therein, or judgment by the Court of Appeals here, will be entered against them in default thereof. And the said Samuel Moale and Reverdy Johnson Trustees as aforesaid and others 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 to wit that by the record aforesaid, it appears that the decree aforesaid in the cause aforesaid given was given for the said Esther Smith Buchanan and others against the said Samuel Moale and Reverdy Johnson Trustees aforesaid and others when by the law of the land, that judgment ought to have been given for the said Samuel Moale and Reverdy Johnson Trustees as aforesaid and others against the said Esther Smith Buchanan and others 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 as void and that they the said Samuel Moale and Reverdy Johnson Trustees as aforesaid and others may be restored to all things which they have lost by occasion of the said decree and that the said Esther Smith Buchanan and others may rejoin to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here, that the said Esther Smith Buchanan and others join in the errors by the said Samuel Moale and Reverdy Johnson Trustees as aforesaid and others above assigned in the record of proceedings aforesaid or judgment by the Court of Appeals here, will be rendered against them in default thereof. And the said Esther Smith Buchanan and others by their attorneys aforesaid pray that a day may be given to them to join in the errors by the said Samuel Moale and Reverdy Johnson Trustees aforesaid and others above assigned in the record of proceedings aforesaid until the first Monday in December next; and to them it is granted; the same day is also given to the said Samuel Moale and Reverdy Johnson Trustees as aforesaid and others. At which said first Monday in December being the second day of the said month in the year of our Lord one thousand eight hundred and thirty nine which said day was given to the said Esther Smith Buchanan and others to join in the errors by the said Samuel Moale and Reverdy Johnson Trustees as aforesaid and others above assigned come again into the Court of Appeals here, the parties aforesaid by their attorneys aforesaid, and the said Esther Smith Buchanan and others by their attorneys 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 Samuel Moale and Reverdy Johnson Trustees as aforesaid and others above for error assigned and that the said judgment may be in all things affirmed and so forth. Thereupon further process of and upon the premises 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 second Monday in June next; the same day is given to the said parties there then to hear the judgment of the Court of Appeals here, of and upon the said premises and so forth. At which said second Monday in June being the eighth day of the said month in the year of our Lord one thousand eight hundred and forty 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 to come before the Court of Appeals here, on 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 &c. And now at this day to wit, the said first Monday in December being the seventh day of the said month in the year of our Lord one thousand eight hundred and forty 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 Samuel Moale and Reverdy Johnson Trustees as aforesaid and others 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 also in the passing of the decree aforesaid. Therefore the Court of Appeals here proceeded to pass such a decree, as the Court of Chancery ought to have passed.

Moale and Johnson and others.
vs.
Buchanan and others.

Court of Appeals Decr. Term 1840. This cause coming on to be heard at this Term and having been fully argued by the Solicitors of the respective parties has since been duly considered by this Court and it appearing to this Court that the decree of the Court of Chancery was erroneous, and should be reversed and that the appellants are entitled to a part of the relief prayed for by their bill. It is thereupon on this 11th day of February, in the year one thousand eight hundred and forty one by this Court and by the authority thereof adjudged ordered and decreed, that the decree of the Court of Chancery in the proceedings mentioned from which the present appeal was prosecuted, be and the same is hereby reversed and rendered null and void, and this Court proceeding to pass such a decree in the premises as they are of opinion should have been passed by the Court of Chancery, do further adjudge, order and decree, that the defendants below Esther Smith Buchanan Robert Smith Buchanan and William Boyd Buchanan, do by a good valid deed of conveyance, grant and convey in fee simple to the complainants Samuel Moale and Reverdy Johnson for the same trusts and uses as are mentioned and provided for in the deed of trust in the proceedings mentioned of the 17th day of July 1829 to said Moale and Johnson all that lot or parcel of ground also in said proceedings mentioned which is included within the deed also therein mentioned from John Eager Howard to Elizabeth Calhoun of the 24th of August 1782 being sixty eight feet fronting on Pratt Street, in the city of Baltimore and running back one hundred and sixty two feet six inches to Bottle Alley, as described in the complainants bill of complaint and it is further adjudged, ordered and decreed, that the defendant below Edmund Didier himself and his agents and attornies and any sheriff or sheriffs past or present of Baltimore County be perpetually enjoined from enforcing any execution or executions upon the judgment of said Didier in the proceedings stated upon the property or lot of ground and premises hereby decreed to be conveyed to the said Moale and Johnson. It is further adjudged and decreed that the injunction as against the defendants below, the President