December Term 1836

the said John Tagart having refused to comply with the terms of said sale so made to him, all the interest of the said Thomas Calwell has been again offered at Public Sale by the Trustee appointed to sell the same, and at which second sale, one Samuel Tagart became the purchaser for the sum of two hundred and fifty dollars, and has complied with the terms of sale whereby upon the ratification thereof by this Court the said Samuel Tagart will become entitled to all the interest of the said Thomas Calwell one of said heirs at Law, as will be seen by the procedings in said suit against Thomas Calwell which your orator prays may be taken as a part of this Bill. And your Orator is advised that it becomes necessary to make the said Samuel Tagart a party to this said Bill, and that he may have the same relief against him, as against the party whose interest he has purchased. He therefore prays that Subpæna may issue against the said Samuel Tagart commanding him to appear and answer, as well the matters charged in the said original Bill, as in this his supplemental Bill, and that your Orator may have the benefit of the said original Bill, against the said Samuel Tagart, and may have the same relief against him as is prayed in said Original Bill against the other defendants, and your Orator as in duty bound will pray &c.

A W Bradford
Sol for Compt

Thereupon in pursuance of the prayer contained in said Bill, a Subpæna issued, out of the County Court here as follows to wit

The State of Maryland to the Sheriff of Baltimore County Greeting

We Command you to summon Samuel Tagart, that all excuses and delays set aside, he be and appear before the Judges of Harford County Court, at the Court House in the same County, on the first Saturday after the second Monday in March next to answer unto the Bill of complaint of Henry Bowyer against him and others in our said Court Exhibited Hereof he is not to fail.

Witness the Honorable Stevenson Archer Chief Judge of our said Court the 4th day of November 1833.
Issued the 14th day of November 1833.

Henry Dorsey Clk

And this cause standing continued until the second Monday of March in the year Eighteen hundred and thirty four, when the Sheriff of Baltimore County, to whom the foregoing Subpæna was in form aforesaid directed made return thereof to the Court here, thus Endorsed Insert Sum &c I S Sanderson Sheriff, And thereupon the said Samuel Tagart appears in Court here, by Otho Scott his Attorney and at the same term, the said Commissioner to whom the foregoing Commission was in form aforesaid directed made return thereof to the Court here, together with the answer of said infants which said return, and answer is as follows to wit

To the Honorable the Judges of Harford County Court as a Court of Equity

I the subscriber named in a Commission from Harford County Court as a Court of Equity in a cause in said Court depending between Henry Bowyer Complainant and Ann Calwell and others Defendants do hereby certify that by Virtue of said Commission herewith enclosed, I have assigned and appointed Robert Calwell Guardian for the said William Mary, John, James, Frances, Amanda, Lucian and Samuel infant children of Thomas Calwell deceased and Laura Calwell infant child of William Calwell deceased, the infants named in said Commission and have taken the answer of the said Infants by their said Guardian in writing upon his Corporal oath to the Bill, in the said Commission recited which I herewith send enclosed.

December Term 1836.

Witness whereof I have hereunto set my hand and Seal this Eighth day of March 1834.

John C Ferris Seal

To the Honorable the Judges of Harford County Court sitting as a Court of Equity

The joint answers of William Calwell, Mary Calwell, John Calwell, James Calwell, Frances Calwell, Amanda Calwell, Lucian Calwell, William Calwell and Laura Calwell infants under the age of twenty one years, by Robert Calwell their Guardian, to the bill of complaint of Henry D Boyer against them and others in said Court exhibited.

The said infants by their said Guardian answering say, that all of them except the said Laura Calwell are the children of said Thomas Calwell deceased, and whatever interest they had in the subject matter of this suit at the time of its commencement, has been since sold under a Decree of Harford County Court to one Samuel Tagart, and so they conceive, they are no further interested therein, but submit to whatever order or Decree the Court may pass in the premises, and the said Laura Calwell, by her said Guardian answering says that she is ignorant of the facts stated in the bill, but believes them to be as stated, and submits to the decree of the Court in the premises, hoping that as she is an infant this Honorable Court will regard her interest

Robert Calwell Guard
for the Infants

Harford County Towit

On this 8th day of March 1834 personally appeared before me the Subscriber Robert Calwell the Guardian by me appointed to take the answer of the above named infants, and makes oath on the Holy Evangely of Almighty God, that the facts stated in the aforegoing answer is true to the best of his knowledge and belief,

Sworn before John C Ferris Com.

And at the same Term the Sheriff of Harford County to whom the foregoing Subpæna was in form aforesaid directed, made return thereof to the Court here thus endorsed to wit "Polly Calwell, James Bowyer and Laura Calwell summoned, William Calwell and Samuel Calwell non est, Preston M Comas Shff" and at the same Term, the said Henry Bowyer, by his attorney aforesaid, filed in Court here, a Certificate of the publication of the order heretofore passed, together with a copy of said order which is as follows. Towit:

Bowyer
vs.
Calwell & others

In Harford County Court as a Court of Equity
The bill of complaint in the above case states that Samuel Calwell, late of Harford County departed this life about the year Eighteen hundred (1800) intestate and seized in fee of a tract, or parcel of Land in said County called the Grove containing about One hundred and nineteen acres of Land, which upon his death descended to his six children viz. Thomas, William, Dorsey, James, Ann and Sarah. That Sarah and Dorsey two of said Children are since dead intestate and without issue, and that thereby the said Tract of Land is at present, the joint property of the said James and of the respective issue of the said Thomas, William and Ann the three last of whom are dead, intestate, leaving issue. That the Complainant Henry Bowyer is one of the children of the said Ann deceased and as such entitled to an undivided interest in said Tract of Land and has also purchased the interest of two of the Children and heirs at Law of the said William deceased. That all the interest of the said Thomas deceased in said Land, has been lately sold, under a Decree in Chancery to one John Tagart, but which sale is not yet reported or confirmed. The Bill further states, that the said Land is incapable of division, and therefore prays a Sale thereof, and a distribution