December Term 1836.

proceedings is in form following towit

Sec Record bound up Book. R.W.G. № 6.

And now come into the Court of Appeals here, as well the said George Winchester by Reverdy Johnson his attorney, as the said Trustees for the Poor of Baltimore City and County by George L. Bell their attorney, and thereupon on motion of the said Trustees as aforesaid by their attorney aforesaid, it is ruled by the Court here, that the said George Winchester 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 George Winchester, 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, towit, that by the record aforesaid, it appears that the Decree aforesaid, in the cause aforesaid, was given for the said Trustees as aforesaid, against the said George Winchester, when by the law of the land, that Decree ought to have been given for the said George Winchester against the said Trustees as aforesaid; therefore in that there is manifest error, and he prays that the Decree aforesaid for the error, and others being in the record of proceedings aforesaid, may be reversed, annulled, and held entirely as void, and that he the said George Winchester, may be restored to all things which he hath lost by occasion of the said Decree, and that the said Trustees 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 Trustees as aforesaid, join in the errors by the said George Winchester 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 Trustees as aforesaid, by their attorney aforesaid, pray that a day may be given to them, to join in the errors by the said George Winchester 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 George Winchester.

At which 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 six, which said day was given to the said Trustees as aforesaid to join in the errors by the said George Winchester above assigned, come again into the Court of Appeals here, the parties aforesaid, by their attorneys aforesaid, and the said Trustees as aforesaid by their attorney aforesaid, 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 George Winchester, 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, until 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 hereof and upon the said premises and so forth.

And now at this day, towit, the said first Monday in December, being the fifth day of the said month, in the year of our Lord, one thousand eight hundred and thirty six, come again into the Court of Appeals here, the parties aforesaid by their attorneys aforesaid, and the said Trustees as aforesaid, by their attorney aforesaid, offer themselves against the said George Winchester of and upon the premises, and pray that the the Court of Appeals here, will proceed to the 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 George Winchester, doth not allege to the Court of Appeals here, any matter or thing for the reversal of the Decree, nor insist upon the matters aforesaid, by him above for error assigned, but relinquishes his averment as heretofore set forth.

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, and it is further considered by the Court of Appeals here, that the said Trustees as aforesaid, have execution against the said George Winchester, as well for the damages, costs and charges aforesaid, so as aforesaid, adjudged unto them in the Court of Chancery as also for the sum of Twenty eight dollars and thirty four cents adjudged unto them by the Court of Appeals here, for their costs and charges, which they had sustained, by occasion of the delay of the execution of the Decree aforesaid, by pretext of the prosecution of the said appeal by the said George Winchester, for compleating of errors of and upon the premises as aforesaid, prosecuted, and so forth.

Memorandum. Decree was affirmed in this case on the 15th day of February 1837.

ext. 11 Sides

Test. Richard W. Gill Clerk.

Hanson Penn,
Norah Digges Executrix
of William D. Digges
and George A. Digges
vs.
William T. Carroll
Robert Wright
Trueman Belt and others

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 thirty five, the Chancellor 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 him in the Court of Chancery, between William T. Carroll, Robert Wright, Trueman Belt and others Complainants, and Hanson Penn, Norah Diggs Executrix of William D. Digges and George A. Digges defendants, and wherein the said Court of Chancery passed a Decree, for the said William T. Carroll, Robert Wright Trueman Belt and others, against the said Hanson Penn, Norah Diggs Executrix as aforesaid and George A. Digges, and from which said Decree, the said Hanson Penn Norah Diggs Executrix as aforesaid, and George A. Digges, appealed to the Court of Appeals here, the tenor of which said Record of proceedings, is in form following towit

Sec Record Bound up in Book. R.W.G. № 8.

And now come into the Court of Appeals here, as well the said Hanson Penn Norah Digges Executrix of William D. Digges and George A. Digges, by Alexander C. Magruder, Walter Jones, and John T. LeMc Mahon their attorneys as the said William T. Carroll, Robert Wright, Trueman Belt and others, by Reverdy Johnson Thomas S. Alexander and John Johnson their attorneys, and thereupon, on motion of the said William T. Carroll, Robert Wright, Trueman Belt and others, by their attorneys aforesaid, it is ruled by the Court here, that the said Hanson Penn, Norah Digges Executrix as aforesaid and George A. Digges, 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 Hanson Penn, Norah Digges Executrix as aforesaid and George A. Digges, by their attorneys aforesaid, say, 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, was given for the said William T. Carroll, Robert Wright, Trueman Belt and