

Whereupon the parties aforesaid, by their attorneys aforesaid, filed in court here the following agreement, to wit:

BARRON, survivor of Craig, } Action on the case in
vs. } Baltimore County
THE MAYOR AND CITY COUNCIL OF BALTIMORE. } Court.

It is agreed that the acts of Assembly and ordinances of the mayor and city council of Baltimore, given in evidence at the trial of this cause, shall not be inserted at length in the bill of exceptions, but that the same may be read from the printed copies thereof in the court of appeals. It is also agreed that the plats in this cause, the several maps of the city atlas, which have been given in evidence to the jury, and Poppleton's map of the city of Baltimore, form a part of the evidence, and that the same shall be produced on the trial of this cause in the court of appeals.

HUGH D. EVANS,
U. S. HEATH, for pl'ff.
JOHN SCOTT, attorney for def'ts.

And thereupon the said mayor and city council of Baltimore, by their attorneys aforesaid, pray an appeal from the judgment aforesaid, so as aforesaid rendered to the court of appeals for the western shore of the State of Maryland, and to them it is granted. It is therefore ordered by the court here, that a transcript of the record and proceedings in the plea aforesaid, with all things thereunto relating, be transmitted to the said court of appeals, and the same is transmitted accordingly.

Test: WM. GIBSON, Clerk.

In testimony that the foregoing is truly taken from the record of proceedings of Baltimore county court, I have hereto subscribed my name, and affixed the seal of the said court, this thirty-first day of July, in the year of our Lord one thousand eight hundred and twenty-eight.

WM. GIBSON, [L. s.]
Clerk of Baltimore county court.

And now come into the court of appeals here, as well the said mayor and city council of Baltimore, by John Scott, their attorney, as the said John Barron, survivor as aforesaid, by Charles F. Mayer, his attorney; and thereupon, on motion of the said John Barron, survivor as aforesaid, by his attorney aforesaid, it is ruled by the court here that the said mayor and city council aforesaid assign the errors in the record of proceedings aforesaid, or in the giving the judgment aforesaid, so as aforesaid brought before the court of appeals 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 mayor and city council aforesaid, by their attorney aforesaid, say, that in the record of proceedings aforesaid, and also in the giving of judgment aforesaid, there is manifest error in this, to wit, that by the record aforesaid it appears that the judgment aforesaid, in the plea aforesaid given, was given for the said John Barron, survivor as aforesaid, against the said mayor and city council of Baltimore, when, by the law of the land, that judgment ought to have been given for the said mayor and city council aforesaid against the said John Barron, survivor as aforesaid, therefore in that there is manifest error; and they pray that the judgment 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 mayor and city council aforesaid, may be restored to all things which they have lost by occasion of the said judgment, and that the said John Barron, survivor as aforesaid, may rejoin to the errors aforesaid, and so forth. And thereupon it is ruled by the court of appeals here, that the said John Barron, survivor as aforesaid, join in the errors by the said mayor and city council aforesaid above assigned in the records of proceedings aforesaid, or judgment by the court of appeals here will be rendered against him in default thereof: and the said John Barron, survivor as aforesaid, by his attorney aforesaid, says, there is no error in the record of proceedings aforesaid, 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 mayor and city council aforesaid above for error assigned, and that the said judgment 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 eighth day of the said month, in the year of our Lord one thousand eight hundred and twenty-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, and so forth.

At which said first Monday in December, being the seventh day of the said month, in the year of our Lord one thousand eight hundred and twenty-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, before the court of appeals here, until the second Monday in June 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, and so forth.

At which said second Monday in June, being the fourteenth day of the said month, in the year of our Lord one thousand eight hundred and thirty, 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, before the court of appeals here, until 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, and so forth.

And now, at this day, to wit, the said first Monday in December, being the sixth day of the said month, in the year of our Lord one thousand eight