In testimony whereof I hereunto set my hand and affix the seal of my office this second day of August in the year eighteen hundred and forty seven. —

(Seal)

Henry Bruce Clerk —
of Allegany County Court. —

Pltff's costs — $101.92⅔ —
Deft. " 79.33⅓ —

And now come into the Court of Appeals here, as well the said John Young by Samuel McSemmes, John V. L. McMahon and William Schley his attorneys as the said Meshack Frost, Isaiah Frost, George Layman & others by Thomas J. M. Kerr and William Price their attorneys, and thereupon, on motion of the said Meshack Frost, Isaiah Frost, George Layman & others — by their attorneys aforesaid, it is ruled by the Court here, that the said John Young assign the errors in the record of proceedings aforesaid, or in the giving the Decree aforesaid, so aforesaid brought before the Court of Appeals here for correcting the errors supposed to be therein, or Decree by the Court of Appeals here will be entered against him in default thereof; And the said John Young 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 Meshack Frost, Isaiah Frost, George Layman & others against the said John Young when by the law of the land, that Decree ought to have been given for the said John Young against the said Meshack Frost, Isaiah Frost, George Layman & others 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 John Young, may be restored to all things which he hath lost by occasion of the said Decree, and that the said Meshack Frost, Isaiah Frost, George Layman & others, may rejoin to the errors aforesaid, and so forth. And thereupon it is ruled by the Court of Appeals here, that the said Meshack Frost, Isaiah Frost, George Layman & others join in the errors by the said John Young 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 Meshack Frost, Isaiah Frost, George Layman & others by their attorneys aforesaid, pray that a day may be given to them to join in the errors by the said John Young 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 John Young — At which 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 which said day was given to the said Meshack Frost, Isaiah Frost, George Layman & others to join in the errors by the said John Young above assigned, come again into the Court of Appeals here, the parties aforesaid, by their attorneys aforesaid; and the said Meshack Frost, Isaiah Frost, George Layman

& others by their attorneys 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 John Young above for error assigned, and that the said judgment may be in all things affirmed, and so forth. —

And now at this day, to wit, the day and year last above mentioned, the parties aforesaid, by their attorneys aforesaid being present in Court here, whereupon as well the record and proceedings aforesaid, and the Decree given in form aforesaid, as the matters aforesaid, by the said John Young 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, proceed to pass such a Decree, as the County Court of Allegany County ought to have passed. —

John Young, appellant,
vs.
Meshack Frost, Isaiah Frost & George Layman, appellees.

Court of Appeals. —
Dec. Term 1847. No. 30. —

This cause coming on for hearing, and having been fully argued and considered by the Court, it is thereupon this fifth day of February in the year of our Lord one thousand eight hundred and forty eight by this Court and the authority thereof, ordered, adjudged and decreed that the decree of Allegany County Court in this cause rendered at the Equity Session of 8th October 1846 and from which the appeal in this cause was prayed be and the same is hereby reversed and annulled with costs of the transcript of the record sent from Allegany County Court on this appeal, and the appellant's costs in this Court, to be paid to him by the said appellees. —

And this Court being of opinion and so adjudging and decreeing, that the agreement of the 27th of October 1828, which is alleged and set forth in the appellants bill of complaint, is satisfactorily established by the evidence in the cause and that paper marked No. 4, of said evidence and referred to in the testimony of the witness George M'Culloh is by the testimony of said witness proved and established as a copy of said agreement, and also that the said complainant John Young, as the assignee of John Neff one of the parties to the said agreement, is entitled in Equity, to demand and have a specific execution of the said agreement as against the other parties to the same, the said defendants Meshack and Isaiah Frost, and also that the said agreement is not by the words, "that is to say Isaiah Frosts part now sold to John Neff" limited and restricted in its operation to Isaiah Frosts part of his father's estate devised to him by his said father, but that said agreement according to its true construction, as to all the rights, interests and privileges thereby & therein respectively granted to each other by the parties to the said agreement, does extend to and embrace all the lands which were respectively devised to the said Meshack Frost, Isaiah Frost and Josiah Frost by their said deceased father Josiah Frost. —

It is therefore by this Court and the authority thereof, further ordered