Universal Ins: Company
vs
Chas. Nicholas & Stewart
Trustees of Burke.

Court of Appeals, June Term 1834.

It is agreed in this case that the record be amended by incorporating these papers into it, as also Exhibit J. F. being the account between Burke & Forbes, to have the same effect and operation as if the same had been actually transmitted with the record from the Chancery Court – It is also agreed that the deposition of E. R. Patridge as taken in the case of Forbes and Stewart & Nicholas, be also incorporated in said record, to have the like effect and operation as if transmitted with said record.

27 June 1834. R Johnson for appellants
J. J. Nicholas.

Whereupon as well the record and proceedings aforesaid, and the decree given in form aforesaid, as the matters aforesaid, by the said Universal Insurance Company 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 proceeded to pass such a decree as the Court of Chancery should have passed, viz:

The Universal Insurance Company
vs
Stewart & Nicholas Trustees of
B Burke and others

Appeal from Chancery.
Court of Appeals. June Term 1834.
No 46.

This case coming on to be heard in this Court, was argued by the Solicitors of the respective parties, and has since been fully considered, and it appearing to the Court, that the decree of the Court of Chancery from which the appeal is taken is erroneous and should be reversed – It is therefore by this Court and by the authority thereof, on this eleventh day of July in the year eighteen hundred and thirty four, adjudged, ordered and decreed, that the said Decree be and the same is hereby reversed, and this Court proceeding to pass such decree in the case as they are of opinion the Court below ought to have passed, do further adjudge, order and decree, that the report of the auditor of the Court of Chancery in the proceedings mentioned of the 24 of February 1830, distributing the proceeds of the sale of the mortgaged premises, also in the proceedings mentioned, be and the same is hereby ratified and confirmed, and the Trustees making said sale are hereby directed and required to apply said proceeds accordingly – and the cause is hereby remanded to the Court of Chancery with directions to pass such and every order in the premises as may by his Honor the Chancellor be found necessary to carry into effect this decree.

Test.

John Johnson Clk.

John W Bronaugh
vs
Luke Griffith admr.
of Samuel Griffith

Be it remembered, That now here on the second Monday in June being the eleventh 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 Luke Griffith administrator of Samuel Griffith complainant and John W Bronaugh defendant, and wherein the said Court of Chancery passed a decree for the said Luke Griffith administrator as aforesaid against the said John W Bronaugh and from which said decree the said John W Bronaugh appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following, viz:

(See record bound up in Book J. J. No 4 Y.)

And now come into the Court of Appeals here as well the said John W Bronaugh by John Scott and Francis Stay his attorneys, as the said Luke Griffith administrator of Samuel Griffith by Charles F. Mercer his attorney: and thereupon on motion of the said Luke Griffith administrator as aforesaid by his attorney aforesaid, it is ruled by the Court here that the said John W Bronaugh 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 John W Bronaugh by his attorneys 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 cause aforesaid given was given for the said Luke Griffith administrator as aforesaid against the said John W Bronaugh when by the Law of the Land that decree ought to have been given for the said John W Bronaugh against the said Luke Griffith administrator as aforesaid, 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 John W. Bronaugh may be restored to all things which he hath lost by occasion of the said decree, and that the said Luke Griffith administrator as aforesaid may rejoin to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here, that the said Luke Griffith administrator as aforesaid join in the errors by the said John W Bronaugh 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 Luke Griffith administrator as aforesaid by his attorney aforesaid prays that a day may be given to him to join in the errors