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 Matthew Tilghman his executors Administrators or assigns in case the said Judgment shall be affirmed, as well all singular the debt, damages & Costs adjudged by the Court before whom the action aforesaid was first brought and from whom Judgment the appeal aforesaid was made, as also all costs & 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 and remain in full force & virtue in law otherwise of no effect. John Tilden Hemnard (Seal) Saml. G. Hemnard (Seal) Philip Lee Hemnard (Seal) Signed sealed and delivered in the presence of Mary Ann Anderson

Which being read and heard and the security in the said Bond being by the Court here approved. It is therefore ordered by the said Court here that the record and proceedings aforesaid in the plea aforesaid with all things thereunto relating be transmitted to the said Court of Appeals of the said State, & the same are transmitted to the said Court accordingly –

Attest Ben: Chambers Clk.

Kent County Set. I hereby Certify that the within and aforegoing is truly taken from the record of Proceedings of the County Court of Kent. In Testimony whereof I do this exemplification I hereunto subscribe my name and affix the public seal of my office on this twenty fifth day of May in the year of our Lord one thousand eight hundred and thirteen, and in the thirty seventh year of the Independance of the United States of America. Ben: Chambers Clk of Kent County Ct. (Seal of Kent County Court)

And now comes into the Court of Appeals here, as well the said Matthew Tilghman by Edward Tilghman the 3d his attorney, as the said John T. Hemnard, by James Barroll his attorney, and thereupon on motion of the said Matthew Tilghman by his Attorney aforesaid, it is ruled by the Court here, that the said John T. Hemnard 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 John T. Hemnard, by his Attorney aforesaid, saith, that in the record & proceedings of 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 Matthew Tilghman against the said John T. Hemnard, when by the law of the land that Judgment ought to have been given for the said John T. Hemnard against the said Matthew Tilghman, therefore in that there is manifest error, 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 John T. Hemnard may be restored to all that he has lost by occasion of the said Judgment; and that the said Matthew Tilghman may rejoin to the errors assigned &c. And the said Matthew Tilghman, 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 likewise 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 John T. Hemnard above assigned errors designed, and that the said Judgment may be in all things affirmed &c.

Whereupon it is ruled by the Court here, that the matter in Controversy between the parties aforesaid be argued & fully discussed, as well on the part of the said Matthew Tilghman, as on the part of the said John T. Hemnard, 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, by order of the Court here thereon, is continued unto 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, whereupon further process of and upon the premises aforesaid, between the parties aforesaid by consent of the said parties and their Attorneys

aforesaid by order of the Court here thereon, is further continued unto the first Monday of June next.

And now here, at this day, to wit, the first Monday of June eighteen hundred and fourteen, come again into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid, – Whereupon as well the record and proceedings aforesaid, as the matters aforesaid by the said John T. Hemnard above for errors assigned being seen and fully understood by the Court here & mature deliberation thereupon had for it appears to the Court here, that there is no error either in the record & proceedings aforesaid, or in the giving of Judgment aforesaid; therefore it is considered by the Court 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 here that the said Matthew Tilghman have execution against the said John T. Hemnard, as well for the debt, damages, costs and charges aforesaid adjudged unto him in the said County Court of Kent, as also the sum of Ten Dollars ninety three and two thirds cents adjudged unto the said Matthew Tilghman by the Court here, for his damages, costs and charges which he hath sustained by reason of the delay of the execution of the Judgment aforesaid, by pretence of the prosecution of the said Appeal by them the said John T. Hemnard of upon the premises, as appears. Prosecuted Test James Barroll Clk.

Memorandum. Judgment in this cause was affirmed on the 8th day of June 1814.

William Whiteley against William B. Smith

Be it remembered that on the last Monday of November Eighteen hundred and twelve, the Chief Justice and Associate Justices of Talbot County Court, in pursuance of the Act of Assembly in such case made and provided, transmit to the Court of Appeals here, the record and proceedings of a plea which was lately depending before them in the said County Court, between William Whiteley, plaintiff, and William B. Smith, Defendant, and wherein the said County Court gave Judgment for the said William Whiteley against the said William B. Smith, and from which said Judgment the said William B. Smith prayed an Appeal unto the Court of Appeals here, the tenor of which said Record and Proceedings is in form following, to wit

"State of Maryland, Talbot County, to wit. At a County Court, of the State of Maryland, begun and held for Talbot County at Easton on the second Monday of November being the ninth day of the same month in the year of our Lord Eighteen hundred and twelve, before the Honorable the Judges of the same County Court, and other Officers and ministers duly commissioned and qualified to hold the same Court – of whom were present the Honorable Richard T. Earle Esq. Chief Judge. Lemuel Pennell, Thomas Worrell Esqrs. Associate Judges – John Bennett Esq. Sheriff – J. Kerchenman Clk.

In the Record of Proceedings of the same Court, amongst others, were the following, to wit.

William Whiteley of. William B. Smith

Be it remembered that on the twenty fourth day of October, in the year of our Lord eighteen hundred and eleven, the plaintiff in this cause by John McCl. Emory Esquire his attorney, prosecuted and sued forth out of the County Court here the writ of the State of Maryland of Capias ad respondendum, directed to the Sheriff of Talbot County, in form following, to wit. "Talbot County, to wit. The State of Maryland To the Sheriff of Talbot County, Greeting: We Command you that you take William B. Smith late of Talbot County, Gentleman, if he shall be found in your bailiwick and him safe keep, so that you have his body before the Judges of our County Court to be held at Easton in the said County on the second Monday of November next to answer unto William Whiteley of a plea that he render unto him the sum of Eight hundred and seventy one pounds eight shillings current money of Maryland, which to him he owes and unjustly detains &c. Hereof fail not at your peril and have you then and there this writ. Witness the Honorable Richard Tilghman Earle Esquire Chief Judge of our said Court the 27th day of May anno Domini 1811. Issued the 24th day of October 1811. J. K. Kerchenman Clk."

At which said second Monday of November next, to wit, in the year of our Lord Eight