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and Rgenton vs. Dorsey and Clapp. The certificate of the publication of the order of ratification nisi having been filed. It is this 23d. day of September 1837 ordered that the sale of the mortgaged property made and reported by Robert Purviance Junr. be finally ratified and confirmed. The Trustee is allowed for commissions $32.66, and for expenses whatever the auditor may allow, according to the usual course of proceedings in Chancery. Rd. B. Magruder, John Purviance.

And thereupon the said John Glenn, trustee of Michael Dorsey as aforesaid filed in Court here in said cause the following prayer of appeal to wit.

John Glenn, trustee of Michael Dorsey prays an appeal in this case.

J. Glenn.

1st. From the order dismissing the petition. 2d. From the final ratification of the sale.

J. Glenn."

It was thereupon ordered by the Court here that a transcript of the record and proceedings in the cause aforesaid with all things thereunto relating be transmitted to the Court of Appeals to be held for the western shore of the State of Maryland and the same is transmitted accordingly.

Test, Thos. Kell, Clk.

In Testimony that the aforegoing is a full and true transcript of the proceedings in the cause aforesaid taken from the record of proceedings of Baltimore County Court on the Equity side thereof.

Seal. I have hereto subscribed my name and affixed the Seal of said Court this twenty ninth day of September eighteen hundred and thirty seven. Thos. Kell, Clk. of Balto. County Court.

And now come into the Court of Appeals here, as well the said John Glenn Trustee of Michael Dorsey by John Glenn and John, P. L. McMahon his attorneys and the said Ann Clap Executrix of Aaron Clap doth not come; and thereupon the said John Glenn Trustee as aforesaid by his attorneys aforesaid it is ruled by the Court here that the said John Glenn Trustee as aforesaid assign the errors in the record of proceedings aforesaid or in the giving the judgment 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 Glenn, Trustee as aforesaid by his attorneys aforesaid says that in the record of proceedings aforesaid and also in the passing 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 passed for the said Ann Clap Executrix as aforesaid against the said John Glenn Trustee as aforesaid when by the law of the land, that decree ought to have been passed for the said John Glenn Trustee as aforesaid against the said Ann Clap Executrix 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 Glenn Trustee aforesaid may be restored to all things which he hath lost by occasion of the said decree and that the said Ann Clap Executrix as aforesaid may reply to the errors aforesaid, and so forth. Thereupon because the said Ann Clap Executrix as aforesaid doth not appear to hear the errors assigned as aforesaid further process of and upon the premises aforesaid between the parties aforesaid by consent of the said appellant and by order of Court here thereon is continued until the second Monday in June next. 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 comes again into the Court of Appeals here the said John Glenn Trustee aforesaid, by his attornies aforesaid, but the said Ann Clap Executrix aforesaid doth not come to hear the errors assigned as aforesaid. Thereupon further process of and upon the premises

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aforesaid between the parties aforesaid, by consent of the said appellants and by order of Court here thereon is further continued until first Monday in December next. At which said 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 comes again into the Court of Appeals here the said John Glenn Trustee aforesaid by his attornies aforesaid, but the said Ann Clap Executrix aforesaid, doth not come to hear the errors assigned as aforesaid, but doth make default, thereupon on motion of the said John Glenn Trustee as aforesaid by his attornies aforesaid, it is ordered by the Court here, that the said states writ of Scire facias ad audiendum errores be issued and directed to the said Ann Clap Executrix as aforesaid, and which said writ was accordingly issued in the words and figures following to wit.

Maryland Set. The State of Maryland to the Sheriff of Baltimore County Greeting.

Seal. Whereas at a County Court sitting as a Court of Equity begun and held at the City of Baltimore in and for Baltimore County on the first day of September in the year of our Lord one thousand eight hundred and thirty seven in a certain cause lately depending before them wherein Ann Clap Executrix of Aaron Clap was complainant and John Glenn Trustee of Michael Dorsey defendant and wherein it was adjudged ordered and decreed that the certificate of the publication of the order of ratification nisi having been filed. It is this 23d. day of September 1837, ordered that the sale of the mortgaged property made and reported by Robert Purviance Junr. be finally ratified and confirmed. The Trustee is allowed for commissions $32.66 and for expenses whatever the auditor may allow according to the usual course of proceedings in Chancery, and because in the record and proceedings and also in the passing the decree aforesaid a manifest error hath happened, to the great damage of him the said John Glenn Trustee as aforesaid as of his complaint hath been stated, the record of proceedings of which said decree was lately caused to be brought before the Court of Appeals, at the city of Annapolis for certain causes of error and because the said John Glenn Trustee as aforesaid, hath duly assigned errors on record upon the decree aforesaid, and the said Court of Appeals being willing that the error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid as is reasonable. You are therefore commanded, that by good and lawful men of your Bailiwick you give notice to the said Ann Clap Executrix of Aaron Clap that she be and appear before the said Court of Appeals to be held at the City of Annapolis on the second Monday in June next to hear the record of proceedings aforesaid if she shall think fit, and further to do and receive what the said Court shall then and there consider concerning her in this behalf and have there the names of those by whom you shall give him notice, and this writ. Witness the Honourable John Buchanan Esquire chief Judge of the Court of Appeals the third day of December, in the year of our Lord one thousand eight hundred and thirty eight. Tested 3d. day of April 1839. (J. J.) Richard W. Gill, Clk.

The same day is given to the said parties then and there &c. 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 nine comes the said John Glenn Trustee as aforesaid, by his said attornies, and the Sheriff of Baltimore County aforesaid, to whom the said last aforegoing writ was in form aforesaid directed makes return to the Court here of the said writ thus endorsed that is to say, Made known the 17th. of April eighteen hundred and thirty nine in the presence of W. D. Ball, and Robert Wilson. Jno. W. Hacker, Sheriff.

And the said Ann Clap Executrix as aforesaid so forewarned, and now here being solemnly called, by Thomas S. Alexander her attorney likewise