agree to release the said damages upon the payment of the sum of eighty five dollars and eighty nine and an half cents, current money with interest thereon from the first day of January in the year Eighteen hundred and nineteen till paid and costs of suit.

Test Hoockerman Clk.

And thereupon the said David Nice by his said Attorney prays that he may appeal from the judgment aforesaid of the Court here so as aforesaid rendered to the high Court of Appeals, and to him the same is granted by the Court here; whereupon the said David Nice exhibited to the Court here an appeal bond entered into by himself and his sureties which by the Court here are approved of the tenor whereof beneath in the following words to wit. Know all men by these presents that we David Nice John W Sherwood and Bennett Tomlinson all of Talbot County in the State of Maryland are held & firmly bound unto Thomas Hopkins for the use of Jacob Leverton in the full and just sum of Four hundred and twenty dollars current money of Maryland to be paid to the said Thomas Hopkins (for the use of Jacob Leverton) or his certain attorney executors administrators or assigns; to the payment whereof well and truly to be made we bind ourselves our heirs executors and administrators jointly and severally firmly by these presents. Sealed with our seals & dated this twenty fifth day of November in the year of our Lord Eighteen hundred and twenty two (1822). 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 twenty two, the said Thomas Hopkins (for the use of Jacob Leverton) obtained a judgment against the said David Nice as well for the sum of two hundred dollars current money damages as for the sum of six dollars and fifty cents costs of suit, to be released on payment of Eighty five dollars and eighty nine and a half cents current money with interest thereon from the first day of January in the year eighteen hundred and nineteen till paid & costs by which said judgment the said David Nice deems himself aggrieved and thereupon 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 therefore of the foregoing obligation is such, that if the said David Nice the 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 ensuing before whom the appeal aforesaid ought to be tried and prosecute the same appeal with effect, and also satisfy and pay to the said Thomas Hopkins for the use of Jacob Leverton or his executors administrators or assigns in case the said judgment shall be affirmed as well all & singular the damages &c. specially to the judgment aforesaid and costs adjudged by the Court before whom 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 whom the appeal aforesaid shall be heard tried and determined; then the said obligation to be void and remain in full force and virtue in Law, otherwise of no effect.

David Nice (Seal) John W Sherwood (Seal) Bennett Tomlinson (Seal) Signed, sealed & delivered in the presence of John Goldsborough.

Thereupon it is ordered by the Court here that a record of the proceedings aforesaid with all things thereunto relating be transmitted to the high Court of Appeals of the State of Maryland to be held at Easton for the Eastern shore of Maryland on the fourth Monday

of November instant, and they are transmitted accordingly. Test. Hoockerman Clk.

State of Maryland, Talbot County to wit. I hereby certify that the aforegoing is truly taken and copied from the record of the proceedings of Talbot County Court of the State of Maryland. In testimony whereof I have hereunto set my hand and affixed the seal of my office this twelfth day of January Eighteen hundred and twenty three. Hoockerman Clk. Talbot County.

And now come into the Court of Appeals here as well the said Thomas Hopkins by Thomas J Bullitt Esquire his attorney as the said David Nice by John Goldsborough Esquire his attorney; and the said David Nice 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 the same, that by the record aforesaid it appears that the judgment aforesaid in the plea aforesaid given was given for the said Thomas Hopkins against the said David Nice, when by the law of the land that judgment ought to have been given for the said David Nice against the said Thomas Hopkins, 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 David Nice may be restored to all things which he hath lost by occasion of the said judgment and that the said Thomas Hopkins may rejoin to the errors aforesaid &c. And the said Thomas Hopkins 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 Thomas Hopkins above for error assigned, and that the said judgment may be in all things affirmed &c. 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 continued before the Court of Appeals here until the first Monday in June 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 &c. And now at this day to wit the said first Monday in June being the second day of the said month in the year of our Lord One thousand eight hundred & twenty three come again into the Court of Appeals here, the parties aforesaid by their attornies aforesaid; whereupon as well the record of proceedings aforesaid and the judgment given in form aforesaid, as the matters aforesaid by the said David Nice above for error assigned being seen and by the Court of Appeals here fully understood & matters 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 for error above assigned and alleged in any wise notwithstanding; and it is further considered by the Court of Appeals here, that the said Thomas Hopkins have execution against the said David Nice as well for the damages costs and charges aforesaid adjudged unto him in the said County Court of Talbot as also for the sum of Nine dollars fifty one cents and two thirds of a cent adjudged unto the said Thomas Hopkins 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 pretence of the prosecution of the said appeal by the said David Nice for the correcting of error of and upon the premises as aforesaid prosecuted &c.

Memorandum. Judgment was affirmed in this case on the 2d day of June 1823, with a stay of execution till the first day of March next. Attest. James Parrock Clk.