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Decree pro confesso against absent defendants as follows:

George Troxell George Wolf and and wife and others vs. John Troxell of John Joshua Motter and others.

No. 1516 Equity - In Frederick County Court sitting as a Court of Chancery - July Term 1837 - The order of publication heretofore passed in this case bearing date the second day of June in the year of our Lord eighteen hundred and thirty six having been duly inserted in the Political Examiner, one of the news papers printed in Frederick for three weeks before the fourth day of July eighteen hundred and thirty six agreeably to the exigency of the same order and the day in said order limited for the appearance of the said absent defendants having long since elapsed; and the said defendants having failed to appear to this action in person or by solicitor and having failed to put in any answer to the said bill; It is therefore this 24th. day of August in the year of our Lord eighteen hundred and thirty seven by Frederick County Court sitting as a Court of Chancery, and by the authority of the same adjudged ordered and decreed that the said bill be, and the same is hereby taken pro confesso against the said absent defendants. Abm. Shriver.

Thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their attorneys aforesaid, and by order of the Court here thereon is further continued from Term to Term until the fourth Monday of October eighteen hundred and forty one.

Then the following return of commission was filed 13th. Novr. 1841.

To the Honorable the Judges of Frederick County Court sitting as a Court of Equity. I, John H. Williams the commissioner appointed to examine witnesses in a cause pending in your Honorable Court wherein George Troxell and others are complainants and John Troxell of John and others are defendants having taken the evidence produced by the parties beg leave to return to your Honorable Court. The commission interrogatories, depositions exhibits A. T. and C. W. and all other exhibits referred to in the interrogatories filed in said cause; and in the depositions of the witnesses produced sworn and examined - all of which is respectfully submitted as witness my hand and seal this 12th day of November 1841. John H. Williams Comr. (Seal)

Whereupon the following decree dismissing the bill was filed Novr. 13th. 1841.

George Troxell George Wolf and wife and others vs. John Troxell of John Joshua Motter and others.

No. 1516 Equity - In the Frederick County Court sitting as a Court of Equity - October Term 1841 - This case standing ready for hearing and being submitted to the Court by agreement of the solicitors of both complainants and defendants without argument for a pro forma decree for the purpose of enabling the complainants to take the case to the Court of Appeals for final determination - It is thereupon this 13th. day of November eighteen hundred and forty one by the Frederick County Court sitting as a Court of Equity, and by the authority of the said Court ordered adjudged and decreed that the complainants said bill of complaint be and the same is hereby dismissed with the costs of this Court to be paid to the defendants. Thos. Buchanan.

It is agreed by the solicitors of the complainants and defendants in this case that the Court be requested to make the above decree for the purpose of taking the case to the Court of Appeals for final determination - And it is further agreed that all objections may be made in the Court of Appeals as to the admissability of the evidence taken in this case, as might have been taken in the Frederick County Court as a Court of Equity, if said case had therein

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been tried in said Court upon the merits: And it is further agreed that if the Judges of the Court of Appeals shall be equally divided in opinion, then and in that case the said decree shall not by reason of such division, be so definitively affirmed as between the parties to the said suit as to settle the matters in controversy in said suit; but that the decree in that event instead of being a decree for the dismissal of the bill with costs shall be a decree renewing the present decree pro forma, and dismissing said bill without costs on either side and without prejudice.

Wm. Schley for Compl.
Jos. M. Palmer, for defendants.

And thereupon the said complainants by their attorney aforesaid prays an appeal to the high Court of Appeals for the Western shore of the State of Maryland and it is granted them it is therefore ordered by the said Court here, that the record and proceedings aforesaid with all things thereunto relating be transmitted to the said high Court of Appeals of the said State; and the same are transmitted to the said Court accordingly. Test, Henry Schley, Clk.

Complainants costs $48.27½ - Defendants costs $4.88½.

Maryland, Sc. I hereby certify that the aforegoing is truly taken from the record of proceedings of Frederick County Court sitting as a Court of Equity. In testimony whereof I have hereunto subscribed my name and affixed the Seal of Frederick County Court this 4th. day of December A.D. Henry Schley, Clk. Fred. County Court Md. (Seal)

And now come into the Court of Appeals here, as well the said George Troxell George Wolf and wife and others by William Schley their attorney as the said John Troxell of John Joshua Motter and others by Joseph M. Palmer their attorney; and thereupon on motion of the said John Troxell of John Joshua Motter and others by their attorney aforesaid it is ruled by the Court here, that the said George Troxell George Wolf and wife 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 George Troxell George Wolf and wife 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 John Troxell of John Joshua Motter and others against the said George Troxell George Wolf and wife and others when by the law of the land that decree ought to have been given for the said George Troxell, George Wolf and wife and others against the said John Troxell of John Joshua Motter 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 may be reversed annulled and held entirely as void, and that they the said George Troxell George Wolf and wife and others may be restored to all things which they have lost by occasion of the said decree and that the said John Troxell of John Joshua Motter 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 John Troxell of John Joshua Motter and others join in the errors by the said George Troxell George Wolf and wife and others 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 Troxell of John Joshua Motter and others by their attorney aforesaid pray that a day may be given to them to join