7 day of September 1857

Ann Ingan
vs
George W Nelson

And now come into the Court of Appeals here as well the said Ann Ingan by Thomas & Alexander and William H Dorsey Esqrs her attorneys as the said George W Nelson by Cornelius H Lease Esqre his attorney, and thereupon a Motion of the said Geo W Nelson by his attorney aforesaid duly made by the Court here that the said Ann Ingan assign the errors in the Record of proceedings aforesaid, or in the giving the Judgment aforesaid, or in the giving the Judgment aforesaid is not sufficient in law for the Court of Appeals here finally to proceed to examine the errors assigned or Judgment by the Court of Appeals and the same to affirm against her the said Ann Ingan by her 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 said cause given was given by the said George W Nelson against the said Ann Ingan when by the Law of the land the Judgment ought to have been given for the said Ann Ingan against the said George W Nelson therefore in that there is manifest error and the says that the Judgment aforesaid for the said error and others being in the Record of proceedings aforesaid may be reversed annulled and for nothing held as void, and that the the said Ann Ingan may be restored to all things which she hath lost by occasion of the said Judgment and that the said George W Nelson may reform to the Errors aforesaid, and so forth. And thereupon, it is ordered by the Court of Appeals here that the said Geo W Nelson form in the errors by the said Ann Ingan above assigned in the Record of proceedings aforesaid or Judgment by the Court of Appeals here and hereupon defend same, and defends &c. And the said Geo W Nelson by his attorney aforesaid prays that a day may be given to him to form in the Errors by the said Ann Ingan above assigned in the Record of proceedings aforesaid, and the 2nd Monday in December next, and to them all granted the same day is said given to the said Ann Ingan &c

At which said 2nd Monday in December being the 7 day of the said Month in the year of our Lord 1857 and at which said day came again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid and the said George W Nelson 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 of the Record of proceedings aforesaid, as of the matters aforesaid by the said Ann Ingan above 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 by virtue of an act of Assembly in such case made and provided further ordered before the Court of Appeals here until the first Monday in June next, the same day is given to the said parties then there to hear the Judgment of the Court of Appeals here of and upon the said premises and so forth.

At which said first Monday of June being the 7 day of the said Month in the year of our Lord 1858 came 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 and the first Thursday in December to hear the Judgment of the Court of appeals here of and upon the premises for that the Court are not yet advised &c

And now at this day to wit Thursday in December being the 6th day of the said Month in the year of our Lord 1858 come again into the Court of Appeals here the parties aforesaid by their attorneys aforesaid whereupon and upon the Record and proceedings aforesaid and the Judgment given in favor aforesaid in the matters aforesaid by the said Ann Ingan above for error assigned being seen and by the Court of appeals here fully understood and matured 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 the Judgment aforesaid therefore it is considered by the Court of Appeals here that the Judgment aforesaid given in favor aforesaid for those errors and others in the Record and proceedings aforesaid be reversed annulled and held entirely for nothing and the the said Ann Ingan be restored to all things which by reason of the Judgment aforesaid she hath lost, and because it clearly appears to the Court here that justice and the merits of the case require that there should be a new trial of the issue aforesaid therein the Court here according to the directions of the Act of Assembly in such case made and provided, order and direct a Mandamus of the Record and proceedings aforesaid to the Clerk of the said Circuit Court of Anne Arundel County with the Seal 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 been had therein or any appeal had been prosecuted. And it is also considered by the Court here that the said Ann Ingan recover against the said George W Nelson the sum of Seventy Eight dollars and Fifty cents by the Court here assessed for her damages and costs and charges by her laid out and expended about her prosecution of the appeal aforesaid and that the said Ann Ingan have therefore a certain &c the Record and proceedings aforesaid with the said Writ of procedendo are therefore remitted to the Clerk of said Circuit Court of Anne Arundel County accordingly &c

William A Spencer Clerk

State of Maryland to wit

I William A Spencer Clerk of the Court of Appeals of Maryland do hereby certify that the foregoing is truly taken from the Record of proceedings of the Court of Appeals aforesaid In testimony whereof I have hereunto subscribed my name as Clerk and affixed the seal of the said Court of Appeals this 7th day of July A D 1859 Wm A Spencer Clerk

Maryland to wit

The State of Maryland To the Honorable the Judges of the Circuit Court for Anne Arundel County Greeting Whereas the Court of Appeals for the State of Maryland has duly considered of the Record and proceedings in a certain action