Reverdy Ghiselin & Wm. G. D. Worthington vs. Robert Ferguson

Be it remembered, That now here on the second monday in June being the ninth day of the said month, in the year of our Lord, one thousand eight hundred and seventeen the Chancellor of Maryland, in pursuance of the act of assembly in such case made and provided, transmit to the Court of appeals here the record of proceedings which was lately depending before him in the Court of Chancery between Robert Ferguson Complainant and Reverdy Ghiselin and William G. D. Worthington defendants and wherein the said Court of Chancery passed a decree for the said Robert Ferguson against the said Reverdy Ghiselin and William G. D. Worthington and from which said decree the said Ghiselin and Worthington appealed unto the Court of Appeals here, the tenor of which said record of proceedings is in form following, to wit: (Here copy the first record between the parties as bound up in book marked TH No X)

And now come into the Court of Appeals here, as well the said Ghiselin and Worthington by Luther Martin their attorney, as the said Robert Ferguson by Nicholas Brewer his attorney; and thereupon on motion of the said Robert Ferguson by his attorney aforesaid, it is ruled by the Court here, that the said Ghiselin and Worthington assign the errors in the record of proceedings aforesaid, or in giving the decree aforesaid, so as aforesaid brought before the Court here, for correcting the errors supposed to be therein, or judgment by the Court of appeals here will be entered against them in default thereof; and the said Ghiselin and Worthington by their attorney aforesaid say, that in the record of proceedings aforesaid, and also in the giving the decree aforesaid, there is manifest error in this to wit, that by the record aforesaid it appears that the decree aforesaid given, was given for the said Robert Ferguson against the said Ghiselin and Worthington when by the law of the land and in equity and good conscience that decree ought to have been given for the said Ghiselin and Worthington against the said Robert Ferguson 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 Ghiselin and Worthington may be restored to all things which they have lost by occasion of the said decree

and that the said Robert Ferguson may rejoin to the errors aforesaid, and so forth; and thereupon it is ruled by the Court of appeals here, that the said Robert Ferguson join in the errors by the said Ghiselin and Worthington 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 Robert Ferguson by his attorney aforesaid, prays that a day may be given to him to join in the errors by the said Ghiselin and Worthington above assigned in the record of proceedings aforesaid, until the first monday in December next; and to him it is granted; the same day is also given to the said Ghiselin and Worthington –

– At which said first monday in December being the first day of the said month, in the year of our Lord one thousand eight hundred and seventeen which said day was given to the said Robert Ferguson to join in the errors by the said Ghiselin & Worthington above assigned, come again into the Court of appeals here, the parties aforesaid, by their attornies aforesaid; and the said Robert Ferguson by his attorney aforesaid, says there is no error in the record of proceedings aforesaid, nor in the giving of the decree 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 Ghiselin and Worthington above for error assigned, and that the said decree may be in all things affirmed, and so forth. But because the Court of appeals here are not advised what judgment to give of and upon the premises, day therefore is given to the parties aforesaid, before the Court of appeals here, until 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 of appeals now here, thereof are not advised, 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 eighteen come again into the Court of appeals here, the parties aforesaid, by their attornies aforesaid; and the said Robert Ferguson by his attorney aforesaid suggests to the Court of appeals here that the proceedings in the case of Allston and others creditors of Alexander Contee against the heirs of the said Alexander Contee and referred to in the bill and used in evidence in the Court of Chancery do not form a part of the record transmitted to the Court of appeals here; and the said Robert Ferguson prays the writ of the State of Maryland of Diminution to be directed to the Honorable