admit the same to go in evidence to the Jury to which opinion the plaintiff by his Counsel excepted & prayed the Court to sign & seal this his bill of Exceptions — Lemuel Jarnell (Seal) Tho. Worrell (Seal)

And thereupon the said Benjamin Wright by his Attorney aforesaid prays an appeal from this judgment aforesaid to as aforesaid rendered to the Court of Appeals of the State of Maryland to be held for the Eastern Shore of the said State at Easton in Talbot County, on the second Monday of December next, and it is granted him. Whereupon the said Benjamin Wright 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, to wit — Know all men by these presents that we Benjamin Wright, Edward Wright & James Woodland are held and firmly bound unto James Kagle, in the full and just sum of thirty eight dollars ninety five and one third cents, current money of Maryland, to be paid to the said James Kagle 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 & Administrators jointly and severally firmly by these presents, sealed with our Seals and dated this twenty ninth day of March in the year of our Lord Eighteen hundred and eleven. Whereas at a County Court of the State of Maryland holden for Kent County at Chester town in the said County before the Judges thereof at the March term of the said Court in the year of our Lord eighteen hundred and eleven, the said James Kagle obtained a Judgment against the said Benjamin Wright for the sum of thirty five Dollars and forty four cents his costs of suit, by which said Judgment the said Benjamin Wright hath deemed 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 Benjamin Wright appellant, shall not pursue the directions of an act of Assembly entitled an Act for regulating Writs of error and granting Appeals from the Courts of common Pleas within this province at the next Court succeeding before whom the appeal aforesaid ought to be tried, and prosecute the same appeal with effect, and also satisfy and pay to the said James Kagle, his executors, Administrators or assigns, in case the said Judgment shall be affirmed, or make all and singular the said costs accruing 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 and determined, then the said Obligation to be void and remain in full force and virtue in law, otherwise of no effect. Signed, sealed & delivered, in the presence of Wm. Barroll — B. Wright (Seal) Edward Wright (Seal) Jas. Wood Land (Seal)

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 of proceedings aforesaid, with the plea aforesaid with all things thereunto relating be transmitted to the Court of appeals of the said State and the same are hereby transmitted to the said Court accordingly. Test Ben Chambers Clk

Maryland, Kent County ss. 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 hereunto affix my name and affix the public seal of my office at Chester Town on this twenty ninth day of April 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. Ben Chambers Clk of Kent County Court

And now comes into the Court of Appeals here as well the said James Kagle by Richard Tilghman Hosby Esquire his Attorney, as the said Benjamin Wright by William Carmichael, Esquire his Attorney. And thereupon on motion of the said James Kagle by his Attorney aforesaid it is ruled by the Court here that the said Benjamin Wright assign the errors in the record and proceedings of the judgment aforesaid or judgment by the Court here to be rendered against him in default thereof. And the said Benjamin Wright by his Attorney aforesaid says, 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 Kagle against the said Benjamin Wright when by the law of the land that judgment

ought to have been given for the said Benjamin Wright against the said James Kagle, therefore in that there is manifest error and he prays that the Judgment aforesaid for that error and other being in the record and proceedings aforesaid may be reversed annulled & held entirely as void, and that he the said Benjamin Wright may be restored to all that he has lost by occasion of the said Judgment & that the said James Kagle may rejoin to the errors aforesaid &c. And the said James Kagle by his Attorney aforesaid prays a further day in Court here, until the second Monday of December next to join in the errors by the said Benjamin Wright above assigned in the record and proceedings aforesaid and he hath it this same day is given to the said Benjamin Wright, then &c. At which day, to wit, the second Monday of December eighteen hundred and eleven came again into the Court of appeals here the parties aforesaid by their Attorneys aforesaid and the said James Kagle by his Attorney aforesaid says there is no error either in the record and proceedings aforesaid or in the rendition of the Judgment aforesaid and prays leave that the Court here may proceed to the examination as well of the record and proceedings aforesaid as of the matters assigned by the said Benjamin Wright above for errors assigned, and that the said Judgment may be in all things affirmed. Whereupon it is prayed by the Court here that the matters in Controversy between the parties aforesaid be argued and fully discussed as well on the part of the said Benjamin Wright, as on the part of the said James Kagle before the Judges of the Court here &c. Thereupon further process of &c. 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 second Monday of June next.

Before which day to wit the first Monday of June eighteen hundred and twelve, being the day to which the Court of appeals here, by virtue of an act of the General Assembly in such cases made and provided was changed, continued and designed, comes into the said Court of appeals here the said Benjamin Wright by his Attorney aforesaid and the said James Kagle by Samuel Houston Esquire his Attorney aforesaid and the said James Kagle by his said Attorney offers himself ready for trial on the plea aforesaid. Thereupon the said Benjamin Wright by his said Attorney suggests to the Court here, that he cannot safely proceed now here to the trial of this cause, because it appears by the record aforesaid, that the letter referred to in the bill of Exception is omitted being made a part of the same, which the Counsel think ought to have been inserted therein in this there is manifest error, and the said Benjamin Wright prays the writ of the State of Maryland of Diminution, to be directed to the Chief Justice and Associate Justices Kent County Court, more fully to certify the truth thereof to the Court of appeals here and it is granted him &c. Thereupon the said Writ issues forth out of the Court of Appeals here in the words and of the tenor following to wit:

Maryland ss. The State of Maryland. To the Chief Justice and Associate Justices of Kent County Court Greeting: Whereas in a certain plea of Trespass on the case between Benjamin Wright, plaintiff, and James Kagle, defendant, lately depending in the County Court of Kent, wherein Judgment was rendered for the said James Kagle against the said Benjamin Wright, and the said Benjamin Wright did appeal from the Judgment of the said County Court rendered against him as aforesaid, to the Court of Appeals, held at Easton on the second Monday of June Eighteen hundred and eleven, and in pursuance of the said appeal a transcript of the record and proceedings in the plea aforesaid was transmitted. And also whereas it hath been suggested on the part of the said Benjamin Wright that the said Record is diminished, that the letter referred to in the Bill of Exception is omitted being made part of the same, which the Counsel think ought to have been inserted; and forasmuch as the said Court of appeals are not satisfied that there is a sufficient record sent in the plea aforesaid, but that in the record thereof there is diminution. You are therefore hereby commanded that without delay a full transcript of the whole proceedings thereon you cause to be transmitted to the said Court of appeals to be held at Easton on the last Monday of November next without any diminution or addition whatsoever to the end that speedy Justice may be done in the premises according to law whereof you are in no wise to fail, and send you then and there this Writ. Witness the Honorable Jeremiah T. Chase Esquire Chief Judge of our said Court of Appeals this 1st day of June 1812. Issued the day of 1812. Jas. Carle Clk

Therefore it is considered by the Court here that the said James Kagle recover against the said Benjamin Wright the sum of fifteen Dollars thirty one and two third cents for his costs and