The Rev.d John Ashton
against
Charles Mahoney
Transcript

Recorded in Liber
B. H. No. 10. folio 450 &c.

212 folios

In the Court of Appeals
June Term 1802 —

Reverend John Ashton
against
Charles Mahoney — . — } Five Exceptions stated in the Record

— . —

3rd Exception, The Court disagree with the General Court in their Opinion in this Exception — The Court are of opinion that the General Court ought not to have permitted the special Verdict found on the first Trial (which was set aside (because a fact was not sufficiently found) to be read in Evidence on the second Trial — They consider it a good rule, that on a second Trial, no advantage or use shall be made by either of the parties of the first finding, or of the opinion of the Court in setting aside that Verdict, but that such second Trial shall as far as possible be conducted as if no prior trial had been had — —

The Record before the Court proves the propriety of the Rule — On the first Trial an Objection was made by the Defendant below to a Deposition offered by the Plaintiff, the General Court over ruled the Objection the Deposition was read and Defendants Counsel then took an Exception to their Opinion; By granting