

your petitioner in the Prov^l Court together with the Cost that had been Adjudged in the Said high Court of Appeals and Errors and Shall be Awarded by his Majesty in Council to be paid to Said Bordley by Your Petitioner in Case the Said Judgment of the Court of Appeals Should be Affirmed which Said Security was approved of by the Said Court of Appeals and the appeale on the Said fourth Day of June was thereupon granted That on the allowance of the af^d Appeale Altho the Said Thomas Bordley was present in Court and Ninian Mariarte Son to Daniel Mariarte Gent High Sherriff of Annarundell County one of the Under Sherriffs of the Said County and the Clerk of the Provincial Court were all present on granting thereof your Petitioner to prevent his being taken on Execution Or his Effects Seized by Virtue of the af^d Judgments Served the Said Bordley the Under Sherriff af^d and the Clerk of the Provincial Court Severally with an Attested Copy Under the hand of the Clerk of the Court of Appeals of a Minute of the allowance of the af^d Appeale and Affidavit of the Service thereof herewith Produced appears.

That Notwithstanding Whereof on the Sixth day of June last Your Petitioner by Virtue of a Writt of Capias ad Satisfaciendum Most Unduely and Improvidently taken out of the Provinciall Court On the Judgment recovered by the Said Bordley Against your Petitioner by Daniel Mariarte Gent high Sherriff of the County af^d in Contempt of the Appeale and Supersedeas af^d And Notice af^d to him and them given hath been falsly taken in Execution and Imprisoned and Still kept in Close prison in the Goal of the City of Annapolis Contrary to all the Right of all his Majestys Subjects and the Laws of Great Brittain and this Province That on rendering That on rendering [sic] Judgment Against your Petitioner in the Provincial Court Daniel Dulany and Edmond Jennings Gent Your Petitioners Attorneys Did Appear and prayed an Appeale from that Judgm^t to Your Excellency and Honours in the Court of Appeals in Which Court they were Practitioners and Attended thereon and proceeded thereon in the Cause that they Ordered the Transcript of the Judgment to be made out and Charged their fees to your Petitioner that Nevertheless on the Tryal of your Petitioners Cause in the Said Court the Said Attorneys declined to be any further Concerned therein And dureing the whole Time of this your Petitioners Confinement he has been Destitute of Council Particularly of those to whose Council and advise he beleives he is intituled to by Law and oblided to Imploy other Council who were Intirely Unacquainted with the Circumstances of your Petitions Cause Wherefore he prays Minute may be thereof made and that your Excellency and Honours will be pleased to give your Opinions in relation thereto Your Petitioner Likewise Conceives it is Agreeable to reason [713] And no Ways repugnant to Law Wherever a Judgment is unduly recovered or Judicial process Unduly or Erroneously Issued The Court before whom