

judgment rendered against him the said Joseph Hall, Executor of the Testament and Last Will of John Smith, aforesaid, in our Provincial Court of our province aforesaid before our Justices thereof on the thirteenth day of April Anno Domini One thousand Seven hundred forty and two in an action there depending on a writ of replevin wherein the said Joseph Hall Executor aforesaid was plaintiff and Jane Wells of Calvert County aforesaid was defendant, as also for removing the record thereof before us in our high Court of Appeals and Errors where the said record now remains, we therefore command you that by good and lawful men of your bailiwick you make known unto the said Jane Wells that she be and appear before our Governor and Council in our high Court of Appeals and Errors to be held at the City of Annapolis the third Tuesday of February next to hear the errors assigned upon the judgment aforesaid if to her it shall seem meet. Hereof fail not and have you then and there the names of the persons before whom you make the same known and this writ. Witness our truly and well beloved Thomas Bladen, Esquire, our Captain General & Governor in Chief in and over this our province of Maryland, this Sixth day of November in the Thirty second year of Our Dominion Annoq. Domini One thousand seven hundred and forty six.

(J. Bordley)

Wm. Rogers,

Cl. Cur. Appl.

Issued Jany. 26, 1746.

In response to that writ the defendant appeared and filed a plea called from its words and purport, *In nullo est erratum*. Later in the eighteenth century it was frequently called merely "joinder in error". One filed on May 29, 1747, in the case of Paul Peacable, Lessee of John Lusby and Mary, his wife, v. Augustina Larrimore, is given:

And the aforesaid Augustina Larrimore, by Stephen Bordley, her attorney, comes here into court, and having heard the errors aforesaid, saith that neither in the record and process nor in the rendering the judgment aforesaid is it in any manner erred, and she prays likewise that the court here may proceed