David Cheney and Susanna Cheney his wife, whereby the bill of complaint of the said David Cheney and Susanna Cheney his wife was dismissed at the April adjourned term of Allegany County Court as a Court of equity eighteen hundred and forty four from which said decree the said David Cheney hath prayed an appeal to the next Court of Appeals to be held for the Western Shore of the State of Maryland. Now the condition of the above obligation is such, that if the said David Cheney shall not cause a transcript of the record and proceedings of the said Court to be transmitted to the next Court of Appeals to be held for the Western Shore within the time required by law and prosecute said appeal with effect, and also satisfy and pay unto the said William Tipton and Mary his wife Samuel North and Elizabeth North and Eloyd Stallings their executors and administrators in case the said decree shall be affirmed as well the costs adjudged in the Court aforesaid as also all damages and costs that may be awarded by the Court of Appeals aforesaid then the said bond to be and remain in full force and virtue in law, otherwise of none effect.

Signed, Sealed and delivered in presence of Geo. W. Devereaux. — David Cheney, (Seal) B. S. Pigman, (Seal) Hosea Harris, (Seal)

On the back of the foregoing bond is the following endorsement to wit "Approved" Samuel M. Semmes 3d January 1845.

It is thereupon ordered by the Court here, that the record and proceedings aforesaid, in the plea 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. — Aza Beall, Clerk.

Maryland Sc.

I hereby certify that the aforegoing is truly taken from the record of proceedings of Allegany County Court of the State of Maryland so far as the Clerk was instructed and directed to make out the same by the solicitors of the Complainants.

(Seal) In Testimony whereof to this exemplification I hereunto subscribe my name and affix the seal of the said Court this fourth day of January in the year of our Lord one thousand eight hundred and forty five.

Aza Beall, Clerk of Allegany County Court Maryd.

Complainants Costs, $53.10.
Costs of 1st Record — 19.50
Costs of this Record — 6.00 $78.60.
Defendants Costs $27.36½.

And now come into the Court of Appeals here, as well the said David Cheney and Susanna his wife by Bene S. Pigman and Hanson B. Pigman their attorneys, as the said William Tipton and wife and others by William Price their attorney and thereupon, on motion of the said William Tipton and wife & others by their attorney aforesaid, it is ruled by the Court here, that the said David Cheney and Susanna his wife 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 David Cheney and Susanna his wife by their attorneys 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 William Tipton and wife & others against the said David Cheney and Susanna his wife when by the law of the land, that Decree ought to have been given for the said David Cheney and Susanna his wife against the said William Tipton & wife & 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 David Cheney & Susanna his wife may be restored to all things which they have lost by occasion of the said Decree, and that the said William Tipton & wife and others may join to the errors aforesaid, and so forth. And thereupon it is ruled by the Court of Appeals here, that the said William Tipton and wife and others join in the errors by the said David Cheney and Susanna his 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 William Tipton & wife & others by their attorney aforesaid, pray that a day may be given to them to join in the errors by the said David Cheney and Susanna his wife above assigned in the record of proceedings aforesaid, until the second Monday in June next, and to them it is granted, the same day is also given to the said David Cheney and Susanna his wife. — At which said second Monday in June being the ninth day of the said month in the year of our Lord one thousand eight hundred and forty five which said day was given to the said William Tipton & wife & others to join in the errors by the said David Cheney and Susanna his wife above assigned, come again into the Court of Appeals here, the parties aforesaid by their attorneys aforesaid; and the said William Tipton & wife & others 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 David Cheney and Susanna his wife above for error assigned, and that the said 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 first day of the said Month, in the year of our Lord one thousand eight hundred and