third Monday in December next for that the Court here are not advised, &c.

And now at this day, to wit, the said third Monday in December, being the fifteenth day of the said month in the year of our Lord one thousand eight hundred and six, come again into the Court of Appeals here the parties aforesaid by their respective Attornies aforesaid; whereupon as well the Record and proceedings aforesaid, and the Judgment given in form aforesaid, as the matters aforesaid by the said Robert Morgan 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 of the said General Court and their direction to the Jury, as stated in the first 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 first Bill of Exceptions, be revoked, annulled, and held entirely as void, and that the said Robert Morgan 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 General Court to permit the Evidence offered on the part of the said Robert Morgan, the Defendant in the said General Court, to go to the Jury, as stated in the second Bill of Exceptions; Therefore it is considered by the Court here, that the Judgment aforesaid, in form aforesaid given by the said General Court, as stated in the said second Bill of Exceptions, be in all things affirmed, and stand in full force and effect the said causes for Error above assigned and alledged in any wise notwithstanding; 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 issues aforesaid, thereupon the Court here, pursuant to the directions of the Acts of Assembly in such cases made and provided, order and direct a remission of the Record and proceedings aforesaid to the Clerk of Harford County Court, 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; It is also considered by the Court here, that the said Robert Morgan recover against the said Dixon Slade and Elizabeth his Wife the quantity of Two thousand five hundred and eighty three pounds of Tobacco, 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 Writ of Procedendo is therefore remitted to the Clerk of the County Court of Harford accordingly, &c.

Memorandum, At the argument and decision of this Cause the Honorable Jeremiah Townley Chase Esquire Chief Judge, withdrew from the Bench.

Test. Thomas Harris Junr. Clk.

9 sides

Frederick Barkman
against
John Betibanner admor of Leonard Betibanner

Be it remembered, that heretofore, to wit; on the twentieth day of June, in the year of our Lord One thousand eight hundred and three, the said Frederick Barkman by Arthur Shaaff his Attorney, prosecuted and sued out of the High Court of Chancery of the State of Maryland the Writ of the State of Maryland of Error, directed to the Honourable the Judges of the General Court, in the words and of the tenor following, to wit.

Maryland, sc. The State of Maryland, To the honourable the Judges of the General Court, Greeting, Because in the Record and process, and also in the rendering of Judgment, on a certain action brought by John Bitterbanner against Frederick Barkman for the sum of Two hundred and fifty pounds Current Money and Costs of Suit; To be released on payment of the sum of One hundred and seventy four pounds ten shillings and six pence Current Money with Interest from the twenty fifth day of May eighteen hundred and three till paid and Costs at a General Court held before you, our said Judges, at May Term last; manifest error, as it is said, hath happened, to the great damage of the said Frederick Barkman as of his complaint we have received; and we being willing that the errors, if any there be, should be duly corrected, and full and speedy Justice done to the said Frederick Barkman in this behalf, command you, that if Judgment be thereof rendered, that then the Record and process aforesaid, with all things thereunto relating, under your Seals, distinctly and openly, you send, and this Writ, so that the same may be had before the Judges of our High Court of Appeals at Annapolis, on the second Monday of November next, that the Record and process aforesaid being inspected into, we may further do therein, for correcting that error, which of right, and according to the Laws and customs of this State, may be done, Witness the honourable Alexander Contee Hanson, Chancellor, this twentieth day of June eighteen hundred and three.

Test. Samuel Harvey Howard, Reg. C. C.

At which mentioned second Monday of November, being the fourteenth day of the said month, in the year of our Lord one thousand eight hundred and three, and the day of the return of the aforegoing writ, the honourable the Judges of the General Court, to whom the said aforegoing writ was in form aforesaid directed, in pursuance thereof, and according to the form and effect of the Act of Assembly in such case made and provided, certify and transmit to the Court here, together with the said Writ, a Record of the proceedings of the Judgment in the said Writ specified and which said Record is in form following, to wit,

Maryland, sc.

At a General Court of the State of Maryland, one of the United States of America, begun and held for the Western Shore of the said State, at the City of Annapolis, on the second Tuesday of May, being the Tenth day of the same month, in the Year of our Lord one thousand eight hundred and three; And in the Twenty seventh Year of the Independence