

s<sup>d</sup> Thomas after the death of the s<sup>d</sup> Lyonell for which he ought to have brought a separate Action, and that in his owne Name and not as Administrator of the s<sup>d</sup> Copley, for that was a Debt made by himself and therefore could not be coupled in one Action with the Debts made by the s<sup>d</sup> Copley in his life time, therefore Erronious. Which s<sup>d</sup> Reason being fully Argued and Debated vpon before our s<sup>d</sup> Govern<sup>r</sup> and Councill by the Attorneys on both sides, And forasmuch as it hath been adjudged by our s<sup>d</sup> Court, to wit, the Eighth day of Octobe<sup>r</sup> Anno 1696. That out of the s<sup>d</sup> Error Assigned does Arise matter of Fact which lyes not properly before them to Inq<sup>r</sup> We do therefore Command that without delay you Cause the s<sup>d</sup> Fact to be inquired into before you by a Jury of Twelve good and legall Men for that purpose to be Elected and Chosen and that you cause the Proceedings thereof to be transmitted to our s<sup>d</sup> Govern<sup>r</sup> and Councill, together with this precept, with all convenient speed, to the end such further Proceedings thereon may be made as to Law and Justice appurtaineth; Witness our Trusty and well beloved Francis Nicholson Esq Chief Justice of our s<sup>d</sup> Court and Cap<sup>t</sup> Gen<sup>l</sup> and Govern<sup>r</sup> in Chief in and over our s<sup>d</sup> Province and Territory of Maryland.

Per Cur Hen: Denton Clk Concił per Appeals etc.

William Parker ag<sup>t</sup> George Lingan Adm<sup>r</sup> etc. of John Abington, dec<sup>d</sup>  
Vpon a Writ of Error before his Ex<sup>coy</sup> the Govern<sup>r</sup> and Councill etc.

The Attorney for the Defendant humbly Moves that having obtained Judgm<sup>t</sup> in the Provinciall Court against the s<sup>d</sup> William Parker some time in May last, for the Summ of Seaventy Eight p<sup>ds</sup> two shillings and six pence ster. a certain Debt for damages vpon a protested Bill of Exchange, together with Six hundred twenty Four pounds of Tobacco Cost of Suit; the s<sup>d</sup> William Parker did afterwards sue forth a Writ of Error [45] out of his Ma<sup>ty</sup> high Court of Chancery returnable before his Exce<sup>ll</sup> the Govern<sup>r</sup> and Councill etc: bearing Date the 18<sup>th</sup> day of June after, to Correct Errors on the s<sup>d</sup> Judgm<sup>t</sup> and that the s<sup>d</sup> Lingan had been served with a supersedeas for stay of Execution therevpon, therefore desired to know if any Proceedings had been transmitted before this hono<sup>ble</sup> Court thereabout, Wherevpon the Clerk being Examined, does say that no such Transcript nor Writ of Error has been transmitted; it is therefore considered and Ordered by this Court, to wit, this Ninth day of October Anno 1696 that the s<sup>d</sup> Cause be hence dismissed, and that the Writ of Error and supersedeas thereon be set aside and held for naught, and that a procedendo hence issue directable to the Justices of the Provinciall Court for to proceed vpon the former Judgment and to award Execution thereon as fully and amply as if the s<sup>d</sup> Writ of Error and supersedeas had never been issued and further that the s<sup>d</sup> George Lingan Adm<sup>r</sup> etc: Recover against the s<sup>d</sup> William Parker the Summe of            pounds of Tobacco by the Court here Adjudged for his Costs and Charges in this behalf laid out and expended, and that he have thereof Execution