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On the Back of said Award was the following endorsement to Wit Copy of the within named Award was served on defendant this 5th day of June 1863.

J. M. Campbell atty for deft.

And thereupon the defendants by its attorneys filed the following Exceptions to award which are in the words and of the following tenor to Wit.

The Canton Company of Baltimore vs The Northern Central Railway Co	In the Superior Court of Baltimore City Ejectment.

The defendant in this cause hereby excepts to the award made and filed in this cause under the reference of the same to J. M. Steele Esquire and in support of his said Exception the defendant assigns the following reasons,

1st That when the said cause was pending before said Referee and before the same was brought to a final hearing before him and before any award had been made or rendered by him the Circuit Court for Baltimore City a Court of Competent Equity Jurisdiction on a Bill of Complaint filed therein by the defendant has passed an order restraining and enjoining the plaintiff from further proceeding in said cause before said Referee until the further Order of the said Circuit Court for Baltimore City, which said Order of said Court was duly served on the plaintiff and its attorneys on the 29th April 1863 and of which Order the said Referee had on the same day due and formal Notice,

That said Order of Injunction has never yet been dissolved but that notwithstanding said Order of Injunction and the service of the said defendant to the said Referee made the said Referee did after such Notice of said Order and in violation thereof proceed with and to hear said Cause and determine the same, and made the award so as aforesaid filed in this cause on the 5th day of June 1863.

2d For that after the service of said Order of Injunction on said defendant and its attorney and Notice thereof to said Referee as aforesaid and before the final hearing of said cause before said Referee had taken place and before said award had been made the said plaintiff appealed from the Order of the Circuit Court for Baltimore City on the 6th day of May 1863 to the Court of Appeals of Maryland, which said cause stood for hearing at the June Term of said Court and was assigned for hearing on the 1st day of said Term and was heard and argued by the said Attorneys of Plaintiff and Defendant at said time and was thereupon submitted to the said Court of Appeals, and before any award had been filed in this cause or any Notice of said award served on

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the defendant or its Attorneys, all which proceedings relating to said Appeal were with the full knowledge of the said Referee.

That notwithstanding the pending of said cause in the Court of Appeals on said Appeal and which Appeal was taken to test, and the decision whereon will test, whether the said Referee should or could go on with said reference and render an award in said cause, or whether the matters in litigation in said cause is not exclusively for a Court of Equity Jurisdiction and notwithstanding said cause had been heard in the said Court of Appeals and was then in the hands of the Court the said Referee did proceed after said Appeal taken and with knowledge that it was to be heard when it was heard, to finally hear said cause and make up his award, and after said Argument in the Court of Appeals dismissed said Appeal to the Plaintiff by them on the 5th of June 1863 a copy of the same was served on the Attorney of the defendant, And this Exceptant therefore prays that for the reasons above set forth and for divers other reasons connected therewith, the making and rendering said award under the circumstances herein set forth, was misconduct on the part of said referee, and that the award so rendered and filed in this cause on the 5th of June 1863 is irregular null and void, and should be set aside which it prays may be done, And in support of the matters of fact herein alleged the defendant refers to the Record of the Equity cause above referred to in the Court of Appeals an Appeal from the Circuit Court for Baltimore City filed with its Exceptions to the Award made and filed in the Trespass case between said plaintiff and defendant in this Court.

J. M. Campbell. J. S. Alexander for defendants.

On the Back of said Exceptions was the following endorsement to Wit

"Service of Copy admitted June 9th 1863"

Brown & Brune for Canton Co

Whereupon the Court pursuant to the following Order for hearing, which is in the words and of the tenor following to Wit,

Canton Company vs N. Central Railway. John S. Lester of Canton Co vs N. Central Railway Co	Ordered that the Exceptions to the Awards in these cases be set down for hearing on Saturday 13th June 1863 provided a Copy of this order be served on defendant on or before the 11th inst. R. N. Martin June 10/63

On the Back of said Order was the following Endorsement to Wit.

"Service admitted in due Season" Thos Alexander 11 June 1863.