

And the said William Burges by Robert Carvile his Attorney Cometh and Defendeth the force and Injury when &c and Prayeth Liberty to Imparle hereunto untill next prov^l Court and It is granted unto him the same day is given unto the said Robert Procto^r Likewise Liber W. C.

Now here at this day to witt the thirtyeth day of November in the sixth ~~fifth~~ year of the Dominion of the R^t hono^{ble} Charles Lord Baltemore &c Annoq̄ Domini 1680 Came the said partyes by their Attorneys aforesaid & the said William Burges by his said Attorney sayth That the Record and proceedings in the said Cause in the County Court of Ann Arrund^l County are in noe way Erred, and hee prayes that this Court will proceed to the hearing of the Record aforesaid as of the reasons of the said appeale p. 266

On w^{ch} said fourteenth day of Novemb^r aforesaid came the said Robert Procto^r by his Attorney aforesaid, and according to act of Assembly in that case made and provided Entituled an act for appeales & Regulateing writts of Erro^r Offereth to the Court here his reasons for his the said Roberts Appealeing from the Judgm^t of the County Court of Ann Arrund^l County aforesaid, ffor that the Record and pceedings before Recited are manifest Erronious in this:

(1st) In the Record Itt is sayd att a County Court of the R^t hono^{ble} Charles &c Held Att the Ridge in Ann Arrund^l County on the ninth day of March in the fourth yeare of his Lops dominion &c Annoq̄ Domini 1679/80 &c Whereas if It bee the ninth of March 1679 It was the fifth yeare of his Lopps dominion If the Ninth of March 1680 It is not yet Come W^{ch} for want of Laying a Certaine time is Erro^r:

(2) Itt doth not appeare in the Record that the said William Burges produced to the Court there his Letters of Adm^{on} of the Estate of the said William Jones, by w^{ch} It might appeare to the Court there that hee thereof had Adm^{ron} & soe Consequently became Intituled to bring the ac̄on aforesaid, and though this Erro^r after Verdict is pticularly solved by the statute yet here being Noe Jury nor verdict is apparent and Manifest Erro^r

(3) The Court gave Judgm^t for the debt Notwithstanding y^t satisfaction was pleaded by the deft Upon the plts gen^l Replicacon Notwithstanding It does not appeare by the Record that the deft did put himself Upon their Judgment or make any Submission to them, and Notwithstanding Bird the Evidence Swore in open Court That Procto^r had satisfied Jones in his life time the said debt and that Jones did acknowledge that the bill ought to bee Delivered Up, and was at his death in debt to Procto^r seaven or Eight hundred pound of Tobacco all w^{ch} is Erro^r:

(4)—Had they both submitted and referred it to the Court, & such issue had been Joyned, & y^e Court had thought fit not to beleive Birds Testimony, Yet the Receipt of the backside of the bill for thirteene hundred Twenty five pounds of Tobacco ought to have been Al-