April Term 1866

there is no error in the Record of proceedings aforesaid nor in the giving of the decree aforesaid and they pray that the Court of Appeals here not proceed to the examination as now of the Record of proceedings aforesaid, as of the matters aforesaid by the said John T. Budd above for error assigned and that the said Decree may be in all things affirmed, and so forth: Whereupon 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 fourth Tuesday in January next, the same day is given to the said parties there then to hear the decree of the Court of Appeals thereof and upon the said premises and so forth.

Which said fourth Tuesday in January being the 24th day of the said month in the year of our Lord 1865 came 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 decree to give of and upon the premises Whereupon this cause was continued from term to term by regular continuances until the first Monday in October 1866

And now at this day to wit the said first Monday in October being the first day of the said month in the year of our Lord 1866 came again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid, Whereupon as well the Record and proceedings aforesaid and the decree given in form aforesaid, as the matters aforesaid by the said J. T. Budd above for error assigned being seen and by the Court of Appeals here fully understood and matured 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 decree aforesaid.

Whereupon the Court of Appeals filed in said cause the following decree to wit