June Term 1864

of Appeals here, of and upon the premises, for that the Court now here, adjudge, are not &c

And now at this day here, the said first Monday in June being the sixth day of the said month, in the year of our Lord one thousand eight hundred and sixty four, come again into the Court of Appeals here, the parties aforesaid by their Attorneys aforesaid.

Whereupon as well the record and proceedings aforesaid, and the Judgment given in form aforesaid, as the matters aforesaid, by the said, E. P. B. Burke and J. Fellte 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 and direction of the said Circuit Court to the Jury as stated in the first and third bills 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 and third bills of exceptions be revoked, annulled, and held entirely as void, and that the said E. P. B. Burke, and J. Fellte, be restored to all things which by reason of the judgment aforesaid, they have 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 Circuit Court to give the opinion and direction to the Jury as stated in the second bill of exception; therefore it is considered by the Court here, that the judgment aforesaid in form aforesaid given by the said Circuit Court, as stated in the said second bill of exception, be in all things affirmed, and stand in full force and effect, the said causes for error above assigned and alleged in any wise notwithstanding; and thereupon the Court 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 said Circuit Court of Baltimore County with the writ of the State of Maryland of procedendo to the said Circuit 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 E. P. B. Burke and John Fellte recover against the said J. C. R. B. B. Chamberlaine Esqr the sum of One hundred & thirty six dollars & thirty one cents for his costs and charges by him laid out and expended about his prosecution of the appeal aforesaid and that they have thereof their execution &c; the record and proceedings aforesaid, with the said writ of procedendo is therefore remitted to the Clerk of the Circuit Court of Baltimore County accordingly &c.

George Earle Clerk
of the Court of Appeals of Md.