And now come into the Court of Appeals here, as well the said Ann Tongue by Thos S. Alexander & W. H. G. Dorsey Esqrs her Attorneys, as the said George W. Nutwell by Connelius McLean Esqr his Attorney; and thereupon on motion of the said George W. Nutwell by his Attorney aforesaid, it is ordered by the Court here, that the said Ann Tongue 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, & judgment by the Court of Appeals here may be entered against her in default thereof: and the said Ann Tongue by her Attorneys aforesaid, says, that in the record of proceedings aforesaid, and also in the giving of judgment aforesaid, there is manifest 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 George W. Nutwell against the said Ann Tongue when, by the law of the land, that judgment ought to have been given for the said Ann Tongue against the said George W. Nutwell therefore in that there is manifest error, and she 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 she the said Ann Tongue may be restored to all things which she hath lost by occasion of the said judgment, and that the said George W. Nutwell may join in the errors aforesaid, and so forth. And thereupon it is ordered by the Court of Appeals here, that the said Geo W. Nutwell join in the errors by the said Ann Tongue above assigned in the record of proceedings aforesaid or judgment by the Court of Appeals here, may be rendered against him in default thereof: And the said Geo W. Nutwell by his Attorney aforesaid, prays that a day may be given to him to join in the errors by the said Ann Tongue 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 Ann Tongue then &c

At which said first Monday in December being the seventh day of the said month, in the Year of Our Lord one thousand eight hundred and fifty seven which said day was given to the said Geo W. Nutwell to join in the errors by the said Ann Tongue above assigned, Come again into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid; and the said George W. Nutwell 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 may proceed to the examination as well of the record of proceedings aforesaid, as of the matters aforesaid, by the said Ann Tongue above for errors 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, in, by virtue of an Act of Assembly in such Case made and provided, further continued before the Court of Appeals here, until the First 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.

At which said First Monday in June being the seventh day of the said month, in the Year of Our Lord one thousand eight hundred and fifty 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 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 sixth day of the said month, in the year of our Lord one thousand eight hundred and fifty eight 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 Ann Tongue 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 reversed, annulled and held entirely as void, and that the said Ann Tongue 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 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 Circuit Court of Anne Arundel County with the seal of the State of Maryland of proceedings 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 Ann Tongue recover against the said Geo W. Nutwell the sum of seventy eight dollars and eight and two third cents by the Court here adjudged unto the said Ann Tongue on her account for her Cost and charges by her laid out and expended about her prosecution of the appeal aforesaid, and that the said Ann Tongue have therefore execution, &c, the record and proceedings aforesaid, with the seal of proceedings, are therefore remitted to the Clerk of said Circuit Court of Anne Arundel County accordingly &c.

Test: Wm A. Spencer Clerk

"Charles Carroll McTavish vs Charles Carroll"

Be it remembered, That now here on the First Monday in December being the sixth day of of the said month, in the year of Our Lord one thousand eight hundred and eight hundred and fifty eight the Judge of the second