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 first Monday in December 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. And now at this day, to wit, the said first Monday in December being the second day of the said month, in the year of our Lord one thousand eight hundred and forty four 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 Piles 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 error in the record of proceedings aforesaid, and also in the passing of the Decree aforesaid. Therefore the Court of Appeals here, proceeded to pass their decree in the words and figures, following to wit.

John Piles, vs. Isaac A. Poole, } Court of Appeals, W. S. December 1844. No. 18.

This cause coming on to be heard having been argued by the appellant, and no Counsel appearing for the appellee, it has been fully considered by the Court, and it appearing to this Court that substantial justice will not be done by either affirming or reversing the Decree of Montgomery County Court appealed from. It is thereupon this twenty sixth day of February in the year of our Lord eighteen hundred and forty five, by this Court and by and with the authority thereof ordered adjudged and decreed that this cause be remanded to Montgomery County Court as a Court of Equity for the purpose of amending the pleadings and that such further testimony may be taken thereon and other proceedings had under the directions of the said Court as shall be necessary for determining the cause upon its merits.

Signed. Stevenson Archer
Thos. B. Dorsey
E. F. Chambers
Asa Spence
A. C. Magruder

Test. Richard W. Gill, Clerk.

End

Peter Bell, Daniel Bell, and Frederick Bell administrators of Frederick Bell,
vs.
William Webb, Peter Mong, Marmaduke W. Boyd, Daniel Bugher, Polly Bugher, Benj.n Garver and Barbara his wife, Daniel Bugher, Geo. Hill, Abr.m Stouffer, John Hoons and his wife and William Hale,

Be it remembered, That now here on the second Monday in June being the twelfth day of the said month, in the year of our Lord one thousand eight hundred and forty three the Chief Judge and Associate Judges of the fifth Judicial District of Maryland sitting as a Court of Equity 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 them in the County Court of Frederick County between Peter Bell, Daniel Bell and Frederick Bell, Administrators of Frederick Bell complainants, and William Webb and others defendants, and wherein the said County Court passed a Decree for the said William Webb & others against the said Peter Bell, Daniel Bell and Frederick Bell administrators as aforesaid and from which said Decree the said Peter Bell and others administrators as aforesaid appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following, to wit.

State of Maryland, Washington County, to wit.

At a County Court of the Fifth Judicial Distrint of the State of Maryland, sitting as a Court of Equity, begun and held at Hagers Town, in and for the County aforesaid, on the third Monday of November, being the twenty first day of the same month, in the year of our Lord one thousand eight hundred and forty two.

Were Present

The Honorable, John Buchanan, Esquire, Chief Judge
Thomas Buchanan, Esquire, Associate Judge
Thomas Keller, Esquire, Sheriff
O. H. Williams, Clk.

In the record of proceedings of the same Court, amongst others is the following to wit.

Peter Bell, Daniel Bell, and Frederick Bell, Adm.rs of Frederick Bell, deceased,
vs.
William Webb, Peter Mong, Marmaduke W. Boyd, Daniel Bugher, Polly Bugher, Benjamin Garver, and Barbara his wife, David Bugher, George Hill, Abraham Stouffer, John Hoons and his wife and William Hale,

Be it remembered that heretofore, to wit, on the thirtieth day of October in the year of our Lord one thousand eight hundred and thirty nine, the said Peter Bell, Daniel Bell and Frederick Bell administrators of Frederick Bell deceased, by Jarvis Spencer their solicitor, filed in Court here a certain Bill of Complaint, which is in the words and of the tenor following to wit.

To the Honorable, the Judges of the Washington County Court, sitting as a Court of Equity. Humbly complaining, sheweth unto your Honors your orators Peter Bell, Daniel Bell, and Frederick Bell of Washington County, children and administrators of the goods and chattels, rights and credits of Frederick Bell late of Washington County deceased, That on or about the first day of February eighteen hundred and twenty Daniel Berger of the same County, being seised in fee of and in the lands, tenements and hereditament hereinafter mentioned, proposed to mortgage the same to the said Frederick Bell, dec.d to secure a certain claim which the said dec.d at that time had against the said Daniel Berger, & the said Berger affirmed the said premises to be free from all prior incumbrances. And your orators further shew that on the said first day of February 1820, the said Daniel Berger made executed, acknowledged and delivered to their said dec.d father a Deed of Mortgage for the said lands and tenements setting among other things