

No. 153. Office Docket.

The Mayor & City Council
of Baltimore

vs
Augustus Boulden and
others.

Filed October 17th, 1865.

Not to be Reprinted.

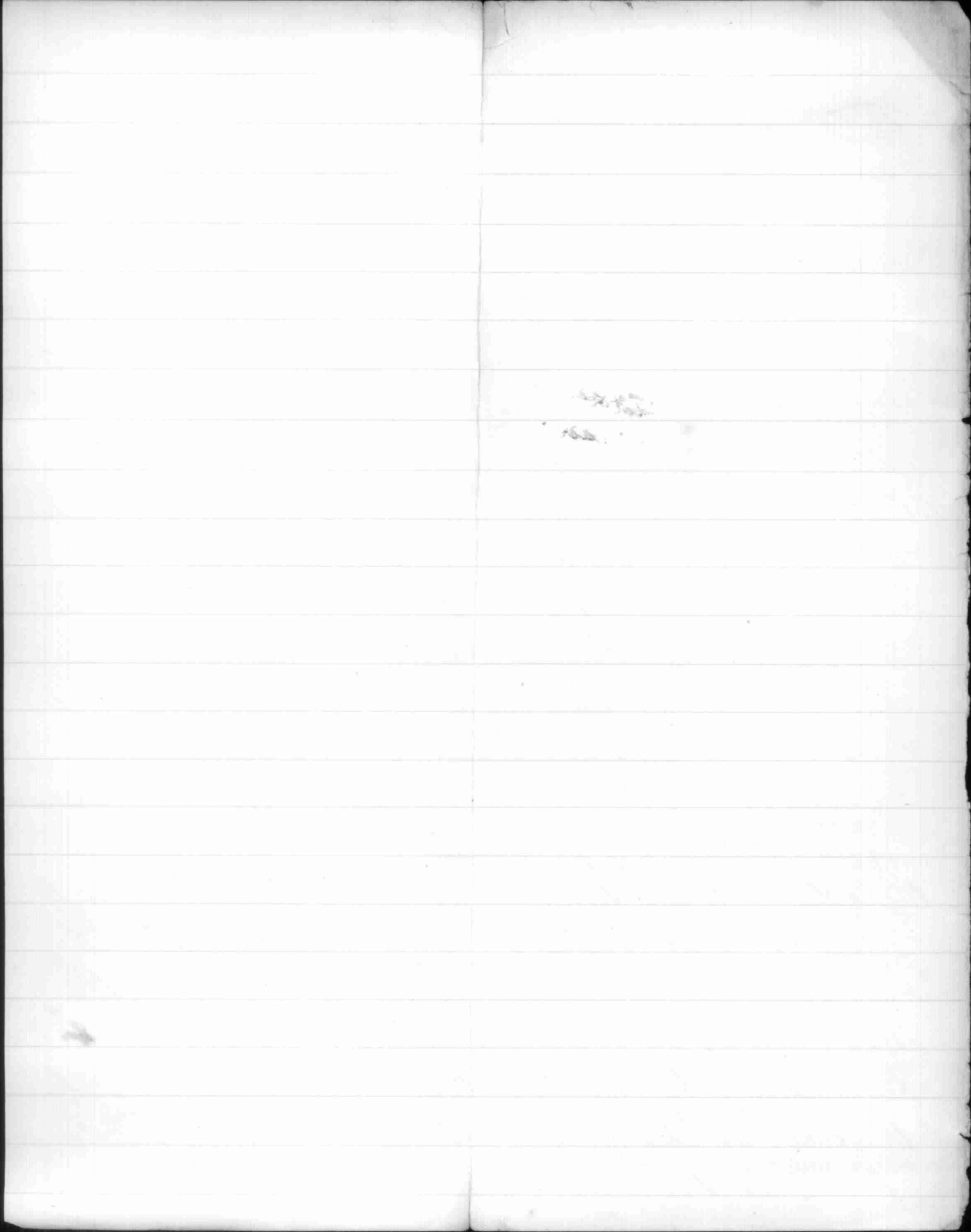
The Mayor & City
Council of Balt^o

by
Augustus Boulden
& others,

This case was decided after full argument; four of the judges concurring; the decree was signed by three only, in consequence of the absence of one of them, caused by sickness.

A motion having been made for a rehearing, we have carefully examined the questions decided, and see no reason to change the opinion heretofore filed.

The motion appears to be based upon the idea, that this court had fallen into the error of saying that Poppletons Flat had been recognized by law, and that the streets, lanes and alleys thereon located ~~had~~ been thereby dedicated or condemned to the use of the City, which would be contrary to the previous decisions in



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Moales case 5 Md 314, and Stuart's case
7 Md 500.

This is a mistake into which, we suppose,
the counsel making the motion, has been
led by the inadvertence of the Clerk, in
copying into the opinion, a memorandum
in pencil, in the margin of the original
manuscript, ^{made} by one of the judges, and
which he afterwards omitted to erase.

This memorandum forms no part of the
opinion; nor was the decision of the
Court founded upon the idea of the legal
validity of the location on Poppleton's
plat as such.

Finding no error in the opinion
heretofore expressed, and conceiving
the same to be consistent with
the law established by antecedent
decisions; the motion will be
overruled.