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the said John W. Dorsey by James MacLubin Esquire his attorney and thereupon on Motion of the said John W. Dorsey by his attorney aforesaid it is ruled by the Court here that the said John T. B. Dorsey's Lessee assign the errors in the Record of proceedings aforesaid, or 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 him in default thereof and the said John T. B. Dorsey's Lessee by his attorney aforesaid says that in the Record of proceedings aforesaid and also in the giving of judgment aforesaid there is manifest error on this to wit that by the Record aforesaid it appears that the judgment aforesaid in the plea aforesaid given was given for the said John W. Dorsey against the said John T. B. Dorsey's Lessee when by the law of the land that judgment ought to have been given for the said John T. B. Dorsey's Lessee against the said John W. Dorsey 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 the said John T. B. Dorsey's Lessee may be restored to all things which he hath lost by occasion of the said judgment and that the said John W. Dorsey may reply to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here that the said John W. Dorsey join in the errors by the said John T. B. Dorsey's Lessee 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 John W. Dorsey by his Attorney 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 John T. B. Dorsey's Lessee 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

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cases made and provided continued before the Court of Appeals here until the first Monday in October 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 October being the 7th day of the said month in the year of our Lord 1867 came again into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid, whereupon as well the Record and proceedings aforesaid as the judgment given in form aforesaid, as the matters aforesaid, by the said John T. B. Dorsey's Lessee above for error assigned being seen and by the Court of Appeals here fully understood, and mature deliberation thereupon had for that it appears to the Court of Appeals here, that there is error in the Record of proceedings aforesaid and also 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 for those errors and others in the Record and proceedings aforesaid be reversed annulled, and held entirely as void, and that the said John T. B. Dorsey's Lessee be restored to all things which by reason of the judgment aforesaid he hath lost.

It is also considered by the Court here that the said John T. B. Dorsey's Lessee recover against the said John W. Dorsey the sum of $66.85 by the Court here adjudged unto the said John T. B. Dorsey's Lessee in his assent for his cost and charges by him laid out and expended about his prosecution of the appeal aforesaid and that the said John T. B. Dorsey's Lessee have therefor execution &c.

Test

James S. Franklin Clerk.

The Northern Central Rail Road Company
vs
The Canton Company of Balto.

Be it remembered that now here on the first Monday in October being the second day of the said month in the year of our Lord 1865 the Judge