

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 Provincial Court this tenth day of May Anno Dom 1723

Vachel Denton Cl Cur Provin.

And Now here this day To Witt on the 10th day of May Anno Dom 1723 Comes the Said John Bush Into his Said Lordships Court of Appeals and Errors by Daniel Dulany his Attorney and Saith that as well in the Record [626] and process and alsoe in the af^d matters in the af^d Bill of Exception recited and Comprhended and also in rendering the Judgment aforesaid it is manifestly Erred Especially in this that the aforesaid Chief Justice and his Associates before Whom the Issue aforesaid was tryed did not inform the Jurors of the af^d Jury that the Matter aforesaid So as aforesaid given in Evidence by the Said Daniel Walker Was not Sufficient in Law to mantain the Issue aforesaid on the part of him the Said Daniel It is Erred in this that the Said Chief Justice and his Associates Did not inform the Same Jurors that the matters aforesaid So as aforesaid given in Evidence by the Said John Bush were good and Sufficient in Law to mantain and prove the Issue aforesaid on the part of the Said John Bush. It is Erred in this that the Judgment aforesaid was rendered for the Said Daniel against the Said John whereas by the Law of the Land Judgment Ought to have been rendered for the Said [sic] Against the Said Daniel And prays that the Judgment aforesaid for the Errors aforesaid and others in the Record and process aforesaid being be revoaked annulled and held for none and that he to all he by that Judgment Lost may be restored And that the Said Daniel to the Errors aforesaid may rejoin and that the Court here will proceed to Examine as well the Record and process aforesaid as the Matters aforesaid for Errors Assigned.

D. Dulany.

And Whereupon the Said Daniel Walker Lessee of the Said Thomas Robins by Thomas Bordley his Attorney Saith that Neither in the Record and process aforesaid nor in the Matters therein Contained Nor in rendering the Judgment aforesaid it is in anywise Erred and Likewise prays that his Said Lordships Court of Appeals and Errors here proceed to the Examination as well of the Record and process aforesaid as of the matters aforesaid above for Error Assigned and that the Judgment aforesaid in every thing may be affirmed. But Because his Lordships Court of Appeals and Errors here of rendering their Judgment of and upon the premisses are not as yet advised day is thereof given to the parties aforesaid before his Lordships Governour and Councill aforesaid from the Said 10th day of May Anno Dom 1723 at the City of Annapolis af^d untill the 3^d Tuesday of July then Next being the 16th day of the Same Month Anno Dom 1723 to hear their Judgment of and upon the premisses for that his Lordships Court of Appeals and Errors here thereof are not as yet advised. At Which Said 16th day of July Anno