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by certain creditors of the said John Tomlinson the plaintiff against him before a Justice of the peace for said county that on the 12th of January 1822 two other Judgments were recovered by creditors of the 1d. John Tomlinson the plaintiff against him before a Justice of the peace of said county, and that these Judgments being unpaid, were revived by Scire facias on the same in August 1827 that at the April term of Allegany County Court 1827 a Judgment was rendered by said Court against the said John Tomlinson for a debt of his in favour of the creditor and plaintiff in that case that in October 1827 fi. fa. were issued on all said Judgments and placed into the hands of the Sheriff of Allegany County who in virtue thereof levied them on the land for the recovery of which this suit is brought, and sold the same at public sale to the highest bidder and that Jacob Devore the defendant in this case became the purchaser thereof, paid the consideration since he bid for the same to the said Sheriff also by his deed of bargain and sale, duly executed and acknowledged on the 17th day of February 1828 conveyed said land to said Devore who took possession of said land he has ever since, up to this time continued to hold possession of the same that on the 12th day of July 1822 application was made to the Chancelor of Maryland by John Tomlinson sen. the father of the pltff. for a writ of lunacy to be issued to enquire of the lunacy of said John Tomlinson Junr. that a writ was accordingly issued and an inquisition regularly taken and found and that by that inquisition the said John Tomlinson was found to be a lunatic on the 5th day of July 1822 when the inquisition was taken and to have been so for five months and upwards before that time, which inquisition was returned to the Chancery Court and upon a petition filed by John Tomlinson sen. the father he was appointed the trustee for the care and custody of the person and estate of the said John Tomlinson Junr. who was so found to be a lunatic. If upon the aforegoing statement of facts the Court are of opinion that the Judgments at law fieri facias sale by the sheriff and conveyance made by him of the land as aforesaid, to the defendant be sufficient to transfer the title to said land to the defendant notwithstanding the lunacy of the plaintiff as found by the inquisition as aforesaid that then the verdict is to be entered for the defendant but if the Court shall be of opinion that the said Judgments are inoperative and void because of the lunacy of the said John Tomlinson Junr. the plaintiff as found by said inquisition and also the fi. fas. and sale as aforesaid that then the verdict of the Jury shall be for the plaintiff. On the aforegoing statement the Court were of opinion that the plaintiff is not entitled to recover and so instructed the Jury to which opinion and instruction of the Court the plaintiff by his counsel prayed leave to except and that the Court would sign and seal this his bill of exceptions according to the statute in such case made and provided and which is accordingly done this 17th day of April 1839.—

Jno. Buchanan. (Seal)
Abm. Shriver . . (Seal)

Afterwards to wit, on the thirteenth day of May in the year of our Lord one thousand eight hundred and forty one the said Richard Roe lessee of John Tomlinson as aforesaid by William Price Esquire his attorney by virtue and in pursuance of the provisions of the act of Assembly in such case made and provided applies and directs the clerk of Allegany county court to enter an appeal from the Judgment aforesaid rendered to the Court of Appeals to be held for the Western shore of the State of Maryland which is accordingly done.

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Allegany County Sc. I hereby certify that the foregoing is a true copy taken from the record of proceedings of the County Court of Allegany County.

In testimony whereof to this exemplification I hereunto set my hand and the seal of the County aforesaid this twenty eighth day of May in the year of our Lord one thousand eight hundred and forty one.

(Seal) Aza Beall, Clerk of Allegany County Court Maryland.

Plaintiffs costs . . . $12.01½
Record 3.93¾
Defendants costs . . 9.48¾

And now come into the Court of Appeals here, as well the said Richard Roe Lessee of John Tomlinson by William Price Samuel M. Semmes and William Schley his attorneys as the said Jacob Devore by Frederick A. Schley Thomas Perry and Thomas S. McKaig his attorneys; and thereupon, on motion of the said Jacob Devore by his attorneys aforesaid, it is ruled by the Court here, that the said Richard Roe Lessee 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 Richard Roe Lessee as aforesaid by his attorney aforesaid says, that in the record of proceedings aforesaid, and also in the giving of judgment aforesaid, there is manifest error in this to wit that by the record aforesaid, it appears that the judgment aforesaid, in the plea above said given, was given for the said Jacob Devore against the said Richard Roe, Lessee as aforesaid when by the law of the land, that judgment ought to have been given for the said Richard Roe Lessee as aforesaid against the said Jacob Devore therefore in that there is manifest error, and he prays that the judgment 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 Richard Roe Lessee as aforesaid may be restored to all things which he hath lost by occasion of the said judgment, and that the said Jacob Devore may rejoin to the errors aforesaid, and so forth. And thereupon it is ruled by the Court of Appeals here, that the said Jacob Devore join in the errors by the said Richard Roe, Lessee as aforesaid above assigned in the record of proceedings aforesaid or judgment by the Court of Appeals here will be rendered against him in default thereof. And the said Jacob Devore by his attorneys aforesaid, prays that a day may be given to him to join in the errors by the said Richard Roe Lessee as aforesaid above assigned in the record of proceedings aforesaid, until the first Monday in December next and to him it is granted. the same day is also given to the said Richard Roe Lessee as aforesaid. At which said first Monday in December being the sixth day of the said month, in the year of our Lord, one thousand eight hundred and forty one which said day was given to the said Jacob Devore to join in the errors by the said Richard Roe, Lessee as aforesaid above assigned come again into the Court of Appeals here, the parties aforesaid, by their attorneys aforesaid; and the said Jacob Devore by his attorneys aforesaid says, there is no error in the record of proceedings aforesaid, nor in the giving of the judgment aforesaid, and he prays that the Court of Appeals here, will proceed to the