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And the said James Clarke being called appears in Court here by Philip Barton Key and Samuel Chase Junior Esquire his attornies and thereupon on motion of the said George Simpson by his attorney aforesaid it is ruled by the Court here that the said James Clarke give special bail in the plea aforesaid. Whereupon the said James Clarke by his attornies aforesaid files in Court here a certain bail piece and which being approved of by the Court here is of the tenor following towit.

George Simpson vs James Clarke } You John E. Smith and Archibald Stewart do jointly and severally acknowledge yourselves special bail for James Clarke at the suit of George Simpson in a plea of trespass upon the Case and so forth brought by the said George Simpson against the said James Clarke in the Circuit Court of the fourth Circuit of the United States for the District of Maryland to be held in the City of Baltimore the seventh day of November next. They acknowledge themselves Content therewith this sixth day of November Eighteen hundred and two.

Acknowledged before
Thorowgo. Smith
Tho. Bailey

I James Clarke impower authorise and appoint Samuel Chase Junior Esquire to appear for me in the above action. Given under my hand and seal this sixth day of November Eighteen hundred and two.

To the Honorable the Judges of the Circuit Court of the fourth Circuit of the United States } James Clarke (Seal)

And Thereupon on motion of the said George Simpson by his attorney aforesaid it is ruled by the Court here that the said James Clarke answer to the declaration aforesaid of the said George Simpson in the plea aforesaid or Judgment by the Court here will be entered against him in default thereof. And the said James Clarke by his attorney aforesaid defends the force and injury when and so forth and saith that he did not assume upon himself in manner and form as the said George Simpson above against him hath Complained, and of this he puts himself upon the Country, and the said George Simpson in like manner and so forth. Therefore let a Jury thereon appear before the Court here on the first day of May next by whom &c. and who neither &c. to recognize &c. because as well &c. the same day is given to the said parties there and there and so forth.

And now at this day towit the said first day of May in the year of our Lord one thousand eight hundred and three Come again into our Circuit Court here as well the said George Simpson by his attorney aforesaid as the said James Clarke by his attornies aforesaid, whereupon it is ruled by the Court here by Consent of the said parties, that all and singular the proceedings aforesaid be withdrawn and this cause reinstated for trial. And the said James Clarke by his attornies aforesaid relinquishing the averment above by him pretended says that he Cannot deny the action aforesaid of the said George Simpson so as aforesaid against him brought, nor but that the aforesaid George Simpson hath sustained damage to the sum of

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of forty thousand dollars Current money by occasion of the non performance of the promise and assumption aforesaid in manner and form as the said George Simpson above against him hath declared. Therefore it is Considered by the Court here that the said George Simpson recover against the said James Clarke as well the sum of forty thousand dollars Current money his damages aforesaid in form aforesaid Confessed to be sustained by occasion of the non performance of the promise and assumption aforesaid as also the sum of twenty three dollars and seventy three cents Current money adjudged by the Court here unto the said George Simpson for his costs and charges by him about his suit in this behalf laid out and expended and the said James Clarke in mercy and so forth.

Memorandum Judgment was confessed in this action on the twenty seventh day of September in the year Eighteen hundred and three for the damages in the declaration laid and the costs of suit and the Plaintiff agreed to release the said damages upon the payment of the Sum of Thirty six thousand two hundred and thirty two dollars and seventy seven cents Current money and costs of suit —

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Simpson vs Clarke } The Plaintiff agrees that if the bank of the United States shall not release the Judgment upon the same terms as they settled the bills endorsed by Pascault and Stewart, this Judgment shall be void and struck out and the action reinstated at next Term.

Jeb. Hollingsworth Atty for Pltff
P. B. Key for Defend.

Test. Philip Moore Clk.

In Testimony that the aforegoing is truly taken from the record of proceedings of the Circuit Court for the fourth Circuit of the United States in the District of Maryland.

Seal of the Circuit Court

I have hereto subscribed my name and affixed the seal of the said Circuit Court this twentieth day of May in the year of our Lord Eighteen hundred and seven.

Philip Moore Clk Circuit Court 4 Circ. Mary.

The United States of America. District of Maryland towit

At a Circuit Court for the fourth Circuit of the United States in and for the District of Maryland begun and held at the City of Baltimore on the Seventh day of November in the year of our Lord one thousand eight hundred and three and in the twenty eighth year of the Independence of the United States of America.

Present

The Honorable Samuel Chase Esquire Associate Justice of the Supreme Court of the United States.
James Winchester Esquire Judge of the District of Maryland.
Jebulon Hollingsworth Esquire Attorney
Philip Moore Clerk.
Reuben Etting Esquire Marshall.

Among other were the following proceedings towit

George