

And hereupon came aswell the ^{said} William plamer by Christopher Rousby
his attorney as the said Shmoo parson by Robert Redgely his attorney
and the said William plamer by his said attorney sayeth that in the
Record and procees aforesaid as also in the Rendering Judgment aforesaid
it is manifestly Erronious

First In this that it is said in the said Record that William plamer as attorney of Matthew
Nelson was summoned to answer unto Shmoo parson in a plea of trespass upon the case
wherein no plea of trespass or any other action will legally hold against any person
as being the attorney of another man, but the action should have been brought against
Matthew Nelson himselfe and his attorney ought to have boone left at libertie
whether hee would have appeared to defend the said action yea or noe, and ought not
to bee arrested or restrained of his libertie for his Employers dole or trespass.

Secondly It is Erronious in this that the plea is admitted as appeared by the said Record to swear
and give Evidence in his owne cause which is not warranted by Law Especially in this
Case stande

Thirdly It is Erronious in this that there is noe Issue Joyned between the parties plaintiffe
and defendaul whereupon the Court could proceed to tryall and Judgment

Fourthly It is Erronious in this that there is noe Jury Impanelled to try y^e matter of fact
which does properly and Legally belong to the Cognizance of a Jury

Fifthly There is noe mutuale consent of the parties appeared by the said Transcript
of the Record, that they did putt themselves upon the Judgment of the Court without
a Jury voluntarily, and without just consent It is manifest Erron for the
Court to take such power upon themselves

Sixthly Lastly It is Erronious in this that for the supposed wrong doing of Matthew Nelson
Judgement is given against William plamer to pay to the plaintiffe or his order three
hundred and seaventy pounds of Tobacco, and three hundred and thirtie pounds of
Tobacco for costs of suits, & thereupon the said William plamer saith that in the
Record and procees aforesaid as also in the Rendering of Judgment aforesaid it is
manifestly Erronious in the severall points before alledged, And therefore prayeth
that for the Errors aforesaid, the aforesaid procees proceedings & Judgment may bee
wholly reversed Annulled and held for nought, And that hee the said William may
in all things bee restored, wherein hee hath suffered by reason of the premises, and
that the said Shmoo parson to the Errors aforesaid may answer what Record procees
and Errors aforesaid being read and heard, the said Shmoo parson by his said attorney
prayeth the Court to imparle thereupon unless next provinciall Court, and it is granted
unto him the said day is given to the said William plamer Likewise

And here at this day (to wit) the thirteenth day of October in the fourth year of the dominion
of Charles Lord Baltmore the Anno Domini One thousand six hundred seaventy and fives the
said parties by their attorneys aforesaid, and the said Shmoo parson by Robert Redgely
his attorney, demanded hearing of the Record and procees aforesaid, and bills of the Errors
aforesaid, above by the said William plamer assigned, & they are read unto him, with being
read and heard the said Shmoo parson saith that in the Record and procees aforesaid
in the Rendering of Judgment as aforesaid it is in not many Errors, and prayeth that the
aforesaid Justices doe proceed a swill to the Examination of the Record and procees
as to the aforesaid Matters for Errors assigned by the said William plamer, And the
said William plamer also
And hereupon the Record and procees aforesaid to the Rendering the Judgment thereupon