against him brought nor can he deny but that he owes unto the said Handy H Irving, trustee as afs.d the sum of twelve thousand dollars current money of Maryland in manner & form as the said Handy H Irving trustee as afs.d against him hath alledged; therefore its considered by the Court here that the said Handy H. Irving trustee as aforesaid recover against the said John Fowler, as well the said sum of twelve thousand dollars current money his debt aforesaid in form aforesaid acknowledged as the sum of five dollars and seventy eight cents and one third of a cent for his damages which he hath sustained, as well by occasion of the said debt, as for his costs and charges by him about his suit in this behalf laid out & expended adjudged by the Court here unto the said Handy H Irving with his assent, and the said John Fowler in mercy and &c forth. And thereupon the said John Fowler by his attorney aforesaid prays an appeal from the Judgment afs.d so as aforesaid rendered to the Court of Appeals of the State of Maryland for the Eastern Shore, and its granted him; Whereupon the said John Fowler by his attorney aforesaid files in Court here a certain writing obligatory commonly called an appeal bond, and which is contained in the words following, to wit. Know all men by these presents that we John Fowler George Waller and James Weatherly are held and firmly bound unto Handy H Irving in the full and just sum of twenty five thousand dollars current money of Maryland to be paid to the said Handy H Irving his certain attorney his executors administrators or assigns; to the payment whereof well and truly to be made and done we bind ourselves our heirs executors and administrators, jointly and severally firmly by these presents. Sealed with our seals and dated this thirteenth day of November in the year of our Lord eighteen hundred and twenty four. Whereas at a County Court of the State of Maryland holden for Somerset County at Princess Anne in the said County before the Judges thereof at the September Term of the said Court in the year of our Lord eighteen hundred and twenty four the said Handy H Irving obtained a judgment against the said John Fowler as well for the sum of twelve thousand dollars current money of Maryland a certain debt (penalty) as for the sum of five dollars seventy five cents costs of suit, by which said judgment the said John Fowler deems 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 John Fowler appellant shall not pursue the directions of an Act of Assembly, intitled "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 ensuing before whom the appeal aforesaid ought to be tried and prosecute the same appeal with effect, and also satisfy and pay to the said Handy H Irving, his executors administrators or assigns in case the said judgment shall be affirmed as well all and singular the debt (penalty) and costs adjudged 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 tried and determined, then the said obligation to be void and remain in full force virtue in law, otherwise of no effect. —

John Fowler (Seal)
George Waller (Seal)
James Weatherly (Seal)

Signed sealed & delivered in the presence of Theophilus Nicholson

Which being read and heard and the securities in the said bond being by the Court

here approved, its therefore ordered by the 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 and the same are transmitted to the said Court accordingly. Test Geo: Handy Clk

Memorandum. Judgment was confessed in this cause on the twenty fifth day of November in the year of our Lord eighteen hundred and twenty four for penalty & costs to be released on payment of Five thousand seven hundred and ten dollars with interest from the 8th day of September in the year of our Lord eighteen hundred & twenty two, till paid and the costs of suit. —

Testimony that the foregoing is a true copy taken from the proceedings of Somerset County Court, the Docket entries & papers filed in this suit, I have to set my hand and seal of said County Court this 21st day of December Anno Dom. 1824. Test Geo: Handy Clk

And now come into the Court of Appeals here as well the said Handy H Irving, Trustee of Elma A. Waller, by William Wharton Esquire his attorney, as the said John Fowler by Ephraim K Wilson and Josiah Boyly Esquires, his attorney; and thereupon on motion of the said Handy H Irving, trustee as aforesaid by his attorney aforesaid, its ruled by the Court here, that the said John Fowler assign the errors in the record of proceedings aforesaid, or in the giving the judgment aforesaid, so as aforesaid brought before the Court of Appeals here, for correcting the errors supposed to be therein, or judgment by the Court of Appeals here will be entered against him in default thereof. And the said John Fowler, by his attorney aforesaid, says, that in the record of 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 Handy H. Irving, trustee as aforesaid, against the said John Fowler, when by the law of the land that judgment ought to have been given for the said John Fowler against the said Handy H. Irving, trustee 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 of proceedings aforesaid may be reversed, annulled and held entirely as void, & that he the said John Fowler may be restored to all things which he hath lost by occasion of the said judgment, and that the said Handy H Irving, trustee as aforesaid, may reply to the errors afs.d And thereupon its ruled by the Court of Appeals here that the said Handy H Irving, trustee as aforesaid, join in the errors by the said John Fowler above assigned in the record of proceedings aforesaid, or judgment by the Court of Appeals here will be rendered against him in default thereof; and the said Handy H Irving, trustee as aforesaid, by his attorneys aforesaid, says there is no error in the record of proceedings aforesaid, nor in the giving of the judgment aforesaid, and he prays that the Court of Appeals here will proceed to the examination as well of the record of proceedings aforesaid, as of the matters aforesaid by the said John Fowler above for error assigned, and that the said judgment may be in all things affirmed &c. Whereupon its ruled by the Court of Appeals here that the matter in controversy between the parties aforesaid be argued and fully discussed, as well on the part of the said Handy H Irving, trustee as aforesaid, as on the part of the said John Fowler, before the Court here &c. Thereupon further process of and upon the premises 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 last Monday in November