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 George W Nutwell above for error assigned, and that the said Decree may be in all things affirmed and soforth. 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 second Monday in June 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 soforth.

At which said second Monday in June being the Eleventh 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: But because the Court of Appeals here are not yet advised what judgment to give of and upon the premises, a day therefore is further given to the parties aforesaid, with the Consent of the said parties, by their attorneys aforesaid, to Come before the Court of Appeals here, on the First Monday in December next, to hear the judgment of the Court of Appeals here, of and upon the premises, for that the Court now here, as yet are not &c.

At which 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: But because the Court of Appeals here are not yet advised what judgment to give of and upon the premises, a day therefore is further given to the parties aforesaid, with the Consent of the said parties, by their attorneys aforesaid, before the Court of Appeals here, until the second Monday in June next, to hear the judgment of the Court of Appeals, here until the second Monday in June next to hear the judgment of the Court of Appeals here, of and upon the premises, for that the Court now here, as yet are not &c.

And now at this day, towit, the said First Monday in Decr 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 aforesaid, and the Decree given in form aforesaid, as the matters aforesaid, by the said George W Nutwell 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 the Court of Appeals here proceeded to pass their Decree in the words following towit:

George W Nutwell
vs
John Hopkins
and others

In the Court of Appeals for the Western Shore
December Term 1849.

This appeal Coming on to be heard and being submitted And it being admitted by the Parties that the mortgaged premises in the proceedings mentioned is chargeable with the payment of the claim of the appellees ~~and~~ therein stated and that Thomas S

Alexander for whose use the decree in this Cause hath been entered is entitled to receive for his own use the entire amount of said Claim and the said Alexander and the Appellant having adjusted the amount of said claim and agreed to extend the time for payment thereof It is thereupon this sixth day of December in the year eighteen hundred and forty nine by the Court of Appeals for the Western Shore and with the Consent of the Parties adjudged ordered and decreed that the Decree of the Court of Chancery from which this appeal has been taken in so far only as the same Conflicts with this Decree be and the same is hereby reversed and that unless the appellant shall on or before the first day of September next pay or deposite in the Court of Chancery to be paid to the said Thomas S Alexander the sum of Fourteen Hundred and sixty five Dollars together with the Costs incurred by the Appellee in this appeal to be taxed by the clerk of this Court and such further Costs as may be incurred by the said Alexander in prosecuting this Decree the mortgaged premises in the proceedings mentioned be sold by the Trustee named in said Decree of the Court of Chancery in the manner and upon the terms prescribed by said Decree and that this Cause be and the same is hereby remanded to the Court of Chancery with authority to pass such order or decree as may be necessary to carry this Decree into execution.

Thos. B Dorsey
Ira Shenck
R N Martin
Wm Frick

We assent to the foregoing Decree
Th S Alexander for himself & as Solicitor for the Appellee
A Randall for Appellant

Ex^d

Test Richard W. Gill, Clerk