

Nought and that the Said William to all things which by Occasion of the Judgm<sup>t</sup> af<sup>d</sup> hath lost be restored

And Thereupon on the Same Second Day of July Anno Dom Seventeen hundred and Twenty Eight in the Same Court Comes Michael Howard his Lordships Attorney Generall and Saith that Neither in the Record and process af<sup>d</sup> nor in the Matters therein Contained nor in Rendering the Judgm<sup>t</sup> af<sup>d</sup> it is in any wise Erred and prays that his Said Lordships Court of Appeals and Errors here proceed to the Examination as well of the Record and process af<sup>d</sup> as of the matters af<sup>d</sup> above for Error Assigned And that the Judgment af<sup>d</sup> in every thing may be Affirmed Whereupon afterw<sup>ds</sup> on the Same Second Day of July Anno Dom Seventeen hundred and Twenty Eight Before his Lordships Governour and Council af<sup>d</sup> Sitting as a Court of Appeals and Errors at the City af<sup>d</sup> Comes the partys af<sup>d</sup> by their Attorneys af<sup>d</sup> Whereupon all and Singular the premisses by the Court being Seen and Understood It is Considered that the Judgment af<sup>d</sup> for the Errors af<sup>d</sup> and others in the Record and process af<sup>d</sup> Appearing and being be Revoked Annulled and altogether for None and that he the Said W<sup>m</sup> Vernon be restored to his Testimony and Credit Notwithstanding the Whiping and pillory af<sup>d</sup> and that he to all things which by Occasion of the Judgment af<sup>d</sup> hath Lost Should be restored and that the Same W<sup>m</sup> Vernon Should go thereof w<sup>th</sup>out Day etc.

And Ordered Writt of Restitution to issue Directed to the Sherr of Ann<sup>l</sup> County to Command the Ex<sup>rs</sup> or Adm<sup>rs</sup> or the Legall representatives of Nehemiah Birkhead the party Grieved in the Transcript named to pay and Restore unto the Said W<sup>m</sup> Vernon the Sum of Eighteen Pounds Current Money the four fould of the Value of the Horse in the Record mentioned or to Come here into Court to Shew Cause to the Contrary.

And Ordered that Minute be made that Michael Howard Esq<sup>r</sup> his Lordships Attorney Generall being present in Court did not oppose the Reversal thereof But Acknowledged that the Judgment was Erroneous

The Court Adjourns untill 3 of the Clock afternoon. The Court met According to Adjournment. Present as Before noon. The Court adjourns till to Morrow Morning. Thursday July 4<sup>th</sup> 1728. The Court met According to Adjournment. Present as yesterday.

[732] Eodem July 4<sup>th</sup> 1728

[E:J:] Daniel Bryon v [WB:] Prior Smallwood

His Lordships Justices of the Prov<sup>l</sup> Court Transmitt to his Lordships Governour and Councel of the Province af<sup>d</sup> Sitting as a Court of Appeals and Errors the following Appeale made by Daniel Bryon made by his Attorney af<sup>d</sup> from the Said Prov<sup>l</sup> Court the Tenour of Which follows in these words Viz<sup>t</sup>

In The Records and Proceedings of the Provinciall Court of Maryland Amongst other things is Contained as follows Viz<sup>t</sup>