also the sum of eleven dollars twenty eight and one third cents, adjudged unto the said Wilmer & Pennell by the Court here for their costs and charges which they have sustained by occasion of the delay of the execution of the Judgment aforesaid by pretence of the prosecution of the said Appeal by him the said John M. Kennard, of and upon the premises as aforesaid prosecuted — Test. James Parrott Clk.

Memorandum. Judgment affirmed 3d. June 1817.

William Armstrong against **Joseph M. Rasin** — Be it remembered that on the last Monday of May in the year eighteen hundred and sixteen the Chief Justice and associate Justices of Kent County Court in pursuance of the Act of Assembly in such cases 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 Armstrong plaintiff and Joseph M. Rasin, defendant, and wherein the said County Court gave Judgment for the said William Armstrong against the said Joseph M. Rasin, and from which said Judgment the said Joseph M. Rasin prayed an Appeal to the Court of Appeals here, the tenor of which said Record & 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 Kent County aforesaid on the third Monday of March being the eighteenth day of the same month in the year of our Lord one thousand eight hundred and sixteen and in the fortieth year of the Independance of the United States of America.

Hon.ble Richard Leighman Earle Esquire Chief Judge
The Hon.ble Lemuel Pennell Esquire & Thomas Worrell Esquire associate judges
Ephraim Vansant Esquire Sheriff. William Coates Clerk.

Among the records of proceedings of the said Court are the following to wit:

William Armstrong against **Joseph M. Rasin** — Be it remembered that heretofore to wit, on the eighteenth day of November in the year of our Lord one thousand eight hundred and fourteen the said William Armstrong by John Stoops his attorney, prosecuted and sued forth out of Kent County Court here the writ of the State of Maryland of Capias ad respondendum directed to the Sheriff of Kent County in the words and figures following to wit. Kent County ss. The State of Maryland to the Sheriff of Kent County Greeting. You are hereby commanded to take Joseph M. Rasin late of Kent County Yeoman 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 Court of Kent on the third Monday of March next to answer unto William Armstrong in a plea that he render unto him the sum of One thousand five hundred and eighty three dollars and ninety six cents current money of the United States which to him he owes and unjustly detains &c. And fail not at your peril and have you then and there this writ. Witness the Honorable Richard Leighman Earle Esquire Chief Judge of the said County Court the 28th day of September anno domini 1814 Issued this 18th day of November anno domini 1814. Ben. Chambers Clk.

(seal of Kent County Court)

At which mentioned third Monday of March, it being the twentieth day of the same month in the year of our Lord one thousand eight hundred and fifteen and the day of the return of the aforegoing writ comes into Kent County Court here the said William Armstrong by John Stoops his Attorney aft.d and the Sheriff of Kent County aft.d to wit — Edward Brown Gentleman to wit — the said aforegoing writ was in form aforesaid directed and 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 Joseph M. Rasin whose body I have ready before the County Court within named at the day and place within contained as I am

within commanded. So answers Edward Browne Sheriff —

And the said Joseph M. Rasin by James C. Barrett his attorney appears in Court here, and thereupon on motion of the said William by his Attorney aforesaid it is ruled by the Court here that the said Joseph give special bail in the plea aforesaid. Whereupon a certain William Coburn of Kent County aforesaid comes here into Court in his own proper person and with the consent of the said William Armstrong by his Attorney aforesaid becomes pledge and bail for the said Joseph, that if it shall happen that the said Joseph shall be convicted at the suit of the said William in the plea aforesaid then the said William Coburn consents that as well the debt aforesaid as all such damages costs and charges as shall be adjudged to the said William in this behalf shall be made of his body, lands and chattels and levied to the use of the said William if it shall happen that the said Joseph shall not pay the said debt, damages costs and charges, or render himself to the prison and custody of the Sheriff of Kent County aforesaid on that occasion; and thereupon on motion of the said Joseph by his Attorney aforesaid it is ruled by the Court here that the said William declare against the said Joseph in the plea aforesaid or Judgment by the Court here will be rendered against him in default thereof: And the said Joseph by his Attorney aft.d prays leave to imparle until the third Monday of September next, and to him it is granted the same day is also given to the said William: All which said third Monday of September being the eighteenth day of the same month in the year of our Lord one thousand eight hundred and fifteen, comes again into Court here the parties aforesaid by their said Attorneys, and the said William by his Attorney aforesaid declares against the said Joseph in the plea aforesaid in form following to wit. Kent County, to wit. Joseph M. Rasin late of Kent County Yeoman was summoned to answer unto William Armstrong in a plea that he render unto him the said Armstrong the sum of one thousand five hundred and eighty three Dollars & ninety six cents current money of the United States which he owes to and unjustly detains from him and so forth. Also whereupon the said Armstrong by John Stoops his attorney saith that whereas the said Rasin on the twenty sixth day of May in the year eighteen hundred and twelve at the County aforesaid by his certain writing obligatory acknowledged himself to be held and firmly bound unto him the said Armstrong in the said sum of One thousand five hundred and eighty three Dollars and ninety six cents current money aforesaid to be paid unto him the said Armstrong when he should be thereto afterwards required. Nevertheless the said Rasin all the time afterwards required, the aforesaid sum of current money aforesaid to him the said Armstrong hitherto to render & pay hath altogether refused and still doth refuse wherefore the said Armstrong saith he is worse and hath damage to the value of two thousand dollars current money and therefore he brings suit and so forth. And the said Armstrong brings here into Court the writing obligatory aforesaid sealed with the seal of the said Rasin which testifies the debt aforesaid in form aforesaid the date whereof is the day and year aforesaid — Test. John Stoops. Rich.d Stoops pledges &c.

Over of the writing obligatory whereof mention is made in the aforegoing declaration ensues in the following words to wit. Know all men by these presents that I Joseph M. Rasin of Kent County and State of Maryland am held and firmly bound unto William Armstrong of the County and State aforesaid Merchant, in the full and just sum of One thousand five hundred and eighty three dollars and ninety six cents current money of the United States to be paid to the said William Armstrong his certain attorney heirs executors administrators or assigns, to which payment well and truly to be made and done I bind myself my heirs executors and administrators jointly and firmly by these presents sealed with my seal this twenty sixth day of May one thousand eight hundred and twelve. The Condition of the above obligation is such, that if the above bound Joseph M. Rasin his heirs executors or administrators shall well and truly pay or cause to be paid to the said William Armstrong his certain attorney his heirs executors or administrators or assigns the just and full sum of four hundred ninety one