payments to the 10 day of March 1845 and add the said remaining sum and from the aggregate to the four last named of said credits herein before allowed by this decree amounting to $2130. be deducted and upon the sum then remaining due interest shall be computed from the said 10 day of March 1845 to the date of said original judgment to wit the 27 day of November 1847 which interest together with the plaintiffs costs of said original judgment shall be added to the sum upon which the said was calculated, and upon that sum interest is to be calculated from the date of said original judgment to the date of the first of the aforesaid payments made subsequently to said original judgment and added to said sum and from the aggregate the said payment be deducted and interest be calculated on the remainder to the date of the second of said payments and added thereto and from the aggregate the said second of said payments be deducted and on the sum then remaining interest be calculated to the third of said payments and added thereto and from that sum said third payment be deducted and on the sum then remaining interest be calculated to the date of the said verdict and said judgment of said therein, and that for the balance then so ascertained be due to the said Hustons, with interest thereon from the date of said judgment of first together with his costs of said judgment of first the said Cyrus Houston has liberty to proceed and to collect the same and so much under his said Execution. And it is further ordered and decreed that the complainants pay the costs of this case

Thomas Perry.

And thereupon the said Defendants by their Solicitor aforesaid on this 7 day of November 1860 pray an appeal from the Decree of this Court here as aforesaid to the Court of Appeals of the State of Maryland and to show the same is granted it is thereupon ordered by the said Court here that a Record of the proceedings aforesaid with all things thereunto relating be transmitted to the said Court of Appeals of the State of Maryland to be held at the City of Annapolis on the first Monday of December 1860 and the same are transmitted to the said Court accordingly.

Test Isaac Nesbitt Clk

State of Maryland Washington County sct

I hereby certify that the foregoing is truly taken from the Record of Proceedings of the Circuit Court for Washington County

Testimony whereof I hereto subscribed my name and affix the seal of the said Circuit Court for Washington County this 25 day of January Anno Domini 1861.

(Seal)

Isaac Nesbitt Clk

And now came into the Court of Appeals here the said Cyrus Houston and John W Hancock by R H Alvey Esquire their Attorney as the said William J Dutt Abraham K Dutt and others by D Weisel and Thos S Alexander Esquires their Attorneys and thereupon on motion of the said William J Dutt and Abraham K Dutt and others by their Attorney aforesaid it is ordered by the Court here that the said Cyrus Houston and John W Hancock assign the errors in the Record of proceedings aforesaid as in the giving the Decree aforesaid was aforesaid thought fit for the Court of Appeals for correcting the errors assigned to be therein on Decreed by the Court of Appeals here and be entered against them in default thereof and the said Cyrus Houston and John W Hancock by their Attorney aforesaid say that in the Record of proceedings aforesaid and also in the giving

of the Decree aforesaid there is manifest error in this to Wit that by the Record aforesaid appears that the Decree aforesaid in the cause aforesaid given was given for the said William J Dutt Abraham K Dutt and others against the said Cyrus Houston and John W Hancock when by the law of the land the said Decree ought to have been given for the said Cyrus Houston and John W Hancock against the said William J Dutt Abraham K Dutt and others therefore in that there is manifest error and they pray that Decree aforesaid for that error and others being in the Record of proceedings aforesaid may be reversed annulled and held entirely for nought and that they the said Cyrus Houston and John W Hancock may be restored to all things which they have lost by occasion of the said Decree and that the said Wm J Dutt Abraham K Dutt and others may return to Chancery aforesaid and so forth. And thereupon it is ordered by the Court of Appeals here that the said William J Dutt Abraham K Dutt and others join in the errors by the said Cyrus Houston and John W Hancock to have assigned in the Record of proceedings aforesaid or Decree by the Court of Appeals here will be rendered against them in default thereof and the said William J Dutt Abraham K Dutt and others by their Attorney 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 may proceed to the examination of the Record of proceedings aforesaid as of the matters aforesaid by the said Cyrus Houston and John W Hancock then for error assigned and that the said Decree may in all things be 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 cases made and provided continued before the Court of Appeals here until the first Monday in June next thereafter is given to the said parties then to hear the Decree of the Court of Appeals and of and upon the said premises and so forth.

At which first Monday in June being the 3 day of the said month in the year of our Lord 1861 came 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 Decree to give and of and upon the premises the cause was regularly continued from Term to Term until the first Monday in June 1863.

And now at this day to wit the said first Monday in June being the first day of the said month in the year of our Lord 1863 came 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 Cyrus Houston and John W Hancock above for error assigned being seen and by the Court of Appeals here fully understood and matured deliberation thereupon had for that it appears to the Court of Appeals here that there is error in the Record of proceedings aforesaid nor in the giving of the Decree, Therefore the Court of Appeals here passed their Decree which is in the words and of the tenor following to Wit.

Cyrus Houston and John W Hancock Appt

vs

William J Dutt and A K Dutt et al

Court of Appeals of Maryland