by the Court of Appeals here will be entered against him in default thereof and the said John Davis by his Attorney 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 Samuel D Turlens lessee against the said John Davis whereby the law of the land that Judgment ought to have been given for the said John Davis against the said Samuel D Turlens lessee 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 Davis may be restored to all things which he hath lost by occasion of the said Judgment and that the said Samuel D Turlens lessee may reply to the errors aforesaid and so forth And thereupon it is ruled by the Court of Appeals here that the said Samuel D Turlens lessee join in the errors by the said John Davis 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 Samuel D Turlens lessee 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 need of the Record of proceedings aforesaid as of the matters aforesaid by the said John Davis 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 cases made and provided continued before the Court of Appeals here until the first Monday in January 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 Fourth Tuesday of January being the 24th day of the said Month in the year of our Lord 1865 came again into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid but because the Court of Appeals here are not as yet advised what Judgment to give of and upon the premises. Thereupon this cause was continued by regular continuances from the term until the 3rd

Monday in April 1867.

And now at this day to wit the said first Monday in April being the first day of the said Month in the year of our Lord 1867 came again into the Court here the parties aforesaid by their Attorneys aforesaid Whereupon as well the Record and proceedings aforesaid and the Judgment given in form aforesaid as the matters aforesaid by the said John Davis above for error assigned, being seen and by the Court of Appeals here fully understood and matured deliberation thereupon had for that it appears to the Court of Appeals here that there is no error in the Record of proceedings 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 any wise notwithstanding And it is further considered by the Court of Appeals here that the said Samuel D Turlens lessee have execution against the said John Davis as well for the costs and charges aforesaid adjudged unto him in the said Circuit Court as also the sum of $134.00 adjudged unto the said Samuel D Turlens lessee by the Court of Appeals here on his assent for his costs and charges which he hath 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 John Davis for the correcting of errors of and upon the premises as aforesaid prosecuted &c.

George Earle Clerk