December Term 1831.

by his attorneys aforesaid, says, 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 Deakins against the said Timothy Goodtitle Lessee as aforesaid, when by the law of the land that judgment ought to have been given for the said Timothy Goodtitle Lessee as aforesaid against the said John Deakins, therefore in that there is manifest error; and he prays 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 he the said Timothy Goodtitle Lessee as aforesaid, may be restored to all things which he hath lost by occasion of the said judgment, and that the said John Deakins may rejoin to the errors aforesaid, and so forth: And thereupon it is ruled by the Court of Appeals here that the said John Deakins join in the error by the said Timothy Goodtitle Lessee as aforesaid above assigned in the record of proceedings aforesaid, or judgment by the Court of Appeals here will be rendered against him in default thereof. And the said John Deakins by his attorney aforesaid, prays that a day may be given to him to join in the error by the said Timothy Goodtitle Lessee as aforesaid above assigned in the record of proceedings aforesaid, until the first Monday in December next; and to him it is granted; the same day is also given to the said Timothy Goodtitle Lessee as aforesaid &c.

At which said first Monday in December being the sixth day of the said month, in the year of our Lord one thousand eight hundred and thirty which said day was given to the said John Deakins to join in the errors by the said Timothy Goodtitle Lessee as aforesaid above assigned come again into the Court of Appeals here, the parties aforesaid, by their attornies aforesaid; and the said John Deakins 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 Timothy Goodtitle Lessee as 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 thirteenth day

December Term 1831.

of the said month, in the year of our Lord one thousand eight hundred and thirty one came again into the Court of Appeals here, the parties aforesaid by their attornies 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 attornies 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.

And now at this day to wit the said first Monday in December being the fifth day of the said month, in the year of our Lord one thousand eight hundred and thirty one, come again into the Court of appeals here the parties aforesaid, by their attornies aforesaid. Whereupon as well the record and proceedings aforesaid, and the judgment given in form aforesaid as the matters aforesaid, by the said Timothy Goodtitle Lessee as aforesaid above for error assigned, being seen, and by the Court of Appeals here fully understood and mature deliberation thereupon had; for that it appears to the Court of Appeals here that there is no error in the record of proceedings aforesaid, nor in the giving of the judgment aforesaid. Therefore it is considered by the Court of Appeals 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 alleged in any wise notwithstanding: and it is further considered by the Court of Appeals here, that the said John Deakins have execution against the said Timothy Goodtitle Lessee as aforesaid as well for the costs and charges aforesaid adjudged unto him in the said county Court of Charles, as also the sum of eighty dollars and eighty seven cents adjudged unto the said John Deakins by the Court of Appeals here on his account for his costs and charges which he hath sustained by occasion of the delay of the judgment aforesaid by prefect of the prosecution of the said appeal by the said Timothy Goodtitle Lessee as aforesaid, for the correcting of errors of and upon the premises as aforesaid prosecuted and so forth.

Memorandum. At the argument and trial of this cause the Honorable John Stephen withdrew from the bench &c.

Test John Johnson Clk.

Edward Simms vs John Barnes

Be it remembered, that now here on the 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 the chief Judge and Associate Judges of the first Judicial District of Maryland, in pursuance of the directions of the act of assembly in such case made and provided, transmit to the