for his damages which he had sustained by occasion of the non performance of a certain promise and assumption by the said James B. Dixon and Thomas M. Harris to the said Henry B. Griffith and Israel Griffith in the lifetime of the said Henry B. Griffith (who is since deceased and whom the Israel Griffith hath survived) made as for the sum of seven dollars thirty three and two thirds cents for his costs and charges by him about his suit in that behalf laid out and expended. The said damages to be released on the payment of three hundred and thirty seven dollars and twenty one cents current money with interest thereon from the first day of October 1829 until paid and costs from which said Judgment the said James B. Dixon and Thomas M. Harris have prayed an appeal to the next Court of Appeals to be held for the western shore. Now the condition of the foregoing obligation is such that if the said James B. Dixon and Thomas M. Harris shall not cause a transcript of the record and proceedings of the Judgment aforesaid to be transmitted to the Court of Appeals to be holden for the western shore of Maryland within the time required by law and prosecute the said appeal with effect and also satisfy and pay to the said Israel Griffith his executors administrators or assigns in case the said Judgment shall be affirmed as well the damages aforesaid adjudged in the County Court aforesaid as all such damages costs and charges that may be awarded by the said Court of Appeals then this obligation to be void and remain in full force and virtue in law otherwise of no effect.

Signed sealed and delivered in the presence of Thos. Mitchell.

James B. Dixon, (Seal)
Thos. M. Harris, (Seal)
J. M. Baden, (Seal)
Wm. H. Bell, (Seal)

Approved. Wm. Hance, Clk.

Which being read and the securities in the said bond being approved it is therefore ordered by the Court here that the record and proceeding aforesaid in the plea aforesaid with all things thereunto relating be transmitted to the said Court of Appeals of the said State and the same are transmitted to the said Court accordingly. Test. Wm. Hance, Clk.

Calvert County Set. I hereby certify that the aforegoing is truly taken from the record of proceedings of Calvert County Court.

(Seal) In testimony whereof I hereto set my name and affix the seal of Calvert County Court this fifteenth day of October Anno Domini 1832. Wm. Hance, Clk.

And now come into the Court of Appeals here as well the said James B. Dixon and Thomas M. Harris by John T. Brooke his attorney as the said Israel Griffith surviving partner as aforesaid by Joseph T. Speed his attorney; and thereupon on motion of the said Israel Griffith surviving partner as aforesaid by his attorney aforesaid, it is ruled by the Court here that the said James B. Dixon and Thomas M. Harris 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 James B. Dixon and Thomas M. Harris by their attorney aforesaid say 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 Israel Griffith surviving partner as aforesaid against the said James B. Dixon and Thomas M. Harris, when by the law of the land, that judgment ought to have been given for the said James B. Dixon and Thomas M. Harris against the said Israel Griffith surviving partner as aforesaid therefore in that there is manifest error and they pray 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 they the said James B. Dixon and Thomas M. Harris may be restored to all things which they have lost by occasion of the said judgment, and that the said Israel Griffith surviving partner as aforesaid may return to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here that the said Israel Griffith surviving partner as aforesaid join in the errors by the said James B. Dixon and Thomas M. Harris above assigned in the record of proceedings aforesaid on judgment by the Court of Appeals here, will be rendered against him in default thereof. And the said Israel Griffith surviving partner as aforesaid by his attorney aforesaid prays that a day may be given to him to join in the errors by the said James B. Dixon and Thomas M. Harris above assigned in the record of proceedings aforesaid, until the second Monday in June next, and to him it is granted; the same day is also given to the said James B. Dixon and Thomas M. Harris etc, which said second Monday in June being the tenth day of the said month, in the year of our Lord one thousand eight hundred and thirty three which said day was given to the said Israel Griffith surviving partner as aforesaid to join in the errors by the said James B. Dixon and Thomas M. Harris above assigned, come again into the Court of Appeals here, the parties aforesaid by their attorneys aforesaid; and the said Israel Griffith surviving partner as aforesaid by his attorney aforesaid, says, there is no error in the record of proceedings aforesaid, nor in the giving of the judgment aforesaid and he prays that the Court of Appeals here will proceed to the examination as well of the record of proceedings aforesaid as of the matters aforesaid, by the said James B. Dixon and Thomas M. Harris above for error assigned, and that the said judgment may be in all things affirmed and so forth. Thereupon further process of and upon the premises, between the parties aforesaid is by virtue of an act of Assembly in such case made and provided further continued before the Court of Appeals here, until the first Monday in December next; the same day is given to the said parties there, then to hear the judgment of the Court of Appeals here, of and upon the said premises and so forth. And now at this day to wit, the said first Monday in December being the second day of the said month in the year of our Lord one thousand eight hundred and thirty three come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid, and the said Israel Griffith surviving partner as aforesaid by his attorney aforesaid offers himself against the said James B. Dixon and Thomas M. Harris of 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 James B. Dixon and Thomas M. Harris 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 them 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 Israel Griffith surviving partner as aforesaid have execution against the said James B. Dixon and Thomas M. Harris, as well for the damages costs and charges aforesaid so as aforesaid adjudged unto him in the said County Court of Calvert County as also for the sum of Ten dollars and seventy seven cents adjudged unto him by the Court of Appeals here, on his assent 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 James B. Dixon and Thomas M. Harris for the correcting of errors of and upon the premises as aforesaid, prosecuted and so forth.

Memorandum: Judgment was affirmed Nisi in this case and made absolute