December Term 1840.

which was lately depending before him in the Court of Chancery, between John S. Hall and George H. Perryman were complainants and William Coffield and Elizabeth A. Coffield and Thomas C. Hopkins defendants and wherein the said Court of Chancery passed a decree for the said John S. Hall and George H. Perryman against the said William Coffield and Elizabeth A. Coffield and Thomas C. Hopkins and from which said decree the said William Coffield and Elizabeth A. Coffield and Thomas C. Hopkins 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 Book B. W. G. No. L.)

And now come into the Court of Appeals here, as well the said William Coffield and Elizabeth A. Coffield and Thomas C. Hopkins by Albert Constable and William B. Bond their attorneys as the said John S. Hall and George H. Perryman by Augustus W. Bradford and George R. Richardson their attorneys; and thereupon now on motion of the said John S. Hall and George H. Perryman by their attorneys aforesaid it is ruled by the Court here that the said William Coffield and Elizabeth A. Coffield and Thomas C. Hopkins 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 William Coffield and Elizabeth A. Coffield and Thomas C. Hopkins 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 John S. Hall and George H. Perryman against the said William Coffield and Elizabeth A. Coffield and Thomas C. Hopkins when by the law of the land that decree ought to have been given for the said William Coffield and Elizabeth A. Coffield and Thomas C. Hopkins against the said John S. Hall and George H. Perryman 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 William Coffield and Elizabeth A. Coffield and Thomas C. Hopkins may be restored to all things which they have lost by occasion of the said decree and that the said John S. Hall and George H. Perryman may rejoin to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here, that the said John S. Hall and George H. Perryman join in the errors by the said William Coffield and Elizabeth A. Coffield and Thomas C. Hopkins 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 John S. Hall and George H. Perryman by their attorneys aforesaid pray that a day may be given to them to join in the error by the said William Coffield and Elizabeth A. Coffield and Thomas C. Hopkins 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 William Coffield and Elizbeth A. Coffield and Thomas C. Hopkins. 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 John S. Hall and George H. Perryman to join in the errors by the said William Coffield and Elizabeth A. Coffield and Thomas C. Hopkins above assigned come again

December Term 1840.

into the Court of Appeals here the parties aforesaid by their attorneys aforesaid; and the said John S. Hall and George H. Perryman by their attorneys aforesaid say there is no error in the record of 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 William Coffield and Elizabeth A. Coffield and Thomas C. Hopkins 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 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 fifty come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid; and the said John S. Hall and George H. Perryman by their attorneys aforesaid offer themselves against the said William Coffield Elizabeth A. Coffield and Thomas C. Hopkins of and upon the premises and pray that 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 for as much as the said William Coffield Elizabeth A. Coffield and Thomas C. Hopkins doth not allege to the Court of Appeals here, any matter or thing for the reversal of the decree aforesaid; nor insist upon the matters aforesaid by them above for error assigned. 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 the said causes above for error assigned in anywise notwithstanding; and it is further considered by the Court of Appeals here that the said John S. Hall and George H. Perryman have execution against the said William Coffield and Elizabeth A. Coffield and Thomas C. Hopkins as well for the costs and charges aforesaid so as aforesaid adjudged unto them in the said Court of Chancery as also for the sum of sixty four dollars and sixty two cents adjudged unto them by the Court of Appeals here on their assent 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 William Coffield Elizabeth A. Coffield and Thomas C. Hopkins for the correcting of errors of and upon the premises as aforesaid prosecuted and so forth.

Memorandum. Decree was affirmed nisi in this case and made absolute on the 11th day of February 1841. Test. Richard H. Gill, Clerk.