that after the aforesaid agreement the said Corell came to the house of the said Erb and told him that if he would go to Tany Town he would give him his bond for the aforesaid one hundred and twenty pounds which was not however done.

The Plaintiff also proved that he after this last offer to give bond he sent to the said Corell for the said one hundred and twenty pounds which the said Corell then promised to pay but complained that he was not then able to do so.

The plaintiff also proved that the three hundred pounds aforesaid was paid to the said Mifford who lawfully conveyed the said Land to the said Corell by deed of Indenture duly executed and recorded

The Defendant by his Counsel then prayed the direction of the Court to the Jury that this Evidence was not Sufficient in law to support any one of the Counts in the declaration in this Cause But the Court were of opinion and did direct the Jury that this was sufficient to support the first Count in the declaration To which opinion and direction of the Court the Defendant begged liberty to except and he does hereby except and prays that the Court may sign and seal this his bill of exceptions which is accordingly done according to the statute in such case made and provided this 28th day of November 1795.

John Ross Key (Seal) John McPherson (Seal)

Whereupon the said Jacob Corell by his attorney aforesaid prays an appeal from the Judgment of the Court so as aforesaid against him rendered to the next General Court to be held for the Western shore of Maryland which on giving Bond with security agreeable to Act of Assembly is granted.

Thereupon the said Jacob Corell files in Court the following bond to wit. Know all men by these presents that we Jacob Corell Henry Garnhart and Henry Kuhn of Frederick County Maryland are held and firmly bound unto Christopher Erb of the same place in the sum of two hundred and seventy eight pounds Current money and two thousand one hundred and forty four pounds of Tobacco to be paid to the said Christopher Erb to which payment well and truly to be made and done we bind ourselves and each of us our and each of our heirs Executors and Administrators jointly and severally, in and for the whole firmly by these presents Sealed with our seals and dated the twenty Eighth day of November in the year of our Lord one thousand seven hundred and ninety five.

Whereas

Whereas the said Christopher Erb this present November Term hath recovered Judgment on the verdict of a Jury in Frederick County Court against the said Jacob Corell for the sum of one hundred and thirty nine pounds current money certain damages and one thousand and sixty five pounds of tobacco costs of suit from which Judgment the said Jacob Corell hath prayed an appeal to the General Court.

Now the Condition of the above obligation is such that if the said Jacob Corell 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 General Court to be held for the Western Shore of the State of Maryland and prosecute the same appeal with Effect and also satisfy and pay to the said Christopher Erb his Executors Administrators or Assigns in case the said Judgment shall be affirmed as well all and singular the damages and costs adjudged by Frederick County Court as also all Costs and damages that shall be awarded by the said General Court then the said Obligation to be and remain in full force and virtue otherwise of no Effect.

Signed sealed and delivered in the presence of John McDonald, Jacob Staley — Jacob Cornell (Seal), Henry Garnhart (Seal), Henry Kuhn (Seal)

Which is approved of by the Court.

Test William Ritchie Clerk.

In Testimony that the aforegoing is a true Copy of the record and proceedings in the action aforesaid I have hereunto subscribed my name and affixed the public Seal of Frederick County Court (Seal)

William Ritchie Clerk.

And now here comes into the General Court as well the said Jacob Corell by Arthur Shaaff his attorney as the said Christopher Erb by John Thomson Mason his attorney and thereupon on motion of the said Christopher Erb by his attorney aforesaid it is ruled by the Court here that the said Jacob Corell assign the errors in the Record of proceedings of the judgment aforesaid brought before the Court here for correcting the Errors supposed to be therein, or judgment by the Court here will be entered against him in default thereof, Whereupon the said Jacob Corell by his attorney aforesaid prays that a day may be given him for the Assignment of Errors of and upon the Record of proceedings of the Judgment aforesaid until the second Tuesday of October next and to him it