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 Jacob Mumma against the said Matthias Spong and Peter Beales and others executors and devisees as aforesaid, when by the law of the land that decree ought to have been given for the said Matthias Spong and Peter Beales and others executors and devisees as aforesaid against the said Jacob Mumma, therefore in that there is manifest error; and they pray 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 they the said Matthias Spong and Peter Beales and others executors and devisees as aforesaid may be restored to all things which they have lost by occasion of the said decree, and that the said Jacob Mumma may rejoin to the errors aforesaid, and so forth: And thereupon it is ruled by the court of Appeals here, that the said Jacob Mumma join in the errors by the said Matthias Spong and Peter Beales and others executors and devisees as aforesaid above assigned in the record of proceedings aforesaid, or a decree by this court of Appeals here will be rendered against him in default thereof. And the said Jacob Mumma by his attorney aforesaid, prays that a day may be given to him to join in the errors by the said Matthias Spong and Peter Beales and others executors and devisees as aforesaid above assigned in the record of proceedings aforesaid, until the second Monday in June next: and to him it is granted. The same day is also given to the said Matthias Spong and Peter Beales and others executors and devisees as aforesaid likewise.

At which said second Monday in June being the fourteenth day of the said month, in the year of our Lord one thousand eight hundred and thirty, which said day was given to the said Jacob Mumma to join in the errors by the said Matthias Spong and Peter Beales and others executors and devisees aforesaid above assigned, come again into the court of appeals here the parties aforesaid, by their attorneys aforesaid: and the said Jacob Mumma by his attorney aforesaid, says there is no error in the record of proceedings aforesaid, nor in the giving of the Decree, 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 Spong and Peter Beales and others executors and devisees as aforesaid 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

first Monday in December 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 first Monday in December being the sixth day of the said month, in the year of our Lord one thousand eight hundred and thirty came 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 second Monday in June 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.

And now at this day here, the said second Monday in June being the thirteenth day of the same month, in the year of our Lord one thousand eight hundred and thirty one, 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 in form aforesaid as the matters aforesaid, by the said Matthias Spong and Peter Beales and others, executors and devisees as aforesaid 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 this court of appeals here, that there is error in the record of proceedings aforesaid, and in the giving of the decree aforesaid. Thereupon the court of appeals here pass a decree as follows.

This cause coming on for hearing was fully argued by the counsel of the parties, and has since been duly considered by the court, and as it appears to this court that all the proper parties have not been made who ought have been made defendants in the court below, and it appearing just and equitable that such additional parties should be made and a new trial of the cause should & thereupon be had in that court, This court do adjudge order and decree this 13th day of July in the year 1831. that the said cause and the record and all the proceedings therein be transmitted by the clerk of this court by writ of procedendo to Washington County court as a court of Equity, with directions to the said court to allow the complainant below to amend his bill of complaint by making in addition to the present defendants Catharine Price wife of the defendant Samuel D Price, Jesse Jefson and Elizabeth Jefson his wife, William Evans and Sarah Evans his wife, Mary Ann Chapline and Rebecca Chapline and Susannah Chapline also parties defendants to said bill. And that said County court shall after the