proceedings of the Judgment aforesaid untie the third Monday of December next and to him it is granted the same day is given to the said Timothy Seekright Lessee as aforesaid also.

At which said third Monday of December being the fifteenth day of the said Month in the year of our Lord one thousand eight hundred and six, which said day was given to the said David Elphin=stone for the assignment of error of and upon the record and proceedings of the Judgment aforesaid come again into the Court of Appeals here as well the said David Elphinstone by his Attorney aforesaid as the said Timothy Seekright Lessee as aforesaid by his Attornies aforesaid; And the said David Elphinstone by his Atty. aforesaid saith, that in the Record and 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 Timothy Seekright Lessee as aforesaid, against the said David Elphinstone when by the Law of the Land that Judgment ought to have been given for the said David Elphinstone against the said Timothy Seekright Lessee as aforesaid, there=fore in that there is manifest error and he prays that the Judgment aforesaid for that error and other being in the Record and proceedings aforesaid may be reversed annulled and held entirely as void, and that he the said David Elphinstone may be restored to all that he has lost by occa=sion of the said Judgment and that the said Timothy Seekright Lessee as aforesaid may rejoin to the errors aforesaid &c. And the said Timothy Seekright Lessee as aforesaid by his Attornies aforesaid says there is no error in the Record and proceedings aforesaid or in the rendition of the Judgment aforesaid and prays likewise that the Court

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here may proceed to the examination as well of the Record and proceedings aforesaid as of the matters aforesaid by the said David Elphinstow above for error assigned, and that the said Judgment may be in all things affirmed &c. But because the Court here are not advised to give their Judgment of and upon the premises, day therefore is given to the parties aforesaid, before the Court here untie the third Monday of June next to hear their Judgment of and upon the premises because the Court now here thereof are not yet advised &c.

And now here at this day, to wit, the third Monday of June being the fifteenth day of the said Month in the year of our Lord one thousand eight hundred and seven; come again into the Court of Appeals here as well the said David Elphinstone by his Atty aforesaid as the said Timothy Seekright Lessee as aforesaid by his Attornies aforesaid. Whereupon as well the Record and proceedings aforesaid, and the Judgment given in form aforesaid as the matters aforesaid by the said David Elphinstone above for errors assigned being seen and fully understood and mature deliberation thereupon had for that it appears to the Court here that there is no error either in the Record and proceedings aforesaid or in the giving Judgment aforesaid; Therefore it is considered by the Court here that the Judgment aforesaid given in form aforesaid be in all things affirmed and stand in full force and effect the said causes for error above assigned and alledged in any wise notwith=standing; And it is further considered by the Court here that the said Timothy Seekright Lessee as afore=said have his possion of his term aforesaid, yet to come and unexpired of and into all that piece or parcel of ground aforesaid, And also execution against the said David Elphinstone as well for the Damages Costs and charges aforesaid as adjudged unto him in the said General Court as also the

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