Taneyhill, James Taneyhill and Samuel Taneyhill in their own proper persons. and thereupon on motion of the said Eliza beth, James and Samuel Taneyhill it is ruled by the Court here that the said James and Daniel administrators as aforesaid and James Boyle 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 James and Daniel administrators as aforesaid and James Boyle 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 Eliza beth James and Samuel Taneyhill against the said James and Daniel administrators as aforesaid and James Boyle when by the Law of the Land that decree ought to have been given for the said James and Daniel administrators as aforesaid and James Boyle when by the Law of the land that decree ought to have been given for the said James and Daniel administrators as aforesaid and James Boyle against the said Eliza beth, James and Samuel Taneyhill, 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 James and Daniel administrators as aforesaid and James Boyle may be restored to all things which they have lost by occasion of the said decree, and that the said Eliza beth James and Samuel Taneyhill may rejoin to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here that the said Eliza beth James and Samuel Taneyhill join in the errors by the said James and Daniel administrators as aforesaid and James Boyle 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 Eliza beth, James and Samuel Taneyhill pray that a day may be given to them to join in the errors by the said James and Daniel administrators as aforesaid and James Boyle above assigned in the record of proceedings aforesaid until the second Monday in June next: and to them it is granted. the same day is also given to the said James and Daniel administrators as aforesaid and James Boyle.

At which said second Monday in June being the tenth day of the said month, in the year of our Lord one thousand eight hundred and thirty three which said day was given to the said Eliza beth, James and Samuel Taneyhill to join in the errors by the said James and Daniel administrators as aforesaid and James Boyle above assigned come again into the Court of Appeals here, the parties aforesaid, by their attornies aforesaid: and the said Eliza beth James and Samuel Taneyhill 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 James and Daniel administrators as aforesaid and James Boyle 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 cases 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 then there 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 first Monday in December being the second day of the said month in the year of our Lord one thousand eight hundred and thirty three 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 James and Daniel administrators as aforesaid and James Boyle 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 here passed an order in the words of the tenor following to wit,

Daniel Kent adm.rs
and James Boyle
vs
Eliza beth Taneyhill & others.

Court of Appeals December Term 1833.

This cause having been considered, It is the opinion of this Court that the Bill of the complainants should be amended by setting out the price at which the lands were sold by the former Trustee and the amount of the purchase money still remaining unpaid; that the material allegations in the Bill should be proved in the same manner as if they had not been admitted in the answer of the infants by their guardian, and that if the allegations of the Bill are true, the amount of the purchase money still remaining unpaid is an equitable lien on the Lands proper to be enforced in Chancery.

It is thereupon this 21st day of December 1833 pursuant to the provisions of the act of 1832 ch: 302 Sec: 6 ordered that the cause be and is hereby remanded to the Court of Chancery in order that such further proceedings may be there had as shall be necessary for determining the cause upon its merits.

Jno Buchanan
William B. Martin
John Stephen
Stevenson Archer
Thos B Dorsey
John Johnson Clk.

Test