450] afs^d as also in rendring the Judgm^t afs^d it is manifestly Erred alledging the Errors afs^d by the said Thomas Bordley and Daniel Dulany for us in forme afs^d above alledged and pray that the Judgm^t afs^d for the Errors afs^d and others in the Record and Process afs^d may be reversed annulled and altogether for none held and that he to all things which by Occasion the Judgm^t afs^d he hath lost may be restored and that the said Thomas Cockshutt to the Errors afs^d rejoyne and that his said Lordships Court of Appeales and Errors here will proceed to the examination of as well the Record and process afs^d as the matters afs^d for Errors Assigned.

And the said Thomas Cockshutt saith that neither in the Record and process afs^d nor in the matters therein Contained nor in rendering the Judgment afs^d it is in any wise Erred and likewise prays that his said Lordships Court of Appeales and Errors here proceed to the examination as well of the Record and process afs^d as of the matters afs^d above for Errors Assigned and that the Judgment afs^d in every thing may be Affirmed.

But because his said L^dships Court of Appeales and Errors here of rendring their Judgm^t of and upon the premisses are not as yet advised day is thereof given to both partyes Plaintiff and Defendant before his Lordships Govⁿ and Councilll from the s^d twentyth day of April at the City afs^d untill the twenty first day of July next being the third friday of the same month Anno Domi Seventeen hundred and twenty one afs^d to here there Judgment of and upon the premisses for that his said L^dships Court of appeales here thereof are not as yet Advised.

At which said twenty first day of July last mentioned before his L^dships Govⁿ and Councilll afs^d Sitting as a Court of Appeales and Errors at the City afs^d comes as well the said Thomas Bordley and Daniel Dulany who for his said L^dship prosecuteth as afs^d as the said Thomas Cockshutt afs^d.

And whereupon all and Singular the premisses by the Court now here being seen and fully understood and deligently examined and inspected and mature deliberation being thereupon had it appears to his L^dships said Court of Appeales and Errors now here that in the Record and process afs^d and likewise in rendring the Judgment afs^d that it manifestly Erred.

[451] Therefore it is Considered by the said Court that the Judgment afs^d as to us for the Errors afs^d above Assigned be revoked annulled and altogether held for none and that We to all things which by Occasion of the Judgment afs^d have lost shou^d be restored etc: And also it is Considered by the said Court the same day and year that We recover agst the said Thomas Cockshutt the sum of pounds of Tobacco to us by the Court here Adjudged for our Costs and Charges by us upon the prosecution of the said Writ of Error laid out and Expended and that the said Thomas Bordley and Daniel Dulany who for us Prosecute have thereof our Execution etc: