

Thirdly The proceedings are Erroneous in this that the Jury is ill Joyned for the Defendant, pleads that he is not guilty of the breach of the act of Assembly in the declaration mentioned and that of this he puts himself upon the Country, and the Plaintiff Replies that the said Richard Walker did both willingly and willingly lend the said Vant his boat to transport him out of this Province as in the Declaration is expressed, and for they all puts himself upon the Country, whereas the Jury ought to have been Joyned that the said Walker was guilty of the breach of the act of Assembly in the declaration mentioned

Fourthly The Judgment rendered in the said cause is Erroneous in this that it is not agreeable to or Warranted by the Verdict of the Jury, for the words of the Verdict are that Richard Walker did Lend Richard Vant the boat, and the bare lending of a man a boat is not matter sufficient to bring the Vender within the compass of the penalty of the act of Assembly made in the year One thousand six hundred seventy four Entituled an Act prohibiting all Masters of Shippes or Vessells or any other persons from transporting or carrying away any person or persons out of this Province without licence, which is the Statute or Act upon which the Defendant is sued, and the Jury not finding the Defendant guilty the Courts ought not to have condemned him

And thereupon the said Richard Walker says that in the Record and process aforesaid as also in the Rendering of Judgment aforesaid it is manifestly Erroneous in the Error aforesaid, by him informed aforesaid alleged, and prays that the Judgment aforesaid be Reversed and annulled and held for nothing, and that he be restored to his goods by occasion of the premises that he lost be restored, and that the said John Shaukes to the Error aforesaid may answer, which Record process and Error aforesaid being read and heard the said John Shaukes by his Attorney aforesaid says that he is content to imparle thereupon unless in some Provincial Court, and it is granted unto him the same day is given to the said Richard Walker Likewise

Now here at this day to wit the Eleventh day of October in the fourth year of the Dominion of Charles Lord Baltimore &c. Anno Domini One thousand six hundred seventy nine, caused the said parties by their Attorneys aforesaid, and the said John Shaukes by his said Attorney says that in the Record and process aforesaid, as also in the Rendering of Judgment aforesaid, there is nothing Erroneous, and prays that the Courts of the said Lord Proprietary here may proceed to Examination a full of the Record and process aforesaid, as of the matters aforesaid above for Error assigned, and that the Judgment, also may be affirmed

And the said Richard says as aforesaid that in the said Record and process aforesaid as is Ready to occur, and prays as aforesaid that the Court will proceed to examination a full of the said Record and process aforesaid as of the matters aforesaid above assigned for Error, and the said John Shaukes also

And thereupon the Record and process aforesaid to the Rendering of Judgment thereupon and the aforesaid cause and matters above by the aforesaid set for Error aforesaid being seen and by the Justices here fully understood, and diligently examined, and for that it appears to the said Justices, by the first reason for Error assigned, that in the Record and process aforesaid as also in the Rendering of Judgment aforesaid it is manifestly Erroneous, therefore it is considered that the Judgment aforesaid for Error in the Record and process aforesaid be Reversed and annulled, and altogether held for nothing, and that the said Richard Walker unto all things with by occasion of the Judgment aforesaid he hath lost be restored, and that the said Richard Walker Recover against the said John Shaukes the sum of Twelve hundred Eighty Eight pounds of Tobacco for his Costs of Suits in this behalf Expended