Henry Ruckle by his attorney aforesaid, it is ruled by the Court here, that the said John Doe Lessee as aforesaid 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 John Doe Lessee as aforesaid 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 Henry Ruckle against the said John Doe Lessee as aforesaid when by the law of the land, that judgment ought to have been given for the said John Doe Lessee as aforesaid against the said Henry Ruckle 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 John Doe Lessee as aforesaid may be restored to all things which he hath lost by occasion of the said judgment, and that the said Henry Ruckle, may rejoin to the errors aforesaid, and so forth. and thereupon, it is ruled by the Court of Appeals here, that the said Henry Ruckle, join in the errors by the said John Doe, 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 Henry Ruckle by his attorney aforesaid, prays that a day may be given to him to join in the errors by the said John Doe, 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 John Doe, Lessee as aforesaid.—

At which said first Monday in December being the third day of the said month, in the year of our Lord one thousand eight hundred and forty nine which said day was given to the said Henry Ruckle to join in the errors by the said John Doe Lessee as aforesaid above assigned, come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid; and the said Henry Ruckle 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 John Doe 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 Tenth day of the said month, in the year of our Lord one thousand eight hundred and fifty come again into the Court of Appeals here. the parties aforesaid by their attorneys 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 attorneys 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, &c.

And now at this day, to wit, the said first Monday in December being the second day of the said month, in the year of our Lord one thousand eight hundred and fifty come again into the Court of Appeals here, the parties aforesaid, by their attorneys aforesaid.— and at the same time the parties aforesaid by their attornies aforesaid file in Court here, an agreement which is in the words and figures to wit:

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The four lots named in the patent and for which defence was taken known as the Lerose all Lots No. 2363, 2364, 2365, and 2366, were abandoned at the trial by both parties The heirs of Lerose all having sued for and recovered them and they form no part of this controversy. The Court of Appeals will consider them as stricken from the record.—

Jan. 9th 1851.— Thomas J. McKaig, Atty. for Appellee.—
Thomas Perry, Atty. for Appellant.—

Whereupon as well the record and proceedings aforesaid, and the judgment given in form aforesaid, as the matters aforesaid, by the said John Doe 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 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 revoked annulled and held entirely as void, and that the said John Doe Lessee as aforesaid, be restored to all things which by reason of the judgment aforesaid he hath lost; therefore the Court here, according to the directions of the act of Assembly in such case made and provided order and direct a remission of the record and proceedings aforesaid, to the Clerk of said County Court of Allegany County, with the writ of the State of Maryland of procedendo to the said County Court, directing them to proceed in the action aforesaid, and to a new trial thereof in the same manner as if no trial had taken place, or any appeal had been prosecuted; it is also considered by the Court here, that the said John Doe Lessee as aforesaid, recover against the said Henry Ruckle the sum of sixty six dollars and seventeen cents by the Court here adjudged unto the said John Doe, Lessee as aforesaid, on his assent, for his costs and charges by him laid out and expended about his prosecution of the appeal aforesaid, and that the said John Doe, Lessee as aforesaid, and have thereof execution &c. the record and proceedings aforesaid with the said writ of procedendo, are therefore remitted to the