October Term 1867.

Attorneys for Plaintiff Thos. Donaldson.

For defendant J. S. Alexander.
J. W. Dorsey

Same
vs
G L Thompson W H G Dorsey garnishees of J J B Dorsey

Attached as per schedule and laid in the hands of G L Thompson and W. H. G. Dorsey garnishees of John J. B. Dorsey
Judgt. of Condemnation by confession for $111.45
Inst and cost satisfied.

For Plaintiff Donaldson.
For Defs Alexander and J. W. Dorsey.

Kiernan and Sons
vs
John J B Dorsey

Attachment on Warrand
Attys for Plff. A Hobbes.
for Deft.
Alexander and J. W. Dorsey

Plaintiff thereupon prayed the Court to instruct the Jury (as follows)
That the papers in evidence by the defendant are insufficient to show title in the defendant because it does not appear that the property therein mentioned as levied upon by the Constable in the same property mentioned in the declaration.
Secondly That the papers offered in evidence by the defendant are insufficient to show title in the defendant because it does not appear that any motion was made to the Court for a ratification of said sale or any notice ordered by the Court touching the same.
Thirdly That the papers offered in evidence by the defendant are insufficient to show title in the defendant.
Fourthly That if the Jury shall believe from the evidence that the defendant was at the time of the sale of the property mentioned in the papers offered in evidence by the defendant acting as the Attorney of the plaintiff then he acquired no title as against the plaintiff by the purchase mentioned in said papers.
Fifthly If the Jury believe from the evidence that the defendant

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was at the time of the passing of the order for ratifying said sale offered in evidence by him acting as attorney of plaintiff then he acquired no title as against the plaintiff in the purchase mentioned in said order.
Each and all of which Instructions the Court refused to give to which refusal the plaintiff excepted and prayed the Court to sign and seal this his second bill of Exceptions which is accordingly done this 18th day of September 1866.

John E Smith (Seal)

We agree to the above bill of Exceptions
Levin Gale for Plaintiff
J Mackubin for deft

And thereupon the said plaintiff by his Attorney aforesaid prays an appeal from the Judgment of the Court here so as aforesaid rendered to the Court of Appeals of the State of Maryland and to him it is granted.

Whereupon it is ordered by the Court here that a record of the proceedings with all things thereunto relating be transmitted to the Court of Appeals for the State of Maryland to be heard &c and they are transmitted accordingly.

State of Maryland Howard County Ss.

I hereby certify that the aforegoing is truely taken from the Record of proceedings of the Circuit Court for Howard County in the above cause.

Seal

In Testimony whereof I have set my hand and affix the Seal of the Circuit Court for Howard County this 8th day of May A. D. 1867.

W. W. Watkins clerk.

Plaintiffs Costs $11.12
Defendants Costs 5.65
Cost of Record 6.

Filed May 13th 1867.

5¢ Int Rev Stamp

And now come into Court of Appeals here as well the said John J B Dorsey by Levin Gale and Thomas G Pratt Esquires his Attorneys as