cause the following agreements, to wit.

Smith and others. vs. Erb and others.	In Baltimore County Court - Mandamus - It is agreed that all exceptions to the Judgment in this case, for want of any determination of action upon the verdict on the Traverse found for the Relators be and the same are hereby waived, and that all error in ~~in~~ that respect be released. Charles F. Mayer, for the Relators. J. V. L. McMahon & J. Meredith, for Resp.s
Smith and others. vs. Erb and others.	In Baltimore County Court - Mandamus - As to any papers referred to as Exhibits with the answer in this case, and not actually filed, it is agreed that on the hearing of the appeal certified copies may be read, taken from the Record in the case in Equity in Baltimore County Court of Allegle and others vs. Erb and others. Charles F. Mayer, for Relators. J. V. L. McMahon, for Respondents.

Whereupon on the same first day of December, in the year last aforesaid, the said Relators by their said Attorneys filed in said cause, the following prayer for an appeal, to wit.

Jacob Smith and others. vs. Jacob Erb, and others.	In Baltimore County Court - Mandamus - The Relators the said Smith and others pray an appeal in this cause from the Judgment of the Court rendered in the case. Charles F. Mayer, for the Relators.

Which being granted. It is thereupon ordered by the Court here, that a transcript of the Record and proceedings in the plea aforesaid, with all things thereto relating be transmitted to the Court of Appeals for the Western Shore of the State of Maryland, and the same is hereby transmitted accordingly.

In Testimony that the aforegoing is a full and true Transcript, taken from the Record of proceedings of Baltimore County Court - I have hereunto set my hand, and the seal of said Court affixed, this twenty eighth day of November Anno Domini eighteen hundred and forty six. A. W. Bradford, Clk. Balt. Coty. Court.

(Seal)

And now come into the Court of Appeals here, as well the said Jacob Smith and others by Charles F. Mayer Reverdy Johnson and William Schley their attorneys, as the said Jacob Erb, and others by Jonathan Meredith, George R. Richardson, and John V. L. McMahon, their attorneys; and thereupon, on motion of the said Jacob Erb, and others by their attorneys aforesaid, it is ruled by the Court here, that the said Jacob Erb and others 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 them in default thereof. And the said Jacob Smith and others by their attorneys aforesaid, say 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 Jacob Erb, and others against the said Jacob Smith and others, when, by the law

of the land, that judgment ought to have been given for the said Jacob Smith and others against the said Jacob Erb, and others therefore in that there is manifest error, and they pray 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 they the said Jacob Smith and others may be restored to all things which they have lost by occasion of the said judgment, and that the said Jacob Erb, and others may rejoin to the errors aforesaid, and so forth. And thereupon, it is ruled by the Court of Appeals here, that the said Jacob Erb, and others join in the errors by the said Jacob Smith and others 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 Jacob Erb, and others 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 Jacob Smith and others above for error assigned, and that the said judgment may be in all things affirmed, and so forth.

And now at this day, to wit the day and year first above mentioned the parties aforesaid, by their attorneys aforesaid being present in Court here. Whereupon as well the record and proceedings aforesaid, and the judgment given in form aforesaid, as the matters aforesaid, by the said Jacob Smith and others 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 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 anywise notwithstanding: And it is further considered by the Court of Appeals here, that the said Jacob Erb, and others have execution against the said Jacob Smith and others as well for the costs and charges aforesaid adjudged unto them in the said County Court of Baltimore County as also the sum of one hundred and forty dollars and twenty two cents adjudged unto the said Jacob Erb and others by the Court of Appeals here, on their assent for their costs and charges which they had sustained by occasion of the delay of the execution of the judgment aforesaid by pretext of the prosecution of the said appeal by the said Jacob Smith and others for the correcting of errors of and upon the premises as aforesaid prosecuted &c.

Exd.

Test, Richard W. Gill, Clerk.

Alexander McKee, John W. Harvey and Michael B. Carroll. vs. C. C. Magruder, and Thomas G. Pratt.	Be it remembered, That now here on the Second Monday in June being the fourteenth day of the said month in the year of our Lord one thousand eight hundred

and forty one the Chief Judge and associate Judges of the first Judicial