it is ruled by the Court here, that the said Nathaniel Warfield 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 him in default thereof. And the said Nathaniel Warfield by his attorney aforesaid, says, 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 Jacob Horn against the said Nathaniel Warfield when by the law of the land, that Decree ought to have been given for the said Nathaniel Warfield against the said Jacob Horn therefore in that there is manifest error, and he prays 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 he the said Nathaniel Warfield may be restored to all things which he hath lost by occasion of the said Decree, and that the said Jacob Horn may rejoin to the errors aforesaid, and so forth. And thereupon it is ruled by the Court of Appeals here that the said Jacob Horn join in the errors by the said Nathaniel Warfield 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 Horn by his attorneys aforesaid, prays that a day may be given to him to join in the errors by the said Nathaniel Warfield above assigned in the record of proceedings aforesaid until the second Monday in June next, and to him it is granted; the same day is also given to the said Nathaniel Warfield. 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 Jacob Horn to join in the errors by the said Nathaniel Warfield above assigned, come again into the Court of Appeals here, the parties aforesaid, by their attorneys aforesaid, and the said Jacob Horn by his attorneys aforesaid, says, there is no error in the record of proceedings aforesaid nor in the giving of the Decree 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 matters aforesaid by the said Nathaniel Warfield 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 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 forty five come again into the Court of Appeals here, the parties aforesaid, by their attorneys aforesaid, and the said Jacob Horn by his attorneys aforesaid, offers himself against the said Nathaniel Warfield of and upon

the premises, and prays that the Court of Appeals here will proceed to the examination as well of the record of proceedings aforesaid, as of the matters above for error assigned, and that the said Decree, may be in all things affirmed, and so forth; and for asmuch as the said Nathaniel Warfield doth not allege to the Court of Appeals here, any matter or thing for the reversal of the Decree aforesaid; now insist upon the matters aforesaid, by him above for error assigned. Therefore, it is considered by the Court of Appeals here, that the Decree aforesaid in form aforesaid given, be in all things affirmed, and stand in full force and effect, the said causes above for error assigned, in anywise notwithstanding; and it is further considered by the Court of Appeals here, that the said Jacob Horn have execution against the said Nathaniel Warfield as well for the costs and charges aforesaid, so as aforesaid adjudged unto him in the said Court of Chancery as also for the sum of forty one Dollars fifty nine cents adjudged unto him by the Court of Appeals here, on his assent for his costs and charges, which he hath sustained by occasion of the delay of the execution of the Decree aforesaid, by pretext of the prosecution of the said appeal by the said Nathaniel Warfield for the correcting of errors of and upon the premises as aforesaid, prosecuted and so forth.

Memorandum. Decree was affirmed nisi in this case and made absolute on the thirteenth day of February 1846.

Test.

Exd.? Richard W. Gill, Clerk.