this 13th day of Sept 1819.

John Stephen —
Edmund Key —
John R Plater —

Witness our hands and seals.

S bill of exceptions.

and after the evidence aforesaid in the preceding bill of exceptions had been offered the Court upon the prayer of the pltff instructed the Jury that the pltff in the event of failing to prove the trespass by cutting trees is entitled to recover for the breach of his close if such fact is proved to the Jury. To which opinion and instruction the defdt by his counsel excepts and prays the Court to sign and seal this his bill of exceptions which is done accordingly this 13 day of Sept 1819.

J Stephen (Seal)
Edmund Key (Seal)
J R Plater (Seal)

And whereas afterwards to wit on the ninth day of November in the year of our Lord one thousand eight hundred and twenty three the said Thomas Mundell entered an appeal from the judgment aforesaid so as aforesaid rendered against him to the high Court of Appeals of the State of Maryland for the Western Shore and at the time of entering the same filed in Court here a certain writing obligatory commonly called an appeal bond which is in form following to wit Know all men by these presents that we Thomas Mundell John Duvall and Alexander Mundell of Prince George County and State of Maryland are held and firmly bound unto Hugh Perry and Lloyd Perry of the County and State aforesaid in the full and just sum of seven hundred dollars current money to be paid to the said Hugh Perry and Lloyd Perry or their certain attorney executors administrators or assigns, to 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 twenth day of September in the year of our Lord one thousand eight hundred and twenty three. Whereas at a County Court begun and held at Upper Marlbro' Town in and for Prince George County on the first Monday of September in the year of our Lord one thousand eight hundred and twenty three the above named Hugh Perry and Lloyd Perry by the judgment of the said Court recovered against the above bound Thomas Mundell as well the sum of one hundred and twenty five dollars current money for their damages which they had sustained by reason of a certain trespass committed by the said Thomas Mundell on the free hold of the said Hugh Perry and Lloyd Perry as the sum of one hundred and forty five dollars thirteen and a third cents for their costs and charges by them about their suit in that behalf laid out and expended whereof the said Thomas Mundell is convict and so forth, from which said judgment so as aforesaid rendered the said Thomas Mundell hath prayed an appeal to the next Court of Appeals to be held for the Western Shore. Now the condition of the above obligation is such that if the above bound Thomas Mundell shall not pursue the directions of the act of assembly entitled "an act regulating writs of error and granting appeals from and to the Courts of common Law within this province" at the next Court of Appeals to be held for the Western Shore and prosecute the same into effect and also satisfy and pay unto the said Hugh Perry and Lloyd Perry their executors administrators or assigns in case the said judgment shall be

affirmed as well all and singular the damages and costs adjudged by the County Court aforesaid as also all costs and damages that shall be awarded by the said Court of Appeals then this bond to be and remain in full force and virtue otherwise of no effect.

Thomas Mundell (Seal)
John Duvall (Seal)
Alexander Mundell (Seal)

Signed sealed and delivered in the presence of
Benjn Hodges. Thos Adams.

On which bond is the following endorsement.

I approve the securities to this bond. Edmund Key one of the associate Judges for the first Judicial District. 20th Septemr 1823.

In pursuance whereof and of the acts of assembly in such cases made and provided a transcript of the proceedings in the plea aforesaid together with all things thereunto relating is hereby transmitted to the said High Court of Appeals of the State of Maryland for the Western Shore.

Test. Aquila Beall Clk.

Maryland Prince George County Set.

I hereby certify that the transcript and proceedings within contained are truly and faithfully taken and copied from the record and proceedings of the County Court of the County aforesaid. In Testimony whereof I have hereunto subscribed my name and affixed the seal of Prince George County Court this twentieth day of November anno Domini one thousand eight hundred and twenty three (Seal)

Aquila Beall Clk P G Co Court.

And now come into the Court of Appeals here, as well the said Thomas Mundell by Henry Ashton Hanaidley, Roger B Taney and Alexander Mundell his attorneys as the said Hugh Perry and Lloyd Perry by Nicholas Monroe Rice, John Johnson and Alexander C Magruder their attorneys, and thereupon on motion of the said Hugh Perry and Lloyd Perry by their attorneys aforesaid, it is ordered by the Court here, that the said Thomas Mundell assign the errors 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 errors supposed to be therein, or judgment by the Court of Appeals here will be entered against them in default thereof: And the said Thomas Mundell 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 Hugh Perry and Lloyd Perry against the said Thomas Mundell when by the law of the land that judgment ought to have been given for the said Thomas Mundell against the said Hugh Perry and Lloyd Perry therefore in that there is manifest error: and he prays that the judgment aforesaid for that error, and others, being in the record of proceedings aforesaid, may be reversed annulled and held entirely as void, and that he the said Thomas Mundell may be restored to all things which he hath lost by occasion of the said judgment, and that the said Hugh Perry and Lloyd Perry may reply to the errors aforesaid and so forth. And thereupon it is ordered by the Court of Appeals here, that the said Hugh Perry and Lloyd Perry join in the errors by the said Thomas Mundell above assigned in the record of proceedings aforesaid, or judgment by the Court of Appeals here will be rendered against them in default thereof. And the said Hugh Perry and Lloyd Perry by their attorneys aforesaid, say, there is no error in the record of