Polk and others against the said Ishmael Day therefore in that there is manifest error, and they pray that the Decree aforesaid, for that error and others, being in the Record of Proceedings aforesaid, may be reversed, annulled, and held entirely as void, and that they the said Robert W. Polk may be restored to all things which they have lost by occasion of the said Decree and that the said Ishmael Day may rejoin to the errors aforesaid, and so forth. And thereupon it is ruled by the Court of Appeals here, that the said Ishmael Day join in the errors by the said Robert W. Polk et al above assigned in the Record of Proceedings aforesaid, or cause by the Court of Appeals here, will be rendered against them in default thereof: and the said Ishmael Day by his Attorneys aforesaid, says there is no error in the Record of Proceedings aforesaid, nor in the giving of the Decree 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 Robert M. Polk et al above for error assigned, and that the said Decree 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 April next: the same day is given to the said parties there, then to hear the Decree of the Court of Appeals here, of and upon the said premises, and so forth.

At which said first Monday in April being the first 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 Decree to give of and upon the premises, thereupon this case was continued from term to term by regular continuance until the 1st Monday in April A.D. 1868.

And now at this day, to wit, the first Monday in April being the sixth 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 Decree given in form aforesaid, as the matters aforesaid, by the said Robert W. Polk 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 Decree aforesaid:

Therefore it is considered by the Court of Appeals here, that the Decree aforesaid, given in form aforesaid, be in all things affirmed and stand in full force and effect, the said cause for error above assigned, and alleged in anywise, notwithstanding. Thereupon the Court of Appeals filed their Decree in the words and of the tenor following to wit:

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The Appeal in this cause standing ready for hearing and the decree appealed from having been affirmed nisi on the fourth day of May 1868, on motion of the appellee's Counsel, and the period of six days prescribed by the Seventh Rule of Court, having elapsed, and no cause against an absolute affirmance having been shown by the appellants or their Counsel, in accordance with the rules of Court, and the exigency of the said affirmance nisi. It is thereupon this 12th day of May 1868, by the Court of Appeals of Maryland and by the authority thereof, adjudged ordered and decreed that the decree of the Circuit Court of Baltimore City of the 15th of July 1865, from which the appeal in this case was taken, be and the same is hereby affirmed absolutely with costs to the appellee.

Jas. L. Bartol
Jas A. Stewart
Oliver Miller
Geo. Brent