hath refused and yet doth refuse to the damage of the said Neale One hundred & fifty pounds current money of Maryland and thereupon he brings this suit and so forth.
Thomas James Bullitt Esq. plaintiffs pledges and for the John Doe & Richard Roe.
The writing obligatory mentioned in the foregoing Declaration entered in the words & figures following to wit
Twelve months after date I promise and oblige myself my heirs executors and administrators to pay or cause to be paid unto James Neall his heirs or assigns the full and just sum of One hundred and eighty eight Dollars and sixty four cents with legal Interest thereon for value of him received. Witness my hand and seal this 13th day of March 1809. Bennett Brace (Seal)
Test Wm. H. Austin. On the foregoing writing obligatory are the following endorsements to wit
By Bedstead not taken which was eleven dollars to be deducted out of this Note. Rec.d of Bennett Brace the sum of fifty three Dollars & fifty cents in part of the within Note this 7th day of March 1810. S.N.
For value received I hereby assign transfer and set over unto Samuel & Daniel Neall the within Note the monies due thereon. Sd Neall. The account sued in the foregoing suit is as follows to wit
Bennett Brace to James Neall. 1809. 8th Mar. 26th To 1500 Lath @ 3s. 7½. 1810. 5 Mar. 17th To 2 pair Cable 2m 7½. — $188. Whereupon at the prayer of the said Neale by his attorney aft. the aft. Brace is laid under a rule of this Court to affix his plea to the Declaration aforesaid thereupon day is given as well to the aft. Neale as to the aft. Brace, until the next — And now here at the next Court to wit, the fourth Monday in May eighteen hundred and thirteen comes into Court the parties aforesaid by their attorneys aft. And the said Bennett Brace by William Hayward Junr. his attorney defends the force and injury when &c. and saith that he cannot gainsay the action aft. of the said Neale, nor can he deny but that he owes unto the said Neale the aforesaid sum of One hundred and eighty eight dollars & sixty four cents current money in manner and form aforesaid as the said Neale above against him hath complained, therefore it is considered by the Court here that the said Neale recover against the said Brace as well the said sum of One hundred and eighty eight dollars and sixty four cents current money his debt aforesaid in form aforesaid acknowledged, as the sum of seven Dollars and seventy five cents for his damages which he hath sustained as well by occasion of the detention of the said debt as for his costs and charges by him about his suit in this behalf expended adjudged unto the said Neale by the Court here with his assent and the said Brace in mercy and so forth — Memd. Judgment was confessed in this cause on the 24. May 1813. for Debt & Costs Sans Interest from 13th March 1809. the paid Costs pay the Ste. Hopkins.
And thereupon the said Brace by his attorney aforesaid 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 Brace with Robert H. the Court here an appeal Bond entered into by himself and two sureties which by the Court here is approved of the tenor whereof ensueth in the following words to wit
Know all men by these presents that we Bennett Brace, Samuel Paddison & Thomas Pearce all of Talbot County and State of Maryland are held and firmly bound unto James Neale for the use of Samuel & Daniel Neale in the full and just sum of five hundred pounds current money of Maryland to be paid to the said James Neall for the use of Samuel & Daniel Neale his certain attorney his Executors administrators or assigns to the payment whereof well and truly to be made and done we bind ourselves our heirs executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this seventh day of June in the year of our Lord eighteen hundred and thirteen. Whereas at a County Court of the State of Maryland held for Talbot County at Easton in the said County before the Judges thereof at the May Term of the said Court in the year of our Lord eighteen hundred and thirteen the said James Neale for the use of Samuel & Daniel Neale obtained a Judgment against the said Bennett Brace as well for the sum of One hundred and

eighty eight Dollars and sixty four cents current money a certain debt, interest to be taxed thereon from the thirteenth day of March eighteen hundred and nine till paid as for the sum of seven Dollars and seventy five cents cents of suit, by which said Judgment the said Bennett Brace deems himself aggrieved and therefrom 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 Bennett Brace appellant shall prosecute the direction 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 — the appeal aforesaid ought to be tried and prosecute the same appeal with effect, and also satisfy and pay to the said James Neall for the use of Samuel & Daniel Neale his executors, administrators or assigns in case the said Judgment shall be affirmed, as well the debt and Interest costs awarded 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. Bennett Brace (Seal) Sam.l Paddison (Seal) Tho.s Pearce (Seal)
signed, sealed & delivered In the presence of G.W. Smith.
Whereupon it is ordered by the Court here that 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 for the Eastern Shore of Maryland at Easton in Talbot County, on the third Monday in November next and it is accordingly transmitted. In Testimony that the foregoing is a true Exemplification I have hereunto set my hand & affixed the public seal of my Office this 11th day of June 1813. J. Lowchesman Clerk
And now comes into the Court of Appeals here as well the said James Neale by Thomas J. Bullitt Esquire his attorney, as the said Bennett Brace by William Hayward, Junr. Esquire his attorney and thereupon on motion of the said James Neale, by his attorney aforesaid, it is ruled by the Court here, that the said Bennett Brace assign the errors in the record and proceedings of the Judgment aforesaid, or Judgment by the Court here will be rendered against him in default thereof. And the said Bennett Brace by his attorney aforesaid saith, that in the record and 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 James Neale against the said Bennett Brace, whereby the law of the land that Judgment ought to have been given for the said Bennett Brace against the said James Neale, and he prays that the Judgment aforesaid for that error and others being in the record and Proceedings aforesaid may be reversed, annulled and held entirely as void, and that he the said Bennett Brace may be restored to all that he has lost by occasion of the said Judgment, and that the said James Neale may rejoin to the errors aforesaid; thereupon further process of and upon the premises aforesaid between the parties aforesaid, by consent of the said parties and their attorneys aforesaid, and by order of the Court here thereon is continued until the last Monday of November next. At which day, to wit, the last Monday of November eighteen hundred and thirteen come again into the Court of appeals here the parties aforesaid by their attorneys aforesaid, And the said James Neale by his attorney aforesaid, says there is no error in the record and proceedings aforesaid or in the rendition of the Judgment aforesaid, and he prays he may be that the Court here may proceed to the examination, as well of the record and proceedings aforesaid, as of the matters aforesaid by the said Bennett Brace above for errors assigned, and that the said Judgment may be in all things affirmed. Whereupon it is ruled by the Court here that the matters in controversy between the parties aforesaid be argued & fully discussed as well on the part of the said James Neale, as on the part of the said Bennett Brace before the Judges of the Court here &c. thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their attorneys aforesaid and by order of the Court here thereon is further continued until the first Monday of June next. And now here at this day, to wit, the first Monday of June eighteen