Second Bill of Exceptions; Therefore it is considered by the Court of Appeals here that there is no error in the record and proceedings of the Judgment aforesaid as to the opinions of the said County Court as stated in the first and second Bills of Exceptions in the record and proceedings aforesaid certified, and that the same opinions be in all things affirmed and stand in full force and effect the said issues for error above assigned and alleged in any wise notwithstanding; and because it also appears to the Court of Appeals here that there is manifest error in the record and proceedings aforesaid and also in the condition of the Judgment aforesaid as to the opinion of the said County Court and their refusal to give the opinion and direction to the Jury on the prayer of the said Otho Sprigg as stated in the third Bill of Exceptions in the record and proceedings aforesaid certified ~~there is manifest error~~; Therefore it is considered by the Court of Appeals here that the Judgment aforesaid in form aforesaid given by the said County Court be reversed, 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 whereupon the Court of Appeals here pursuant to the direction of the act of assembly in such case made and provided ordered and directed 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 ~~prosecuted~~ — The record and proceedings aforesaid with the said writ of Procedendo are therefore remitted to the Clerk of the County Court of Frederick accordingly

Test

Th. Harris Jun. Clk