

Secondly it is Manifest Error in that it doth not Appear by the Record that the pl^t or Defend^t was Called to Appear or that they did Appear when the Jury brought in and Delivered their Verdict to the Court without w^o^b the Court had no Ground to Enter Judgment

Thirdly it is Error in that the Jury was Suffered to have a fire in the Room all the time that they were Considering the matter whereupon to ground their Verdict which they ought not to have.

And therefore the Said pl^t prays the Said Judgm^t may be reversed and had for Nothing And that he the S^d pl^t as to all things by him Sustained by reason of the Judgm^t af^d may be restored. etc.

And the Said William by Robert Carvile his Atto^y Coms and Defends the force and Injury when etc. and by Protestation Denying there is any Error in the Record af^d for plea Saith that by an Act of Assembly made att an Assembly held att the City of S^t Marys the 20th day of October 1678 Intituled an Act for Appeales and [102] regulating Writts of Error And by diverse Subsequent Acts revived and Continued to Stand in force it was by the Authority of the Same Assembly Enacted That no Execution upon any Judgm^t in the County Courts or other inferior Courts of Record in this Province Shall be Stayd, delayd or any Supersedeas upon Such Judgment Granted or Sued forth upon any Appeale from any Such Court or Courts of Record as af^d to the Prov^l Court of this Provincia^l Co^r^t [sic] of this Province in any Action whatsoever unless Such Person or Persons in whose Name or Names Such Appeals Shall be made or Some other in this and their behalfe Shall Imediatly upon making Such Appeale Enter into Bond with Sufficient Surety or Suretys Such as the Court where Such Judgm^t Should be given Should allow and Approve of to the party for whom any Such Judgm^t Should be given in the penalty of double the Sume adjudged to be recovered by Such Judgment of Such County Court or other inferior Court from whence the S^d Appeale Should be with Condition that if the party Appellant Should not pursue the directions of the Said Act therein after Mentioned att the Provincia^l Court then Next Ensueing According to the Rules of the Provincia^l Court and to prosecute the Same Appeale with Effect and also Satisfy and pay to the Said party his heires Ex^{rs} Adm^{rs} or Assignes in Case the Said Judgment Should be Affirmed as well all and Singular the debts Damages and Costs Adjudged by the Said Judgm^t as also all Costs and Damages that Should be Awarded by the Prov^l Court for the Same delaying of Execution then the S^d Bond to Stand in full force and Virtue And whereas by the Law of England there is no rules prescribed [103] for the prosecution of Such Appeals as aforesaid being not alltogether agreeable to the practice of the Same Law Yet being found Necessary and Convenient for the Good of this Province as af^d it was therefore further Enacted by the Authority of the Same Assembly That the Method and rules for prosecution of Such Appeales as af^d Should for the future be in Manner and forme hereafter Expressed That