June Term 1829

Luke Tiernan
vs
Dudley Poor & wife
Columbus O'Donnell
and John H Poor.

Be it remembered. That now here on the second Monday in June being the eleventh day of the said month, in the year of our Lord one thousand eight hundred and twenty seven the Chancellor of Maryland, in pursuance of the directions of the act of assembly in such cases made and provided, transmits to the Court of Appeals here the record of proceedings of a cause which was lately depending before him in the Court of Chancery, between Luke Tiernan Complainant, and Dudley Poor and wife, Columbus O'Donnell and John H Poor Defendants, and wherein the said Court of Chancery passed a decree for the said Dudley Poor and wife, Columbus O'Donnell John H Poor against the said Luke Tiernan and from which said Decree the said Luke Tiernan 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 J.H. No A.O.)

And now come into the Court of appeals here, as well the said Luke Tiernan by Richard McGill his attorney, as the said Dudley Poor and wife Columbus O'Donnell and John H Poor by George Winchester their attorney: and thereupon, on motion of the said Dudley Poor and wife, Columbus O'Donnell and John H Poor by their attorney aforesaid, it is ruled by the Court here, that the said Luke Tiernan 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 Luke Tiernan by his attorney 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 Dudley Poor and wife Columbus O'Donnell and John H Poor against the said Luke Tiernan when by the law of the land that decree ought to have been given for the said Luke Tiernan against the said Dudley Poor and wife Columbus O'Donnell and John H Poor 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 Luke Tiernan may be restored to all things which he hath lost by occasion of the said Decree, and that the said Dudley Poor and wife, Columbus O'Donnell and John H Poor may rejoin to the errors aforesaid and so forth: And thereupon it is ruled by the Court of appeals here, that the said Dudley Poor and wife, Columbus O'Donnell and John H Poor join in the errors by the said Luke Tiernan 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 Dudley Poor and wife, Columbus O'Donnell and John H Poor by their attorney aforesaid, pray that a day may be given to them to join in the errors

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by the said Luke Tiernan 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 Luke Tiernan.

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 Dudley Poor and wife, Columbus O'Donnell and John H Poor to join in the errors by the said Luke Tiernan above assigned, come again into the Court of appeals here, the parties aforesaid by their attornies aforesaid: and the said Dudley Poor and wife, Columbus O'Donnell and John H Poor 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 Luke Tiernan 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 attornies 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 attornies 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 attornies aforesaid: Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, is by virtue of a act of assembly in such case made 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 nine come again into the Court of appeals here the parties aforesaid, by their attornies aforesaid. Whereupon as well the record and proceedings aforesaid, and the Decree given