Appeal here, for correcting the errors supposed to be therein, or judgment by the Court of Appeals here, will be entered against them in default thereof: and the said John M Wahl by his attorney aforesaid, says, that in the record of proceedings aforesaid, and also in the giving of Decree aforesaid there is manifest error in this, towit, that by the record aforesaid, it appears that the Decree aforesaid in the Cause aforesaid given, was given for the said Benjamin C Barroll and Nicholas C Spence against the said John M Wahl when by the law of the land, that Decree ought to have been given for the said John M Wahl against the said Benjamin C Barroll and Nicholas C Spence 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 M Wahl may be restored to all things which he hath lost by occasion of the said Decree and that the said Benjamin C Barroll and Nicholas C Spence may rejoin to the errors aforesaid and so forth, And thereupon, it is ruled by the Court of Appeals here, that the said Benjamin C Barroll and Nicholas C Spence join in the errors by the said John M Wahl 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 Benjamin C Barroll and Nicholas C Spence by their attorney aforesaid prays that a day may be given to them to join in the errors by the said John M Wahl 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 M Wahl.

At which said First Monday in December being the Fourth day of the said month in the year of our Lord one thousand eight hundred and forty eight which said day was given to the said Benjamin C Barroll and Nicholas C Spence to join in the errors by the said John M Wahl above assigned, come again into the Court of Appeals here, the parties aforesaid by their attorneys aforesaid; and the said Benjamin C Barroll and Nicholas C Spence by their attorney aforesaid, says 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 M Wahl 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 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 so forth.

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.

And now at this day, towit, on the 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 aforesaid, and the Decree given in form aforesaid, as the matters aforesaid, by the said John M Wahl 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 Benjamin C Barroll & Nicholas C Spence have execution against the said John M Wahl as well for the Costs and Charges aforesaid, adjudged unto them in the said Court of Chancery as also the sum of Fifty nine Dollars and Twenty two Cents adjudged unto the said Benjamin C Barroll and Nicholas C Spence by the Court of Appeals here on their assent for their Costs and Charges which they 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 John M Wahl for the Correcting of errors of and upon the premises aforesaid prosecuted &c.

Test Richard H Gill Clerk

Charles A Waters and wife
vs
Charles Howard, Elizabeth A. his wife, Charles White & Rebecca A his wife, Prudence Rebecca Howard Stevenson White & Freeborn G Waters.

Be it Remembered, That now towit 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 Charles A Waters and wife Complainants, and Charles Howard & Elizabeth A, his wife & others defendants, and wherein the said Court of Chancery passed a Decree for the said Charles Howard & wife & others against the said Charles A Waters & wife and from which said Decree the said Charles A Waters & wife 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 first Tuesday of December in the year of our Lord one thousand eight hundred and forty seven

Present

The Honorable John Johnson Chancellor

Louis Gassaway Register