assigned, Come again into the Court of Appeals here, the parties aforesaid by their attorneys aforesaid; and the said Philip Wingert by his attorney 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 Maryland & New York Iron and Coal Company 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 of and upon the said premises, and so forth.

And now at this day, to wit, the said First Monday in December being the Third day of the said month, in the year of our Lord one thousand eight hundred and forty nine Come again into the Court of Appeals here, the parties aforesaid, by their attorneys aforesaid. Whereupon as well the record and proceedings, and the Decree given in form aforesaid, as the matters aforesaid, by the said Maryland & New York Iron & Coal Company 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 passing 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 cause for error above assigned and alleged and alleged in anywise notwithstanding: But because it appears to the Court of Appeals here that the merits of this cause are not fully determined by the Decree of the County Court aforesaid as given and setforth in the Record and proceedings hereto certified: Therefore the Court here pursuant to the directions of the act of assembly in such case made and provided, order and direct a remission of the record and proceedings aforesaid to the Clerk of the said County Court of Allegany County directing them to proceed in the cause aforesaid, that such further proceedings may be had therein as the nature of the case may require.

And it is further considered by the Court here that the said Philip Wingert have execution here against the said Maryland & New York Iron and Coal Company for the sum of one hundred and eleven dollars and forty three cents for his Costs and charges adjudged unto the said Philip Wingert which he had been put to by occasion of the prosecution of the said appeal for the correcting of errors by the said Maryland and New York Iron and Coal Company of and upon the premises aforesaid prosecuted &c.

The record and proceedings aforesaid, is therefore remitted to the Clerk of the County Court of Allegany County accordingly &c.

Test Richard W Gill Clerk

Josias Clements
vs
Elizabeth Ford Admx of William P Ford & Richard Gardiner

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 eight the Chief Judge and associate Judges of the First Judicial District of Maryland sitting as a Court of Equity 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 them in the County Court of Charles County between Elizabeth Ford Admx of William P Ford and Richard Gardiner Complainants and Josias Clements defendant, and wherein the said County Court passed a Decree for the said Elizabeth Ford Admx as aforesaid and Richard Gardiner against the said Josias Clements and from which said Decree the said Josias Clements appealed to the Court of Appeals here, the tenor of which said record of proceedings in in form following to wit:

Charles County to wit: At a County Court as a Court of Equity of the First Judicial District of the State of Maryland, begun and held at Port Tobacco in and for Charles County aforesaid, on the third Monday of July being the 19th day of the same month in the year of our Lord one thousand eight hundred and forty seven, and the seventy second year of the Independence of the United States of America.

Present

The Hon { Alexander C Magruder Chief Judge
Edmund Key & Peter W Crain } Associate Judges.

Joseph Stewart Esq Sheriff

Walter Mitchell Clerk

In the record of proceedings of the said Court among others are the following to wit:

Elizabeth Ford Admx of William P Ford and Richard Gardiner
vs
Josias Clements

Be it remembered that heretofore to wit: on the fifth day of June in the year of our Lord one thousand Eight hundred and forty four the said Elizabeth Ford Administratrix of William P Ford and Richard Gardiner by William B Stone Esquire their Solicitor tendered to the Judges of Charles County Court as a Court of Equity their bill of Complaint which is contained in the following words to wit:

To the Honorable the Judges of Charles County Court sitting as a Court of Equity: The bill of Complaint of Elizabeth Ford Admx of William P Ford & Richard Gardiner humbly Complaining sheweth, that prior to the year Eighteen hundred and twenty a certain Richard Coomes of said County died intestate seized and possessed in fee simple of certain land in this County called and known by the name of "Two Partments Resurveyed" "Part of the Meadows" and "Part of the Gore" lying in this County and containing about 178 acres, that the said Richard left a certain Leonard Coomes and Richard Coomes and a daughter of the wife of Sylvester W Gardiner his children and heirs at Law who being unable to agree among themselves as to the valuation and division of the said Estate, it was under the provisions of an act of Assembly Entitled "an act to direct descents" by