not advised to give their judgment of and upon the premises, day is therefore further given to the parties aforesaid before the Court here on the third Monday in December next to hear their judgment of and upon the premises aforesaid; for that the Court here are not advised &c.

At which 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 Attornies aforesaid. But because the Court here are not yet advised what Judgment to give of and upon the premises, further day with the consent of the said parties by their Attornies aforesaid, is given before the Court here on the third Monday in June next to hear their Judgment of and upon the premises aforesaid for that the Court here, as yet are not &c.

And now at this day, to wit, the said third Monday in June being the fifteenth day of the said Month in the year of our Lord one thousand eight hundred and seven, come again into the Court of Appeals here the parties aforesaid by their Attornies aforesaid. Whereupon as well the record of proceedings aforesaid, and the judgment given in form aforesaid, as the matters aforesaid by the said Baley Erles Clarke, above for errors assigned, being seen and fully understood by the Court here and mature deliberation thereupon had for that it appears to the Court here that in the record of 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 Bill of Exceptions it is manifestly erred.

Therefore it is considered by the Court here that the judgment aforesaid in form aforesaid given ..... be revoked, annulled, and held entirely as void, and that the said Baley Erles Clarke be restored

to

all things which by reason of the judgment aforesaid he hath lost.

It is also considered by the Court here that the said Baley Erles Clarke recover against the said William B Magruder and Thomas L Washington the sum of forty five Dollars and sixty three cents, and two thirds of a cent adjudged by the Court here unto the said Baley Erles Clarke on his agent for his costs and charges by him laid out and expended about the prosecution of his said Appeal of and upon the premises and that the said Baley Erles Clarke have thereof execution &c.

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 cause 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 Prince Georges 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.

The Record and proceedings aforesaid with the said writ of procedendo are therefore remitted to the Clerk of the said County Court of Prince Georges accordingly

J. Ca. H

Memorandum. At the argument and decision of this case in the Court of Appeals, the honourable Jeremiah Townley Chase Esquire Chief Judge withdrew from the Bench.

Test

Thomas Harris Junr. Clk

John Campbell vs Seth Barton use of John Goddard	Be it remembered that heretofore, to wit, on the fifteenth day of January in the year of our Lord one thousand eight hundred and six, the said John Campbell by Thomas Buchanan his Attorney prosecuted and sued forth out of the Court

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