responsibility for the events which afterwards happened; but refused to direct the jury that if the Plaintiff did give the directions aforesaid stated by this defendant in the manner and under the circumstances so as aforesaid stated, the defendant was thereof freed from responsibility for the loss of the said negroes, and in Consequence of the court thus refusing to give such directions the Defendant prays leave to state his bill of exceptions, and that the same may be signed by the Court, and that he may have the benefit thereof, according to the Act of Assembly in such case made and provided, which is accordingly done this 25th day of May 1798

R. Goldsborough (seal)
G. Duvall (seal)

Whereupon the said Josias Speake by his attorney aforesaid prays that he may appeal from the judgment aforesaid of the Court here in form aforesaid given to the judgment of the High Court of Appeals of the State aforesaid, and produces to the Court here an Appeal Bond pursuant to the ckt of Assembly in such case made and provided, in manner and form following to wit.

Know all men by these presents, that we Josias Speake, Henry Henly Chapman, and Reuben Craig are held and firmly bound unto James Clagett in the full and just sum of one thousand pounds current money to be paid to the said James Clagett, his certain attorney, executors, administrators, or assigns. To the which payment 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 day of anno Domini seventeen hundred and ninety eight. Whereas the above named James Clagett obtained judgment in the General Court for the Western Shore of the State of Maryland, at May Term seventeen hundred

hundred and ninety eight against the above bound Josias Speake for the sum of two hundred and fifty pounds current money damages and costs of suit from which said judgment the said Josias Speake has prayed and obtained an appeal to the court of appeals.

Now the condition of the above obligation is such that if the above bound Josias Speake shall not pursue the directions of an ckt of Assembly entitled "An ckt for regulating writs of Error, and "granting appeals to and from the Courts of common Law within "State" at the next Court of appeals, and prosecute the same with effect; and also satisfy and pay unto the said James Clagett, his executors, administrators, or assigns, in case the said judgment shall be affirmed, as well all and singular the debt, damages and costs, adjudged by the General Court aforesaid, as also all costs and damages which shall be awarded by the Court of appeals aforesaid; then this obligation to be and remain in full force and virtue: otherwise of no effect.

Signed Sealed and Delivered in the Presence of
Thos H. Lyles
John T. Mason

Josias M. Speake (seal)
Henry H. Chapman (seal)
Reuben Craig (seal)

Which said Bond being by the Court here read and heard, and the sureties therein approved, the same is allowed, and the appeal thereupon is granted. And it is ordered by the Court here that the Record of Proceedings aforesaid in the plea aforesaid, with all things thereunto relating, be transmitted to the said High Court of Appeals.

Test John Gwinn Clk

44

Elizabeth Mackubin
vs
William Whitcroft

Be it remembered, that heretofore to wit, on the sixth of April in the year of our Lord one thousand seven hundred and ninety five Elizabeth Mackubin by Philip Barton Key her attorney sued out of the General Court the writ of the State of Maryland of