April Term 1867

which is accordingly done this 8th day of February 1866.

W Motter (Seal)

And afterwards to wit on the 19th day of September in the year 1866 the said John Doe lessee of James Reuben Davis Charles Hoskman and Hezekiah Allen Hoskman heirs of John Edmund Davis Matilda Jane Davis Isaac Hook Davis Hannah Jannette Davis and Emma Jane Alberta Virginia Davis by his Attorney aforesaid appeared and directed the Clerk of the Court for Allegany County here to enter an appeal from the judgment so as aforesaid rendered, to the Court of Appeals of Maryland which is accordingly done,

Whereupon Ordered by the Court here that the transcript of the record and proceedings in the suit aforesaid with all things thereunto relating be transmitted to the Court of Appeals of Maryland and the same is transmitted accordingly.

State of Maryland Allegany County sct I hereby certify that the above and aforegoing to be truly taken from the Record and proceedings of the Circuit Court for Allegany County Maryland In Testimony whereof I hereunto subscribe my name and affix the seal of said Court at Cumberland this 21 day of Nov in the year of our Lord 1866.

(Seal)

Horace Resley Clk of Circuit Court for Allegany County Md

Plaintiffs Costs $11 90
Costs of Record 30.00
41.90
Defendants Costs $ 11.40

And now come into the Court of Appeals here as well the said James R Davis and others by W H Gordon and Wm Walsh Esquire their Attorneys as the said Andrew Helbig by William J Read and Thomas J McKaig his Attorneys and thereupon on motion of the said Andrew Helbig by his Attorneys aforesaid it is ordered by the Court here that the said James R Davis et al assign the errors in the Record of proceedings aforesaid and 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 James R Davis 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 Andrew Helbig against the said James R Davis et al whereby the law of the land that judgment ought to have been given for the said James R Davis et al against the said Andrew Helbig 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 they the said James R Davis et al may be restored to all things which they have lost by occasion of the said judgment and the said Andrew Helbig may reply to the errors aforesaid and so forth And thereupon it is ordered by the Court of Appeals here that the said Andrew Helbig join in the errors by the said James R Davis et al 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 Andrew Helbig by his Attorneys 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 James R Davis et al above for error assigned and that the said judgment may be in all things affirmed and so forth Whereupon further process of and upon the premises between the parties aforesaid as by virtue of an act of Assembly in such cases made and provided continued before the Court of Appeals here until the first Monday in April 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 April in the year being the first day of the said month in the year of our Lord 1867 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