April Term 1868

those errors, and others in the record and proceedings aforesaid, be revoked, annulled, and held entirely as void, and that the said John O. Price and others 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 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 remission of the record and proceedings aforesaid to the Clerk of the said Superior Court of Baltimore City, with the writ of the State of Maryland of procedendo to the said Superior 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 John O. Price and others recover against the said Anne Nesbitt and others the sum of $782.88 costs in the Superior Court of Balto. City; $16.10 costs of record in also the sum of $88.50 Court of Appeals Costs by the Court here adjudged unto the said John O. Price and others on their assent for their cost and charges by them laid out and expended about their prosecution of the appeal aforesaid, and that the said John O. Price and others have thereof execution &c.