June Term 1839.

of our Lord one thousand eight hundred and thirty seven.

Jo. Harris Clk. Saint Mary's County Court.

And now come into the Court of Appeals here, as well the said Stephen H. Gough by Luke E. Barber and John M. S. Causin his attorney as the said Thomas M. Gough by Benjamin G. Harris his attorney: and thereupon on motion of the said Thomas M. Gough by his attorney aforesaid it is ruled by the Court here, that the said Stephen H. Gough assign the errors in the record of proceedings aforesaid or in the giving the judgment aforesaid so as aforesaid brought before the Court of Appeals here, for correcting the errors supposed to be therein or judgment by the Court of Appeals here will be entered against him in default thereof. And the said Stephen H. Gough by his attorneys aforesaid says that in the record of proceedings aforesaid and also in the giving of judgment aforesaid there is manifest error in this to wit, that by the record aforesaid it appears that the judgment aforesaid in the plea aforesaid given was given for the said Thomas M. Gough against the said Stephen H. Gough when by the law of the land that judgment ought to have been given for the said Stephen H. Gough against the said Thomas M. Gough therefore in that there is manifest error, and he prays that the judgment aforesaid for that error and others being in the record of proceedings aforesaid may be reversed annulled and held entirely as void and that he the said Stephen H. Gough may be restored to all things which he hath lost by occasion of the said judgment and that the said Stephen H. Gough may rejoin to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here, that the said Thomas M. Gough join in the errors by the said Stephen H. Gough 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 Thomas M. Gough by his attorney aforesaid prays that a day may be given to him to join in the error by the said Stephen H. Gough above assigned in the record of proceedings aforesaid until the first Monday in December next, and to him it is granted; the same day is also given to the said Stephen H. Gough - et 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 thirty seven which said day was given to the said Thomas M. Gough to join in the errors by the said Stephen H. Gough above assigned come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid and the said Thomas M. Gough by his attorney 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 Stephen H. Gough 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

June Term 1839.

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 thirty eight come again into the Court of Appeals here, the parties aforesaid by their attorneys aforesaid; and the said Thomas M. Gough by his attorney aforesaid offers himself against the said Stephen H. Gough of and upon the premises and prays that the Court of Appeals here will proceed to the examination as well of the record of proceedings aforesaid as of the matters above for error assigned and that the said judgment may be in all things affirmed and so forth; and forasmuch as the said Stephen H. Gough doth not allege to the Court of Appeals here any matter or thing for the reversal of the judgment aforesaid, nor insist upon the matters aforesaid by him above for error assigned. Therefore, it is considered by the Court of Appeals here, that the judgment aforesaid in form aforesaid given be in all things affirmed and stand in full force and effect the said causes above for error assigned in anywise notwithstanding; and it is further considered by the Court of Appeals here, that the said Thomas M. Gough have execution against the said Stephen H. Gough, as well for the debt damages costs and charges aforesaid so as aforesaid adjudged unto him in the said County Court of Saint Mary's County as also for the sum of eleven dollars twenty seven cents adjudged unto him by the Court of Appeals here on his assent for his costs and charges which he had sustained by occasion of the delay of the execution of the judgment aforesaid by pretext of the prosecution of the said appeal by the said Thomas M. Gough for the correcting of errors of and upon the premises aforesaid prosecuted and so forth.

Memorandum. Judgment was affirmed nisi in this case and made absolute on the 16th day of July eighteen hundred and thirty eight and execution awarded for the sum of two hundred and sixty nine dollars current money debt five hundred dollars current money damages seven dollars fifty three and one third cents costs and costs - To be released upon the payment of two hundred and sixty nine dollars with interest from the twenty fourth day of January eighteen hundred and thirty five til paid. And also upon the payment of damages of four per cent per annum in addition to the aforesaid interest from the fifth day of April eighteen hundred and thirty six upon the sum of two hundred and sixty nine dollars up to the time of the affirmance of this Judgment and the above costs and costs -

Test, Richard M. Gill, Clerk.

Exd

Thomas M. Gough use of Charles E. Gough use of James T. Yates. vs. Stephen H. Gough.	Be it remembered, that heretofore to wit on the thirtieth day of July in the year of our Lord one thousand eight hundred and thirty eight Thomas M. Gough by Benjamin G. Harris his attorney prosecuted and sued forth out of the Court

of Appeals here a writ of the State of Maryland of Fieri Facias to the Sheriff of Saint Mary's County directed in the words and figures