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 fourteenth day of the said month, in the year of our Lord one thousand eight hundred and thirty, 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 sixth day of the said month, in the year of our Lord one thousand eight hundred and thirty, 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, before the Court of Appeals here until 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 to wit, the said second Monday in June being the thirteenth day of the said 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 William H. Hungerford 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 in the giving of the decree aforesaid: Therefore the Court of Appeals proceeded to pass such a decree, as the Chancellor ought to have passed.

This cause having been argued by the counsel concerned for the parties, the proceedings have been read, and with the arguments of counsel fully considered by the Court of Appeals. It is thereupon this eighth day of July 1831 adjudged ordered and decreed that the decree of the Chancellor of the 16th day of February 1829 be reversed, that the bill be dismissed, and that the appellant recover against the appellee, the costs of this Court and the costs of the Court of Chancery.

Test.

John Johnson Clk

Samuel Hamilton
vs
Samuel A Jones.

Be it remembered, that now here on the first Monday in December being the seventh day of the said month, in the year of our Lord, one thousand eight hundred and twenty nine, the Chief Judge and Associate Judges of the first Judicial District of Maryland, in pursuance of the directions of the act of Assembly in such case made and provided, transmit to the Court of Appeals here the record of proceedings of a certain cause which was lately depending before them in the county Court of Prince Georges sitting as a Court of Equity, between Samuel Hamilton complainant and Samuel A Jones defendant, and wherein the said county court sitting as a Court of Equity passed a decree for the said Samuel A Jones against the said Samuel Hamilton, and from which said decree the said Samuel Hamilton 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.J. No. 1 R.)

And now come into the Court of Appeals here as well the said Samuel Hamilton by John B Brooke and Alexander C Magruder his attornies, as the said Samuel A Jones by Reverdy Johnson his attorney: and thereupon on motion of the said Samuel A Jones by his attorney aforesaid, it is ruled by the Court here that the said Samuel Hamilton 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 Samuel Hamilton by his attornies 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 Samuel A Jones against the said Samuel Hamilton when by the law of the land that decree ought to have been given for the said Samuel Hamilton against the said Samuel A Jones 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 Samuel Hamilton may be restored to all things which he hath lost by occasion of the said decree, and that the said Samuel A Jones may rejoin to the errors aforesaid, and so forth: And thereupon it is ruled by the Court of Appeals here, that the said Samuel A Jones join in the errors by the said Samuel Hamilton 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 Samuel A Jones by his attorney aforesaid, prays that a day may be given to him to join in the errors by the said Samuel Hamilton above assigned in the record of proceedings aforesaid, until the second Monday in December next, and to him it is granted: the same day is also given to the said Samuel