At which said second Monday of November next, to wit, in the year eighteen hundred and eighteen, came again into Court here the parties aforesaid by their attorney aforesaid by their attorneys aforesaid, and the said Perry Spencer by his said attorney, declared against the said Rigby Hopkins in the plea aforesaid as follows, to wit. Talbot County, to wit. Rigby Hopkins late of Talbot County yeoman was summoned to answer unto Perry Spencer in a plea that he render unto him the sum of twelve hundred and eleven dollars and twelve and an half cents current money of Maryland which to him he owes and from him unjustly detains and ecforth. And whereupon the same Perry by William Hayward jr his attorney says that the same Rigby on the seventh day of May in the year of our Lord Eighteen hundred and seventeen at the County aforesaid by his certain bill obligatory, which sealed with the seal of the same Rigby the same Perry here into Court brings, the date whereof is the same day and year aforesaid, acknowledged himself to owe and be justly indebted unto the said Perry in the aforesaid sum of twelve hundred and seven dollars and twelve and one half cents for value received to be paid to the said Perry whenever after he should be thereto requested, with legal interest from the date thereof. To the payment whereof well and truly to be made and done the said Rigby bound himself and his heirs firmly by the same bill obligatory. Nevertheless the same Rigby although thereto afterwards often required, the said sum of money or interest or any part thereof unto the said Perry yet hath not rendered or paid, but hitherto altogether hath refused and still doth refuse to the damage of the said Perry two thousand dollars current money of Maryland and therefore he brings this suit &c. Wm Hayward jr for plff. pledges &c. John Doe & Rich. Roe

The bill obligatory mentioned in the foregoing declaration is as follows, to wit.

May 7th 1817. For value received I promise to pay or cause to be paid by me or my heirs unto Perry Spencer or his heirs or administrators the full sum of twelve hundred and seven dollars twelve and half cents, with legal interest from this date May 7th Eighteen hundred and seventeen. Witness my hand and seal this day above written

$1207.12½. Test. Robert Rowlands — Rigby Hopkins (Seal)

And the said Rigby Hopkins by Thomas James Bullitt Esquire his said attorney defends the force and injury when &c. and saith that he cannot gainsay the action aforesaid of the said Perry Spencer, nor but that he owes unto the said Perry Spencer the aforesaid sum of twelve hundred and seven dollars twelve and an half cents current money in manner and form as the said Perry Spencer above against him by pleading hath alledged — Therefore it is considered by the Court here that the said Perry Spencer recover against the said Rigby Hopkins as well the sum of twelve hundred and seven dollars and twelve and an half cents current money his debt aforesaid in form aforesaid confessed, as the sum of six dollars and thirty three cents for his costs and charges by him about his suit in this behalf laid out and expended &c.

Memo: Judgment rendered in this action on the eleventh day of November in the year eighteen hundred and eighteen for debt & costs — tax interest from the seventh day of May Eighteen hundred and seventeen till paid & Costs — payments if any to be allowed.

Test Hockersman Clk

And thereupon the said Rigby Hopkins by his attorney afs. prays that he may appeal from the judgment afs. of the Court here as aforesaid rendered to the high Court of appeals of the Eastern shore and to him the same is granted by the Court here, whereupon the said Rigby Hopkins exhibited to the Court here an appeal bond entered into by himself and two sureties which by the Court here are approved of the tenor whereof on such in the following words, to wit. Know all men by these presents that we Rigby Hopkins and Richard Robinson and Henry Spencer all of Talbot County are held and firmly bound unto Perry Spencer of the same County in the sum of three thousand dollars current money of Maryland to be paid to the said Perry Spencer his certain attorney his executors administrators or assigns; to the payment whereof well and truly to be made & done we bind ourselves our heirs executors and administrators jointly and severally firmly by these presents. Sealed with our seals and dated this twenty fourth day of

November in the year of our Lord Eighteen hundred and eighteen — Whereas at a County Court of the State of Maryland holden for Talbot County at Easton, in the said County before the Judges thereof at the November Term of the said Court in the year of our Lord Eighteen hundred and eighteen the said Perry Spencer obtained a judgment against the said Rigby Hopkins as well for the sum of twelve hundred and seven dollars & twelve and one half cents current money of Maryland, debt, as for the costs of suit; lawful interest to be taxed on the debt aforesaid from the seventh day of May in the year eighteen hundred seventeen, until the payment thereof, payments if any to be allowed; by which said judgment the said Rigby Hopkins deems himself aggrieved and therefore hath appealed to the Court of Appeals of the State of Maryland to be holden for the Eastern shore of the said State. The condition thereof of the foregoing obligation is such, that if the said Rigby Hopkins appellant shall not pursue the directions of an 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 sitting before which the appeal aforesaid ought to be tried and prosecute the same appeal with effect; and also satisfy and pay to the said Perry Spencer his executors administrators or assigns in case the said judgment shall be affirmed as well all singular the debt interest and costs adjudged by the Court before which the action aforesaid was first brought, and from whose judgment the appeal aforesaid was made; as also all costs and damages that shall be awarded by the Court before which the appeal aforesaid shall be heard tried and determined; then the said obligation to be and remain in full force and virtue in law; otherwise of no effect.

Rigby Hopkins (Seal)
Rich.d Robinson (Seal)
H. Spencer (Seal)

Signed, sealed & delivered in the presence of
James Harrison

Whereupon it is ordered by the Court here that a record of the proceedings &c. with all things thereunto relating be transmitted to the Court of Appeals of the State of Maryland to be holden for the Eastern shore of the said State. They are transmitted according.

State of Maryland Talbot County, to wit. I hereby certify that the foregoing is truly copied from the record of proceedings of Talbot County Court.

In Testimony whereof to this Exemplification I have hereunto set my hand and the seal of my office affixed this 23d day of December 1818.

Seal of Talbot County Court — Jacob Cockerman, Clk of Talbot County Court.

And now come into the Court of Appeals here as well the said Perry Spencer by William Hayward junior Esquire his attorney, as the said Rigby Hopkins by Thomas James Bullitt Esquire his attorney. And the said Rigby Hopkins by his attorney 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 Perry Spencer against the said Rigby Hopkins, when by the law of the land that judgment ought to have been given for the said Rigby Hopkins against the said Perry Spencer, 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 Rigby Hopkins may be restored to all things which he hath lost by occasion of the said judgment, and that the said Perry Spencer may rejoin to the errors aforesaid &c. And the said Perry Spencer 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 Rigby Hopkins above for error assigned, and that the said judgment may be in all things affirmed &c. But because the Court of Appeals here are not advised what judgment to give of and upon the premises, day therefore is given to both the parties aforesaid before the Court of Appeals here until the first Monday in June next, to hear the judgment of the Court of Appeals here of and upon the premises, for that the Court now here thereof are not advised &c.

And now at this day to wit the said first Monday in June being the seventh day of the said month in the year of our Lord one thousand eight hundred & nineteen