lost by occasion of the said Decree and that the said Benjamin Wheeler and Richard D Wheeler may rejoin to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here that the said Benjamin Wheeler and Richard D Wheeler join in the errors by the said Charles B Gorsuch and wife 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 Benjamin Wheeler and Richard D Wheeler by their attorney aforesaid, pray that a day may be given to them to join in the error by the said Charles B Gorsuch & wife 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 Charles B Gorsuch & wife. — At which said First Monday in December being the fourth day of the said month, in the year of our Lord one thousand eight hundred and forty three which said day was given to the said Benjamin Wheeler and Richard D Wheeler to join in the errors by the said Charles B Gorsuch and wife above assigned, come again into the Court of Appeals here, the parties aforesaid, by their attorneys aforesaid, and the said Benjamin Wheeler and Richard D Wheeler by their attorney aforesaid, say there is no error in the record of proceedings aforesaid nor 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 Charles B Gorsuch and wife above for error assigned, and that the said judgment 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 tenth 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. 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 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

Charles B Gorsuch 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 error in the record of proceedings aforesaid and also in the giving of the Decree aforesaid: Therefore the Court of Appeals here proceed to pass such a Decree as the County Court of Baltimore County, sitting as a Court of Equity ought to have passed. —

Charles B Gorsuch and wife. — vs. Benjamin and Richard D. Wheeler,	Court of Appeals W.S. Dec.r T. 1844. — This cause coming on to be heard having been fully argued and considered by the Court. — It is this twenty seventh day of February in the year of our Lord one thousand eight hundred and forty five by this Court, and by and with the authority thereof ordered adjudged and decreed that the order of Baltimore County Court sitting as a Court of Equity passed on the thirteenth day of April in the year eighteen hundred and forty three finally ratifying & confirming the sale made in this cause, be and the same is hereby reversed with costs to the said appellants in this Court and that the said cause be remanded to Baltimore County Court aforesaid for such further proceedings therein as shall be consistent with the rights of the parties and the rules and principles of Equity. —

Thos. B. Dorsey. —
(Signed) E. F. Chambers. —
A. C. Magruder. —
Test. —
Richard W Gill, Clerk. —

Ex.d

Sarah E Mitchell, vs. Elizabeth A Mitchell Exr.x of James E Mitchell & others,	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 Chancellor of Maryland, 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 him in the Court of Chancery between Sarah E Mitchell Complainant and Elizabeth A Mitchell executrix of James E Mitchell and Henry S Mitchell and Joseph H Mitchell defendants, and wherein the said Court of Chancery passed a Decree for the said Elizabeth A Mitchell executrix as aforesaid & others against the said Sarah E Mitchell and from which said Decree the said Sarah E Mitchell appealed to the Court of Appeals here the tenor of which said record of proceedings is in form following to wit, —

Maryland Set. —

At a Court of Chancery for the State of Maryland begun and held at the City of Annapolis on the first Tuesday of