Appeals here will proceed to the examination as well of the Record of proceedings aforesaid as of the matters aforesaid, by the said Morris Guards and Wm Guards above for error assigned, and that the said judgment may be in all things affirmed, and it forth thereupon further process of and upon the premises between the parties aforesaid, as by virtue of an act of Assembly in such case made and provided ordained before the Court of Appeals here until the first Monday in October next the same day is given to the said parties then there to hear that judgment of the Court of Appeals here of and upon the said premises and so forth. At which said first Monday in October being the first day of the said month in the year of our Lord 1866 came again into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid. And because the Court of Appeals here are not yet advised what judgment to give of and upon the premises, a day therefor is further given to the parties aforesaid, with the consent of the said parties by their Attorneys aforesaid to come before the Court of Appeals here on the first Monday in April 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 to give

And now at this day to wit the said 1st day of April being the first day of the said month in the year of our Lord 1867 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 Morris Guards and Wm Guards 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 thereof be annulled and held entirely for nought and that the said Morris Guards and Wm Guards 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 the 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 Allegany County with the Mandate 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 that the said Morris Guards and Wm Guards recover against the said Peter Lamans Jesse the sum of Nine dollars and Ninety five cents in the Circuit Court twenty five dollars costs of transcript of Record also the sum of one hundred and Seventy five dollars and forty five cents by the Court here adjudged unto the said Morris Guards and Wm Guards in their assent for their cost and charges by them laid out and expended about their prosecution of the appeal aforesaid, and that the said Morris Guards and Wm Guards have thereof execution &c the record and proceedings aforesaid with the said writ of procedendo, and therefore remitted to the Clerk of said Circuit Court for Allegany County.

George Earle Clerk.