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given for the said John Mac Tavish and Richard S. Stewart Trustees as aforesaid against the said Daniel T. Hyde, when by the law of the land, that judgment ought to have been given for the said Daniel T. Hyde against the said John Mac Tavish and Richard S. Stewart Trustees as aforesaid 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 Daniel T. Hyde may be restored to all things which he hath lost by occasion of the said judgment and that the said John Mac Tavish and Richard S. Stewart Trustees 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 Mac Tavish and Richard S. Stewart Trustees as aforesaid join in the errors by the said Daniel T. Hyde above assigned in the record of proceedings aforesaid or judgment by the Court of Appeals here, will be rendered against them in default thereof: And the said John Mac Tavish and Richard S. Stewart trustees as aforesaid by their attorneys aforesaid pray that a day may be given to them to join in the error by the said Daniel T. Hyde above assigned in the record of proceedings aforesaid, until the second Monday in June next, and to them it is granted; the same day is also given to the said Daniel T. Hyde at which said second Monday in June being the thirteenth day of the said month, in the year of our Lord one thousand eight hundred and forty two which said day was given to the said John Mac Tavish and Richard S. Stewart Trustees as aforesaid to join in the errors by the said Daniel T. Hyde above assigned come again into the Court of Appeals here, the parties aforesaid by their attorneys aforesaid; and the said John Mac Tavish and Richard S. Stewart Trustees as aforesaid by their attorneys aforesaid say, there is no error in the record of proceedings aforesaid, nor in the giving of the judgment aforesaid and they pray 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 Daniel T. Hyde 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 first Monday in December 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 first Monday in December being the fifth day of the said month, in the year of our Lord one thousand eight hundred and forty two come again into the Court of Appeals here, the parties aforesaid, by their attorneys aforesaid; Whereupon as well the record and proceedings aforesaid, and the judgment given in form aforesaid, as the matters aforesaid by the said Daniel T. Hyde 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 also in the giving of the judgment aforesaid: Therefore it is considered by the Court of Appeals here, that the judgment aforesaid for those errors, and others in the record and proceedings aforesaid, be reversed annulled, and held entirely as void, and that the said Daniel T. Hyde, be restored to all things which by reason of the judgment aforesaid he hath lost; and that he the said Daniel T. Hyde, go hence without day &c. It is also considered by the Court here, that the said Daniel T. Hyde recover against the said John Mac Tavish and Richard S. Stewart Trustees as aforesaid the sum of one hundred and thirty eight dollars and fifty cents adjudged unto the said Daniel T. Hyde for his costs and charges by him sustained about the prosecution of his said appeal of and upon the premises as aforesaid prosecuted, and that

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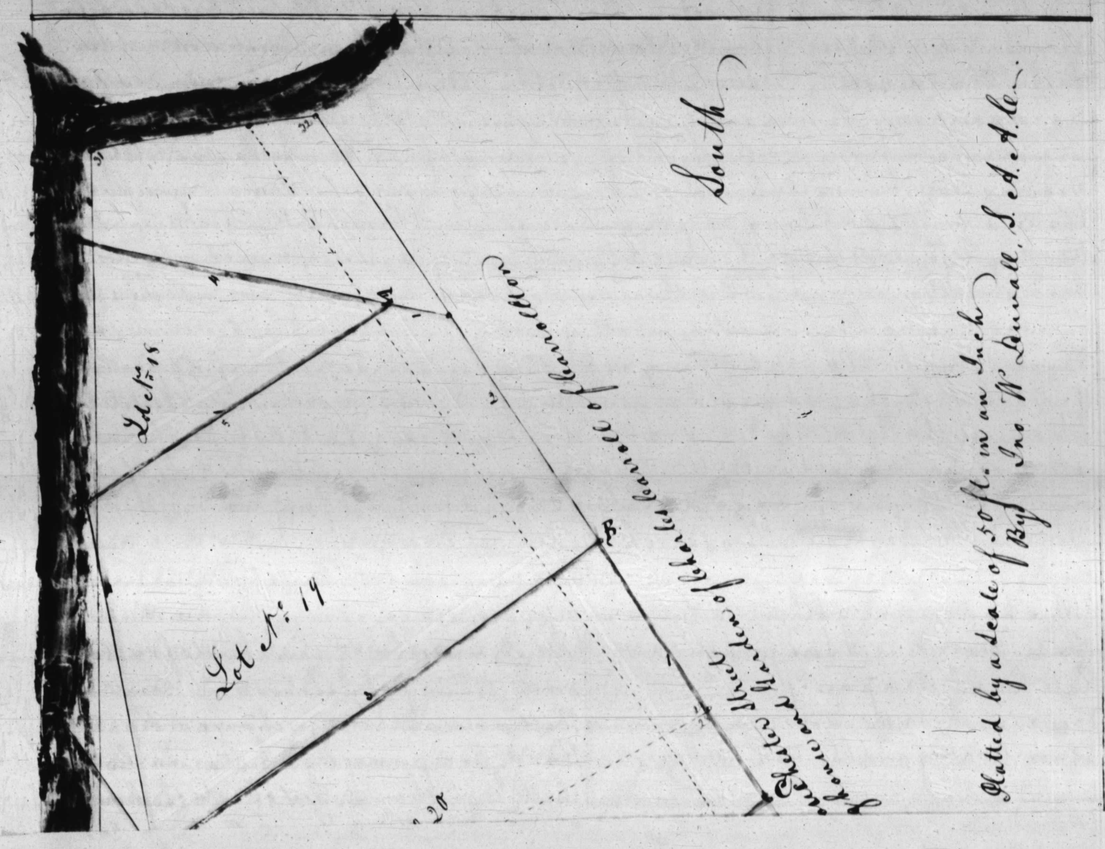
the said Daniel T. Hyde, have thereof execution, &c.

Test, Richard W. Gill, Clerk