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League v. De Young et al.

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this action by the plaintiff, they have been discharged by his laches in ascertaining the forgery and giving them notice of it.

But it is not necessary to examine this question, as the point already decided decides the case.

The judgment of the Circuit Court is affirmed, with costs.

ORDER.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this court, that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

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\*WILLIAM C. BEVINS AND OLIVER P. EARLE, SUR- [\*185  
VIVING PARTNERS ON THE FIRM OF BEVINS,  
EARLE, & Co., WHO SUE FOR THE USE OF OLIVER P.  
EARLE, APPELLANTS, *v.* WILLIAM B. A. RAMSEY, ROBERT  
CRAIGHEAD, JAMES P. N. CRAIGHEAD, THOMAS W.  
HUMES, AND JAMES McMILLAN, ADMINISTRATOR OF  
ANDREW McMILLAN, DECEASED.

Where a case is brought up by an appeal from a judgment on the common law side of the Circuit Court, instead of by a writ of error, it must be dismissed.<sup>1</sup>

ORDER.

THIS cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of East Tennessee. And it appearing to the court that this case is brought up by an appeal from a judgment on the common law side of the Circuit Court, instead of by a writ of error, it is ordered, adjudged, and decreed by this court, that this cause be, and the same is hereby, dismissed, with costs.

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THOMAS M. LEAGUE, PLAINTIFF IN ERROR, *v.* JOHN DE  
YOUNG, SURVEYOR FOR THE DISTRICT OF GALVESTON,  
AND SAMUEL P. BROWN, DEPUTY.

Before the admission of Texas into the Union, that State passed many laws upon the subject of head rights to land, the general object of which was to

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<sup>1</sup> CITED. *United States v. Emholt*, 15 Otto, 416.