

and authority to make, execute, acknowledge, and deliver according to law a deed of conveyance as hereinafter described, in the name and behalf of the said plaintiff *Colegate D. Owings*, unto the said *Charlotte C. D. Owings*.

And it is further decreed, that the said plaintiff *Colegate D. Owings* forthwith execute, acknowledge, and deliver, according to law, by her said guardian *William Gwynn*, unto the said defendant *Charlotte C. D. Owings* a good and sufficient deed, thereby conveying all the real estate of the said plaintiff *Colegate D. Owings* in the proceedings mentioned, called "*John & Thomas' Forest*," unto the said defendant *Charlotte C. D. Owings*, her heirs and assigns for ever; and also by the same deed conveying, transferring, and making over unto the said defendant *Charlotte C. D. Owings*, her executors, administrators and assigns, all the personal property of the said plaintiff *Colegate D. Owings*, which shall be and remain at the time of her death. And in the said deed of conveyance it shall be expressly stipulated and declared, that the same shall in no respect take effect or have any force or operation whatever during the lifetime of the said plaintiff *Colegate D. Owings*; but the same shall take effect and be in full force and operation upon and immediately after the death of the said plaintiff *Colegate D. Owings*. And it shall be further expressly stipulated and declared in the said deed of conveyance, that if the said defendant *Charlotte C. D. Owings* shall die without leaving any lawful issue, in the lifetime, and before the death of the said plaintiff *Colegate D. Owings*, then and in that case the said deed of conveyance and every part thereof shall be utterly null and void to all intents and purposes whatever.

And it is further decreed, that the said defendant *Charlotte C. D. Owings* pay unto the said plaintiff *Colegate D. Owings* her full costs expended in this suit, to be taxed by the register.

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Soon after the passing of this decree the plaintiff died, and yet an appeal was prayed in her behalf, and the case taken to the Court of Appeals. After which, by a petition signed by one of her solicitors the court was asked to pass an order directing the defendant to pay the costs as taxed by the register.

8th November, 1828.—BLAND, Chancellor.—It may not be amiss here to observe, by the way, that in England an appeal from a decree in chancery may be had at any time within five years, with