December Term 1838.

Isaac Spencer, William A. Spencer Elizabeth A. Spencer, John Spencer, Jarvis Spencer James Spencer Bodingfield H. Spencer, Catharine Spencer Charlotte Spencer by her Guardian John Spencer, William Knight Jr. George Spencer and Jarvis William Spencer

vs.

Catharine Pearce administratrix De Bonis Non of James Pearce

Be it remembered, That now here on the first Monday in December being the fourth day of the said month in the year of our Lord one thousand eight hundred and thirty seven 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 Catharine Pearce administratrix D.B.N. of James Pearce complainant and Isaac Spencer and others defendants and wherein the said Court of Chancery passed a Decree for the said Catharine Pearce administratrix as aforesaid against the said Isaac Spencer and others and from which said Decree the said Isaac Spencer and others 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 R. W. G. No. H)

And now come into the Court of Appeals here, as well the said Isaac Spencer and others by William A. Spencer their attorney as the said Catharine Pearce administratrix De Bonis Non of James Pearce by James A. Pearce and Thomas S. Alexander her attorneys; and thereupon, on motion of the said Catharine Pearce, administratrix as aforesaid by her attorneys aforesaid it is ruled by the Court here, that the said Isaac Spencer and others 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 Isaac Spencer and others 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 to wit, that by the record aforesaid it appears that the Decree aforesaid in the cause aforesaid given was given for the said Catharine Pearce administratrix as aforesaid against the said Isaac Spencer and others when by the law of the land, that Decree ought to have been given for the said Isaac Spencer and others against the said Catharine Pearce administratrix as 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, may be reversed, annulled and held entirely as void; and that they the said Isaac Spencer and others may be restored to all things which they have lost by occasion of the said Decree and that the said Catharine Pearce administratrix 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 Catharine Pearce administratrix as aforesaid join in the errors by the said Isaac Pearce and others above assigned in the record of proceedings aforesaid or Judgment by the Court of Appeals here, will be rendered against her in default thereof. And the said Catharine Pearce administratrix as aforesaid by her attorney aforesaid prays that a day may be given to her to join in the error by the said Isaac Pearce and others above assigned in the record of proceedings aforesaid, until the second Monday in June next, and to her this granted; the same day is also given to the said Isaac Spencer and others. at which said second Monday in June being the eleventh day of the said month in the year of our Lord one thousand eight hundred and thirty eight which said day was given to the said Catharine Pearce administratrix as aforesaid to join in the errors by the said Isaac Spencer and others above assigned come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid and the said Catharine Pearce administratrix as aforesaid by her attorney aforesaid, says there is no error in the record of proceedings aforesaid nor in

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the giving of the Decree aforesaid and she 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 Isaac Spencer and others 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 here, of and upon the said premises, and so forth. And now at this day, to wit, the third first Monday in December being the third day of the said month in the year of our Lord one thousand eight hundred and thirty eight come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid. Whereupon as well the record and proceedings aforesaid and the decree given in form aforesaid as the matters aforesaid by the said Isaac Spencer and others above for error assigned being seen and by the Court of Appeals here fully under and mature deliberation thereupon had; for that it appears to the Court of Appeals here, that there is no error in the record of proceedings aforesaid nor in the giving of the decree aforesaid But adjudge that the said decree stand be modified, therefore the Court of Appeals here passed a decree in the words and of the tenor following to wit:

Spencer and others vs. Pearce admin. of Pearce

Court of Appeals Nov. ct. December Term 1838

This cause coming on to be heard having been argued by the counsel of both parties and fully considered by this Court, It is this sixteenth day of February 1839 by the authority of this Court ordered adjudged and decreed that the decree of the Court of Chancery appealed from as aforesaid be and the same is hereby affirmed with costs both in this Court and the Court of Chancery and it is further ordered and decreed by this Court that the Trustee of the Court of Chancery appointed for the sale of the real estate of the late William Spencer shall in the first instance sell the estate and land described in the proceedings in this cause as purchased at Sheriffs sale by the late Wm. Spencer as the property of Benjamin Terry. And it is further adjudged and decreed that this cause shall be remanded to the Court of Chancery for such further proceedings as the nature of this cause shall require.

Test. Richard W. Gill, Clerk.

Alexander Randall and Thomas S. Alexander vs. Thomas Swann and Joseph Busey

Be it remembered, That now here on the second Monday in June being the twelfth day of the said month in the year of our Lord one thousand eight hundred and thirty seven 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 cause which was lately depending before him in the Court of Chancery between Alexander Randall and Thomas S. Alexander complainants and Thomas Swann and Joseph Busey defendants and wherein the said Court of Chancery passed a decree for the said Thomas Swann and Joseph Busey against the said Alexander Randall and Thomas S. Alexander and from which said decree the said Alexander Randall and Thomas S. Alexander 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 R. W. G. No. H)

And now come into the Court of Appeals here as well the said Alexander Randall and Thomas S. Alexander in their proper persons as the said Thomas Swann and Joseph Busey in their proper persons; and thereupon, on motion of the said Thomas Swann and Joseph Busey in their proper persons it is ruled by the Court here that the said Alexander Randall and Thomas S. Alexander assign the errors in the record of proceedings aforesaid or in the giving the decree aforesaid so as afore