thereupon prays an appeal from the Judgment aforesaid so as aforesaid rendered to the High Court of Appeals of the State of Maryland, and the same is granted him

Test Aquila Beall Clerk.

Whereupon it is adjudged by the Court here that the record and proceedings in the plea aforesaid with all things thereunto relating be and the same is hereby transmitted to the High Court of Appeals of the State of Maryland to be held for the Western Shore at the City of Annapolis Test Aquila Beall Clk of P.G. Co. to wit.

State of Maryland, Prince Georges County Sc.

I hereby certify that the within and aforegoing is truly taken and copied from the record and proceedings of Prince Georges County Court.

In Testimony whereof I have hereunto subscribed my name and affixed the seal of Prince Georges County Court this 17th day of May Anno Dominii 1833.

(Seal)

Aquila Beall Clk of
Prince Georges County Court.

And now come into the Court of Appeals here, as well the said Nathan I Waters by Thomas S Alexander and Nicholas Stonestreet his attornies, as the said Charles Duvall by Alexander C Magruder and Reverdy Johnson his attornies: and thereupon on motion of the said Charles Duvall by his attornies aforesaid it is ruled by the Court here, that the said Nathan I Waters 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 him in default thereof. And the said Nathan I Waters by his attornys aforesaid says, that in the record of proceedings aforesaid, and also in the giving of judgment aforesaid, there is manifest error in this Court, that by the record aforesaid it appears that the judgment aforesaid in the plea aforesaid given was given for the said Charles Duvall against the said Nathan I Waters whereby the Law of the Land that judgment ought to have been given for the said Nathan I Waters against the said Charles Duvall, 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 Nathan I Waters may be restored to all things which he hath lost by occasion of the said judgment, and that the said Charles Duvall may rejoin to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here that the said Charles Duvall join in the errors by the said Nathan I Waters 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 Charles Duvall by his attornies aforesaid, prays that a day may be given to him to join in the errors by the said Nathan I Waters 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 Nathan I Waters.

At which said first Monday in December being the second day of the said month, in the year of our Lord one thousand eight hundred and thirty three which said day was given to the said Charles Duvall to join in the errors by the said Nathan I Waters above assigned, come again into the Court of Appeals here, the parties aforesaid by their attornies aforesaid and the said Charles Duvall by his attorneys 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 Nathan I Waters 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 second Monday in June being the ninth day of the said month, in the year of our Lord one thousand eight hundred and thirty four, come again into the Court of Appeals here the parties aforesaid by their attornies aforesaid. Whereupon as well the records and proceedings aforesaid and the judgment given in form aforesaid, as the matters aforesaid, by the said Nathan I Waters 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 error in the record of proceedings aforesaid, and in the giving of the judgment aforesaid, therefore it is considered by the Court of Appeals here, that for sundry errors in the record of proceedings aforesaid, and also in the rendition of the judgment aforesaid found, that the same be reversed, annulled and held entirely as void, and that the said Nathan I Waters be restored to all things which he had lost by occasion of the judgment aforesaid. It was also considered by the said Court of Appeals that the said Nathan I Waters recover against the said Charles Duvall the sum of
adjudged unto him upon the reversal of the said judgment for his costs and charges by him put to about his prosecution of the said appeal, and upon the premises as aforesaid prosecuted and so forth.

Memorandum. At the trial of this cause the Honorable John Stephen Judge, with drew from the Bench &c.

Test John Johnson Clk.

Exd