

aforesaid in form aforesaid given by the said County Court be revoked, annulled and held entirely as void, and that the said Otho Sprigg be restored to all things which by reason of the judgment aforesaid he hath lost.

And because it clearly appears to the Court of appeals here that justice and the merits of this case require that there should be a new trial of the issue aforesaid; thereupon the Court of appeals 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 County Court of Frederick with the writ of the state of Maryland of Procedendo to the said County 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.

The Record and proceedings aforesaid with the said writ of Procedendo are therefore