from Chancery in the case of Severson and wife and Taylor the present appellee, it being the case referred to in the present Bill and also referred to and made part of the present appellees answer, be considered as a part of the present record, to have the same effect and operation as if the record in said first case had been actually transmitted to this Court with the present record.

1st Decr. 1833. R Johnson for appellants
J Parkin Scott for appellee.

Whereupon as well the record and proceedings aforesaid and the decree given in form aforesaid, as the matters aforesaid, by the said Elisha Joice and others above for error assigned, being seen, and by the Court of Appeals here fully understood, and maturely deliberated 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 here proceeds to pass such a decree as the Chancellor should have passed, and which said decree is in the words following, to wit:

Elisha Joice & Elizabeth Joice his wife, Stephen Severson and Sarah his wife vs Elijah Taylor.	Appeal from Chancery. Court of Appeals Dec. Term 1833.

This cause coming on to be heard was fully argued by the Solicitors of the respective parties, and has since been fully considered by this Court, and this Court being of opinion, that the decree of the Court below dismissing the bill of Complainants, the appellants in this Court is erroneous and should be reversed, and that the said Complainants are entitled to relief. It is therefore on this 18th day of December in the year of our Lord one thousand eight hundred and thirty three, by this Court and by the authority thereof, adjudged ordered and decreed, that the decree of the Court of Chancery from which the present appeal was taken, be and the same is hereby reversed, with costs to the appellants, both in the Court of Chancery and in this Court, and this Court proceeding to pass such decree in the premises as they are of the opinion the Court of Chancery should have passed therein, do further adjudge order and decree, that the mortgage Deed in the proceedings mentioned dated on or about the thirty first day of October Eighteen hundred and twenty seven, between Sarah Joice (now Sarah Severson) of the one part and Elijah Taylor (the appellee) of the other part, be and the same is hereby declared and adjudged to be absolutely null and void and of no legal or equitable effect whatsoever. And this Court do hereby further adjudge order and decree, that the said Appellee Elijah Taylor, his Solicitors and agents, be and they are hereby perpetually prohibited and enjoined from proceeding to enforce, or in any manner to make claim under the mortgage deed aforesaid, by any proceeding legal or equitable in any of the Courts of Law or Equity in this State, and particularly by or under the bill heretofore filed by said Elijah Taylor against the two appellants Stephen Severson and Sarah Severson his wife, referred to and made part of the appellants present bill of complaint. And it is also further adjudged ordered and decreed, that the said Sarah Severson and all others claiming the land

and premises in the said mortgage deed mentioned, by from or under said Sarah, have and hold said Land and premises freed and discharged from said mortgage, and in the same estate in which she and they respectively have held said land and premises if said mortgage Deed had never been recorded.

Test. John Johnson Clk.

Richard H Bayard & George Gillespy vs The President, Directors &c. of the Chesapeake and Delaware Canal	Be it remembered, that now here on the first Monday in December being the third day of the said month in the year of our Lord one thousand eight hundred and thirty two, the Chancellor of Maryland, in pursuance of the directions of the act of Assembly in such case 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 Richard H Bayard and George Gillespy complainants, and the President, Directors and Company of the Chesapeake and Delaware Canal defendants and wherein the said Court of Chancery passed a Decree for the said President Directors and Company of the Chesapeake and Delaware Canal against the said Richard H Bayard and George Gillespy and from which said decree the said Richard H Bayard and George Gillespy 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 I I No. 4 &c.)

And now come into the Court of Appeals here, as well the said Richard H Bayard and George Gillespy, by Joseph I Speed their attorney, as the said President Directors and Company of the Chesapeake and Delaware Canal by Levin Gale their attorney: and thereupon on motion of the said President Directors and Company aforesaid by their attorney aforesaid, it is ruled by the Court here, that the said Richard H Bayard and George Gillespy 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 them in default thereof. And the said Richard H Bayard and George Gillespy by their attorney aforesaid, say that in the record of proceedings aforesaid, and also in the giving of decree aforesaid, there is manifest error in this Court, that by the record aforesaid it appears that the Decree aforesaid in the cause aforesaid given, was given for the said President Directors and Company aforesaid against the said Richard H Bayard and George Gillespy, whereby the Law of the Land that judgment ought to have been given for the said Richard H Bayard and George Gillespy against the said President Directors and company aforesaid, 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