

the matter Should recover Ag^t the pl^t Yet the Pl^t would recover Damages for the Same Ag^t the Def^t and therefore prays that the Court will Direct the Jury that no Consideration is to be had of the Costs in the Recovery between the Said Bryon and Hoskins and that no other Record of any Recovery but that w^{ch} is mentioned in the Pl^fs Declaration Ought to be given in Evidence to the Jury Upon w^{ch} the Judge Left the matter at Large to the Jury and gave them an Account of the Amount of the Cost

Tho^s Addison

[739] But for that the Justices here as yet are not advised of the rendering their Judgm^t of and upon the Verdict af^d Day thereof is given to the S^d parties pl^t and Def^t to hear thereof their Judgm^t Untill Next Court for that the S^d Justices as yet are not etc.

At which S^d next Court To Witt the Sixteenth Day of May Anno Dom 1727 Comes Again As well the S^d Dan^l Bryon by his Attorney af^d as the S^d Pryor Smallwood by his Attorney af^d Whereupon all and Singular the premisses being by the Court here Seen and fully Understood and Mature Deliberation being thereupon had for that it Seems to the Court of his Lordship the Right Hon^{ble} the Lord Prop^{ry} here upon the whole Matter af^d in form af^d found that the Law is with the Defendant.

Therefore it is Considered that the Said Dan^l Bryon take nothing by his writt af^d but be in Mercy for his false Clamour and that the Said Pryor Smallwood go thereof w^{thout} Day And Also it is Considered that the S^d Pryor Smallwood Recover Ag^t the Said Dan^l Bryon the Sume of One Thousand Three hundred and Eighty four 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 forme of the Statute etc.

Afterw^{ds} To witt in the Same Court or Term the S^d Dan^l Bryon by his Attorney af^d prays an Appeale from the Judgm^t of this Court to the High Court of Appeals w^{ch} is by the Court here granted upon the S^d Dan^l Bryons giving Security for the Due prosecution thereof According to Law and Thereupon the S^d Dan^l Bryon produces to the Court here a Bond by him Executed wth Suff^t Sureties for the Due prosecution of the Appeale af^d the Tenour of w^{ch} Bond follows in these Words Viz^t

MARYLAND ss^t Know all men by these presents that we Dan^l Bryon Alexander M^cpherson and William Coomes are held and firmly bound unto Pryor Smallwood in the full and Just Sum of Ten Thousand pounds of Tobacco to be paid unto the Said Pryor Smallwood his Certain Attorney Ex^{rs} Adm^{rs} or Assignes to Which payment well and truly to be made and Done We bind our Selves and every of us our and every of our Heirs Ex^{rs} and Adm^{rs} Jointly and Severally for the Whole and in the whole firmly by these presents Sealed With our Seals and Dated this 18 Day of May Anno Dom 1727.

The Condition of the above obligation is Such that if the above Bound