And because it also appears to the Court here, that there is no error in the record and proceedings of the rendition of the judgment aforesaid, as to the refusal of the said county Court to give the opinion and direction to the Jury, as stated in the first bill of exceptions. Therefore it is considered by the Court here, that the judgment aforesaid in form aforesaid given by the said county Court, as stated in the said first bill of exception be in all things affirmed and stand in full force and effect: the said causes for error above assigned and alleged in anywise notwithstanding: And thereupon the Court here pursuant to the directions of the act of Assembly in such case made and provided, order and direct a remission of the record and proceedings aforesaid to the Clerk of the said county Court of Charles with the seal of the State of Maryland of procedendo to the said county Court, directing them to proceed in the action aforesaid aforesaid, and to a new trial thereof in the same manner as if no trial had taken place, or any appeal had been prosecuted. It is also considered by the Court here that the said Edward Simms recover against the said John Barnes the sum of forty three dollars and thirteen cents for his costs and charges by him laid out and expended about his prosecution of the appeal aforesaid, and that he have therefor his execution &c

The record and proceedings aforesaid, with the said writ of procedendo are therefore remitted to the Clerk of the county Court of Charles accordingly &c

Memorandum. At the trial and argument of this cause the Honorable John Stephen Judge withdrew from the bench &c

Test John Johnson Clk

Nathan Waters
vs
Samuel Peach

Be it remembered, that now here on the second Monday in June being the ninth day of the said month, in the year of our Lord one thousand eight hundred and twenty eight 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 the record of proceedings of a plea which was lately depending before them in the county Court of Prince Georges between Samuel Peach plaintiff, and Nathan Waters defendant, and wherein the said county Court gave judgment for the said Samuel Peach against the said Nathan Waters and from which said judgment the said Nathan Waters appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following to wit:

State of Maryland, Prince Georges County &c

At a County Court of the first Judicial District of said State begun and held at Upper Marlborough Town in and for

said county on the first Monday of April being the seventh day of the same month, in the year of our Lord one thousand eight hundred and twenty eight.

Present

The Honorable | John Stephen Chief Judge
Edmund Key and
John R Slater } Associate Judges

Edward W Belt Esquire Sheriff Aquila Beall Clerk

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

A.S. Samuel Peach
vs
Fi.fa Nathan Waters

Be it remembered, that heretofore to wit, on the tenth day of March in the year eighteen hundred and twenty five. Samuel Peach by Richard Peach Esquire his attorney prosecuted and sued forth out of the said county Court of and upon a judgment in the said Court rendered, the State of Maryland's writ of fieri facias to the Sheriff of said county directed in the words and of the tenor following to wit: Prince Georges county &c. The State of Maryland, to the Sheriff of Prince Georges county Greeting. Whereas at a county Court begun and held at Upper Marlborough Town in said county on the first Monday of April in the year eighteen hundred and twenty four a certain Samuel Peach by the judgment of the said Court recovered against a certain Nathan Waters as well the sum of fourteen thousand four hundred and eighty five dollars current money as certain debt, as the sum of said dollars thirty six and two third cents for his costs and charges by him about his suit in that behalf laid out and expended, whereof the said Nathan Waters is convicted, as it manifestly appears of record: Therefore you are hereby commanded, that of the goods and chattels lands and tenements of the said Nathan Waters being in your bailiwick you cause to be made the debt costs and charges aforesaid, and have you those sums of money before the said county Court to be held at the Town aforesaid on the first Monday in April next to render unto the said Samuel Peach the debt costs and charges aforesaid. Hereof fail not at your peril and have you then and there this writ. Witness the Honorable John Stephen Chief Judge of the first Judicial District the 20th day of December 1824 Issued the 10th day of March 1825

Aquila Beall Clk

On the back of which said writ is the following endorsement to wit.

Samuel Peach vs fifa Nathan Waters } Debt $14.485 Dmg & Costs Co. $6.36⅔ add co 1.66⅔ To be released on the payment of $7247.87½ with interest from 21 Sept. 1821 till paid & costs

Cr. By $1400 March 29. 1822
" 1105.89 April 3d 1824