and proceedings aforesaid, or in the giving of Judgment aforesaid, therefore its 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 alledged in any wise notwithstanding; and its further considered by the Court here that the said Benjamin B. Moth have execution against the said Samuel G. Kennard, as well for the debt, damages, costs and charges aforesaid, as adjudged unto him in the said County Court of Kent, as also the sum of seven dollars and five cents, adjudged unto the said Benjamin B. Moth by the Court here for his damages, costs and charges which he hath sustained by occasion of the delay of the execution of the Judgment aforesaid by the pretence of the prosecution of the said Appeal, by the said Samuel G. Kennard, of and upon the premises as aforesaid prosecuted.

Memorandum. Judgment affirmed 6th June 1815. Test. Sa. Barrott Clk.

James Eagle — against — Benjamin Wright

Be it Remembered that on the second Monday of June eighteen hundred and eleven the Chief Justice and Associate Justices of Kent 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 Benjamin Wright, plaintiff and James Eagle, defendant, and wherein the said County Court gave judgment for the said James Eagle, against the said Benjamin Wright, and from which said Judgment the said Benjamin Wright prayed an Appeal unto the Court of Appeals here, the tenor of which said record and proceedings is in form following to wit. "Maryland Kent County ss. At a County Court of the second Judicial District of the State of Maryland begun and held at the Court House in the Town of Chester, in and for the said County of Kent, on the third Monday of March, being the eighteenth day of the said month, in the year of our Lord One thousand eight hundred and eleven, and in the thirty fifth year of the Independence of the United States of America. Were Present The Honble Richard Tilghman Earle, Esquire Chief Judge, Lemuel Purnell & Thomas Worrell, Esquires, Associate Judges Edward Wilkins, Esquire, Sheriff and Benjamin Chambers Clerk

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

James Eagle — at suit — Benjamin Wright

Be it Remembered that heretofore, to wit, on the second day of March in the year of our Lord one thousand eight hundred and ten, the said Benjamin Wright by William Barrott 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 Kent County aforesaid, in the words and of the tenor following to wit. "Kent County ss. The State of Maryland. To the Sheriff of Kent County Greeting You are hereby Commanded to take James Eagle late of Kent County, if he shall be found in your Bailiwick and him safe keep, so that you have his body before the County Court to be held at the Court house in the Town of Chester in and for the said County of Kent on the third Monday of March next, to answer unto Benjamin Wright, in a plea of trespass on the case &c. Hereof fail not at your peril and have you then and there this writ. Witness the Honorable Richard T. Earle, Esquire Chief Judge of the said County Court the 18th day of September Anno Dominie 1809. Issued the second day of March Anno Dominie 1810.

Test. Ben: Chambers Clk.

At which mentioned third Monday of March, being the nineteenth day of the said month, in the year eighteen hundred and ten, and the day of the return of the aforesaid Writ, comes into the County Court, the said Benjamin Wright, by his Attorney aforesaid and the Sheriff of Kent County aforesaid, to wit. Edward Wilkins, Gentleman, to whom the said aforesaid Writ was in form aforesaid directed & makes return thereof to the Court here thus endorsed to wit. Kent County ss. By virtue of this Writ to me directed I have taken the within named James Eagle, whose body I have ready

before the County Court within named, at the day and place within named as I am within commanded to answer Edward Wilkins Sheriff" And the said James Eagle being called appears in Court here by Richard Tilghman his Attorney, thereupon on motion of the said James Eagle by his Attorney aforesaid its ruled by the Court here that the said Benjamin Wright declare against the said James Eagle in the plea aforesaid, or Judgment by the Court here will be rendered against him in default thereof, And the said James Eagle by his Attorney aforesaid prays leave of the Court here to imparle until the third Monday of September next, and to him its granted, the same day is given to the aforesaid Benjamin Wright also. At which mentioned third Monday of September being the fourteenth day of the same month, in the year eighteen hundred and ten aforesaid, and to which said day the said James Eagle had leave to imparle comes again into the County Court here the parties aforesaid by their Attorneys aforesaid. And thereupon on motion of the said James Eagle by his Attorney aforesaid its further ruled by the Court here that the said Benjamin Wright declare against the said James Eagle in the plea aforesaid a Judgment by the Court here will be rendered against him in default thereof, and the said James Eagle by his Attorney aforesaid prays further leave of the Court here to imparle until the third Monday of March next, and to him its granted, the same day is given to the said Benjamin Wright also. And now here at this day to wit, the said third Monday of March, being the eighteenth day of the said month in the year eighteen hundred and eleven, and to which said day the said James Eagle had leave further to imparle, comes again into the County Court here the said Benjamin Wright as well by William Barrott his Attorney, as also William Carmichael his Attorney and the said James Eagle as well by Richard Tilghman his Attorney as by James Houston also his Attorney, and the said Benjamin Wright by his Attorney aforesaid now declares in the Court here against the said James Eagle, in the plea aforesaid, in manner and form following to wit. "Kent County, to wit. James Eagle late of Kent County was attached to answer unto Benjamin Wright in a plea of trespass on the case and wherefore the said Benjamin by William Barrott his Attorney complaining that whereas the said James on the twelfth day of September, in the year eighteen hundred and three at the County aforesaid was indebted unto the said Benjamin in the sum of two hundred pounds current money for sundry matters therein properly chargeable in account as by a particular thereof hereunto into Court brought may appear, and being so indebted he the said James in consideration thereof afterwards that is to say, on the same day and year aforesaid at the County aforesaid undertook, and then and there faithfully promised the said Benjamin to pay him the said sum of current money when he should be thereunto afterwards required. And whereas also the said James afterwards that is to say on the same day and year aforesaid, at the County aforesaid, was indebted to the said Benjamin in another sum of two hundred pounds current money, for the like sum of money by the said James had received before that time, to and for the use of the said James, and being so indebted he the said James in consideration thereof, afterwards that is to say, on the day and year last aforesaid, at the County aforesaid undertook and then and there faithfully promised the said Benjamin to pay him the said last mentioned sum of money when he should be thereunto afterwards requested, And whereas also the said James afterwards that is to say on the same day and year aforesaid at the County aforesaid was indebted unto him the said Benjamin in another sum of two hundred pounds current money, for the like sum of current money by him the said Benjamin, at the special instance and request, and to and for the use and behoof of him the said James before that time there paid out, expended and paid, and being so thereof indebted, the aforesaid James in consideration thereof, afterwards that is to say, the day and year last aforesaid, at the County aforesaid undertook and then and there faithfully promised that he the said James the last aforesaid sum of current money to him the said Benjamin when afterwards he should be thereunto required would well and truly content and pay. And whereas also the aforesaid James, afterwards that is to say on the same day & year aforesaid at the County aforesaid was indebted unto him the said Benjamin in another sum of two hundred pounds current money for the like sum of money, by the said Benjamin before that time lent and advanced to the said James at his special instance and request and