against the said Joseph Davis, 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 Richard T Davis may be restored to all things which he hath lost by occasion of the said Decree; and that the said Joseph Davis may rejoin to the errors aforesaid and so forth: and thereupon it is ruled by the Court of appeals here, that the said Joseph Davis join in the errors by the said Richard T Davis 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 Joseph Davis 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 Richard T Davis above for error assigned, and that the said judgment may be in all things affirmed and so forth:

And now at the same Term to wit, the 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 said Richard T Davis by Nicholas Stonestreet his attorney and also comes into Court here Joseph Davis by Henry Brauner and Frederick T. Stone his attorneys. Whereupon as well the record and proceedings aforesaid, and the Decree given in form aforesaid, as the matters aforesaid, by the said Richard T Davis 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 of appeals here that there is error in the record of proceedings aforesaid, and also in the giving of the Decree aforesaid: therefore the said Court of appeals proceeded to pass such a Decree as the Orphans Court of Charles county ought to have passed:

We can perceive nothing in the evidence contained in the record, to sustain the decision of the Orphans Court of Charles County refusing to admit to record the paper purporting to be the will of Benjamin Davis, whether it respects the sanity of the deceased, or for any other cause. Few men of his age, 92 years would be found more competent to make a valid will, or to transact their ordinary business. That he was perfectly aware of what he was doing, and fully understood the provisions of his will, which he dictated is manifest. He was from everything appearing in the record of such sound and disposing mind, memory &c as the law requires, and capable of making a valid deed or contract. There is no evidence of any undue influence, and all the formality of signing and witnessing fully appears to have been pursued. The trifling uncertainties sworn to by some of the witnesses appear to us to be merely a few unimportant peculiarities to which he was subject but by no means so characterized to impair his capacity to make a will, or transact his ordinary business. It is therefore adjudged, ordered and decreed by the Court of appeals this eleventh day of June in the year of our Lord one thousand

eight hundred and twenty nine, that the Decree of the Orphans Court of Charles County, that the paper purporting to be the last will and testament of Benjamin Davis should not be admitted to record, be and the same is hereby reversed, annulled and made void: and that the appellant Richard T Davis recover against the appellee Joseph Davis the costs by him incurred in the said Orphans Court, and in this Court. It is further adjudged, ordered and decreed that the said Orphans Court cause the said paper purporting to be the last will and testament of the said Benjamin Davis to be admitted to record as a valid will and testament.

Test.

John Johnson Clk.

Benjamin Owens vs Henry Darnall & Nicholas Darnall	Be it remembered, that heretofore, to wit on the fifth day of July in the year of our Lord one thousand eight hundred and twenty six, Benjamin Owens by James Shaw his attorney, prosecuted and sued forth out of the Court of Chancery of the State of Maryland, the writ of the said State for the correcting of errors, directed to the Honourable the Judges of the third Judicial District, in the words and of the tenor following, to wit:

Maryland &c. The State of Maryland. To the Honourable the Judges of the third Judicial District Greeting. Because in the Record and Process, and also in the rendering of Judgment, in a certain action brought by Henry Darnall and Nicholas Darnall against Benjamin Owens in Anne Arundel County court for the sum of two thousand dollars current money, debt, and costs to be released on payment of one thousand dollars current money with interest thereon from the twenty first day of December eighteen hundred and twenty, and costs, at a county court held before you our said Judges at April Term 1826, manifest error, as it is said, hath happened, to the great damage of the said Benjamin Owens as of his complaint we have received: And we being willing that the errors, if any there be, should be duly corrected, and full and speedy justice done to the said Benjamin Owens in this behalf, command you, that if Judgment be thereof rendered, that then the Record and Process aforesaid, with all things thereunto relating, under your seals, distinctly and openly, you send, and this writ, so that the same may be had before the Judges of our High Court of appeals at the City of Annapolis, on the first Monday of December next, that the Record and Process aforesaid being inspected into, we may further do therein, for correcting that error, which of right, and according to the Laws and customs of this State, may be done.

Witness the Honourable Theodorick Bland, Chancellor this 5th day of July eighteen hundred and twenty six.

(Seal)

Test. Ramsay Waters, Register, Cur.