he is hereby authorised to add the name of the said Chief Judge to the first exception as set out in the record transmitted by the Clerk of Baltimore County Court to the said Court of Appeals: and we hereby further agree to dispense with the making out a full record of the proceedings in this cause by the Clerk of Baltimore County Court, in obedience to the command of a writ of diminution from the Court of Appeals, directed to the Judges of the sixth Judicial District, by his forwarding a certified copy of this agreement with the said writ, which shall be considered a full and entire compliance therewith and that the said record as it now stands in the Court of Appeals shall be considered as valid as if the said exception, as therein contained, appeared to to have been duly signed by said Judge.

R Johnson for Appellants
John Purviance for Appellee

Balt 1st July 1833.

In Testimony that the foregoing is a true copy of the original agreement filed among the proceedings in the cause therein mentioned. I hereto subscribe my name, and affix the seal of Baltimore County Court this fourth day of February eighteen hundred and thirty three.

(Seal) Recd

Israel Israel Clk of Balto. County.

Whereupon as well the record and proceedings aforesaid, and the judgment given in form aforesaid, as the matters aforesaid by the said Uncle Toby 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 also in the giving of judgment aforesaid: therefore it is considered by the Court of Appeals here, that the judgment aforesaid for those errors and others in the record and proceedings aforesaid be reversed, annulled and held entirely as void, and that the said Uncle Toby Lessee as aforesaid be restored to all things which by reason of the judgment aforesaid he hath lost; thereupon the Court here, according to the directions of the act of Assembly in such case made and provided, orders and directs a remission of the record and proceedings aforesaid, to the Clerk of the said County Court of Baltimore, 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. It is also considered by the Court here, that the said Uncle Toby Lessee as aforesaid recover against the said Edward Harris the sum of one hundred and thirty nine dollars and sixty eight cents, by the Court here adjudged unto the said Uncle Toby Lessee as aforesaid, on his assent for his costs and charges by him laid out and expended about his prosecution of the appeal aforesaid, and that the said Uncle Toby Lessee as aforesaid have thereof execution &c.

The Record and proceedings aforesaid, with the said writ of Procedendo are therefore remitted to the Clerk of the said County Court of Baltimore accordingly &c.

Memorandum. At the trial and argument of this cause the Honorable Stevenson Archer Judge withdrew from the Bench &c.

Test.

John Johnson Clk.

Elizabeth Davis vs George Calvert, Caroline Calvert & George, Caroline Elizabeth, John Henry, Henrietta Maria Thomas Adolphus, Marietta and Richard, children of the said Caroline Calvert.	Be it remembered, that now here on the second monday in June, being the tenth day of the said month, in the year of our Lord, one thousand eight hundred and thirty three the Chief Judge and Associate Judges of the Third Judicial District, 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 Montgomery between Thomas Davis and Elizabeth his wife plaintiffs and George Calvert and Caroline Calvert and others defendants, and wherein the said County Court gave judgment for the said George Calvert, Caroline Calvert and others against the said Thomas Davis and Elizabeth his wife, and from which said judgment the said Elizabeth Davis appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following, viz:

State of Maryland, Montgomery County, to wit.

At a County Court begun and held at the Court House in Rockville in and for said County on the first Monday of March being the fourth day of the same month, in the year of our Lord one thousand eight hundred and thirty three.

Were present

The Honorable Charles S. Kilgour and Thomas H. Wilkinson } Assoc. Judges.

William Veale Junior Sheriff — Bruce Selby Clerk.

In the record and proceedings of the same Court among others is the following to wit.

Thomas Davis & Elizabeth his wife against George Calvert, Caroline Calvert and George, Caroline, Elizabeth, John Henry, Henrietta Maria Thomas Adolphus, Marietta and Richard children of the said Caroline Calvert. Defendants.	Be it remembered, that heretofore to wit, on the twelfth day of November in the year of our Lord one thousand eight hundred and thirty one, the Justices of the Orphans Court of said County transmitted to the Judges of our said Court by Commission for trial thereof, according to the act of Assembly in such case made and provided, certain issues, which were made up in said Orphans Court in a cause