ably five degrees East sixteen perches to the end thereof then by a straight line the beginning containing and now laid out for twenty eight and three quarter acres of land more or less according to the certificate of survey thereof then and returned into the land office bearing date the fourth day of June seventeen hundred and eighty nine and there remaining together with all rights profits benefits and privileges thereunto belonging To have and To Hold the same unto him the said David Lynn his heirs and assigns forever. Given under the great seal of the State of Maryland this eighteenth day of November seventeen hundred and ninety

(Seal)

Witness the Honorable Alexander Contee Hanson Esq. Chancellor

Whereupon the plaintiff by his counsel prayed the direction of the Court to the Jury that if the jury believe the evidence given on the part of the plaintiff and on the part of the defendant to be true that they may presume that Thomas French the patentee of the tract of land called The Brothers conveyed the said tract of land to James Clarke before the seventh day of November in the year seventeen hundred and eighty five which direction the Court refused to give. To which refusal the plaintiff by his counsel prayed leave to except and that the Court would sign and seal this his bill of exception which is accordingly done this twenty fourth day of November eighteen hundred and nineteen

John Buchanan (Seal)
Thos Buchanan (Seal)

And thereupon the said John Doe lessee as aforesaid by his attorneys aforesaid prays an appeal from the judgment aforesaid so as aforesaid rendered to the Court of Appeals to be held for the Western Shore of the State of Maryland at the City of Annapolis and to him the same is granted by the Court here Whereupon the said Thomas Beale of Samuel exhibiteth to the Court here an appeal bond entered into by himself and two securities which by the Court here are approved the tenor whereof enpuith in the words following to wit:

Know all men by these presents that we Thomas Beall of Samuel of Allegany County John Johnson and Elie Beatty of Washington County and State of Maryland are held and firmly bound unto David Lynn in the full and just sum of two thousand dollars current money to be paid to the said David Lynn or to his certain attorney heirs executors administrators or assigns to the which payment well and truly to be made we bind ourselves and every of us our and every of our heirs executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this twenty fifth day of November in the year of our Lord eighteen hundred and nineteen. Whereas at a County Court begun and held at Hagers Town in and for the County aforesaid on the third monday of November in the year of our Lord eighteen hundred and nineteen the

above named David Lynn by judgment of the said court recovered against the lessee of the above named Thomas Beale of Samuel his cost and charges by him laid out and expended in and about his defence in that behalf suffered whereof the said Thomas Beale of Samuel lessee is convict and so forth from which said judgment so as aforesaid rendered the said Thomas Beale of Samuel lessee of John Doe hath prayed an appeal to the next court of appeals for the Western Shore of the State of Maryland.

Now the consideration of the above obligation is such that if the above bound Thomas Beale of Samuel lessee of John Doe shall not pursue the directions of the act of assembly entitled "an act for regulating writs of error and granting appeals from and to the Courts of common law within this province" at the next court of appeals for the Western Shore of the State of Maryland and prosecute the same appeal with effect and also pay and satisfy unto the said David Lynn his executors administrators or assigns in case the said Judgment shall be affirmed as well all and singular the cost and charges adjudged by the County Court aforesaid as also all cost and damages that shall be awarded by the court of appeals aforesaid then this bond to be and remain in full force and virtue otherwise of no effect.

Signed sealed and delivered in the presence of Beal Howard

Thomas Beale of Samd (Seal)
John Johnson (Seal)
Elie Beatty (Seal)

Thereupon it is ordered by the Court here that a record of the proceedings with all things thereunto relating be transmitted to the Court of appeals to be held for the Western Shore of the State of Maryland at the City of Annapolis on the first monday of December next and they are transmitted accordingly

Test Otho A Williams clk.

State of Maryland Washington County Court:

I hereby certify that the foregoing is truly taken from the records of proceedings of Washington County Court

In Testimony whereof I have hereunto subscribed my name and affixed the seal of Washington County Court this fourth day of December in the year of our Lord one thousand eight hundred and nineteen

(Seal)

Otho A Williams clk of Washington Coty Ct.

And now come into the Court of Appeals here as well the said John Doe lessee as aforesaid by Roger B Taney and Beal Howard his attorneys as the said David Lynn by Roger Perry and Upton Lawrence his attorney and thereupon on motion of the said David Lynn by his attorneys aforesaid it is ruled by the Court here that the said John Doe lessee as aforesaid assign the error in the record of proceedings aforesaid or in the giving the judgment aforesaid so as aforesaid brought before the court of appeals here for correcting the error supposed to be therein or judgment by the Court of appeals here will be entered against him in default thereof. And the said John Doe lessee as aforesaid by his attorneys aforesaid says that in the record of proceedings aforesaid and also in the giving of judgment aforesaid there is manifest error in this to wit that by the record aforesaid it appears that the judgment aforesaid in the plea aforesaid given was given for the said David Lynn against the said John Doe lessee as aforesaid when by the law of the land that judgment ought to have