To the Honourable the Judges of Frederick County Court, Sitting as a Court of Chancery
The Petition of Murray Shilling the defendant in No. 941 Equity, humbly Sheweth that the Bill of complaint in said case was filed on the 15th Decr 1828 and your now petitioners answer to the same was filed on the 21st day of February 1829; and the complainants replication to said answer was filed on the 2d day of June 1829; and a Decree for the dissolution of the Injunction in said case was passed on the 9th day of July 1829; and a commission to take testimony issued, by consent, to James M Shellman Esq., which has now been returned and filed. Your petitioner therefore prays your Honours that said cause may be set down for final hearing at the ensuing term of your said honourable Court, Sitting as aforesaid and as in duty bound &c

Wm Schley Solr for Petitioner

By. Frederick County Court, Sitting as a Court of Chancery July Term 1833.
On motion Ordered that the above cause be and the same is hereby set down for final Hearing, at the ensuing October term of this Court, at the opening of the said term or as soon thereafter as the Court may have leisure to hear the same.

October Term 1833 Abm Shriver

And the said cause, so standing further continued untill the fourth Monday of October Eighteen Hundred and thirty three.
And the said cause so standing further continued untill the first Monday of January Eighteen hundred and thirty four.
And the said cause so standing further continued untill the fourth Monday of February Eighteen hundred and thirty four.
And thereupon at the said term, the Court here passed the following Decree.

John Mitten
vs
Murray Shilling

No 941 Equity.
In Frederick County Court Sitting as a Court of Chancery.—
February Term 1834.

The above case being submitted for final Decree upon the pleadings and proofs in the cause and the respective Solicitors of the parties having been heard, and the case duly considered; it is thereupon, this 12th day of March 1834, by Frederick County Court, Sitting as a Court of Chancery, adjudged, Ordered and Decreed, that the said Bill be and the same is hereby dismissed, with Costs.

John Buchanan
Abm. Shriver

And thereupon the said John Mitten by his attorney aforesaid prays an Appeal from the Decree aforesaid of the Court here to the High Court of Chancery of the State of Maryland and to him it is granted; It is thereupon Ordered by the Court here that a transcript of the Record and proceedings in the case aforesaid with all things thereunto relating, be transmitted to the High Court of Chancery of the State of Maryland aforesaid, and the same is transmitted accordingly.

Test.
John Schley Clk.

Maryland Set:— I hereby Certify that the foregoing Transcript is truly taken from the Record and Proceedings in Frederick County Court sitting as a Court of Chancery:—

In Testimony whereof I have hereunto Subscribed my name and affixed the Seal of the said Court, this Thirtieth day of December One Thousand Eight hundred and thirty four

John Schley Clk
Frederick County Court

And now come into the Court of Appeals here, as well the said John Mitten by Joseph M Palmer his attorney, as the said Murray Shilling by William Schley

his attorney, and thereupon on motion of the said Murray Shilling by his attorney aforesaid it is ordered by the Court here, that the said John Mitten 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 Mitten by his attorney 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 Murray Shilling against the said John Mitten when by the law of the land that Decree ought to have been given for the said John Mitten against the said Murray Shilling therefore in that there is manifest error and he prays that the Decree aforesaid [illegible] 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 Mitten may be restored to all things which he hath lost by occasion of the said Decree and that the said Murray Shilling may rejoin to the errors aforesaid and so forth. And thereupon it is ordered by the Court of Appeals here that the said Murray Shilling Join in the errors by the said John Mitten 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 Murray Shilling by his attorney aforesaid prays that a day may be given to him to join in the errors by said John Mitten above assigned in the record of proceedings aforesaid, untill the Second Monday in June next; and to him it is granted; the same day is also given to the said John Mitten. At which Second Monday in June being the Eighth day of the said Month in the year of our Lord, One thousand eight hundred and thirty five which said day was given to the said Murray Shilling to join in the errors by the said John Mitten above assigned, come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid and the said Murray Shilling by his attorney aforesaid says there is no error in the record of proceedings aforesaid nor in the giving of the Decree aforesaid 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 John Mitten 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 untill 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. And now at this day to wit, the said first Monday in December being the Seventh day of the said month in the year of our Lord one thousand eight hundred and thirty five come again into the Court of Appeals here the parties aforesaid, by their attorneys aforesaid; and the said Murray Shilling by his attorney aforesaid offers himself against the said John Mitten of and upon the premises and prays that the Court of Appeals here will proceed to examination as well of the record of proceedings aforesaid as of the matters above for error assigned and that the said Decree may be in all things affirmed and so forth; and forasmuch as the said John Mitten doth not allege to the Court of Appeals here any matter or thing for the reversal of the Decree aforesaid, nor insist upon the matters aforesaid by him above for error assigned; Therefore, it is considered by the Court of Appeals here that the Decree aforesaid in form aforesaid given be in all things affirmed and stand in full force and effect the said causes above for error assigned in anywise notwithstanding; and it is further considered by the Court of Appeals here that the