Gentleman his Attorney and and the said Francis James by his said Attorney declares against the said William Mezick in the plea aforesaid as follows that is to say. Somerset County, towit, William Mezick late of Somerset County, yeoman was summoned to answer unto Francis James in a plea that he render unto him the sum of Three hundred and sixty one dollars & thirty one cents current money which to him he owes and from him he unjustly detains &c. And whereupon the said Francis James by Thomas Bayly his Attorney says that the same William Mezick, on the fifteenth day of August in the year of our Lord eighteen hundred and nine at the County aforesaid by his certain bill obligatory which sealed with the seal of the same William, the same Francis here into Court brings the date whereof is the same day and year aforesaid, acknowledged himself to owe & justly indebted unto the said Francis in the aforesaid sum of Three hundred and sixty one dollars and thirty one cents current money of the United States, to be paid to the said Francis by the said William six months after the date aforesaid, to the payment whereof well and truly to be made and done the same William bound himself firmly by the same bill obligatory. Nevertheless the same William although he afterwards often required, the said sum of money or any part thereof unto the same Francis yet hath not rendered or paid, but hitherto altogether hath refused and still doth refuse to the damage of the same Francis seven hundred Dollars current money and he therefore brings this suit &c.

Thomas Bayly Attorney for pltff. pledges pr. John Doe & Richard Roe.

The tenor of which said bill obligatory ensues in the following words and figures, towit.

Six months after date we promise and oblige ourselves and each of us our heirs executors and administrators, to pay or cause to be paid unto Francis James, Executor of Thomas Cannon, (deceased) his heirs Executors or assigns the full and just sum of Three hundred and sixty one dolls & 31. 31 cents current money of the United States with legal Interest thereon from the day of sale, if being for value recd. As Witness our hands and seals this 15th day of August eighteen hundred and nine.—

William his X mark Mezick (Seal) Stephen Hopkins (Seal) Test Leeza James.

On the back of the said bill obligatory were the following endorsements, towit. Recd. Sept. 14th 1810. of William Mezick the sum of eighty dolls in part of the within Note — Francis James $80.— July 10th 1811. Recd. of Wm. Mezick the sum of $51.58 cents in part of this Note it being the dividend of the personal estate of his claim against Thomas Cannon and F. James $51.58. April 2d 1812. Recd. of Wm. Mezick the sum of fifty Dollars in part of this note — Francis James $50 — Oct. 31st 1812. Recd. of W. Wm. Mezick, the sum of $13. F. James — $13. — Recd. 12th Nov. 1812. the amt. of $2.58. on acct. of this Note. F. James.

Recd. Jan. 11th 1813. of W. William Mezick 20 Gallons Brandy @ 7/6. 1/2 bush. Potatoes 3/9. F. James $20.20. And the said William Mezick by his Attorney aforesaid defends the force & injury when &c. and saith that he cannot gainsay the action aforesaid of the said Francis James nor can he deny but that he owes unto the said Francis James the aforesaid sum of Three hundred and sixty one dollars and thirty one cents current money of the United States with Interest thereon from the fifteenth day of August in the year of our Lord one thousand eight hundred & nine date of bill title paid, in manner and form as the said Francis James above against him hath complained: Therefore it is considered by the Court here that the said Francis James recover against the said William Mezick, as well the said sum of Three hundred and sixty one Dollars & thirty one cents current money his debt aforesaid with Interest thereon as aforesaid, in form aforesaid adjudged, as the sum of seven Dollars and seventy seven cents like money for his (damages) 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 Francis James by the Court here with his assent, and the said William Mezick in mercy &c. Memorandum Judgment was rendered in this action on the twelfth day of April in the year of our Lord one thousand eight hundred & fourteen — for the aforesaid debt of three hundred and sixty one dollars & thirty one cents current money

with Interest thereon from the fifteenth day of August in the year of our Lord one thousand eight hundred and fourteen date of Bill title paid and costs of suit. Payments if any to be allowed: and thereupon the said William Mezick by his Attorney aforesaid, prays an appeal from the Judgment aforesaid rendered to the high Court of Appeals of the State of Maryland and it is granted him. Whereupon the said William Mezick by his Attorney aforesaid files in Court here a certain writing obligatory commonly called an appeal Bond, and which is contained in the following words towit. Know all men by these presents, that we William Mezick, James F. Dashiell & William J. Handy are held & firmly bound unto Francis James in the full and just sum of Seven hundred Dollars current money of Maryland to be paid to the said Francis James, his certain Attorney, 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 & severally firmly by these presents. Sealed with our seals and dated this eighteenth day of April in the year of our Lord eighteen hundred and fourteen — Whereas at a County Court of the State of Maryland holden for Somerset County, at Princess Anne in the said County, before the Judges thereof at the April Term of the said Court in the year of our Lord eighteen hundred and fourteen, the said Francis James obtained a Judgment against the said William Mezick, as well for the sum of Three hundred and sixty one dollars and thirty one cents current money of the United States, with Interest thereon as for the Costs of suit, by which said Judgment the said William Mezick 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 therefore of the foregoing Obligation is such, that if the said William Mezick appellant shall not pursue the directions of an act of Assembly, entitled "an act for regulating writs of error, and granting appeals from one 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 & pay to the said Francis James his executors, administrators or assigns in case the said Judgment shall be affirmed, as well all and singular the debt, damages and costs adjudged by the Court before whom the action aforesaid was first brought & 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 & determined, then this said Obligation to be void and to remain in full force and virtue in law, otherwise of no effect — William his X mark Mezick (Seal) Jas. F. Dashiell (Seal) W. J. Handy (Seal) — signed, sealed & delivered in the presence of Josiah Bayly. — Which being read and heard & 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 high Court of Appeals of the said State, and the same are transmitted to the said Court accordingly. Test Josiah Polk, Clk.

Maryland ss. I hereby Certify that the aforegoing is truly taken from the record of proceedings of Somerset County Court. In Testimony whereof I have hereunto subscribed my name and affixed the seal of the said County Court this nineteenth day of May in the year of our Lord one thousand eight hundred and fourteen, and in the thirty eighth year of the Independence of the United States of America.

(Seal of Somerset County Court)

Josiah Polk Clk. Somt. County Court

And now comes into the Court of Appeals here as well the said Francis James by Thomas Bayly Esquire his Attorney, as the said William Mezick by Josiah Bayly his Attorney — And the said William Mezick by his Attorney aforesaid saith that in the record & proceedings aforesaid and also in the rendition of the 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 Francis James against the said William Mezick when by the law of the land that Judgment ought to have been given for the said William Mezick against the said Francis James, therefore in that there is manifest error & the said