Company to join in the error by the said George P. Thistle and others above assigned, come again into the Court of Appeals here, the parties aforesaid by their attorneys aforesaid; and the said The Frostburg Coal Company by its attorney aforesaid, says, there is no error in the record of proceedings aforesaid, nor in the giving of the judgment aforesaid, and it 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 George P. Thistle and others above for error assigned, and that the said judgment may be in all things affirmed, and so forth. And afterwards to wit, on the 2nd day of February 1857 was filed in said cause an agreement in the words following to wit:

George P. Thistle & others. Lepee
vs.
Frostburg Coal Company

In this cause it is agreed that in the 19th page of the printed record, in the last paragraph, in said page, in 8th line from the bottom the following words, "being a part of the testimony of Moses Rawlings" were admitted by mistake, and went into the record on Lot No. 3980. and locked up the house, which was then vacant, and took the key away with him" to come in after the words "walked over them", and shall have the same effect, as if originally inserted.

Thomas J. McKaig atty for appellee.
Wm. Price for appellant.

Whereupon, as well the record and proceedings aforesaid, and the judgment given in form aforesaid, as the matters aforesaid, by the said George P. Thistle and others 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, given in form aforesaid, for the these errors and others in the record and proceedings aforesaid be reversed, annulled and held entirely as void, and that the said George P. Thistle and others be restored to all things which by reason of the judgment aforesaid they have 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; Wherefore the Court here, according to the directions of the act of Assembly, in such case made and provided order and direct a transmission of the record and proceedings aforesaid to the Clerk of the said Circuit Court of Allegany County, with the writ of the State of Maryland of procedendo to the said Circuit 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 George P. Thistle and others recover against the said The Frostburg Coal Company the sum of Seventy nine dollars and Eighty six and six third cents by the Court here adjudged unto the said George P. Thistle and others on their assent for their costs and charges by them laid out and expended about the prosecution of the appeal aforesaid, and that the said George P. Thistle and others have therefore execution &c.; the record and proceedings aforesaid, with the said writ of procedendo, are therefore remitted to the Clerk of said Circuit Court of Allegany County accordingly. &c.

Wm. A. Spencer. Clerk.

George P. Thistle and others
vs.
Francis Hammers.

Be it remembered, that now here on the First Monday in June being the second day of the said month, in the year of our Lord one thousand Eight hundred and fifty six the Judge of the fourth Judicial Circuit 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 him in the Circuit Court of Allegany County between George P. Thistle and others, plaintiffs, and Francis Hammers, defendant, and wherein the said Circuit Court gave judgment for the said Francis Hammers against the said George P. Thistle and others and which said judgment the said George P. Thistle and others appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following, to wit:

Maryland. Allegany County to wit:

At a Circuit Court of the Fourth Judicial Circuit of the State of Maryland and begun and held at the Court House in the Town of Cumberland in and for the County aforesaid, on the second Monday of March in the year of our Lord Eighteen hundred and fifty five.

The Honorable Thomas Perry Judge.
Perry Spult, Esquire Sheriff. H. Resley Clerk.

Among other were the following proceedings to wit:

George P. Thistle Dennis A. Daughety & others. Lepee
vs.
Francis Hammers.

Be it remembered that heretofore to wit, on the ninth day of May in the year 1854. Richard Roe lessee of George P. Thistle Dennis A. Daughety and Rebecca E. Daughety his wife. George Berry and Margaret A. Berry his wife. Daniel T. Keller and Mary Jane Keller his wife and Samuel P. Smith, by William Bruce his attorney declared in the Circuit Court here in a plea against John Doe of trespass & ejectment with a notice thereto annexed in manner and form following to wit:

State of Maryland, Allegany County &c.

John Doe, late of Allegany County: Yeoman, was attached to answer unto Richard Roe, in a plea wherefore with force and arms &c. at the County aforesaid, he entered into all that tract or parcel of plantable land called lot number Three thousand nine hundred and eighty (3980) one of the Military Lots. Westward of Fort Cumberland, lying and being in the County aforesaid containing fifty acres, with the appurtenances, which George P. Thistle, Dennis A. Daughety and Rebecca E. Daughety his wife, George Berry and Margaret A. Berry his wife. Daniel T. Keller and Mary Jane Keller his wife and Samuel P. Smith demised to the said Richard for a term of years which is not yet expired, and ejected him from his said farm and other wrongs to the said Richard did there, to the great damage of the said Richard, and against the peace, government and dignity of the State of Maryland and so forth. And whereupon the said Richard by Henry Bruce his attorney complains, that the said George P. Thistle, Dennis A. Daughety and Richard E. Daughety his wife, George Berry and Margaret A. Berry his wife. Daniel T. Keller and Mary Jane Keller his wife and Samuel P. Smith heretofore, to wit, on the first day of April in the year 1854 at the County aforesaid, had demised to the said Richard all that the said tract or parcel of plantable land called lot number 3980. one of the Military Lots westward of Fort Cumberland lying and