taken from the record of procedings of Baltimore County Court
I have hereto set my hand and affixed the seal
of my office this twenty third day of September in
the year of our Lord one thousand eight hundred
and twenty two

Seal

Wm Gibson Clk of Balt Cty Ct

And now come into the Court of Appeals here as well the said Henry C Berghaus by Upton S Heath his attorney as the said Peter M Mortz by Thomas L Emory his attorney and thereupon on motion of the said Peter M Mortz by his attorney aforesaid it is ruled by the Court here that the said Henry C Berghaus assign the errors in the record of procedings 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 him in default thereof. And the said Henry C Berghaus by his attorney says that in the record of procedings 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 Peter M Mortz against the said Henry C Berghaus when by the law of the land that judgment ought to have been given for the said Henry C Berghaus against the said Peter M Mortz therefore in that there is manifest error and he prays that the judgment aforesaid for that error and others being in the record of procedings aforesaid may be reversed annulled and held entirely as void and that he the said Henry C Berghaus may be restored to all things which he hath lost by occasion of the said judgment and that the said Peter M Mortz may rejoin to the errors aforesaid and so forth. And thereupon it is ruled by the court of appeals here that the said Peter M Mortz join in the errors by the said Henry C Berghaus above assigned in the record of procedings aforesaid or judgment by the Court of Appeals here will be rendered against him in default thereof, and the said Peter M Mortz by his attorney aforesaid says there is no error in the record of procedings 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 procedings aforesaid as of the matters aforesaid by the said Henry C Berghaus 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.

And now at this day to wit the said second monday in June being the ninth day of the said month in the year of our Lord one thousand eight hundred and twenty three come again into the Court of appeals here the parties aforesaid by their attorneys aforesaid and the said Peter M Mortz by his attorney aforesaid offers himself against the said Henry C Berghaus of and upon the premises and prays that the Court of appeals here will proceed to the examination as well of the record of procedings aforesaid as of the matters above for error assigned and that the said judgment may be in all things affirmed and so forth and forasmuch as the said Henry C Berghaus doth not allege to the Court of appeals here any matter or thing for the reversal of the judgment aforesaid nor insist upon the matters aforesaid by him above for error assigned Therefore it is considered by the Court of appeals here that the judgment aforesaid in form aforesaid given be in all things affirmed and stand in full force and effect the said causes above for error assigned in anywise notwithstanding and it is further considered by the Court of appeals here that the said Peter M Mortz have execution against the said Henry C Berghaus as well for the debt damages cost and charges aforesaid so as aforesaid adjudged unto him in the said County Court of Baltimore as also for the sum of ten dollars and twelve cents adjudged unto him by the Court of appeals here on his arrest for his cost and charges which he hath sustained by occasion of the delay of the