Wall above, for error assigned, and that the said judgment 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 Case made and provided, further Continued, before the Court of Appeals here, until the second Monday in June next; the same day is given to the said parties, there then to hear the judgment of the Court of Appeals here, of and upon the said premises, and so forth. At which said second Monday in June being the twelfth day of the said month, in the year of our Lord one thousand eight hundred and twenty six 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 judgment to give of and upon the premises, a day therefore is further given to the parties aforesaid, with the Consent of the said parties, by their attorneys aforesaid, to come before the Court of Appeals here, on the first Monday in December next, to hear the judgment of the Court of Appeals here, of and upon the premises, for that the Court now here as yet are not, &c. At which said first Monday in December being the fourth day of the said month, in the year of our Lord one thousand eight hundred and twenty six Come again into the Court of Appeals here the parties aforesaid, by their Attorneys aforesaid: Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, is by virtue of an Act of Assembly in such Case made and provided, further Continued, before the Court of Appeals here, until the second monday in June next; the same day is given to the said parties there then to hear the judgment of the Court of Appeals here, of and upon the said premises, and so forth. And now at this day, to wit, the said second monday in June being the eleventh day of the said month, in the year of our Lord one thousand eight hundred and twenty seven 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 judgment given in form aforesaid, and the bill of exceptions transmitted therewith, as the matters aforesaid by the said John T. Wall 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 error in the opinion of the said County Court and their direction to the Jury, as given and set forth in the bill of exceptions certified with the record and proceedings aforesaid, It is Considered by the Court here that the said opinion and direction be reversed, annulled and held void in law. Wherefore for that it appears to the Court here that in the record and proceedings of the said County Court, and also in the rendition of the judgment therein, there is manifest error, Therefore it is Considered by the Court here, that the judgment aforesaid in form aforesaid given by the said County Court, be revoked, annulled and held entirely as void, and that the said John T. Wall be restored to all things which by reason of the judgment aforesaid he hath lost. It is also Considered by the Court here that the said John T. Wall recover against the said George Forbes the sum of thirty eight dollars & seven Cents for his Costs and Charges by him laid out and expended about his prosecution of the said appeal of and upon the premises; and that the said John T. Wall

have thereof execution &c. And because it clearly appears to the Court here that justice and the merits of this Case require that there should be a new trial of the Cause aforesaid, thereupon the Court here, pursuant to the directions of the Acts of Assembly in such Case made and provided, order and direct a remission of the transcript of the record and proceedings aforesaid to the Clerk of the County Court of Prince Georges, with the writ of the State of Maryland of Procedendo to the said County Court, directing them to proceed in the action aforesaid, and to a new trial thereof, in the same manner as if no trial had taken place, or any appeal had been prosecuted. The transcript of the record and proceedings aforesaid with the said Writ of Procedendo is therefore remitted to the Clerk of the County Court of Prince Georges accordingly &c. Memorandum. At the argument and decision of this Case in the Court of Appeals, the honourable John Stephen Judge, withdrew from the Bench.

Test. (See page 132.) Wm. Harris, Clk.

Zachariah Thomas's Lessee vs Joshua Turvey

Be it remembered, That now here on the first Monday in December being the sixth day of the said month, in the year of our Lord, one thousand eight hundred and twenty four the Chief Judge and Associate Judges of the first judicial district of Maryland, in pursuance of the directions of the act of Assembly in such case made and provided, transmit to the Court of Appeals here a transcript of the record of proceedings of a plea which was lately depending before them in the County Court of Charles between Timothy Goodtitle lessee of Zachariah Thomas plaintiff, and Joshua Turvey defendant, and wherein the said County Court gave judgment for the said Joshua Turvey against the said Timothy Goodtitle Lessee as aforesaid and from which said judgment the said Timothy Goodtitle lessee as aforesaid appealed to the Court of Appeals here, the tenor of which said transcript of the record of proceedings is in form following, to wit:

State of Maryland Charles County ss

At a County Court of the first Judicial District of the State of Maryland begun and held at Port Tobacco in and for Charles County aforesaid on the third monday in March being the fifteenth day of the same month in the year of our Lord one thousand eight hundred and twenty four and forty eighth year of the Independence of the United States of America.

Were present

The Honble { John Stephen Esquire Chief Judge; Edmund Key & John R. Plater } Esquires Associate Judges.

Alexander Matthews Esq. Sheriff — John Barnes Cl.

In the record of the proceedings of the same Court amongst others is the following to wit:

Timothy Goodtitle lessee of Zachariah Thomas vs Joshua Turvey

Be it remembered that heretofore to wit on the fifth day of March in the year of our Lord one thousand eight hundred and twenty one Timothy Goodtitle lessee of Zachariah Thomas by Nicholas Stonestreet his attorney declared in the County Court here against Titus Badtitle in a plea of