James V Wagner inclusive of all such orders to 9 Nov 1846.

Wm. Schley } for
R. W. Gill } M. I. Cohen.

3d Dec. 1846.

And at the same time the Counsel aforesaid of the said Mendez I Cohen filed in the said cause the following directions to the Regista, Mr. Gassaway. In making up his transcript in this cause will commence with a caption showing date of filing Bill and the names of all the plaintiffs and Defendants.

2 The Decree of the Chancellor for a sale.

3 The proceedings of the Trustee his bond approval advertisement and reports, and the orders of the Chancellor, on such reports up to the time of the appeal taken in this cause.

4 The Decree of the Court of Appeals, without the opinion remanding the cause upon Browns appeal.

5 All proceedings in the cause after the Decree of the appellate Court to this time of every nature and kind.

Which said appeal was granted and the proceedings ordered to be transmitted and the same are hereby transmitted accordingly.

Maryland Set.

I hereby certify that the aforegoing is a true copy from the original proceedings in the said cause now remaining in the Court of Chancery of the said State.

Seal

In Testimony whereof I have hereunto set my hand and affixed the Great Seal of the said State this 6th day of July in the year of our Lord one thousand eight hundred and forty seven.

Louis Gassaway Reg. Cur. Cancr.

Costs of Transcript $39.09.

And now come into the Court of Appeals here, as well the said Mendez I Cohen by William Schley and John Nelson his attorneys as the said James V Wagner by John V. L. McMahon, John Glenn & Reverdy Johnson his attorneys, and thereupon, on motion of the said James V Wagner by his attorneys aforesaid, it is ruled by the Court here that the said Mendez I Cohen 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 Mendez I Cohen by his attorneys 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 James V Wagner against the said Mendez I Cohen when by the law of the land that Decree ought to have been given for the said Mendez I Cohen against the said James V Wagner 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 Mendez I Cohen, may be restored to all things which he hath lost by occasion of the said Decree, and that the said James V



Wagner may rejoin to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here, that the said James V Wagner join in the errors by the said Mendez I Cohen 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 James V Wagner by his attorneys aforesaid, prays that a day may be given to him to join in the errors by the said Mendez I Cohen 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 Mendez I Cohen. At which said second monday in June being the fourteenth day of the sixmonth in the year of our Lord one thousand eight hundred and forty seven which said day was given to the said James V Wagner to join in the errors by the said Mendez I Cohen above assigned come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid, and the said James V Wagner 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 Mendez I. Cohen 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 sixth day of the said month, in the year of our Lord one thousand eight hundred and forty seven 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 Mendez I Cohen 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 decree aforesaid. Therefore it is considered by the Court of Appeals here, that the Decree 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 anywise notwithstanding. And it is further considered by the Court of Appeals here that the said James V. Wagner have execution against the said Mendez I Cohen as well for the costs and charges aforesaid, adjudged unto him in the said Court of Chancery as also the sum of one hundred and forty three dollars & seventy cents adjudged unto him by the Court of Appeals here, on his assent for his costs and charges which he had 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 Mendez I Cohen, for the correcting of errors of and upon the premises as aforesaid prosecuted &c. Test. Richard W. Gill, Clerk.