October Term 1883.

(Filed 26th. January 1883.)

Ammon Cate
vs
Edward Kerby, et al.

In the Circuit Court of Baltimore City.

It is agreed by the parties to this cause, that the Clerk, in making up record to the Court of Appeals, may omit therefrom the exhibits filed with the Commissioner's return of testimony.

And it is further agreed, that all the said exhibits shall be produced by the Appellant at the hearing of the said cause in the Court of Appeals, and they, or any of them, may be read in evidence at the trial of the Appeal, and have the same effect as though the same were copied in the record by the Clerk.

L.M. Reynolds,
For Cate.

S.S. Alexander,
For Appellees.

26th January 1883.

Which said appeal being by the Court here also granted, it is thereupon ordered by the Court, that a transcript of the Record of Proceedings in the cause aforesaid, be transmitted to the Court of Appeals of Maryland; and the same is transmitted accordingly.

Test: James R. Brewer,
Clerk.

In testimony that the foregoing is a full and true transcript of the aforegoing papers taken from the Record and Proceedings of the Circuit Court of Baltimore City, in the therein entitled cause,

Seal. I hereto set my hand and affix the seal of the Circuit Court of Baltimore City, aforesaid,



October Term 1883.

on this twenty-sixth day of January A.D. 1883.

James R. Brewer,
Clerk of the Circuit Court of Baltimore City.

And now come into the Court of Appeals here, as well the said Ammon Cate by S. Teackle Wallis and L.M. Reynold Esqrs. his Attorneys as the said Frances Ann Towns and Edward Kerby by S.S. Alexander & O.D. Benson Esqrs their Attorneys and thereupon, on motion of the said F.A. Towns and Edward Kerby by their Attorneys aforesaid, it is ruled by the Court here, that the said Ammon Cate assign the errors in the Record of Proceedings aforesaid, or in the giving the Decree aforesaid, so as aforesaid brought before the Court of Appeals here for correcting the errors supposed to be therein, or Decree by the Court of Appeals here, will be entered against him in default thereof; and the said Ammon Cate by his Attorneys aforesaid, says that in the Record of Proceedings aforesaid, and also in the giving of Decree aforesaid, there is manifest error in this, to wit: that by the Record aforesaid, it appears that the Decree aforesaid, in the plea aforesaid given, was given for the said F.A. Towns and Edward Kerby against the said Ammon Cate when, by the law of the land, that Decree ought to have been given for the said Ammon Cate against the said F.A. Towns and Edward Kerby therefore, in that there is manifest error, and he prays 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 he the said Ammon Cate may be restored to all things which he hath lost by occasion of the said Decree and that