

**LONDON and MARGARET WILLIAMS, Administrator and Administratrix of  
the Estate of Samuel  
Williams, Appellants, vs. LYDIA J. BROWN and CHARLES  
WILLIAMS, Heirs of David Williams, Appellees.**

**LRSC 1; 1 LLR 54 (1872)**

[January Term, A. D. 1872.]

*Appeal from the Court of Quarter Sessions and Common Pleas, Montserrado County.*

This is a case brought up from the Court of Pleas and Quarter Sessions of Montserrado County, sitting in equity, on appeal from the decree given in said case in the court below.

From a careful examination of the records, the court finds that on account of the mixture of questions of law and fact it does not appear for which party judgment ought to be given.

It appears that one J. C. Minor and one Samuel Williams were the administrators of one Abram Dickson's estate; that J. C. Minor, one of the said administrators, acknowledges that he, as administrator, executed a deed for the property in dispute to one Samuel Williams; yet oral testimony was admitted in the court below not to explain the transaction as regards the execution of said deed to Samuel Williams, but to wholly destroy the effect of the statement of the said J. C. Minor, without at all questioning the credibility of the said statement. The court below, in good conscience, was equally bound, by the knowledge had within its own bosom of the facts in the case, to do justice as it was by the evidence produced before it. It is evident from the record that the testimony showed the existence of better evidence than had been produced before the court, and this appears to have been known by the court.

In order, therefore, that equity be done to all parties, the court decides that the case be remanded for a new trial, costs to be paid by both parties equally.