proceedings aforesaid now 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 Samuel Darby and George Darby 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 second Monday in June 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. 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 come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid. But because the Court of Appeals here are not yet advised what judgment to give of and upon the premises a day therefore is further given to the parties aforesaid with the consent of the said parties by their attorneys aforesaid to come before the Court of Appeals here on the first Monday in December next to hear the judgment of the Court of Appeals here, of and upon the premises for that the Court now here, as yet are not &c. And now at this day, to wit, the said second Monday in December being the second day of the said month in the year of our Lord one thousand eight hundred and thirty nine 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 Samuel Darby and George Darby 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 also in the giving of the decree aforesaid. Therefore the Court of Appeals here proceeded to pass such a decree as the Court of Chancery ought to have passed.

Samuel Darby and George Darby
vs
Charles A. Darby and John M. Darby.

Court of Appeals MS. December Term 1839. Decree. This cause coming on to be heard, having been argued and fully considered by the Court and it appearing to this Court that there is error in the Decree of the Court of Chancery of the 5th of April 1838 appealed from. It is therefore this 3d day of February 1840 by this Court and the authority thereof ordered adjudged and decreed that the aforesaid decree be and the same is hereby reversed and this Court proceeding to pass such a decree in the cause as the Court of Chancery should have passed, do hereby order adjudge and decree that for the purpose of paying the complainants claim and such other creditors of Basil Darby whose claims shall be duly established that an account of the personal estate of the said Basil shall be taken according to the course of the Court of Chancery and in the event of his personal estate (on such accounting) proving insufficient to pay the claims of the creditors of the said Basil Darby that then the real estate and lands of which he the said Basil died seized shall be sold under the authority of the Court of Chancery and according to the accustomed course of that Court for the purpose of paying the creditors of the said Basil and it is further ordered and decreed by this Court that in the event of both the real and personal estate aforesaid proving insufficient to pay the claims of the creditors of said Basil that then for as much as the deed of the 2d of April 1838 from the said Basil to his sons Samuel and George Darby is fraudulent and void as

against the creditors of the said Basil Darby the land property and estate mentioned in the said deed and intended to be thereby granted and conveyed or so much thereof as shall be necessary shall also be sold under the orders of the Court of Chancery for the purpose of paying the creditors of said Basil and it is further ordered that the costs of both parties in the Court of Chancery and in this Court be paid out the funds which will arise under the decree hereafter to be passed in this cause in the Court of Chancery and it is hereby further ordered that this cause be remanded to the Court of Chancery for the purpose of carrying this decree into execution.

Ex.d Test, Richard W. Gill, Clerk.

John Daughaday Mary Letter Elijah Hughes and Fanny Hughes his wife
vs
Nicholas M. Bosley.

Be it remembered, that, now here on the first following day in December being the third day of the said month in the year of our Lord one thousand eight hundred and thirty eight 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 John Daughaday Mary Letter Elijah Hughes and Fanny Hughes his wife complainants and Nicholas M. Bosley defendant and wherein the said Court of Chancery passed a decree for the said Nicholas M. Bosley against the said John Daughaday Mary Letter Elijah Hughes and Fanny Hughes his wife and from which said decree the said John Daughaday Mary Letter Elijah Hughes and Fanny Hughes his wife 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. M. G. & J.)

And now come into the Court of Appeals here as well the said John Daughaday Mary Letter Elijah Hughes and Fanny Hughes his wife by John Scott and Cornelius McLean their attorneys as the said Nicholas M. Bosley by John H. B. Latrobe his attorney and thereupon on motion of the said Nicholas M. Bosley by his attorney aforesaid it is ruled by the Court here that the said John Daughaday Mary Letter Elijah Hughes and Fanny Hughes his wife 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 John Daughaday Mary Letter Elijah Hughes and Fanny Hughes his wife 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 given was given for the said Nicholas M. Bosley against the said John Daughaday Mary Letter Elijah Hughes and Fanny Hughes his wife when by the law of the land that decree ought to have been given for the said John Daughaday Mary Letter Elijah Hughes and Fanny Hughes his wife against the said Nicholas M. Bosley 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 for void and that they the said John Daughaday Mary Letter Elijah Hughes and Fanny Hughes his wife may be restored to all things which they have lost by occasion of the said decree and that the said Nicholas M. Bosley may respond to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here that the said Nicholas M. Bosley join in the errors by the