in the said judgments obtained by the executors of George Diggs the said Elisha Berry one of the defendants against whom such execution issued paid to the said John Waring to whom the said judgment was assigned the sum of Eighty six pounds five shillings current money on account of and in satisfaction of said execution.

And there was no proof that the said Plaintiff Elisha Berry knew at the time of the said payment of eighty six pounds five shillings current money that the said Waring had before received the money due on the judgment so as aforesaid put into his hand and assigned to him by the said Rinaldo Johnson. That this suit is brought to recover the said sum of eighty six pounds five shillings current money. Thereupon the defendant prayed the opinion and direction of the court to the jury that upon the above statement the Plaintiff was not entitled to recover which opinion and direction the court did give - and to which opinion and direction the Plaintiff prays leave to except and that the court here will sign and seal this his bill of Exceptions which is accordingly done this twelfth day of April in the year one thousand eight hundred and six.

Ms All Gantt (Seal)
Edmund Key (Seal)
Daniel Clarke (Seal)

And thereupon the said Elisha Berry by his attornies aforesaid prays an appeal from the judgment aforesaid so as aforesaid rendered to the court of Appeals for the Western Shore and the same is granted unto him. And it ordered by the court here that the record of proceedings in the action aforesaid with all things thereunto relating be transmitted to the said court of Appeals a Transcript whereof is hereby transmitted accordingly -

Test

John Read Magruder Jr Clerk -

In Testimony that the foregoing is truly taken from the record of proceedings of Prince Georges County court -

(Seal of Prince Georges County court)

I do hereunto subscribe my name and affix the seal of the said County court this eleventh day of June in the year one thousand eight hundred and six.

John Read Magruder Jr Clk P G C C

And on the said day To wit the said third monday of June in the year aforesaid come into the court of appeals here as well the said Elisha Berry by Arthur Shaaff and Archibald Dunlop his attornies as the said John Waring by Alex Contee Magruder his attorney. and the parties aforesaid by their attornies aforesaid file in court here the following agreement To wit.

Elisha Berry
agt
John Waring

It is agreed that the several acts of Assembly mentioned in the bill of Exceptions shall be taken and considered by the court from the printed laws and have the same effect as if they had been inserted in & made a part of the bill of exceptions

A C Magruder for appellee
Arthur Shaaff for appt.

June 17th 1806

And thereupon on motion of the said John Waring by his attorney afd it is ruled by the court here that the said Elisha Berry assign the errors in the record of proceedings of the judgment aforesaid brought before the court here for the correcting of errors supposed to be therein or judgment by the court here will be entered against him in default thereof; Whereupon the said Elisha Berry by his attornies aforesaid prays that a day may be given him for the assignment of errors of and upon the record of proceedings of the judgment aforesaid until the third monday in December next and to him it is granted the same day is given to the said John Waring also

At which said third monday of December being the fifteenth day of the same month in the year of our Lord one thousand eight hundred and six, which said day was given to the said Elisha Berry for the assignment of errors of and upon the record of proceedings of the judgment aforesaid. come again into the court of Appeals here as well the said Elisha Berry by his attornies afd as the said John Waring by his attorney afd and the said Elisha Berry by his attornies afd says that in the record of proceedings afd and also in the giving of judgment aforesaid there is manifest error in this to wit, that by the record of proceedings aforesaid it appears that the judgment aforesaid in the plea aforesaid given was given for the said John Waring against the said Elisha Berry when by the law of the land that judgment ought to have been given for the said Elisha Berry against the said John Waring therefore in that there is manifest error and he prays that the