

brought by him as such, and being joined with the King and Queen therein *no misericordia* lies as may appear by the Book of Entries in like cases, therefore the said judgment ought to be reversed, for judging one in mercy, who by law ought not to be so.

For all which errors and imperfections the said Edward Randolph prays that the said judgment may be reversed, and he to what he has lost thereby may be restored.

George Plater.

Next came the writ of *scire facias ad audiendum errores*, or to hear errors, issued by the Court of Appeals commanding the sheriff of the appropriate county to summon the defendant in error for that purpose. This, too, was used both in proceedings on writ of error and in appeals in which the writ was dispensed with. There was indeed no substantial difference between proceedings begun in the one way or the other after the first step of entering the appeal. This writ of *scire facias ad audiendum errores*, according to Macqueen,²³ was last used in the House of Lords in 1673, and in the Court of Exchequer it had yielded to a less formal notice, but in Maryland so far as found, the papers of every case up to the Revolution include a "Sci. fa. ad aud. err." or "Sci. fa. to hear errors"; and it was used after the Revolution. One from a case in 1746 is here given:

Maryland Sst.

Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. To the Sheriff of Calvert County, Greeting. Whereas Sarah Smith, widow, and Joseph Hall, Executors of the Testament and Last Will of John Smith, late of Calvert County, deceased, have lately obtained our writ for correcting errors in a certain

23. Macqueen, 408.