December Term 1855

I hereby that the aforegoing is a full and true transcript taken from the Record of proceedings of the Circuit Court for Carroll County.

Circuit Court. Seal. Carroll County

In Testimony whereof I hereto subscribe my name and affix the seal of the Circuit Court for Carroll County this 18th day of May 1855.

Jno. B. Boyle Clk.

and now come into the Court of Appeals here, as well the said Ann Brown, John Flatter and wife by William P. Maulsby and Oliver Miller Esquire their attorney; and thereupon, on motion of the said Delilah A.G. Shilling by his attorney aforesaid, it is ruled by the Court here, that the said Ann Brown John Flatter and wife 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 them in default thereof: and the said Ann Brown, John Flatter and wife & others, by their attorneys aforesaid, say, 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 aforesaid given, was given for the said Delilah A.G. Shilling against the said Ann Brown, John Flatter and wife, when, by the law of the land, that judgment ought to have been given for the said Ann Brown, John Flatter and wife against the said Delilah A.G. Shilling therefore in that there is manifest error, and they 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 they the said Ann Brown, John Flatter and wife may be restored to all things which they have lost by occasion of the said judgment and that the said Delilah A.G. Shilling may join in the errors aforesaid, and so forth. And thereupon, it is ruled by the Court of Appeals here, that the said Delilah A.G. Shilling join in the errors by the said Ann Brown, John Flatter and wife 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 Delilah A.G. Shilling by his attorney aforesaid, prays that a day may be given to him to join in the errors by the said Ann Brown John Flatter and wife 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 Ann Brown, John Flatter and wife then and so forth. At which said first Monday in December being the third day of the said month, in the year of our Lord one thousand eight hundred and fifty five, which said day was given to the said Delilah A.G. Shilling to join in the errors by the said Ann Brown, John Flatter and wife above assigned, come again into the Court of Appeals here, the parties aforesaid by their attorneys aforesaid: and the said Delilah A.G. Shilling by his attorney 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 examination as well of the record of proceedings, aforesaid, as of the

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matters aforesaid, by the said Ann Brown, John Flatter and wife above for error assigned, and that the said judgment may be in all things affirmed and so forth. But because the Court of Appeals here are not advised what judgment to give of and upon the premises, day therefore is given to the parties aforesaid, before the Court of Appeals here, until the first Monday in June next, to hear the judgment of the Court of Appeals here, of and upon the premises, for that the Court now here, thereof are not advised, and so forth.

And now at this date, to wit, the said first Monday in June being the second day of the said month, in the year of our Lord one thousand, eight hundred and fifty six, 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 judgment given in form aforesaid, as the matters aforesaid, by the said Ann Brown, John Flatter and wife 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 no error, in the record of proceedings aforesaid, nor in the giving of the judgment aforesaid: Therefore it is considered by the Court of Appeals here, that the judgment aforesaid, given in form aforesaid, be in all things affirmed and stand in full force and effect, the said causes for error above assigned and alleged, in any wise notwithstanding: And it is further considered by the Court of Appeals here, that the said Delilah A.G. Shilling have execution against the said Ann Brown, John Flatter and wife as well for the costs and charges adjudged, until him in the said Circuit Court of Carroll County as well the sum of sixty one dollars and seventy one cents adjudged unto the said Delilah A.G. Shilling by the Court of Appeals here, on his appeal for his costs and charges which he sustained by occasion of the delay of the execution of the judgment aforesaid, by pretext of the prosecution of the said appeal by the said Ann Brown, John Flatter and wife for the correcting of errors of and upon the premises as aforesaid, prosecuted &c.

Memorandum – Judgment was affirmed in this case on the 17th day of July 1856, and execution awarded for the sum of $53. 84/3. Costs. in the Circuit Court and sixty one dollars. seventy one and two thirds cents. costs. in the Court of Appeals.

Test:

William A. Spencer Clerk.
Court of Appeals of Md