Brawne Esquire, to whom the said foregoing writ was in form aforesaid directed, makes no return thereof to the said Court here of the said Writ nor hath he done any thing therein. Nevertheless the said Richard S. Frisby voluntarily appears in Court here by Ezekiel F. Chambers his Attorney and the said Michael Smith by his Attorney aforesaid declares against the said Richard S. Frisby in the plea aforesaid in manner & form following that is to say.

Richard S. Frisby late of Kent County was summoned to answer unto Michael Smith in a plea that he render unto him the sum of sixty pounds current money which to him he owes and unjustly detains wrongfully. And whereupon the said Michael by James E. Barroll his Attorney saith that whereas the said Richard on the tenth day of December eighteen hundred and eleven at Kent County aforesaid by his certain writing obligatory bound himself to pay unto him the said Michael his heirs or assigns the just & full sum of thirty five pounds on or before the first day of October Eighteen hundred & twelve with legal interest thereon, and the further sum of twenty five pounds on or before the twenty fifth day of October eighteen hundred and thirteen with legal Interest thereon — Nevertheless the said Richard the said several sums of money or any part of either of them to him the said Michael hath not contentedly paid, although so to do the said Richard was afterwards, to wit, on the day of next ensuing the date of the said Bill and often afterwards at the County aforesaid by the said Michael requested, but the same or any part of either of them to him the said Michael to render or pay he hath altogether refused and still doth refuse wherefore the said Michael saith he is the worse & hath damage to the value of sixty pounds current money and therefore he brings suit &c. &c. And the said Michael brings here into Court the Bill obligatory aforesaid sealed with the seal of him the said Richard which testifies the debt aforesaid in form aforesaid the date whereof is the day & year aforesaid &c. &c. &c.

The writing obligatory whereof mention was made in the foregoing Declaration here follows in the following words & to wit. I Promise to pay or cause to be paid unto Michael Smith his heirs or assigns the just & full sum of thirty five pounds, on or before the first day of October eighteen hundred and twelve with legal Interest it being for value received, and likewise twenty five pounds on or before the twenty fifth day of October eighteen hundred and thirteen with legal Interest. As witness my hand & seal this tenth day of December eighteen hundred & eleven. Richd S. Frisby (Seal)

Signed, Sealed & delivered in the presence of Saml Smith.

And the said Richard S. Frisby by his Attorney aforesaid defends the force & injury when & where &c. and saith he cannot deny the action aforesaid of the said Michael Smith so as aforesaid against him brought, nor but that he owes to the said Michael Smith the said sum of sixty pounds current money in manner & form as the said Michael Smith above against him hath declared. Therefore it is considered by the Court here that the said Michael Smith recover against the said Richard S. Frisby as well the said sum of sixty pounds current money his debt aforesaid in form aforesaid acknowledged as the sum of thirty pounds like money for his damages which he had sustained by reason of the detention of that debt, as the further sum of six Dollars and sixteen and one third Cents for his costs & charges by him about his suit in this behalf laid out & expended adjudged unto the said Michael Smith by the said Court here with his Assent & the said Richard S. Frisby in mercy &c. &c. &c.

Memorandum. Judgment was confessed in this case on the twenty third day of March eighteen hundred & fifteen for Debt, thirty pounds damages and costs. the plaintiff agrees to release the damages upon payment of interest on the debt from the tenth day of December Eighteen hundred & eleven till paid and costs. Payments if any to be allowed. Stay of Execution till March Term Eighteen hundred and sixteen. Test Ben^n Chambers Clk.

Afterwards, to wit, on the seventeenth day of June in the year of our Lord one

The Judgment for Debt & Damages is entered.

thousand eight hundred and sixteen, the said Richard S. Frisby by Ezekiel F. Chambers his Attorney prayed an appeal from the Judgment aforesaid so as aforesaid confessed to the Court of appeals of the State of Maryland for the Eastern shore of the said State and it is granted him: whereupon the said Richard S. Frisby by his Attorney aforesaid files in Court here a certain writing Obligatory commonly called an Appeal Bond which is contained in the following words to wit. Know all men by these presents that we Richard S. Frisby Stephen Cemming & Martha Kennard of Kent County, and State of Maryland are held & firmly bound unto Michael Smith of the same County and State aforesaid in the just & full sum of one hundred and eighty pounds current money to be paid unto the said Michael Smith or his certain Attorney executors, administrators or assigns, to which payment well and truly to be made we bind ourselves and every of us our and every of her heirs executors and administrators jointly and severally firmly by these presents. Sealed with our Seals & dated this seventeenth day of June in the year of our Lord one thousand eight hundred and sixteen.

Whereas at a County Court begun and held at Chester Town in Kent County on the third Monday of March in the year of our Lord one thousand eight hundred & fifteen, the above named Michael Smith by the Judgment of the said Court recovered against the above bound Richard S. Frisby as well the sum of Sixty pounds current money a certain Debt, as the sum of Thirty pounds Damages and the further sum of six Dollars sixteen & one third Cents for his Costs and Charges by him about his Suit in this behalf laid out & expended whereof the said Richard S. Frisby is convicted &c. from which said Judgment so as aforesaid rendered the said Richard S. Frisby hath prayed an appeal to the next Court of appeals. NOW the Condition of the above Obligation is such, that if the above bound Richard S. Frisby shall not pursue the directions of the 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 of appeals and prosecute the same with effect, and also satisfy and pay unto the said Michael Smith his executors administrators or assigns in case the said Judgment shall be affirmed as well all and singular the said debt damages & Costs adjudged by the Court aforesaid as also all costs and damages that shall be awarded by the Court of Appeals aforesaid then this Bond to be void and remain in full force and virtue in law else of no effect. Richd S. Frisby (Seal)

Signed Sealed & delivered in the presence of — E. Barroll. Stephen Cemming (Seal)

Test for Frisby & Cemming Edward Kennard. Martha Kennard (Seal)

Which being read and heard and the securities in the said Bond being by the Court approved, it is therefore ordered by the said Court here that the Record & proceedings aforesaid in the plea aforesaid with all things thereunto relating be transmitted to the said Court of appeals of the State of Maryland for the Eastern shore of the said State & the same are transmitted to the said Court accordingly. Test Wm Scott Clerk

Maryland Kent County ss I hereby certify that the within & aforegoing is truly & faithfully taken & copied from the Record of proceedings of Kent County Court.

In Testimony whereof I have hereunto subscribed my name & affixed the public seal of my Office this twenty third day of November eighteen hundred and sixteen.

Seal of Kent County Court. Wm Scott Clk of Kent County Court.

And now comes into the Court of Appeals here, as well the said Michael Smith by James E. Barroll his Attorney, as the said Richard S. Frisby by Ezekiel F. Chambers his Attorney and the said Richard S. Frisby by his Attorney aforesaid saith that in the Record 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 Michael Smith against the said Richard S. Frisby when by the law of the land that Judgment ought to have been given for the said Richard S. Frisby against the said Michael Smith, therefore in that there is manifest