whether there are to enable the Court & correctly to ascertain and specify the whole amount of the rents and profits for which the said Complainant ought to be entitled it is Ordered that the case be referred to the Auditor with directions to state and account thereof from the proceedings and proofs now in the case and such other proofs as may be laid before them And the parties are hereby required to take testimony in relation to the said account of rents and profits and to have such accounts stated as they suggest. Wm Alexander

And thereupon afterwards to Wit on the 5th day of January in the year of our Lord 1865 the defendants aforesaid by their Solicitors aforesaid filed in said cause the following Appeal to Wit.

David W Naill and others vs Rachel Maurer 4th January 1865

Circuit Court for Baltimore City

Wm Evans. Please enter an appeal on the part of the defendants from the Chancellors decree and decree bearing date 3 Dec 1864.

J J Wallis
Edwd Israel Solrs for Defendants

And thereupon afterwards to Wit on the 30 day of January in the year last aforesaid the defendants aforesaid by their Solicitors aforesaid filed in said cause the following appeal and to Wit

Rachel Maurer vs David W Naill & others

In the Circuit Court for Baltimore City

State of Maryland City of Baltimore to Wit Be it remembered and it is hereby certified that on this 13th day of January 1865 before me the Subscriber a Justice of the Peace of the State of Maryland in and for the City of Baltimore personally appeared David W Naill and made oath on the Holy Evangely of Almighty God that the Appeal taken in the above entitled cause by the said David W Naill is not taken for delay. Jos H Blake J P [Seal] [Stamp]

And thereupon to Wit on the same day and year aforesaid the defendant aforesaid by his Solicitor aforesaid filed in said cause the following Appeal Bond to Wit.

[Stamp] Know all men by these presents that we David W Naill of Frederick County and John Brannan and Jonathan Norris of the City of Baltimore are held and firmly bound unto Rachel Maurer and to her Certain Attorney executors administrators and assigns in the just and full sum of Six Thousand dollars to which payment well and truely to be made we bind ourselves and each of us our and each of our Heirs Executors and administrators jointly and severally firmly by these presents sealed with our seals this 30 day of January in the year of our Lord 1865 Whereas by a decree of the Circuit Court of Baltimore City passed in a cause therein depending between the said Rachel Maurer Complainant and the said David W Naill and others defendants it was on the 3 day of December in the year of our Lord 1864 by the said Court adjudged ordered and decreed that the Complainant is entitled to dower in all the Lands and Tenements whereof Paul Maurer was at any time seized during Coverture with the said Rachel Maurer. Now the Condition of the above obligation is such that if the above bounden David W Naill shall not cause a transcript of the Record and proceedings of the said decree to be transmitted to the Court of Appeals within the time

required by Law and prosecute the said Appeal with effect and also satisfy and pay unto the said Rachel Maurer her Executors administrators or assigns in case the said decree shall be affirmed all costs and damages that shall be awarded by the said Court of Appeals then this Bond to be and remain in full force and virtue otherwise to be of no effect

Signed sealed and delivered in the presence of
H C B Norris

D W Naill [Seal]
John Brannan [Seal]
Jon.a Norris [Seal]

Which said Bond is also Endorsed to Wit

I believe the within Bond sufficient
Bond approved

Saml W Evans Clerk
Wm Alexander

Which appeal being by the Court here 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 hereby transmitted accordingly.

Test Samuel W Evans Clerk

In testimony that the aforegoing is a full and true transcript taken from the Record of proceedings of the Circuit Court of Baltimore City I hereto set my hand as Clerk and affix the seal of the Court aforesaid this 30th day of March in the year of our Lord 1865

[Seal] [Stamp]

Samuel W Evans Clerk of the Circuit Court for Baltimore City.

And now came into the Court of Appeals here as well the said David W Naill et al by J J Wallis and Edward Israel Esquires their Attorneys as the said Rachel Maurer by H Williams Esquire his Attorney and thereupon on motion of the said Rachel Maurer by her Attorney aforesaid it is ruled by the Court here that the said D W Naill and Wife et al assign the errors in the Record of proceedings aforesaid, or in the giving the decree aforesaid, so as aforesaid brought before the Court of Appeals here for reversing the errors supposed to be therein or decree by the Court of Appeals here may be entered against them in default thereof and the said D W Naill et al 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 to Wit that by the Record aforesaid it appears that the decree aforesaid in the plea aforesaid given was given for the said Rachel Maurer against the said D W Naill et al when by the Law of the Land that decree ought to have been given for the said D W Naill et al against the said Rachel Maurer 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 as void and that they the said D W Naill et al may be restored to all things which they have lost by occasion of the said decree and that the said Rachel Maurer may reform to the Errors aforesaid And so forth And thereupon it is ruled by the Court of Appeals here that the said Rachel Maurer join in the errors by the said D W Naill et al above assigned in the Record of proceedings aforesaid or decree by the Court of Appeals here will be rendered against her in default thereof and the said Rachel Maurer by her Attorney aforesaid says there is no error in the Record of proceedings aforesaid nor in the giving of the decree aforesaid and she prays that the Court of Appeals here will proceed to the examination of