Judgment aforesaid, in the plea aforesaid given, was given for the said Charles Carroll against the said Charles Carroll McTavish, which by the law of the land, that Judgment ought to have been given for the said Charles Carroll McTavish against the said Charles Carroll therefore in that there is manifest error and he prays that the judgment aforesaid for that error, and to this being in the record of proceedings aforesaid, may be reversed, annulled and held entirely as void, and that he the said Charles Carroll McTavish may be restored to all things which he hath lost by occasion of the said Judgment, and that the said Charles Carroll may repair to the errors aforesaid and so forth.

And thereupon it is prayed by the Court of Appeals here that the said Charles Carroll join in the errors by the said Charles Carroll McTavish above assigned in the Record of proceedings aforesaid, or judgment by the Court of Appeals here will be entered against them in default thereof. And the said Charles Carroll by his Attorneys aforesaid, prays that a day may be given to him to join in the errors by the said Charles Carroll McTavish, 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 Charles Carroll McTavish - then &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 fifty four which said day was given to the said Charles Carroll to join in the errors by the said Charles Carroll McTavish above assigned, Came again into the Court of Appeals here, the parties aforesaid, by their Attorneys aforesaid; and the said Charles Carroll by his Attorneys 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 Charles Carroll McTavish above for error assigned, and that the said Judgment may be in all things affirmed, and so forth, — But, because the Court of Appeals here are not advised what Judgment to give of and upon the premises, day therefore is given to the parties aforesaid, before the Court of Appeals here, until the first Monday in June next, to hear the judgment of the Court of Appeals here of and upon the premises, for that the Court now here, thereof are not advised, and so forth. And so now at this day to wit: the said first Monday in June being the fourth day of the said Month, in the year of our Lord one thousand eight hundred and fifty five, Came 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 Charles Carroll McTavish 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 those errors and others in the record and proceedings aforesaid be reversed annulled and held

entirely as void, and that the said Charles Carroll McTavish 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; therefore the Court here, according to the directions of the Act of Assembly in such Case made and provided, order and direct a remitter of the record and proceedings aforesaid to the Clerk of the said Circuit Court of Howard County, with the writ of the State of Maryland aforesaid 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 the said Charles Carroll McTavish recover against the said Charles Carroll the sum of eighty eight dollars twenty six and two third Cents by the Court here adjudged unto the said Charles Carroll McTavish in his suit for his costs and charges by him laid out and expended about his prosecution of the appeal aforesaid and that the said Charles Carroll McTavish have thereof execution &c.

The Record and proceedings aforesaid with the said writ of procedendo, are therefore remitted to the Clerk of the said Circuit Court of Howard County Accordingly &c.

Test William A. Spencer Clerk.

Maryland Sct.

I William A. Spencer Clerk of the Court of Maryland do hereby Certify that the aforegoing is truly taken from the record of proceedings of the Court of Appeals Aforesaid.

In testimony whereof I have hereunto set my hand as Clerk and affixed the Seal of the said Court of Appeals this third day of July eighteen hundred and fifty five.

Seal Placed

William A. Spencer. Clerk.

And now here at this day, to wit: on the third Monday in September being the seventeenth day of the same month in the year eighteen hundred and fifty five Came again into the Circuit Court here the parties aforesaid by their Attorneys aforesaid. and prays leave of the Court here to imparle until the third Monday of March in the year eighteen hundred and fifty six and they have it, at which said third Monday in March in the year eighteen hundred and fifty six the parties aforesaid by their Attorneys aforesaid again appear in the Circuit Court here and ask leave to imparle until the first Monday in September next and they have it.

Whereupon for trying the issue aforesaid Comm. and is given to the Sheriff of the County aforesaid that he cause to Come before the Court here on the first Monday of September in the year eighteen hundred and fifty six twelve &c. by whom &c. who neither &c. to recognize &c. because as well &c. the same day is given to the parties aforesaid then and there &c. and now at this day to wit the said first Monday of September being the first day of the said month in the year eighteen hundred and fifty six Came again into the Court here the parties aforesaid by their Attorneys aforesaid