December Term 1840.

and Directors of the Marine Bank of Baltimore be dissolved with costs to said Bank in the Court below and in this Court it being understood that nothing in this decree is to be considered as in any manner effecting the rights of Marine Bank acquired under the judgments aforesaid and that the appellants pay the costs of the defendant Saml. S. Buchanan in the Court below and in this Court and recover their costs in the Court below and in this Court as against the other appellees.

John Stephen
Stevenson Archer
Ara Spence.

Ex^d Test, Richard W. Gill Clerk.

John Scott and Eliza M. Scott his wife
vs.
Henry G. S. Key Sarah Anna E. Key Mary Sophia Key Richard Smith and Anna Smith his wife John Key William Compton and Mary his wife John H. Bruce and Mary H. Bruce his wife Henry Ashton and Lelia Ashton his wife, Charles H. M. Wharton and Rebecca Wharton his wife.

Be it remembered that now here on the second Monday in June being the second day of the said month in the year of our Lord one thousand eight hundred and thirty nine 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 Scott and Eliza M. Scott his wife complainants and Henry G. S. Key and others defendants and wherein the said Court of Chancery passed a decree for the said Henry G. S. Key and others against the said John Scott and Eliza M. Scott his wife and from which said decree the said John Scott and Eliza M. Scott his wife appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following to wit:

(See original Record bound up in Record Book W.G.S. No. 11.)

And now come into the Court of Appeals here as well the said John Scott and Eliza M. Scott his wife by Thomas Parkin Scott Reverdy Johnson and Thomas Alexander their attorneys as the said Henry G. S. Key and others by John Johnson and Alexander H. McMaguder their attorneys; and thereupon on motion of the said Henry G. S. Key and others by their attorneys aforesaid it is ruled by the Court here, that the said John Scott and Eliza M. Scott 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 Scott and Eliza M. Scott 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 Henry G. S. Key and others against the said John Scott and Eliza M. Scott his wife when by the law of the land that decree ought to have been given for the said John Scott and Eliza M. Scott his wife against the said Henry G. S. Key and others 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

December Term 1840.

may be reversed annulled and held entirely as void, and that they the said John Scott and Eliza M. Scott his wife may be restored to all things which they have lost by occasion of the said decree and that the said Henry G. S. Key and others may rejoin to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here that the said Henry G. S. Key and others join in the errors by the said John Scott and Eliza M. Scott his wife 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 Henry G. S. Key and others by their attorneys aforesaid pray that a day may be given to them to join in the errors by the said John Scott and Eliza M. Scott his wife above assigned in the record of proceedings aforesaid until the first Monday in December next; and to them it is granted; the same day is also given to the said John Scott and Eliza M. Scott his wife. At which said first Monday in December being the second day of the said month in the year of our Lord one thousand eight hundred and thirty nine which said day was given to the said Henry G. S. Key and others to join in the errors by the said John Scott and Eliza M. Scott his wife above assigned come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid; and the said Henry G. S. Key and others by their attorneys 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 John Scott and Eliza M. Scott his wife above for errors 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 eighth day of the said month in the year of our Lord one thousand eight hundred and forty 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 first Monday in December being the seventh day of the said month in the year of our Lord one thousand eight hundred and forty 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 John Scott and Eliza M. Scott his wife above for errors 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 no error in the record of proceedings aforesaid nor in the giving of the decree aforesaid. Therefore it is considered by the Court of Appeals here, that the decree aforesaid given in form aforesaid be in all