demanded of him whether he be the same person taken in execution at the suit of the said Adam Ebert upon the writ aforesaid confesses that he is and that he hath not the money to satisfy unto the said Adam Ebert the debt, damages, costs and charges aforesaid, whereupon on the prayer of the said Adam Ebert by his Attorney aforesaid the said Jacob Hole is by the Court now here, committed to the custody of the Sheriff of Frederick County aforesaid in execution for the debt damages, costs and charges aforesaid, at the suit of the said Adam Ebert, there to remain until and so forth. And the said Sheriff being here present, takes charge of the said Jacob Hole accordingly &c.

Test. John Guinn, Clk.

Maryland Set. I hereby certify that the aforegoing is truly taken from the record and proceedings of the General Court of the State of Maryland for the Western Shore.

In Testimony whereof I hereunto subscribe my name and affix the seal of the said General Court this twenty fifth day of January in the year of our Lord one thousand eight hundred and four, and in the twenty eighth year of the Independence of the United States of America. (Seal)

John Guinn, Clk Genl Cort
W.S. Md.

He further offered evidence that the said Ebert ifued a certain Capias ad satisfaciendum which ifued on the Judgment contained in the aforesaid record dated the 18th day June 1801. which said Capias is stated in the record aforesaid, And that the said Jacob Hole the Defendant named in the said record was by the Sheriff of Frederick County arrested on the said Capias and taken into custody That the said Hole being so arrested and in custody Conrad Shafer the Defendant in this action agreed with the Plaintiff that if he would consent to have the Capias aforesaid entered not called by consent, that in such case he the said Conrad Shafer would pay the money in the manner stated in the Plaintiffs declaration. And that in virtue of the said agreement the said Plaintiff agreed to have the Capias aforesaid entered not called by consent, and the said Capias was entered not called by consent in the manner stated in the aforesaid record That the money was not paid by the said Defendant to (the

the Plaintiff according to the agreement aforesaid. The Defendant then offered in evidence that afterwards on the 13th day of March 1802 a Capias ad satisfaciendum ifued on the aforesaid Judgment stated in the record aforesaid, on which said Capias the Sheriff of Frederick County arrested the aforesaid Jacob Hole and took him into custody which said Capias is stated in the Record aforesaid, and afterwards the said Hole was committed to custody in the manner stated in the said record, and that he the said Hole was afterwards released by the insolvent law and never paid to the Plaintiff any part of the money recovered by the Judgment aforesaid. Whereupon the Defendant prayed the opinion of the Court to the Jury, that the Plaintiff having taken the said Jacob Hole in execution (after making the said promises and agreement stated in the declaration) by virtue of the said second Writ of capias ad satisfaciendum, which ifued on the 13th of March 1802 and committed the said Hole to Jail he the Plaintiff thereby discharged the Defendant from all responsibility to the Plaintiff arising out of said promises and agreement; Which opinion the Court refused to give. To which opinion and refusal of the Court the Defendant by his counsel begs leave to except and prays that the honourable Court will sign and seal this his bill of exceptions according to the statute in such case made and provided, which is accordingly done this 9th July 1802.

Jno. Buchanan (Seal)
Wm. Blagett (Seal)
Abm. Shriver (Seal)

And thereupon the said Conrad Shafer by his Attorney aforesaid prays that he may appeal from the Judgment aforesaid of the Court here so as aforesaid rendered to the Court of Appeals for the Western Shore and to him the same is granted by the Court here, Whereupon the said Conrad Shafer files in Court here an appeal bond which is approved of by the Court, the tenor whereof follows in these words, to wit.

Know all men by these presents that we Conrad Shafer, Adam Markle and William Emmitt all of Frederick County in the State of Maryland are held and firmly bound unto George Adam Ebert of said County and State in the full and just sum of two hundred and seventy three pounds eight shillings and six pence Current money and Costs to be paid to the said George Adam or to his certain Attorney his Executors, Administrators or assigns to which payment well and truly to be made (and