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It is thereupon ordered by the said Court here, that the Record of Proceedings aforesaid in the plea aforesaid with all things thereunto relating be transmitted to the said Court of Appeals of the said State and the same are transmitted accordingly

Test Wm. McL. Keppler Clerk

State of Maryland Washington County, to wit.

I hereby certify that the foregoing is truly taken from the Record of Proceedings of the Circuit Court for Washington County, Maryland

In testimony whereof I hereunto subscribe my name and affix the seal of the Circuit Court for Washington County at Hagerstown this 7th day of May A.D. 1870

Seal

Wm. McL. Keppler Clerk

And now come into the Court of Appeals here as well the said Joseph Leiter et al by Wm. T. Hamilton, Geo. Schley & A. K. Syster Esqrs their Attorneys as the said Dr. Wm. H. Grimes by D. Russell and A. K. Douglas Esqrs his attorneys, and thereupon on Motion of the said Wm. H. Grimes by his Attorney aforesaid, it is ruled by the Court here that the said Joseph Leiter et al 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 them in default thereof. and the said Joseph Leiter et al by their attorneys 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 Dr. Wm. H. Grimes, against the said Joseph Leiter et al, where by the law of the land, that judgment ought to have been given for the said Joseph Leiter et al, against the said Dr. Wm. H. Grimes, therefore in that there is manifest error and they pray that the judgment aforesaid, for that error and

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others being in the Record of Proceedings aforesaid, may be reversed annulled, and held entirely as void, and that they the said Jos. Leiter et al may be restored to all things which they have lost by occasion of the said Judgment, and that the said Dr. Wm. H. Grimes may reply to the errors aforesaid and so forth: and thereupon it is ruled by the Court of Appeals here, that the said Dr. Wm. H. Grimes join in the errors by the said Joseph Leiter et al 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 Dr. Wm. H. Grimes 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 well of the Record of Proceedings aforesaid, as of the matters aforesaid, by the said Jos. Leiter et al 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 October next, the same day is given to the said parties there there 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 second day of the said month in the year of our Lord one thousand eight hundred and seventy one, come again into the Court of Appeals here, the parties aforesaid by their attorneys aforesaid. Whereupon as well the Record of Proceedings aforesaid, and the judgment given in form aforesaid, as the matters aforesaid by the said Joseph Leiter 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