

Sewell the Lessor the sum of Seven hundred and ninety Seven 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 form of the Statute in that Case made and Provided etc:

Afterwards to Wit in the same Court or term the af<sup>d</sup> Henry Sewell the Lessor by his Attorney af<sup>d</sup> prays an Appeale from the Judgment of this Court so as af<sup>d</sup> rendred, to the high Court of Appeales which is granted upon giving security for the due prosecution thereof According to Law.

Thereupon afterwards in the same Court or term the said Henry Sewell together with Edmond Benson and Turner Wooten Gent: his Surties came into Court and Acknowledged themselves to Owe and stand Justly indebted Joyntly and Severally unto the said Samuel Howard in the sum of ten thousand pounds of Tobacco to be levyed on their bodys goods or Chattles Lands or tenements to the use of the said Samuel Howard according to Law. In case the said Henry Sewell does not prosecute his said appeale with Effect according to Act of Assembly in that Case made and Provided.

In Testimony whereof I have hereunto Set my hand and Affixed the Seale of the Provinciall Court this 10<sup>th</sup> day of October Anno Domi: 1722.  
[Provincial Seale]

Vachel Denton Ck Cur: Provin.

[586] And now here this day To witt the Second Wednesday of October being the Tenth Day of the Same Month Anno Domini Seventeen hundred and Twenty Two Comes Edmond Benson Lessee of Henry Sewell into his Lordships High Court of Appeals and Errors by Thomas Bordley his Attorney and Saith that in the Record and process aforesaid and also in the Rendering the Judgment aforesaid it is manifestly Erred. In this To Witt that the Provincial Court Charged the Jury contrary to the Exception of the S<sup>d</sup> Lessee and Against Law in Chargeing them to find the Estate of the Lands in Contest to be a fee Simple derived to the Said Samuel Whereas it is really a fee tail Vested in the Said Henry the Lessor to the Plaintiff Wherefore for that the Said Court directed the Said Jury Erroneously in a point of Law as appears by the Bill of Exceptions af<sup>d</sup> the Verdict and Judgment thereon rendered are manifestly Erronious.

Also in this that the Verdict and Judgment are rendered for the Said Samuel Howard against the Said Henry his Lessee Whereas they Ought by Law to have been rendered for the Said Henry his Lessee against the Said Samuel Howard. for Which Errors and many more in the record and process afores<sup>d</sup> and also in the rendering the Judgment aforesaid the Said Lessee prays that the Same Judgment be Annulled reverst and altogether held for none and that he to all things which thereby he hath lost may be restored etc.

And the Said Thomas Bordley prays his Lordships Writt to forwarn the Said Samuel Howard to be before his Lordships Governour and Council at Annapolis to hear the Record and process aforesaid and it is granted unto him Therefore Command is given to the Sherriff of Annarundell County