December Term 1836.

3d State which of those heirs reside out of the State of Maryland

4th Do you know the Tract of Land called the Grove mentioned in the bill in this case, if yea, State whether it is capable of division among the heirs at Law, and if not, whether it would or not, be of advantage to all concerned that the same should be sold

A W Bradford Solr for Compt.

Henry D Bowyer vs. Nancy Calwell & others

In Harford County Court as a Court of Equity

In Harford County Court as a Court of Equity

Interrogatories to be put to Ed F Bussey.

Interrogatory 1. Do you know the parties to this cause, and did you know Samuel Calwell the elder deceased.

2nd Do you know the farm or Tract of land called the Grove of which the said Samuel Calwell was possessed in his life time, and do you know whether or not he died seised of said land.

A W Bradford Sol for Compt.

In pursuance of a Commission issued out of Harford County Court as a Court of Equity and to me directed to take Testimony in a said pending in said Court, wherein Henry Bowyer is complainant and Nancy Calwell and others are defendants, having taken the Oath annexed to said Commission and prescribed by me to take, and having administered to Richard D Lee whom I appointed clerk to attend the execution of said Commission the oath also annexed to said Commission and prescribed for him to take, met at my Office in the Town of Belle Air on the 31st day of July 1834 and proceeded in the execution of said Commission

Edward F Bussey a witness produced sworn and examined on part of Complainant deposeth and saith, in answer to the first interrogatory That he knew some of the parties to this suit, but not all of them, and that he knew Samuel Calwell now dec. 2nd Interrogatory Answer thereto this deponent saith that he knew the land wherein the said Samuel Calwell dec. formerly lived, which deponent understood was called the Grove. Deponent further saith that the said Samuel Calwell, now dec, owned and held the said Land for many years before his death, and died seised of the same, and that his widow continued to hold possession and occupy the said Land for many years after the death of her said Husband and further this deponent saith not.

Theodore Bowyer a witness produced on the part of the complainant being duly sworn, deposeth and saith, in answer to the first interrogatory, that he knows all the parties to this suit 2nd Interrogatory. In answer thereto this deponent deposeth and saith, that he does know the Heirs at Law of Samuel Calwell dec, and has read the names mentioned in the bill filed in this case, as the Heirs of the said Samuel Calwell, and says that he knows that those are the said Heirs, and that he knows of no others.

3d Interrogatory. In answer thereto this deponent says that John Calwell (of Williams) and James Calwell of Samuel reside out of the State of Maryland and that all the other heirs reside in this State.

4th Interrogatory. In answer thereto this deponent says that he does know the Tract of Land called the Grove mentioned in the Bill in this case, and is of opinion that the same is incapable of being divided among the said heirs, without loss and injury, and is also of opinion that it would be of advantage to all the persons interested, that the said land be sold, and further this deponent saith not.

The parties having no further testimony to offer, the Commission is closed.

December Term 1836

I do hereby certify that the above and foregoing depositions contain a full and fair statement of all the testimony produced before and examined by me in this case. Given under my hand Seal this first day of August 1834.

Sam[l] Bradford Com[r]

And at the same term the Court here, passed the following Decree.

Henry D Bowyer vs. Nancy Calwell & others.

In Harford County Court as a Court of Equity

August Term 1834.

The Bill, answers, exhibits, testimony and other proceedings in this cause, being submitted, and having been read and considered, it is thereupon this nineteenth day of August, in the year Eighteen hundred and thirty four, by the authority of Harford County Court sitting as a Court of Equity, adjudged ordered and decreed that the Tract of Land in said County called the Grove, the property in said proceedings mentioned be sold. That Augustus W Bradford, be and he is hereby appointed Trustee to make said sale and that the course and manner of his proceedings shall be as follows: he shall first file with the clerk of this Court a Bond to the State of Maryland executed by himself and a surety to be approved by some one of the Judges of this Court, in the penalty of two thousand Dollars, conditioned for the faithful performance of the trust reposed in him by this Decree, or to be reposed in him, by any future Decree or order in the premises, he shall then proceed to make said sale, having given at least three weeks notice by advertisement inserted in one or more newspapers published in Harford County of the time, place, manner and terms of sale, which shall be on a Credit of six and twelve months, the purchaser giving bonds or notes with approved security, for the payment of the purchase money, with interest from the day of Sale, and as soon as convenient after said sale, the said Trustee shall return to this Court a full and particular account of his proceedings relative to such sale, with an affidavit annexed of the truth thereof and of the fairness of said sale, and on obtaining the Courts ratification of the Sale, and on the payment of the whole purchase money (and not before) the said Trustee shall by a good and sufficient deed, to be executed, acknowledged, and recorded according to Law, convey to the purchaser or purchasers his, her or their heirs, the property and Estate to him, her or them sold, free, clear and discharged from all claim of the parties hereto, Complainant and defendants and those claiming by, from, or under them, or either of them, and the said Trustee, shall bring into this Court the money arising from said sale, to be distributed under the direction of this Court, after deducting the costs of this suit, and such commissions to the said Trustee, as this Court shall think proper to allow, in consideration of the Skill, attention and fidelity wherewith he shall appear to have discharged his trust.

R B Magruder

Afterwards to wit, on the fourteenth day of May in the year of our Lord One Thousand eight hundred and thirty five, the said Nancy Calwell, Thomas I Calwell, Robert Calwell, Augustus Webster and Ann his wife, John C Norris and Caroline his wife, Elizabeth Calwell, Sarah Calwell, William Calwell, Mary Calwell, John Calwell (of Thomas), James Calwell (of Thomas), Frances Calwell, Amanda Calwell, Lucian Calwell, Samuel Calwell, John Sagart, Polly Calwell, John Calwell, of William, Laura Calwell, Theodore Bowyer, James Bowyer, James Calwell of Samuel, and Samuel Sagart, by Otho Scott their Attorney applied to the Clerk of Harford County Court, and directed that an appeal be entered from the Decree aforesaid, so as aforesaid, passed to the next high Court of Appeals for the Western shore of the State of Maryland, which was accordingly done.