

thereof are not as yet advised. At which Said Twenty fifth day of Feb<sup>ry</sup> Anno Dom Seventeen hundred and Twenty three af<sup>d</sup> before his Lordships Governour and Council af<sup>d</sup> Sitting as a Court of Appeals and Errors at the City of Annapolis af<sup>d</sup> Comes as Well the Said Dorothy Smith Ex<sup>rx</sup> af<sup>d</sup> by her Attorney af<sup>d</sup> as the Said Mary Hemsley Ex<sup>rx</sup> af<sup>d</sup> by her Attorney af<sup>d</sup> and because his Lordships Court of Appeals and Errors now hereof their Judgment of and upon the premisses to render are not as yet Advised further day is given to the af<sup>d</sup> parties from the Said Twenty fifth day of Feb<sup>ry</sup> at the City of Annapolis af<sup>d</sup> untill the Second Tuesday of July then next being the fourteenth day of the Same Month Anno Dom Seventeen hundred and Twenty four to hear their Judgment of and upon the premisses for that his Said Lordships Court of Appeals and Errors here thereof are not as yet advised. At which Said Second Tuesday of July being the fourteenth day of the Same Month Anno Dom Seventeen hundred and Twenty four before his Lordships Governour and Council Sitting as a Court of Appeals and Errors at the City of Annapolis af<sup>d</sup> Comes as well the Said Dorothy Smith Ex<sup>rx</sup> af<sup>d</sup> by her Attorney af<sup>d</sup> as the Said Mary Hemsley Ex<sup>rx</sup> af<sup>d</sup> by her Attorney af<sup>d</sup> And Whereupon all and Singular the premisses by the Said Court now here being Seen and fully Understood and dilligently examined and Inspected and Mature deliberation being thereupon had It appears to his Said Lordships Court of Appeals and Errors now here that in the Record and process af<sup>d</sup> as also in the Rendering the Judgment af<sup>d</sup> it is Manifestly Erred Therefore It is Considered that the Judgment af<sup>d</sup> rendered in the Provincial Court against the Said Dorothy Smith Ex<sup>rx</sup> of the Said John Smith for the Errors af<sup>d</sup> above Assigned and others in the Record and process being be Revoked Annulled and altogether held for none and that the Said Dorothy Smith Ex<sup>rx</sup> af<sup>d</sup> to all things She by the Judgment af<sup>d</sup> hath lost be restored. Whereupon afterw<sup>ds</sup> on the Sixteenth day of July Anno Dom Seventeen hundred and Twenty four in the Same Court or term John Bagby at Whose request the Said Action was brought in the Prov<sup>t</sup> Court Comes hereinto Court and humbly prays that he may admitted to Swear to his Circumstances in order to his Admittance to prosecute an [634] appeale in forma pauperis which is allowed him. And Whereupon he the Said John Bagby Comes into Court and Makes Oath that he is not worth five pounds Ster<sup>t</sup> money his Wearing apparel Excepted. Whereupon Thomas Bordley of Councell for the Said John Bagby informs this Hon<sup>ble</sup> Court that his Client has desired him to Appeale from this Judgment in the Name of William Rogers and Mary his Wife lately Called Mary Contee who was the plaintiff in the Prov<sup>t</sup> Court and has desired his Assistance therein But forasmuch as the appeale is to be prosecuted in England and that tho the Said Bagby be Admitted here in forma pauperis Yet that Expenses in England will be necessary to Carry on the Affair for him in England which he is not able to advance Therefore the Said Thomas Bordley declares out of Charity to the man and love to Justice which he takes to be