ye Defendants ye Sheriff of Kent for as you have her body att a Court to be held for Baltimore County the fourth Tuesday in February next Ensuing to answer unto John Nicholls of a plea of Trespass & the Case, And the Declaration sayes Susanna Ulty was Summoned to answer unto John Nicholls of a plea that she Render unto him the sume of Nine hundred pounds of Tobacco wch to him she owes and unjustly Detaines &c. for that the writ doth not warrant the Declaration aforesaid w Exc &c.

(2d)

The said John in and by his Declaration aforesaid sayes that Whereas the said Susanna the Tenth day of July in the year of our Lord 1680 at Baltimore County aforesaid was indebted to the said John the sum of Nine hundred pounds of Tobacco w Cask Although the said John the said sume of Nine hundred pounds of Tobacco hath often & at the said Susanna Demanded Yet the said Susanna hath altogether refused to pay &c. wch is manifestly Tortious in that the said John doth not in and by the sd Declaration set Downe the certaine time Neither Day, Month nor Yeare when the said debt supposed to be due was Contracted Nor how Nor for what, Whether by specialty Mutuatus Simple Contract or Otherwise wch ought specially and certainely to have been layd for for Ought appeared by the Declaration or the writ aforesaid the Cause of action might have risen upon a debt by Specialty Contracts or Mutuatus or otherwise wch specially wch might be above two years before the said action was begun or commenced and for the same would have been barred by an Act of Assembly Entitulled an Act for limitation of certaine actions to avoyd suits &c. Cases wch doth prohibit any action of debt lending or Contracts Trespass upon the Cases &c to be commenced after two years Expired from such Cause of Action, and if the same debt had risen upon any specialty yet Ought to have Certainly alledged ye same that the said Susanna might have Craved Oyer thereof the Letter to Enable her to plead thereunto, wch is Verry uncertaine & manifest Error.

The Jury in their Verdict do say We find that the pltff ought to have his wages & Some hundred & fifty pounds of Tobacco Damages wth Costs. Which Verdict is very vitious Erroneous and uncertaine & the same is not maintainable by the Declaration wch Declares for debt and not for wages, & there is not one word of wages in all the proceedings, They also Ought to have set Downe how much the pltff Ought to have for his wages & have ascertained that as well as ye damages the Not ascertaineing whereof is Error. And thereupon the said Susanna sayth that in the Record and proceed aforesaid there is manifest Error. For the reasons aforesaid and others thereon Contained she Craveth the proceedings aforesaid and Judgment thereupon may be reversed, adnulled & made voyd, & that she unto all wch she by Occasion thereof hath sustained may be restored.

To the said John Nicholls by Robert Rogers his Attorney comes and Defends the force and Injury when &c and prayeth Leave to imparle herein unto next Baltimore Court and the same granted unto him the same Day is given to the pltff Likewise.

Now here at this day to wit the Twentieth day of March in the Twelfth yeare of the Dominion of the Right Honble Charles Lord Baltimore Anno Domi 1684 came the said parties by their Attorney aforesaid and the said John Nicholls by his said Attorney sayth that the appeale of the said Susanna from the Judgment of the

County Court of Baltimore County Given on the Twentieth day of July 1680 in the Cause depending betwixt the said John Nicholls pltff & the said Susanna Ulty defdt was not made and Prosecuted according to a certaine Act of Assembly Enacted at the City of St Maryes Anno Generall Assembly therein held the Twenty eighth day of October in the third yeare of the Dominion of Charles Lord Baltimore Anno Domi 1678. Entitulled an Act for Appeales and Prosecuting writes of Error, for that the said Judgment that was Appealed from was given att a County Court held for the said County of Baltimore the Twentieth day of July in the yeare 1680 aforesaid, and the said Susanna did not appeale in the said Action untill the next County Court held for the said County viz the Eighth Day of September then next following, the said Appeale having slept the time to appeale Noe Remedy can be had therein but by writ of Error, And since the Justices of this Court of any appeale from ye County Court can hold plea only by virtue of the said Act of Assembly before recited & by noe other Law whatsoever the said appeale Demands Judgment of the Court if the said appellant having neglected to appeale from the Judgment of the County Court aforesaid to this Court, the Day of the Judgment given, Whether she can by the said Act of Assembly be admitted to appeale the Court after, And further if this Court the Sequency the Error by the assignes in the Judgment aforesaid by the Lawes Can Adnitted the said Appeale not being made in due time, And prayes that she may be hence Dismissed wth her Costs and Charges in this behalfe wrongfully Sustained:

The Reasons aforesaid and answeare to the reasons aforesaid being read and heard & by the Justices here duly and Diligently Examined It seemeth to the Justices here that the aforesaid Reasons of the aforesaid Susanna Ulty in manner aforesaid specified and the matters therein contained are sufficient to reverse the Judgment aforesaid the same being manifestly vitious and Erroneous: and the said John Nicholls being three times solemnely called appeared not Therefore It is considered by the Court here that the Judgment aforesaid for the Error in the Record and Process aforesaid be Reversed Adnulled & altogether held for Nothing And that the said Susanna Ulty unto all things wch by occasion of the Judgment aforesaid she hath lost be Restored And that the said Susanna Ulty Recover against the said John Nicholls the sume of Fourteene hundred Ninety and Nine pounds of Tobacco for her costs and charges in this behalfe Layd out and Expended:

Susanna Ulty } ag
John Nicholls }

Memorandum that at a Provinciall Court held at the City of St Maryes the Eighth day of October in the yeare of our Lord 1690 before the Lordship Justices of the Court came Susanna Ulty of Baltimore County by Robert Carvile her Attorney and exhibited to the Court here a certaine transcript of the Record of Baltimore County Court in a Cause there depending betwixt John Nicholls pltff & Mary his wife pltff and the said Susanna Ulty defdt in a plea of Trespass of the Case the tenor of wch Record is in these words

At a Court held for Baltimore County on the Twentieth day of July Anno Dni 1680 in the 32d yeare of the Dominion of the Right Honble Charles Lord Baltimore &c. By his Lordships Justices hereunto Assigned

Present Comissr: Lord. Georg: Talbot } Miles Gibson } Gent.
Capt Jno: Waterton } Jno. Boring }

(Charles