by the said John Smith Sen^r above assigned in the record of proceedings aforesaid or decreed by the Court of appeals here will be rendered against them in default thereof. And the said Richard Hanwood of Thomas and Henry A Hanwood administrators as aforesaid by their attorney aforesaid, pray that a day may be given to them to join in the errors by the said John Smith Sen^r above assigned in the record of proceedings aforesaid, until the first Monday in December next^o and to them it is granted. The same is also given to the said John Smith Sen^r likewise &c.

Which said first Monday in December being the third day of the said month, in the year of our Lord one thousand eight hundred and twenty seven which said day was given to the said Richard Hanwood of Thomas and Henry A Hanwood administrators as aforesaid to join in the errors by the said John Smith Sen^r above assigned, come again into the Court of Appeals here, the parties aforesaid, by their attornies aforesaid, and the said Richard Hanwood of Thomas and Henry A Hanwood administrators as aforesaid by their attorney 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 John Smith Sen^r above for error assigned, and that the said decree may be in all things affirmed and so forth^r. 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 eight, come again into the Court of appeals here the parties aforesaid by their attornies aforesaid: and the said Richard Hanwood of Thomas and Henry A Hanwood administrators as aforesaid by their attorney aforesaid, offer themselves against the said John Smith Sen^r of and upon the premises, and pray 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^r: and for as much as the said John Smith Sen^r 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 considered 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 Richard Hanwood of Thomas and Henry A Hanwood administrators as aforesaid have execution against the said John Smith Sen^r as damages costs and charges aforesaid, so as aforesaid adjudged unto them in the said Court of Chancery, as also for the sum of seventeen dollars and eighty cents adjudged unto them by the Court of appeals here for their costs and charges which they have sustained by occasion of the delay of the execution of the decree aforesaid, by reason of the prosecution of the said appeal by the said John Smith Sen^r for the correcting of errors of and upon the premises as aforesaid prosecuted and so forth^r.

Memorandum. Decree was affirmed nisi in this case and made absolute on the 22^d day of November 1828.

Test. Th: Harris Cl^k