they the said Henry G. Hazen & others may be restored to all things which they lost by occasion of the said Judgment and that the said Moi Kilburn & others may rejoin to the errors aforesaid, and soforth. And thereupon it is ruled by the Court of Appeals here, that the said Moi Kilburn & others join in the errors by the said Henry G. Hazen & others above assigned in the Record of Proceedings aforesaid, or Judgment by the Court of Appeals here, will be rendred against them in default thereof; and the said Moi Kilburn & others by their Attorney aforesaid say there is no error in the Record of Proceedings aforesaid, nor in the giving of the Judgment aforesaid, and they pray 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 Henry G. Hazen & others above for error assigned, and that the said Judgment may be in all things affirmed, and soforth; 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 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 soforth.

At which said First Monday in October being the Seven day of the said month, in the year of our Lord one thousand eight hundred and sixty seven come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid. But because the Court of Appeals here are not yet advised what judgment to give of and upon the premises, thereupon this case was continued from term to term until the first Monday in October 1868.

And now at this day, to wit, the said first Monday in October being the fifth day of the said month, in the year of

our Lord one thousand eight hundred and sixty eight 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 judgment given in form aforesaid, as the matters aforesaid, by the said H. G. Hazen et al 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 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 anywise, notwithstanding.