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 forty eight 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 before the Court of Appeals here, until the second Monday in June next, to hear 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 second Monday in June being the eleventh day of the said month, in the year of our Lord one thousand eight hundred and forty nine 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 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 as yet are not &c.

And now at this day to wit, the said first Monday in December being the third day of the said month, in the year of our Lord one thousand eight hundred and forty nine 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 Jonathan Huddleson above for error assigned, being seen and by the Court of Appeals here fully understood, and matter 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, given in form aforesaid for those errors and others in the record and proceedings aforesaid, be revoked, annulled and held entirely as void, and that the said Jonathan Huddleson, be restored to all things which by reason of the judgment aforesaid he hath lost; and because it clearly appears to the Court here that justice and the merits of this case require that there should be a new trial of the issue aforesaid, 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 Allegany 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 Jonathan Huddleson recover against the said Richard Roe Jones as aforesaid the sum of seventy dollars and forty six cents, by the Court here adjudged unto the said Jonathan Huddleson 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 Jonathan Huddleson have there of 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 Allegany County accordingly &c.

Test, Richard M. Gill, Clerk.

Ex d.

Joseph Morgan vs. Watkins Dungan and Rust.	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 seven 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 Mary's County between Watkins, Dungan and Rust, plaintiffs and Joseph Morgan defendant, and wherein the said County Court gave judgment for the said Watkins, Dungan and Rust against the said Joseph Morgan and from which said judgment the said Joseph Morgan appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following, to wit:

Saint Mary's 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 fourth day of the same month in the year of our Lord one thousand eight hundred and forty five and in the seventieth year of the Independence of the United States of America.

Present, The Honble. Alexander C. Magruder Esq. Chief Judge, Clement Dorsey Esq. associate Judge, Stephen H. Gough, Esq. Shff. — Wm. T. Maddox, Clerk.

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

Watkins Dungan and Rust, vs Joseph Morgan. —	Be it remembered that now here in this Term to wit, the first Monday of August and the fourth day of the said month come into the County

Court here a certain Thomas C. Watkins, Francis D. Dungan and George Rust Junr. by Benjamin G. Harris their attorney and now here also comes a certain Joseph Morgan in his proper person. and thereupon by consent of as well the said Thomas C. Watkins, Francis D. Dungan and George Rust, Junr. by their attorney aforesaid as the said Joseph Morgan in his proper person aforesaid it is agreed that an action in a plea of debt &c. be docketted. Whereupon the said Thomas C. Watkins, Francis D. Dungan and Geo. Rust, Junr. shall be plaintiffs and the said Joseph Morgan Defendant and that all errors by occasion thereof be released. Thereupon the said Thomas C. Watkins, Francis D. Dungan and Geo. Rust, Junr. by their attorney aforesaid declare against the said Joseph Morgan in the plea aforesaid as follows to wit:

Saint Mary's County to wit: Joseph Morgan late of Saint Mary's