

ley for that was a Debt made by himselfe and therefore Could not be Coupled in one Action with the Debts made by the S^d Copley in his Life time therefore Erroneous which Said reason being fully Argued and debated upon before our S^d Gov^r and Council by the Attorneys on both Sides and forasmuch as it hath been adjudged by our Said Court to witt the [8]th day of October 1696 that out of the Said Error Assigned dos arise matter of fact which lyes not properly before them to trye we do therefore Comand that without Delay You Cause the Said fact to be inquired into before yo^u by a Jury of Twelve good and Lawfull men etc. for that purpose to be Elected and Chosen and that you Cause the [79] proceedings thereof to be Transmitted to our Said Governo^r and Council together with the Precept with all Convenient Speed to the End Such further proceedings thereon may be made as to Law and Justice Appurteineth Wittness our Trusty and well beloved Francis Nicholson Esq^r Chief Justice of our Said Court and Cap^t Gen^l and Governo^r in Chief in and over our Said Province and Territory of Maryland

Hen: Denton C^lk Council Appeals

Att a Provinciall Court held att the Porte of Annapolis in Annarundell County the 10th day of December in the Eighth Year of the reigne of our Sovereigne Lord King William the third etc. Annoque Dni 1696 before his Matys Justices thereunto Authorised and Appointed Viz^t:

The Hon^{ble} Robert Smith Esq^r; Philip Clark; Richard Hill; Thomas Tasker; Philip Hoskins; Thomas Staley, Justices p^rSent

Then was read in Open Court the Writt of Procedendo af^d Comand was therefore Given to the Sherriffe of Annarundell County that forthwith he Cause to come here twelve etc. by whom etc. who as well etc. to recognize etc. and who neither etc. And the Sherriffe made returne of his Said precept that he had there ready in Court twelve Lawfull men of his Bailywick According as thereby he was Comanded to witt Thomas Hussey, John Taylor Thomas Freeborne James Bishop, Robert Grundy, Nich^o Fitz.Simmons Edward Duncalfe John Meek Jn^o Ingram Benj^a Richard John Cumber and Stephen Handcock.

Now here att this Day to witt the day and Year aforesaid Came as well the S^d Thomas Tench Adm^r of the Said Lyonell Copley Esq^r Deceased by William Den[t] [80] his Attorney as the Said Miles Burrough by [] his Attorney and the Jurors Impannelled as af^d being Called also Came who to Speak the truth Concerning the p^rmisses being Elected tryed and Sworne upon their Oaths do Say we the Jurors find that Co^l Lyonel Copley Never Sould unto Miles Burrough the Kettle and Skillett in Contest now before us.

True Copy from the Record

Chr: Gregory C^lk

The which being Maturely and Deliberatly Argued and debated by the Attorneys on both Sides and this Court being divided in their Judgm^t thereon do Give these Severall Opinions in Order following Viz^t: