aforesaid; and the said Nathaniel Washington by his attorney aforesaid, offers himself against the said Hanson Burroughs and upon the premises, and prays that the Court of Appeals here will proceed to the examination as well of the record of proceedings aforesaid, as of the matters above for error assigned and that the said judgment may be in all things affirmed, and so forth; and for as much as the said Hanson Burroughs doth not allege to the Court of Appeals here any matter or thing for the reversal of the judgment aforesaid, nor insist upon the matters aforesaid by him above for error assigned; therefore it is considered by the Court of Appeals here, that the judgment aforesaid, in form aforesaid given, be in all things affirmed, and stand in full force and effect. The said causes above for error assigned, in anywise notwithstanding; and it is further considered by the Court of Appeals here, that the said Nathaniel Washington have execution against the said Hanson Burroughs as well for the debt damages, costs and charges aforesaid, as was aforesaid adjudged unto him in the said County Court of Saint Mary's as also for the sum of twenty seven dollars and seventy seven cents adjudged unto him by the Court of Appeals here, on his assent for his costs and charges which he hath sustained by occasion of the delay of the execution of the judgment aforesaid, by pretext of the prosecution of the said appeal by the said Hanson Burroughs for the correcting of errors and upon the premises as aforesaid prosecuted, and so forth.

Memorandum. Judgment was affirmed nisi in this case and made absolute on the 25 day of July 1828. for the sum of $3050 Ct. mo Debt $500 Ct. mo Damages $9.10 cents & costs. To be released on payt. of $3050 with Intt. from 1st Jany 1820 till paid and the above cost and costs.

Test. Th Harris clk.

Exd 84

James Middleton vs Jeremiah Dyer.	Be it remembered. That now here on the first Monday in December being the fifth day of the said month, in the year of our Lord, one thousand eight hundred and twenty, first the Chief Judge and Associate Judges of the first Judicial District of Maryland,

in pursuance of the directions of the act of Assembly in such case made and provided, transmit to the Court of Appeals here the record of proceedings of a plea which was lately depending before them in the County Court of Charles between Jeremiah Dyer plaintiff, and James Middleton defendant, and wherein the said County Court gave judgment for the said Jeremiah Dyer against the said James Middleton and from which said judgment the said James Middleton appealed to the Court of Appeals here. the tenor of which said record of proceedings is in form following to wit.

State of Maryland Charles County Set.

At a County Court of the first Judicial District of the State of Maryland begun and held at Port Tobacco in and for Charles County aforesaid on the third Monday of march being the seventeenth day of the same month in the year of our Lord one thousand eight hundred and twenty three and the forty eighth year of the Independence of the United States of America.

Were Present

The Honble. John Stephen Esquire Chief Judge; Edmund Key & John R. Plater Esquires Associate Judges

Alexander Matthews Esquire Sheriff John Barnes clk.

In the record of the proceedings of the same court among others is the following to wit.

Jeremiah Dyer vs. James Middleton } Be it remembered that heretofore to wit on the third day of March in the year of our Lord one thousand eight hundred and twenty the said Jeremiah Dyer by Clement Dorsey his attorney prosecuted and sued forth out of the County Court here the writ of the State of Maryland of capias ad respondendum directed to the Sheriff

of Charles County in the words and of the tenor following to wit. "Charles County to wit The State of Maryland to the Sheriff of Charles County greeting. We command you that you take James Middleton late of Charles County yeoman if he shall be found in your bailiwick and him safe keep so that you have his body before the Judges of the next County Court to be held at Charles Town in and for Charles County aforesaid on the third monday in March instant to answer unto Jeremiah Dyer in a plea wherefore with force and arms &c. at the County aforesaid he the said James Middleton broke and entered the close of him the said Jeremiah Dyer and the grass and herbage then and there growing he the said James Middleton with his feet and the feet of his cattle and servants by every thing trod down consumed and spoiled and fifty oak trees, fifty Hickory trees and fifty gum trees to the value of five hundred dollars then and there growing he the said James Middleton cut down took and carried away and other harms to him the said Jeremiah Dyer he the said James Middleton then and there did to the great damage of him the said Jeremiah Dyer and against the peace government and dignity of the State of Maryland and so forth. Hereof fail not at your peril and have you then and there this writ. Witness the Honorable John Johnson Esquire Chief Judge of the first Judicial District of the State of Maryland the 16th day of Nov. Anno Domini 1819.

Issued the 3d day of March 1820.

C.D. John Barnes Clk^r

At which said third monday in March being the twentieth day of the same month in the year of our Lord one thousand eight hundred and twenty and the day of the return of the said aforegoing writ comes here into Court the said Jeremiah Dyer by Clement Dorsey his attorney aforesaid and the Sheriff of Charles County aforesaid to wit George H Spalding Gentleman to whom the said aforegoing writ was in form aforesaid directed makes return thereof to the Court here thus indorsed to wit. "Cepi Geo H Spalding Shff" and the said James Middleton being called appears in Court here by Nicholas Stonestreet his attorney, and thereupon upon motion of the said James Middleton by his attorney aforesaid it is ruled by the Court here that the said Jeremiah Dyer declare against him the said James Middleton in the plea aforesaid and if the said Jeremiah Dyer doth not declare against the said James Middleton in the plea aforesaid judgment will be rendered against him by default and the said Jeremiah Dyer by his attorney aforesaid prays leave of the Court here to imparle until the first Monday in November in November next to declare against the said James Middleton in the plea aforesaid and he hath it the same day is given to the said James Middleton then and so forth.

At which said first Monday in November being the sixth day of the same month in the year of our Lord one thousand eight hundred and twenty, until which said day the said Jeremiah Dyer had leave to imparle and then to declare against the said James Middleton in the plea aforesaid comes into the County Court here as well the said Jeremiah Dyer by his attorney aforesaid as the said James Middleton by his attorney aforesaid, and thereupon on motion of the said James Middleton by his attorney aforesaid it is further ruled by the Court here that the said Jeremiah Dyer declare against the said James Middleton in the plea aforesaid and if the said Jeremiah Dyer doth not declare against the said James Middleton in the plea aforesaid judgment will be rendered against him by default and the said Jeremiah Dyer by his attorney aforesaid prays further leave of the Court here to imparle until the third Monday in March next to declare against the said James Middleton in the plea aforesaid. and he hath it the same day is given to the said James Middleton then (and so forth).

At which mentioned third monday of March being the nineteenth day of the same month in the year of our Lord one thousand eight hundred and twenty one until which said day the said Jeremiah Dyer had leave to imparle and then to declare against the said James Middleton in the plea aforesaid comes again into the County Court here as well the said Jeremiah Dyer by his attorney aforesaid as the said James Middleton by his attorney aforesaid and the said Jeremiah Dyer by his attorney aforesaid declares against the said James Middleton in the plea aforesaid as follows to wit "Charles County