therein, or judgment by the Court of Appeals here will be entered against them in default thereof: And the said William Gaither and Joshua Warfield by their attorneys aforesaid say, that in the record of proceedings aforesaid, and also in the giving of decree aforesaid, there is manifest error in this court, that by the record aforesaid, it appears that the decree aforesaid, in the plea aforesaid given, was given for the said heirs of the said Nicholas Welch against the said William Gaither and Joshua Warfield, which by the law of the land that decree ought to have been given for the said William Gaither and Joshua Warfield against the said heirs of the said Nicholas Welch, therefore in that there is manifest error, and they pray that the decree aforesaid for that error, and others being in the record of proceedings aforesaid, may be reversed, annulled and held entirely for naught, and that they the said William Gaither and Joshua Warfield may be restored to all things which they have lost by occasion of the said decree, and that the said Heirs of the said Nicholas Welch may agree to the errors aforesaid and so forth: And thereupon it is ordered by the Court of Appeals here, that the said heirs of the said Nicholas Welch join in the errors by the said William Gaither and Joshua Warfield above assigned in the record of proceedings aforesaid, or decree by the Court of Appeals here will be passed against them in default thereof. And the said heirs of the said Nicholas Welch in their own proper persons pray that a day may be given to them to join in the errors by the said William Gaither and Joshua Warfield above assigned in the record of proceedings aforesaid, until the second Monday in June next, and to them it is granted: the same day is also given to the said William Gaither and Joshua Warfield likewise and so forth.

At which said second Monday in June being the fourteenth day of the said month, in the year of our Lord one thousand eight hundred and thirty, which said day was given to the said heirs of the said Nicholas Welch to join in the errors by the said William Gaither and Joshua Warfield above assigned, come again into the Court of Appeals here the parties aforesaid, by their attorneys aforesaid: and the said heirs of the said Nicholas Welch in their own proper person aforesaid say there is no error in the record of proceedings aforesaid, nor in the giving of the decree aforesaid, and they pray 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 William Gaither and Joshua Warfield above for error assigned, and that the said decree may be in all things affirmed and so forth. Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, is by virtue of an act of assembly in such case made and provided, further continued, before the Court of Appeals here, until the first Monday in December next; the same day is given to the said parties, then then to hear the judgment of the Court of Appeals here, of and upon the said premises and so forth.

At which said first Monday in December, being the sixth day of the said month, in the year of our Lord one thousand eight hundred and thirty, come again to the Court of Appeals here the parties aforesaid, by their attorneys aforesaid: but because the Court of Appeals here are not yet advised what judgment to give of and upon the premises, a day therefore is further given to the parties aforesaid, with the consent of the said parties, by their attorneys aforesaid, to come before the Court of Appeals here, on the second Monday in June next, to hear the judgment of the Court of Appeals here of and upon the premises, for that the Court now here as yet are not, and so forth.

At which said second Monday in June being the thirteenth day of the said month, in the year of our Lord one thousand eight hundred and thirty one, come again into the Court of Appeals here, the parties aforesaid, by their attorneys aforesaid: But because the Court of Appeals here are not yet advised what judgment to give of and upon the premises, a day therefore is further given to the parties aforesaid, with the consent of the said parties, by their attorneys aforesaid, before the Court of Appeals here, until the first Monday in December next, to hear the judgment of the Court of Appeals here of and upon the premises, for that the Court now here as yet are not, and so forth.

And now at this day to wit, the said first Monday in December being the sixth day of the said month, in the year of our Lord one thousand eight hundred and thirty one, come again into the Court of Appeals here, the parties aforesaid, by their attorneys aforesaid. Whereupon as well the record and proceedings aforesaid, and the decree given in form aforesaid, as the matters aforesaid, by the said William Gaither and Joshua Warfield above for error assigned, being seen, and by the Court of Appeals here fully understood, and mature deliberation thereupon had; for that it appears to the Court of Appeals here, that there is error in the record of proceedings aforesaid, and in the giving of the decree aforesaid: Therefore the Court of Appeals here proceeded to pass such decree as the Court of Chancery ought to have passed.

This cause standing ready for hearing and being submitted on the argument of counsel for the appellants (no person appearing on behalf of the appellees) and considered by the Court. And this Court being of opinion that the judgments recovered by the appellant William Gaither against the administrators of Nicholas Welch deceased ought not to conclude the appellants from showing the insufficiency of the personal estate of the said Nicholas Welch deceased to satisfy their claims, and from establishing their claims against his heirs at law. And that the appellants ought to be permitted to establish their claims against the said Nicholas Welch deceased, and the insufficiency of his personal estate to pay his debts in such manner and form as is used in like cases in the Court of Chancery.

It is thereupon this sixth day of December in the year eighteen