Matthias Bartgis by Joseph M Palmer his attorney, as the said Francis Mantz by Roger B Taney his attorney; and thereupon, on motion of the said Francis Mantz by his Attorney, aforesaid, it is ruled by the court here, that the said Matthias Bartgis assign the errors in the record of proceedings aforesaid, or in the giving the decree aforesaid, so as aforesaid brought before the Court of Appeals here, for correcting the errors supposed to be therein, or Judgment by the Court of Appeals here will be entered against him in default thereof: And the said Matthias Bartgis by his attorney aforesaid, says, 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 was given for the said Francis Mantz against the said Matthias Bartgis when by the law of the land that the decree ought to have been given for the said Matthias Bartgis against the said Francis Mantz therefore it that there is manifest error; and he prays 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 he the said Matthias Bartgis may be restored to all things which he hath lost by occasion of the said decree and that the said Francis Mantz may rejoin to the errors aforesaid, and so forth: and the said Francis Mantz 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 Matthias Bartgis 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, 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. And now at this day, to wit, the said second monday in June being the ninth day of the said month in the year of our Lord one thousand eight hundred and twenty three, comes into the Court of Appeals here the said Matthias Bartgis by his attorney aforesaid; and now also comes into court here Casper Mantz by Roger B Taney his attorney and

suggests to the Court here, that since the last continuance of the appeal and proceedings aforesaid, and before this day, the said Francis Mantz departed this life, having before his said death duly made and executed his testament and last will in writing, and thereby constituted and appointed him the said Casper Mantz executor thereof: and this is not denied: whereupon the said Casper Mantz executor as aforesaid by his attorney aforesaid offers himself against the said Matthias Bartgis to defend of & upon the premises on the appeal aforesaid, and prays that the Court of Appeals here, will proceed to the examination as well of the record of proceedings aforesaid, as of the matters above for error assigned, and that the said decree may be in all things affirmed, and so forth; and for as much as the said Matthias Bartgis doth not allege to the court of Appeals here, any matter or thing for the reversal of the decree aforesaid, nor insist upon the matters aforesaid by him above for error assigned: Therefore it is adjudged ordered and decreed by the Court of Appeals here, that the decree aforesaid, in form aforesaid given, be in all things affirmed, and stand in full force and effect, the said causes above for error assigned, in any wise notwithstanding; and it is further considered by the Court of Appeals here, that the said Casper Mantz Executor as aforesaid have execution of the decree aforesaid, and also execution against the said Matthias Bartgis for the sum of nineteen dollars and twelve cents adjudged unto him by the Court of Appeals here, on his assent for his costs and charges which he hath sustained by occasion of the delay of the execution of the decree aforesaid, by pretext of the prosecution of the said appeal by the said Matthias Bartgis for the correcting of errors of and upon the premises as aforesaid prosecuted, and so forth.

Memorandum. Decree was affirmed nisi in this case and made absolute on the twelfth day of July 1823 with costs and also with a stay of Execution until the end of December Term 1823

Test H Harris clk

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Jacob B Moore
vs
Philip Pinkley

Be it remembered that now here on the second monday in June being the tenth day of the said month in the year of our Lord one thousand eight hundred and twenty two the chief Judge and associate Judges of the fifth Judicial District of Maryland in pursuance of the directions of the act