ap. therein certified unto you they permit, that in that plea with that speed which is of right and according to law you may proceed therein, in the same manner as if no trial had taken place, or any appeal had been prosecuted, any thing in the record & proceedings ap. heretofore certified to the contrary notwithstanding. Witness the Hon. Richard Jeremiah T. Chase Esquire Chief Judge of our said Court the 9th day of December 1811. Issued the 12th day of January 1812. James Earle Clk

And now at the day court, to wit, on the third Monday of March in the year of our Lord one thousand eight hundred and twelve comes into the County Court here of Kent, as well the said George Dunning by William Barrett Esquire his Attorney, as the said Elizabeth Thomas Executrix ad ap. by William Carmichael Esquire her Attorney, thereupon further process of and upon the premises ap. between the parties ap. by consent of the said parties and their attorneys ap. and by order of the Court here thereon is continued until the third Monday of September next. At which said third Monday of September in the year eighteen hundred & twelve came again into the County Court here the parties ap. by their attorneys aforesaid, thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their attorneys aforesaid, and by order of the Court here thereon is further continued until the third Monday of March next.

At which said third Monday of March in the year eighteen hundred and thirteen, came again into the County Court here the parties aforesaid by their attorneys aforesaid, thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties and their attorneys aforesaid and by order of the Court here thereon is further continued until the third Monday of September next. At which said third Monday of September, in the year eighteen hundred and thirteen, come again into the County Court here the parties aforesaid by their attorneys aforesaid, and the said Elizabeth Thomas, Executrix as aforesaid by her Attorney aforesaid prays the Court here that Commission may issue to the State of Delaware, to examine evidences in this cause, and that the depositions returned with the said Commission may be read in evidence at the trial hereof, and this granted her, Whereupon the said George Dunning, and the said Elizabeth Thomas by their Attorneys, pray the Court here, that the same Commission, may be directed to George Cummins of Kent County & State of Delaware aforesaid, and that he examine &c. returnable with all convenient speed &c. Whereupon the same Commission accordingly issues in the words and of the tenor following to wit.

Kent County to wit. The State of Maryland, To George Cummins of Kent County, in the State of Delaware Greeting. Be it known that you are appointed Commissioner to examine evidences in a cause depending in the County Court of the State of Maryland for Kent County, between George Dunning use of Henry Page, plaintiff and Elizabeth Thomas, Executrix of William Thomas, defendant, Therefore you are requested having first taken the Oath hereunto annexed, and also administered the annexed Oath to the person whom you shall appoint as Clerk to attend the execution of this Commission, that at such time & place as to you shall seem convenient, you cause to come before you all such evidence as shall be named & produced to you by either the plaintiff & Defendant, and that you examine them upon their Corporal oath, to be by you administered on the Holy Evangely of Almighty God, touching their knowledge & remembrance of any thing that may relate to the cause aforesaid, and that you cause notice to be given to the parties or their Attorneys of the execution of this Commission before you execute the same, and having reduced the depositions of the Witnesses so taken by you into writing, you send the same with this Commission closed under your hand and seal to the County Court with all convenient speed — Witness the Honorable Richard Tilghman Earle, Esquire Chief Judge of the said County Court the 20. day of September Anno Domini 1812. Issued this 18th day of December Anno Christi 1812. Ben: Chambers Clk

Thereupon further process of and upon the premises aforesaid, between the parties

aforesaid by consent of the said parties and their Attorneys aforesaid and by order of the Court here thereon is further continued until the third Monday of March next. And now here at this day, to wit, the said third Monday of March, being the twenty first day of the same month, in the year eighteen hundred and fourteen, came again into the County Court here as well the said George Dunning by William Barrett and Ezekiel F. Chambers, Esquires, his attorneys as the said Elizabeth Thomas Executrix as aforesaid by William Carmichael and Isaac Spencer, Esquires, her attorneys, and the said Elizabeth Thomas Executrix as aforesaid by her Attorneys aforesaid files in Court here the Commission which was issued in this cause and directed the said George Cummins together with depositions thereunto annexed, and which here ensue in the following words that is to say. Kent County to wit. The State of Maryland. To George Cummins of Kent County in the State of Delaware. Be it known that you are appointed Commissioner to examine evidences in a cause depending in the County Court of the State of Maryland, for Kent County, between George Dunning, use of Henry Page, plaintiff, and Elizabeth Thomas, Executrix of William Thomas, defendant, Therefore you are hereby requested having first taken the Oath hereunto annexed and also administered the Oath annexed to the person whom you shall appoint as Clerk, to attend the execution of this Commission that at such time and place as to you shall seem convenient you cause to come before you all such evidences as shall be named or produced to you by either the plaintiff or defendant, and that you examine them upon their corporal Oath, to be by you administered on the Holy Evangely of Almighty God touching their knowledge or remembrance of any thing that may relate to the cause aforesaid and that you cause notice to be given to the parties or their attorneys of the execution of this Commission before you execute the same, and having reduced the depositions of the witnesses so taken by you into writing you send the same with this Commission closed under your Hand and Seal to the County Court with all convenient speed, Witness the Honorable Richard Tilghman Earle, Esquire, Chief Judge of the said County Court the 20th day of September Anno Domini 1812. Issued this 18th day of December Anno Christi 1812. Ben: Chambers Clk

Commissioners Oath — You shall according to the best of your skill & knowledge truly and faithfully and without partiality to any or either of the parties, take the examination and depositions of all and every witness and witnesses produced to you and examined by virtue of the Commission hereunto annexed upon the Interrogatories now or which may hereafter before the said Commission is closed be produced to and left with you by either of the said parties. So help you God.

Clerks Oath. You shall truly faithfully and without partiality to any or either of the parties in this cause, take write down and transcribe the depositions of all and every the Witness and Witnesses produced before and examined by the Commissioner named in the Commission hereunto annexed as far forth as you are directed and employed by the said Commissioner to take write down and transcribe the said Depositions or any of them. So help you God. —

The following is a Copy of the interrogatories filed in this cause, on the part of the defendant.

George Dunning, use of Henry Page } Interrogatories — 1st Do you know the parties in the above Setting. 2nd Did you know one Aquilla Atten late deceased and were you acquainted with his hand writing — 3rd Look upon the paper marked A.D. and say if the same Aquilla Atten signed thereto as a Witness is the hand writing of the said Aquilla Atten. William Carmichael for Deft.

Elizabeth Thomas Extrx of William Thomas

True Copy Attest. Ben: Chambers Clk

The written was shewn to me this 3d day of January 1814. to be executed at the house of George Cummings in Delaware the 25th Jany 1814. W. Barrett

State of Delaware Kent County to wit. Personally appeared before me the Subscriber one of the Justices of the peace in and for the County of Kent and State aforesaid George Cummings the Commissioner named to take depositions in a suit depending in the County Court of the State of Maryland for Kent County wherein George Dunning, use of Henry Page is