ninth day of the said month, in the year of our Lord one thousand eight hundred and twenty eight come again into the Court of Appeals here as well the said John Denn lessee as aforesaid by Nicholas Stonestreet and Henry Ashton his attornies as the said William H Smoot by his attornies aforesaid, Whereupon as well the Record and proceedings aforesaid, and the judgment given in form aforesaid, as the matters aforesaid, by the said John Denn lessee as aforesaid above for error assigned, being seen, and by the Court of Appeals here fully understood, and mature deliberation thereupon had: for that it appears to the Court of Appeals here that there is no error in the record of proceedings aforesaid, nor in the giving of the Judgment aforesaid; Therefore it is considered by the Court of appeals here that the judgment aforesaid, given in form aforesaid, be in all things affirmed and stand in full force and effect, the said causes above for error assigned and alledged in any wise notwithstanding: And it is further considered by the Court of Appeals here, that the said William H Smoot have execution against the said John Denn lessee as aforesaid as well for the costs and charges aforesaid adjudged unto him in the said county Court of Charles as also the sum of ninety four dollars and seventy six cents adjudged unto the said William H Smoot by the Court of appeals here, on his appeal for his costs and charges which he had 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 John Denn lessee as aforesaid for the correcting of errors and upon the premises as aforesaid prosecuted, and so forth.

Test, Th. Harris clk

Elisha D Berry
vs
Richard H Griffith

Be it remembered. That now here on the second monday in June being the thirteenth day of the said month, in the year of our Lord, one thousand eight hundred and twenty five the Chief Judge and Associate Judges of the third 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 Montgomery between Elisha D Berry plaintiff and Richard H Griffith defendant and wherein the said County Court gave judgment for the said Richard H Griffith against the said Elisha D Berry and from which said judgment the said Elisha D Berry appealed to the Court of appeals here, the tenor of which said record of proceedings is in form following to wit:

State of Maryland, Montgomery County Set.

At a County Court begun and held at the Court House in Rockville in and for said county on the first Monday of March being the seventh day of the same month in the year of our Lord one thousand eight hundred and twenty five.

Were present

The Honble Thomas B Dorsey Chief Judge
Thomas A Wilkinson and
Charles S Kilgour Associate Judges

Henry Harding Esq Shff Upton Beall clk.

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

Elisha D Berry
vs
Richard H Griffith

Montgomery County Set.

Be it remembered that heretofore to wit, on the twenty first day of March in the year of our

Lord one thousand eight hundred and twenty three the said Elisha D Berry by Benjamin F Forrest Esq. his attorney prosecuted and sued forth out of Court here the Court of the State of Maryland of Capias ad respondendum to the Sheriff of the County aforesaid directed in the words and of the tenor following to wit:

Montgomery County to wit: The State of Maryland to the Sheriff of Montgomery County Greeting. You are hereby commanded to take Richard H Griffith late of Montgomery County yeoman if he shall be found in your bailiwick and him safe keep so that you have his body before the Judges of our next county Court, to be held at the Court house in Rockville in and for said county on the second Monday of November next to answer unto Elisha D Berry in a plea wherefore with force and arms at the County aforesaid he the said Richard H— the close of him the said Elisha D. then and there did break and then and there cut down and carried away five hundred oak trees five hundred ash Trees five hundred poplar trees and many other trees then and there growing of the value of five thousand dollars current money and other wrongs to him the said Elisha D, then and there did to his great damage &c. of the State &c: Wherefore fail not at your peril and have you then and there this writ. Witness F. T. Chase Esqr Chief Judge of our said Court the 5^d day of March 1823. Issued the 21st March 1823.

Upton Beall Clk.

At which said second Monday of November being the tenth day of the same month in the year of our Lord one thousand eight hundred and twenty three and the day of the return of the aforegoing writ comes into Court here the said Elisha D Berry by his attorney aforesaid and the Sheriff of the County aforesaid to whom the said writ was in form aforesaid directed makes return thereof, to the Court here thereon thus endorsed. Cepi Wm Clements Shff

And the said Richard H Griffith being called appears in Court here by John A T Pelgour Esquire his attorney, and thereupon the said Richard H Griffith by his attorney aforesaid prays that the said Elisha D Berry may declare against him the said Richard H Griffith in the plea aforesaid. Whereupon it is ruled by the Court here that the said Elisha D Berry declare against the said Richard H Griffith in the plea aforesaid, and if the said Elisha D Berry doth not declare against the said Richard H Griffith in the plea aforesaid judgment will be rendered against him by default, and the said Elisha D Berry by his attorney aforesaid prays leave of the Court here to imparle until the first Monday of March next to declare against the said Richard H Griffith in the plea aforesaid, and he hath it, the same day is given to the said Richard H Griffith also;—

At which said first Monday of March being the first day of the same month in the year of our Lord one thousand eight hundred and twenty four until which day the said Elisha D Berry had leave to imparle and then to declare against the said Richard H Griffith in the plea aforesaid, comes into Court here as well the said Elisha D Berry as the said Richard H Griffith by their attornies aforesaid and the said Elisha D Berry by his attorney aforesaid prays further leave of the Court here to imparle until the second Monday of November next, to declare against the said Richard H Griffith in the plea aforesaid, and he hath it, the same day is given to the said Richard H Griffith then &c.

At which said second monday of November being the eighth day of the same month in the year of our Lord one thousand eight hundred and twenty four until which day the said Elisha D Berry had leave to imparle and then to declare against the said Richard H Griffith in the plea aforesaid, comes again into Court here as well the said Elisha D Berry as the said Richard H Griffith by their attornies aforesaid. and the said Elisha D Berry by his attorney aforesaid declares in Court here against the said Richard H Griffith in the plea aforesaid as follows to wit:—