aforesaid, and so forth: And thereupon it is ruled by the Court of Appeals here, that the said Joshua Turvey join in the errors by the said Timothy Goodtitle Lessee as aforesaid above assigned in the record of proceedings aforesaid, or judgment by the Court of Appeals here will be rendered against him in default thereof. And the said Joshua Turvey by his attorneys aforesaid, prays that a day may be given to him to join in the errors by the said Timothy Goodtitle Lessee as aforesaid above assigned in the record of proceedings aforesaid, until the second monday in June next; and to him it is granted; the same day is also given to the said Timothy Goodtitle Lessee as aforesaid.

At which said second monday in June being the thirteenth day of the said month, in the year of our Lord one thousand eight hundred and twenty five which said day was given to the said Joshua Turvey to join in the errors by the said Timothy Goodtitle Lessee as aforesaid above assigned, Come again into the Court of Appeals here, the parties aforesaid, by their Attorneys aforesaid; and the said Joshua Turvey by his attorneys aforesaid, says there is no error in the record of proceedings aforesaid, nor in the giving of the judgment 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 Timothy Goodtitle Lessee as aforesaid above for error assigned, and that the said Judgment may be in all things affirmed, and so forth. But because the Court of Appeals here are not advised what judgment to give of and upon the premises, day therefore is given to the parties aforesaid, before the Court of Appeals here, until 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, thereof are not advised, and so forth. At which said first monday in December being the fifth day of the said month, in the year of our Lord one thousand eight hundred and twenty five come again into the Court of Appeals here, the parties aforesaid, by their attorneys aforesaid; 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, as the matters aforesaid by the said Timothy Goodtitle Lessee as aforesaid 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 record of proceedings aforesaid, and in the giving of the judgment aforesaid, as to 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. 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 Timothy Goodtitle Lessee as aforesaid 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 Timothy Goodtitle Lessee as aforesaid recover against the said Joshua Turvey the sum of eighty two dollars 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 Timothy Goodtitle Lessee as aforesaid have thereof execution &c. And 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 Charles 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 Charles Accordingly &c.

Memorandum. At the decision of this Case in the Court of Appeals, the Honourable John Stephen, Judge, withdrew from the bench.

Test. Th Harris, Clk.

Ignatius Fenwick
vs
William Floyd's Lessee

Be it remembered, That now here on the first Monday in December being the first day of the said month, in the year of our Lord, one thousand eight hundred and twenty three 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