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And now comes into the Court of Appeals here, as well the said Nelson Baker by Messrs McKaig & Perry his Attorneys as the said John Swan and others lessee by J. H. Gordon Esq — their Attorney and thereupon, on motion of the said John Swan et al by their Attorney aforesaid, it is ruled by the Court here, that the said Nelson Baker assign the errors in the Record of Proceedings aforesaid, or in the giving the judgment aforesaid, 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 Nelson Baker by his Attorneys aforesaid, says 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 John Swan et al against the said Nelson Baker when, by the law of the land, that judgment ought to have been given for the said Nelson Baker against the said John Swan et al 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 Nelson Baker may be restored to all things which he hath lost by occasion of the said judgment and that the said John Swan et al may rejoin to the errors aforesaid, and soforth; and thereupon it is ruled by the Court of Appeals here, that the said John Swan et al join in the errors by the said Nelson Baker above assigned in the Record of Proceedings aforesaid, or judgment by the Court of Appeals here,

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will be rendered against them in default thereof: and the said John Swan et al 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 Nelson Baker 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.

And now at this day, to wit, the said first Monday in October being the fourth day of the said month, in the year of our Lord one thousand eight hundred and sixty nine 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 Nelson Baker 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, 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, be in all things affirmed and