which said day the said William McDaniel had leave further to imparle, and then to answer to the Declaration aforesaid of the said Henry W. Simmons & Kyle in the plea aforesaid came again into the County Court here as well the said Adam B. Kyle one of the said Plaintiffs by his said Attorney as the said William McDaniel by his said attorney, and the said Henry W. Simmons doth not come, & hereupon the said Adam B. Kyle by his said Attorney suggests to the Court here that after the last continuance of the plea aforesaid and before this day the said Henry W. Simmons one of the parties plaintiff in the plea aforesaid departed this life, and whom the said Adam B. Kyle hath survived, which the said William McDaniel doth not deny &c. Whereupon the said William McDaniel by his Attorney aforesaid saith that he cannot deny the said Action of the said Adam B. Kyle, survivor as aforesaid so as aforesaid against him brought, nor but that he the said William McDaniel did assume upon himself in manner and form as the said Henry W. Simmons and Adam B. Kyle above thereof against him complain, nor likewise but that the said Adam B. Kyle, survivor as aforesaid hath sustained damages by reason of the non performance of the promises and assumptions aforesaid to the sum of One thousand dollars current money as they the said Henry W. Simmons in his lifetime together with the said Adam B. Kyle above by declaring suppose. Whereupon the said Adam B. Kyle, survivor as aforesaid by his said Attorney prays Judgment and those damages so acknowledged together with his Costs and charges by him about his suit in this behalf laid out and expended to him be adjudged, therefore it is considered by the Court here that the said Adam B. Kyle, survivor as aforesaid recover against the said William McDaniel as well the said sum of One thousand dollars current money above acknowledged for his damages which he hath sustained by reason of the non performance of the promises and assumptions aforesaid as the sum of eleven dollars and forty five Cents like money adjudged by the Court unto the said Adam B. Kyle, survivor as aforesaid for his Costs and charges by him about his suit in this behalf laid out and expended and the said William McDaniel in mercy &c.

Memorandum. Judgment was rendered in this cause on the twenty second day of March in the year eighteen hundred and fifteen for One thousand dollars damages & costs of suit. To be released on the payment of the sum of five hundred dollars and two dollars and twenty six and one fourth Cents with Interest from the twenty sixth day of January in the year eighteen hundred and fourteen until paid and eleven dollars and forty five Cents Costs of suit.

Test Ben Chambers Clk.

Afterwards, to wit, on the twenty fifth day of March in the year eighteen hundred & fifteen, the said William McDaniel by his Attorney aforesaid prays an appeal from the judgment aforesaid so as aforesaid rendered to the Court of Appeals of the State of Maryland to be held for the Eastern Shore of the said State, and the same is granted him. Whereupon the said William McDaniel 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 that is to say

Know all men by these presents that we William McDaniel, William Woodland & John McDaniel all of Kent County are held and firmly bound unto Adam B. Kyle in the full and just sum of two thousand and twenty two dollars & ninety two Cents current money of Maryland, to be paid to the said Adam B. Kyle 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 fifth day of March in the year of our Lord eighteen hundred and fifteen. Whereas at a County Court of the State of Maryland held and 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 fifteen, the said Adam B. Kyle as survivor of Henry W. Simmons obtained a Judgment against the said William McDaniel as well for the sum of One thousand dollars current money of Maryland damages as for the sum of eleven dollars and forty five Cents Costs of suit by which

said Judgment the said William McDaniel 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 William McDaniel Appellant shall not pursue the directions 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 succeeding before which the appeal aforesaid ought to be tried and prosecute the same appeal with effect and also satisfy and pay to the said Adam B. Kyle his executors Administrators or assigns in case the said Judgment shall be affirmed, as well all and singular the damages and costs adjudged by the Court before which 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 which the Appeal aforesaid shall be heard tried and determined then the said Obligation to be and remain in full force and virtue in law, otherwise of no effect. William McDaniel (Seal) Signed, sealed & delivered, in the presence of Wm Woodland (Seal) David Chambers John McDaniel (Seal)

Which being read and heard and the sureties 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. Test Ben Chambers Clk.

Maryland Kent County ss. I hereby Certify that the aforegoing is truly taken and copied from the record of the proceedings of the County Court of Kent aforesaid.

In Testimony whereof I do this exemplification hereunto subscribe my name and affix the public seal of my office on this twenty ninth day of May in the year of our Lord one thousand eight hundred and fifteen, and in the thirty ninth year of the State & independence of the United States of America. — Ben Chambers Clk of Kent County Court (Seal of Kent County Court)

And now comes into the Court of Appeals here as well the said Adam B. Kyle, survivor of Simmons & Kyle by Ezekiel F. Chambers, Esquire his Attorney, as the said William McDaniel by James R. Bartle, Esquire his Attorney; And the said William McDaniel 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 Adam B. Kyle, survivor as aforesaid against the said William McDaniel, when by the law of the land that Judgment ought to have been given for the said William McDaniel against the said Adam B. Kyle, survivor as aforesaid, 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 & held entirely as void and that he the said William McDaniel may be restored to all that he hath lost by occasion of the said Judgment, and that the said Adam B. Kyle survivor as aforesaid may rejoin to the errors aforesaid. And the said Adam B. Kyle, survivor as aforesaid by his Attorney aforesaid saith there is no error in the record and proceedings aforesaid or in the giving of 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 aforesaid by the said William McDaniel above 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 William McDaniel as on the part of the said Adam B. Kyle survivor as aforesaid before the Judges of the Court here & 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 first Monday of November next. At which day to wit, the first Monday of November eighteen hundred and fifteen come again into the Court of Appeals here the parties aforesaid by their Attorneys 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