a either of them and at the time of the making thereof the said plaintiff had any Lawful right or title of entry into said Land and premises, and of the Court shall be of opinion that said Lessee had lawful right or title of entry into said Land and premises as aforesaid the judgment is to be entered for the plaintiff in the usual form for the residue of his Lease and costs otherwise judgment to be entered for the defendant and it is further agreed that the rights of appeal is reserved to each party from the judgment to be rendered.

Nath H Shekell Sol Pltff
Randall & Hagner for Defts

Thereupon further process of an view the premises aforesaid between the parties aforesaid by consent of the said parties and their attorneys aforesaid and by order of the Court here continues further continued unto the 4th Monday of October next.

And now here at this day to wit the 4th Monday of October being the 27 day of the same month in the year of our Lord 1856 comes again into the County Court here as well the said John Denn Lessee as aforesaid by W Alexander and Jno K H Shekell his attorneys as the said James Phelps by Alexander Randall and A B C Hagner Esq his attorneys.

Thereupon all and singular the premises being seen heard and by the Court here fully understood and matters deliberated thereupon had upon the agreement and submission to the Court aforesaid for that it appears to the Court here that the said James Phelps is not guilty of the trespass and ejectment aforesaid as the aforesaid John Denn Lessee hath above complained. Therefore it is considered by the Court here that the said John Denn Lessee as aforesaid take nothing by his declaration aforesaid but for his false complaint against the said James Phelps be and merey and so forth. And that the said James Phelps go thereof without day and so forth. And it is further considered by the Court here that the said James Phelps recover against the said John Denn Lessee as aforesaid the sum of Ten dollars and merey Eight cents costs and charges by him laid out and expended in and about his defence in this behalf sustained to the said to the said James Phelps by the said Court here adjudged to and that the said James Phelps may have Execution therefor &c

And afterwards to wit on the 10 day of February in the year of our Lord 1857 John Denn Lessee aforesaid by his attorneys aforesaid prays an appeal from the judgment aforesaid so as aforesaid rendered to the Court of Appeals of Maryland to be held at the City of Annapolis on the fourth Monday of June next. Upon which allowed by the said Court that the record and proceedings aforesaid with the files aforesaid with all things thereunto relating be transmitted to the Court of appeals and the same is transmitted to the said Court accordingly.

Test A V C Green Clerk

Maryland Sct

I hereby certify that the foregoing transcript is truely taken from

the Record of proceedings of Anne Arundel County Court and the Orphans Court for Anne Arundel County the Records of the former being in my keeping.

In testimony whereof I have set my name and affix the seal of the Orphans Court for Anne Arundel County this 7th day of May in the year of our Lord 1859.

(Seal) A H Green Clk

And now come into Court of Appeals here as well the said John Denn Lessee of Ebenezer T Phelps and John Stewart by Jno K H Shekell their Attorney as the said James Phelps by Alexander Randall and Alexander B C Hagner Esquires his attorneys and thereupon on motion of the said James Phelps by his attorneys aforesaid it is ordered by the Court here that the said John Denn Lessee of Ebenezer T Phelps and John Stewart assign the errors in the Record of proceedings aforesaid, or in the giving the Judgment aforesaid, for which the said Court of Appeals here will be entered against them in default thereof and the said John Denn Lessee of Ebenezer Phelps and John Stewart 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 James Phelps against the said John Denn Lessee of Ebenezer T Phelps and John Stewart whereby the fact of the Jury that judgment ought to have been given for the said John Denn Lessee of Ebenezer T Phelps and John Stewart against the said James Phelps therefore in that there is manifest error and they pray that the judgment aforesaid for that error and all other being in the Record of proceedings aforesaid may be reversed annulled and held entirely as void and that they the said John Denn Lessee of E T Phelps and John Stewart may be restored to all things which they have lost by occasion of the said judgment and that the said James Phelps may reply to the errors aforesaid and so forth. Upon which it is moved by the Court of Appeals here that the said James Phelps join in the errors by the said John Denn Lessee of E T Phelps and John Stewart above assigned in the Record and proceedings aforesaid or judgment by the Court of Appeals here will be rendered against him in default thereof. And the said James Phelps by his attorneys aforesaid prays that a day may be given to him to join in the errors by the said John Denn Lessee of E T Phelps and John Stewart above assigned in the Record aforesaid until the first Monday of December next and to him day granted. The second day also given to the said John Denn Lessee of E T Phelps and John Stewart that &c

At which said 1st Monday in December being the 5 day of the said Month in the year of our Lord 1859 which said day was given to the said James Phelps to join by the errors by the said John Denn Lessee of E T Phelps and John Stewart above assigned