transmits to the Court of appeals here the record of proceedings of a cause which was lately depending before them in the Court of Chancery, between Frederick Summall complainant and John Gowan defendant, and wherein the said Court of Chancery passed a Decree for the said Frederick Summall against the said John Gowan, and from which said decree the said John Gowan appealed to the Court of appeals here, the tenor of which said record of proceedings is in form following to wit.

(See record bound up in book F.H. No. 80).

And now come into the Court of Appeals here, as well the said John Gowan by Joseph D. Learned and Charles F. Hussey his attorneys, as the said Frederick Summall by George Winchester his attorney; and thereupon on motion of the said Frederick Summall by his attorney aforesaid, it is ruled by the Court here, that the said John Gowan 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 John Gowan by his attorneys aforesaid, says, 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 plea aforesaid given, was given for the said Frederick Summall against the said John Gowan when by the law of the land that Decree ought to have been given for the said John Gowan against the said Frederick Summall, therefore in 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 John Gowan may be restored to all things which he hath lost by occasion of the said Decree and that the said Frederick Summall may rejoin to the errors aforesaid, and so forth: And thereupon it is ruled by the Court of appeals here, that the said Frederick Summall join in the errors by the said John Gowan 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 Frederick Summall by his attorney aforesaid, prays that a day may be given to him to join in the errors by the said John Gowan 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 John Gowan.

At 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 Frederick Summall to join in the errors by the said John Gowan above assigned, come again into the Court of appeals here, the parties aforesaid, by their attorneys aforesaid: and the said Frederick Summall 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 John Gowan 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.

At which 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 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, and so forth.

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 twenty eight come again into the Court of appeals here the parties aforesaid, by their attorneys aforesaid: 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 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 eighth 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 attorneys aforesaid. Whereupon as well the record and proceedings aforesaid, and the Decree given in form aforesaid, as the matters aforesaid, by the said John Gowan 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 here that in the record and proceedings aforesaid and also in the rendition of the Decree aforesaid, it is manifest error. Therefore it is considered by the Court here that the Decree aforesaid for those errors and others in the record and proceedings aforesaid be reversed, annulled and held entirely as void, and that the said John Gowan be restored to all things which by reason of the Decree he hath lost. It is further considered by the Court here that the said John Gowan have execution against the said Frederick Summall for the sum of twenty six dollars and thirty four cents adjudged