may rejoin to the errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here, that the said Samuel Wiles join in the errors by the said John Denn 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 Samuel Wiles by his attorney aforesaid prays that a day may be given to him to join in the errors by the said John Denn Lessee as aforesaid 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 John Denn Lessee as aforesaid. At which said first Monday in December being the sixth day of the said month, in the year of our Lord one thousand eight hundred and forty one which said day was given to the said Samuel Wiles to join in the errors by the said John Denn Lessee as aforesaid above assigned come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid; and the said Samuel Wiles 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 John Denn Lessee as aforesaid 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. And now at this day to wit, the said second Monday in June being the thirteenth day of the said month, in the year of our Lord one thousand eight hundred and forty two 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 John Denn 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 the 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 revoked annulled and held entirely as void and that the said John Denn 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 order and direct a remission of the record and proceedings aforesaid to the Clerk of the said County Court of Frederick County 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 John Denn Lessee as aforesaid recover against the said Samuel Wiles the sum of Sixty nine dollars and eighty nine cents by the Court here adjudged unto the said John Denn 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 John Denn 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 Frederick County accordingly &c.

Memorandum: At the trial and argument of this cause the Honorable John Buchanan withdrew from the Bench &c.

Ex^d Test, Richard W. Gill, Clerk.

Philip Turner vs John I. Jenkins and William L. Brent.	Be it remembered, That now here on the second Monday in June being the fourteenth day of the said month, in the year of our Lord one thousand eight hundred and forty one 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 Saint Marys County between Philip Turner plaintiff and John I. Jenkins and William L. Brent defendants and wherein the said County Court gave judgment for the said John I. Jenkins and William L. Brent against the said Philip Turner and from which said judgment the said Philip Turner appealed to the Court of Appeals here the tenor of which said record of proceedings is in form following to wit:

Saint Marys County To Wit. At a County Court of the State of Maryland for the first Judicial District begun and held at Leonard Town in and for the County aforesaid on the first Monday of August being the third day of the same month in the year of our Lord one thousand eight hundred and forty and in the sixty fifth of the Independence of the United States of America.

Present

The Hon'ble. John Stephen, Esquire Chief Judge
Edmund Key and
Clement Dorsey Esquires Associate Judges

George W. Morgan, Esq. Sheriff. Joshua Lis, Clerk.

In the record of proceedings of the said Court among others were the following to wit:

Philip Turner
vs
John I. Jenkins and
William L. Brent.

Be it remembered that heretofore to wit, on the thirty first day of March in the year of our Lord one thousand eight hundred and thirty eight the said Philip Turner by Benjamin G. Harris his attorney filed in the County Court here a certain writing obligatory commonly called a replevin bond and which is in manner and form following to wit:

Know all men by these presents that we Philip Turner Benjamin G. Harris and Abraham Wheelen of Saint Marys County in the State of Maryland are held and firmly bound unto John I. Jenkins of Charles County and State aforesaid and William L. Brent of the District of Columbia in the full and just sum of two thousand dollars current money to be paid to the said John I. Jenkins and William L. Brent their certain attorney executors administrators or assigns to which payment well and truly to be made and done we bind ourselves and each of us, our, and each of our heirs executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this thirty first day of March in the year of our Lord one thousand eight hundred and thirty eight.