and afterwards to Wit in the fifth day of June 1862 the following agreement was filed to Wit.

Tilpha Hayman
use of Sydney C. Long
vs
Emery Reggin

Debt ——— $300.00
Costs ——— 5.23½
Judgment 23d May 1849
Interest from 4 May 1849
Test W. & G. Peck Clk.

Eliza Roach and Edward Long admrs of William Roach
vs
Emery Reggin

Debt ——— $115.00
Costs ——— 4.83½
Judgment 17 May 1843
Interest from 24 June 1839
Test.
W. & G. Peck Clk.

It is hereby agreed that the written copy of Judgment as offered in Evidence at the trial below and ought to have been incorporated in the Record in page 62 after the words "Emery Reggin" and that the Court of Appeals may consider the same as so incorporated.

Oliver Muler for Appellant
C. Long and J. D. Jones for Appellee.

But because the Court of Appeals here as an not yet advised what judgment to give of and upon the premises, a day therefor is given to the parties aforesaid until the consent of the said parties by their attorneys aforesaid before the Court of Appeals here until the First Monday of 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 fully

Advised at this day to Wit the said First Monday in December being the First day of the said Month in the year of our Lord 1862 here 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 William S. Waters Lessee above for error assigned, being seen and fully understood by the Court here, and mature deliberation had thereupon for that it appears to the Court here that in the Record and proceedings of the rendition of the Judgment aforesaid as to the opinion and direction of the said Circuit Court to the Jury as stated in the Fifth Bill of Exceptions, it is manifestly erred, therefore it is considered by the Court here that the judgment aforesaid in form aforesaid given as stated in the said Fifth Bill of exceptions be reversed annulled and held entirely for naught and that the said William S. Waters Lessee be restored to all things which by reason of the judgment aforesaid he hath lost and because it also appears to the Court here that there is no error in the Record and proceedings of the rendition of the Judgment aforesaid, as to the refusal of the said Circuit Court to give the opinion and direction to the Jury as stated in the First, Second, Third, Fourth, Sixth and Seventh Bills of exceptions therefore it is considered by the Court here that the judgment aforesaid in form aforesaid given by the said Circuit Court as stated in the said First, Second, Third, Fourth, Sixth and Seventh Bills of Exception be in all things affirmed, and stand in full force and effect, the said cause

for error as assigned and alleged in any wise notwithstanding, and thereupon the Court here pursuant 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 for Somerset County with the Mind of the State of Maryland of precedent 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 William S. Waters recover against the said Emery Reggin the sum of One hundred and Eighty Four dollars and twenty four cents for his costs and charges by him laid out and expended about his prosecution of the appeal aforesaid and that he have thereof his execution &c. The Record and proceedings aforesaid, with the said Mind of precedent, is therefore remitted to the Clerk of the said Circuit Court of Somerset County accordingly &c.

George Earle.

Examined