decree appealed from; 2nd Because the condition of said bond fails to provide for the payment of the debt adjudged to be due by the defendants to Complainant by said decree, And your petitioner is further advised that the securities in said bond are sufficient;

Your petitioner therefore prays that the validity of said Bond and the sufficiency of the sureties thereto may be examined and determined upon by this Honorable Court and that the interest and right to your petitioner may be protected, And as in duty bound

C C Leary Solr for Complt

And afterwards to Wit on the 12th day of January in the year of our Lord 1864 the said defendants by their Solicitor aforesaid filed in said cause the following Order to Wit.

Frazier vs Mathews and Michelis	In the Circuit Court for Baltimore City Mr Adams. Dismiss Appeal heretofore taken in this cause and Enter prayer for new appeal. C. F. Mack Solr for deft.

And thereupon the said defendants by their Solicitor aforesaid filed in said cause the following Appeal Bond to Wit

Know all men by these presents That we Joseph T Matthews Julius Michelis James R Gill and Samuel R King of the City of Baltimore in the State of Maryland are held and firmly bound unto James Frazier of the City and State aforesaid in the sum of Thirty Three hundred dollars to be paid unto the said James Frazier or to his Attorney Executors or administrators to which payment well and truly to be made we bind ourselves and each of us our and each of our Heirs Executors and administrators firmly by these presents, sealed with our seals and dated this 12th day of December A D 1863, Whereas in a cause depending in the Circuit Court for Baltimore City between the said James Frazier Complainant and Joseph T Matthews and Julius Michelis defendants the said Court passed a decree to sell a certain property mentioned in the proceedings in this cause, And whereas the said Joseph T Matthews and Julius Michelis the defendants are about to appeal from the said decree and Order of 18 Mar 1863 causing a fieri facias to issue thereon to the next Court of Appeals, Now the Condition of the above obligation is such that if the above bound Joseph T Matthews and Julius Michelis shall cause a Copy a transcript of the Record and proceedings in said cause to be transmitted to the Court of Appeals within the time required by law and prosecute the same with effect and also indemnify the said James Frazier from and against all loss and injury which he may sustain by reason of such Appeal and the staying of the Operation of said decree and Order, and in case the same shall be affirmed, and shall also pay all costs that shall be awarded by said Court of Appeals, then the Obligation to be void otherwise to remain in full force,

Signed sealed and delivered in the presence of Orlando Adams.	Joseph T Matthews (Seal) Julius Michelis (Seal) James R Gill (Seal) Samuel R King (Seal)

Which said Bond is thus Endorsed to Wit. I declare the within Bond sufficient, Thomas Adams Clk

Bond approved Wm Gr Krebs,

Which appeal being granted, It is thereupon Ordered by the Court here that a transcript of the Record and proceedings in the cause aforesaid with all things thereunto relating be transmitted to the Court of Appeals of the State of Maryland, And the same is thereby transmitted accordingly.

Test Thomas Adams Clk

In Testimony that the aforegoing is a full and true transcript taken from the Record and proceedings of the Circuit Court for Baltimore City in the cause therein mentioned, I hereto set my hand and affix the seal of the Court aforesaid this 21 day of March in the year of our Lord 1864.

(Seal) U.S. 2R88

Thomas Adams Clk
Cir Court for Baltimore City.

And now at come into the Court of Appeals here as well the said Joseph T Matthews and Julius Michelis by Thomas S Alexander and C F Mack Esquires their Attorneys as the said James Frazier by C C Leary Esquire his Attorney and thereupon on Motion of the said James Frazier by his Attorney aforesaid, it is ruled by the Court here that the said Jos T Matthews and Julius Michelis assign the errors in the Record and proceedings aforesaid or in the giving the decree aforesaid, so as aforesaid brought before the Court of Appeals here, for Correcting the errors supposed to be therein to be Decreed by the Court of Appeals here will be entered against them in default thereof, and the said Joseph T Matthews and Julius Michelis by their Attorneys aforesaid say that in the Record of proceedings aforesaid and also in the giving of decree aforesaid, there is manifest error in this that by the Record aforesaid it appears that the decree aforesaid in the form aforesaid was given for the said James Frazier against the said Joseph T Matthews and Julius Michelis, when by the law of the land the decree ought to have been given for the said Joseph T Matthews and Julius Michelis against the said James Frazier therefore in that there is manifest error and they pray that the 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 J T Matthews and Julius Michelis may be restored to all things which they have lost by occasion of the said decree and that the said James Frazier may respond to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here that the said James Frazier join in the errors by the said J T Matthews and J Michelis above assigned in the Record of proceedings aforesaid or decree by the Court of Appeals here will be rendered against him in default thereof, and the said James Frazier by his Attorney aforesaid says, there is no error in the Record of proceedings, nor in the giving of the judgment 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 J T Matthews and J Michelis above 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 case made and provided continued for the said Court of Appeals here until the fourth of January next Ordered day is given to the said parties there then to hear the decree of the Court of Appeals here of and upon the said premises, and so forth,

And which said fourth Tuesday in January being the 24th day of the said month in the year of our Lord 1865 come again into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid, And because the Court of Appeals here are not yet advised what decree to give of and upon the premises, therefore the cause is regularly