December Term 1808

William Davis and Mary his wife
vs
Robert Walsh

Be it remembered that heretofore towit on the second tuesday of June being the eleventh day of the said month in the year of our Lord one thousand eight hundred and five the Chancellor of the State of Maryland in pursuance of the act of Assembly in such case made and provided transmitted to the late Court of Appeals held at the City of Annapolis the record of proceedings in a cause which was lately depending before him in the Court of Chancery between William Davis and Mary his wife Complainants and Robert Walsh Defendant and wherein the said Court of Chancery passed a decree in favor of the said Robert Walsh against the said William Davis and Mary his wife and from which said decree the said William Davis and Mary his wife prayed and appeal unto the said late Court of Appeals the tenor of which said record of proceedings is in form following to wit.

Maryland So At a Chancery Court begun and held at the City of Annapolis on the third Tuesday in December in the year one thousand eight hundred and four.

Present

The Honorable Alexander Contee Hanson Chancellor

Amongst others were the following proceedings towit

William Davis and Mary his wife
against
Robert Walsh

Be it remembered that heretofore towit on the seventh day of April in the year of our Lord one thousand seven hundred and ninety four came William Davis and Mary his wife into the State of Maryland High Court of Chancery by Luther Martin Esquire their solicitor and exhibited their bill of Complaint against Robert Walsh in the words following towit.

To the Honorable Alexander Contee Hanson Esquire Chancellor of Maryland.

Humbly complaining to your honor your orator William Davis and your oratrix Mary Davis his wife both of Baltimore town in Baltimore County show that the aforesaid William Davis being seized of a valuable real property and also possessed of a considerable personal estate consisting among other things of certain chattels real and being also indebted to divers Citizens of this state and of the United states beyond what he was able to pay without a greater indulgence than his creditors were disposed to grant him was compelled some time in or about the summer of the year one thousand seven hundred and eighty seven to apply to the Chancellor for the benefit of the act of Assembly respecting Insolvent debtors in consequence of which the said Chancellor was pleased to appoint Stephen Wilson

and

December Term 1808

and Robert Lemmon Gentlemen Trustees on behalf of his the said William Davis' creditors and that your orator William Davis on the tenth day of October in the year of our Lord one thousand seven hundred and eighty eight by a deed duly executed conveyed to the said Trustees his the said Williams real and personal property as will more fully appear by a copy of the said deed which your orator and oratrix exhibit and pray the same may be received as part of this their bill. Your orator and oratrix further shew that the said Trustees in order to carry into execution their trust did proceed to sell the real and personal property aforesaid or so much thereof as is specified in the deed next exhibited to a certain Cumberland Dugan for the sum of thirteen hundred and two pounds Current money of Maryland and did on the sixth day of November in the year of our Lord one thousand seven hundred and ninety two execute to the said Cumberland their deed for the property so to him sold a copy of which last mentioned deed your orator and oratrix also exhibit and pray may be received as part of this their bill of Complaint. Your orator and oratrix further shew that the said Dugan in making the aforesaid purchase acted profferaly as the friend of your orator William Davis so far that if the said Davis could procure the purchase money within a certain time the said William was to have the benefit of the purchase, but it so happening that the said William Davis was not able so to do, therefore it became necessary for the sale of the said property or a part thereof to raise the purchase money and to indemnify the said Dugan and that the said Dugan in consequence being about to sell the said property and among the rest the following two lots distinguished on a plat of Baltimore town by the numbers nine hundred and fifty, nine hundred and fifty one, nine hundred and fifty two, nine hundred and fifty three and nine hundred and fifty four which lay connected and adjoining each other on which your orator William had a house in which he resided with his family and also a Garden adjoining the house. Your orator and oratrix were particularly desirous to preserve for themselves the said house as a home together with the Garden which they had improved and cultivated but not apprehending that the said William was able to risque purchasing the whole of the said lots the said William and his wife your orator and oratrix were anxious to obtain that the said lots should not be sold together but subdivided into three or more subdivisions each to be sold separately and one of which subdivisions should include the house and garden aforesaid and in that case it was agreed that a friend should become the purchaser of the subdivision including the house and Garden for and on behalf of your oratrix and as a Trustee for her and that upon the purchase money being paid the said subdivision so to be purchased should be conveyed to your oratrix and the better to

affect