cents adjudged unto the said Joseph Stansbury & others by the Court of Appeals here on their assent for their Costs and charges which they had sustained by occasion of the day of the execution of the Decree aforesaid, by pretext of the prosecution of the said appeal by the said George Gilbach administrator as aforesaid for the Correcting of errors of and upon the premises as aforesaid prosecuted &c.

Ex^d

Test Richard W Gill Clerk.

George W Nutwell
vs
Johns Hopkins, Richard H Battee & William L Lowe use of Thomas S Alexander for order filed 3 Decr 1849.

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 Chancellor of Maryland, 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 him in the Court of Chancery between Johns Hopkins, Richard H Battee & William L Lowe Complainants and George W Nutwell defendant, and wherein the said Court of Chancery passed a Decree for the said Johns Hopkins & others against the said George W Nutwell and from which said Decree the said George W Nutwell appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following towit.

Maryland Set

At a Court of Chancery for the State of Maryland begun and held at the City of Annapolis on the fourth Tuesday of September in the year of our Lord one thousand eight hundred and forty seven

Present

The Honorable John Johnson Chancellor

Louis Gassaway Register.

Were had (among) other the following proceedings.

Johns Hopkins, Richard H Battee and William L Lowe
vs
George W Nutwell and Orville Horwitz.

Be it remembered that heretofore towit on the fifth day of April in the year of our Lord one thousand eight hundred and forty seven came Johns Hopkins, Richard H Battee and William L Lowe by Thomas S Alexander Esquire their solicitor into the Court of Chancery of the State of Maryland and exhibited in said Court their Bill of Complaint against George W Nutwell and Orville Horwitz in the words following towit:

To the Honorable John Johnson Chancellor of Maryland.

The Bill of Complaint of Johns Hopkins, Richard, Richard H Battee and William L Lowe of the City of Baltimore humbly shows that a certain George W Nutwell of Anne Arundel County being indebted unto your orators Battee and Lowe in the sum of Twelve hundred and ninety three dollars and ninety seven cents on his promissory note for that sum bearing date on the twenty fourth day of May in the year eighteen hundred and forty and payable thereafter on demand (and which promissory note to be marked Exhibit A is ready to be filed by your orator

Hopkins when your Honor shall direct for the purpose of more effectually securing payment of said sum of money with interest did on the Seventh day of March in the year 1843 Convey unto your said Orators Battee and Lowe certain Land and premises lying and being in Anne Arundel County and then belonging to and in possession of the said Nutwell as by a Copy of the said deed of Conveyance marked Exhibit B and filed as part of this Bill will more certainly appear and said deed of Conveyance was with proviso and on Condition to be void in case the said Nutwell should on or before the first day of November in the year eighteen hundred and forty five pay to your said orators Battee and Lowe the aforesaid sum of money with Interest thereon from the said 24th day of May in the year eighteen hundred and forty two

And your Orators further Charge that afterwards one Henry G Hawbert filed his Bill of Complaint in this Honorable Court against the said George W Nutwell and your said orators Battee and Lowe to enforce payment of a large sum of money then due and owing from the said Nutwell to the said Hawbert on mortgage of the aforesaid premises to which said Bill the defendants thereto angleted and such other proceedings were had that on the seventh day of November in the year eighteen hundred and forty four amongst other things adjudged ordered and decreed that unless the said defendants, or some of them should on or before the second day of December then next pay or bring into Court to be paid unto the said Complainant a certain sum of money therein specified with interest and Costs the said mortgaged premises should be sold by a trustee therein named and on terms therein specified and it was further provided that if the said Battee and Lowe should pay or bring into Court to be paid unto the said Complainant the sum of money adjudged to be due unto him with interest and costs as aforesaid they should be entitled to hold the aforesaid premises as security as well for payment of the money to be paid or brought in as aforesaid as for the principal and interest due on the mortgage from the defendant, Nutwell to the said Battee and Lowe as stated in the proceedings with their costs of suit and liberty was reserved to the said Battee and Lowe to apply to the Court for a sale of the mortgaged premises aforesaid as by said decree now remaining of record in this Court will more fully and certainly appear.

And your Orators further charge that afterwards and before any sale was made or other proceeding had in execution of said decree the said Nutwell paid and satisfied to said Hawbert or his assignee the money so as aforesaid decreed to him and thereby gratified the first object of said decree and afterwards on the twenty fourth day of June in the year eighteen hundred and forty six the said Nutwell paid to your orators Battee and Lowe the sum of five hundred dollars current money and shortly thereafter your said orators by endorsement on said promissory note and by delivery thereof to the your orator Hopkins assigned and transferred the said note with the money remaining due thereon and on said mortgage as aforesaid unto your said orator Hopkins as by said promissory note with the endorsement thereon as aforesaid now remaining in possession of your said orator Hopkins and ready to be produced as this Court may direct will more certainly and at large appear and your orators charge that said endorsement and