June Term 1861

But Because the Court of Appeals here are not not yet advised what Judgment to give and upon the premises, a day therefore is further given to the parties aforesaid with the consent of the said parties by their Attorneys aforesaid to come before the Court of Appeals here on the first Monday of June next to hear the Judgment of the Court of Appeals here of and upon the premises for that the Court here as yet desire not to give and now at this day to wit the said First Monday in June being to wit the day of the said Month in the year aforesaid Term 1861 come into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid Whereupon the record and proceedings aforesaid and the Judgment given in Same aforesaid as the matters aforesaid by the said Thomas Evan Pebber Devisee of Frederick Van Pebber and Mary Evan Pebber Devisee of Frederick Van Pebber and Mary Evan Pebber Lessee by assignment being seen and by the Court of Appeals here fully understood, and mature deliberation thereupon had for that the Court of Appeals here that there is error in the Record of proceedings aforesaid and also in the giving of the Judgment aforesaid, It is therefore considered by the Court of Appeals here that the Judgment aforesaid given in Same aforesaid for the said errors and others in the Record and proceedings aforesaid be reversed, annulled and held entirely for naught and that the said Thomas Evan Pebber Guardian of Frederick Van Pebber and Mary E Van Pebber Devisee be restored to all things lawfully by reason of the Judgment aforesaid lately had. And because it clearly appears to the Court of Appeals here that justice and the merits of the case require that there should be a new trial of the issue aforesaid therefore the Court here according 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 for Allegany County with the Mind the State of Maryland aforesaid to the said Circuit Court directing them to proceed with the action aforesaid and to award a new trial thereon in the same manner as if no trial had theretofore been had or any appeal had been prayed. This day also came the Court here that the said Thomas Evan Pebber Guardian of Frederick Van Pebber and Mary Evan Pebber Devisee recover against the said William Henry and others the sum of Six Hundred Dollars Damages and Sixty Cents by the Court here assessed with the said Thomas Evan Pebber Guardian of Frederick Van Pebber and Mary E Van Pebber Devisee also their costs and charges by them laid out and expended about their prosecution of the Appeal aforesaid and that the said Thomas Evan Pebber Guardian of Frederick Van Pebber and Mary E Van Pebber Devisee have Execution of the Record and proceedings aforesaid with the said Mind of Procedendo and thereupon remitted to the Clerk of said Circuit Court for Allegany County according &c

William A Spencer Clk