aforesaid But because the Court here are not yet advised to give their Judgment of and upon the premises, Day therefore is further given to the parties aforesaid by Consent of the said parties and their attornies aforesaid before the Court here until the third Monday of June next to hear their Judgment of and upon the premises because the Court here thereof as yet are not advised &c.

At which said third Monday of June being the sixteenth day of the said month in the year of our Lord one thousand eight hundred and eleven Come again into the Court of Appeals here the parties aforesaid by their attornies aforesaid But because the Court here are not yet advised to give their Judgment of and upon the premises Day therefore is further given to the parties aforesaid by Consent of the said parties and their attornies aforesaid before the Court here until the third Monday of December next to hear their Judgment of and upon the premises because the Court here thereof as yet are not advised &c.

And now at this day to wit, the said third Monday of December being the sixteenth day of the said month in the year of our Lord one thousand eight hundred and eleven Come again into the Court of Appeals here the parties aforesaid by their attornies aforesaid Whereupon all and singular the premises being by the Court here seen heard and fully understood 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 County Court as stated in the Bill of Exceptions in the record aforesaid mentioned it is manifest Error.

Therefore it is considered by the Court here that the



Judgment aforesaid for these errors and others in the record of proceedings aforesaid being reversed, annulled and held entirely as void, and that the said Francis Dunnington Executor as aforesaid be restored to all things which by reason of the Judgment aforesaid he hath lost His also considered by the Court here that the said Francis Dunnington Executor as aforesaid recover against the said Robert Dunnington administrator as aforesaid the sum of forty six Dollars and forty four Cents and two thirds of a Cent by the Court here adjudged unto the said Francis Dunnington Executor as aforesaid on his assets for his Costs and Charges by him laid out and expended about his prosecution of the appeal aforesaid and that the said Francis Dunnington Executor as aforesaid have thereof Execution &c. to be levied of the goods and Chattels which were of the said Elbanor Dunnington at the time of her death remaining to be administered in the hands and Custody of the said Robert Dunnington administrator as aforesaid if so much thereof in his hands to be administered he hath, and if so much thereof in his hands to be administered he hath not, then the Costs & Charges last aforesaid to be levied of the proper goods and Chattels of the said Robert Dunnington –

And because it clearly appears to the Court here that Justice and the merits of this Case required that there should be a new trial of the issue aforesaid, Thereupon the Court here according to the directions of the acts of assembly in such Case made and provided order and direct a remission of the record of proceedings aforesaid to the Clerk of the said County Court of Charles 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 on any appeal had been prosecuted –