said mortgage; and he further says that when he first obtained letters Testamentary upon the estate of said Isaac Raven he was of opinion that there would be a large surplus after paying the debts due by said deceased, and he further says that at the time when he obtained said mortgage he was of opinion that there would be a surplus of several hundred dollars but he expressly and positively denies that he ever told the said Elisha Joice, Elizabeth Joice or Sarah Severson or any other person that there would be eight hundred dollars or any money coming to them or any of them in right of said Elizabeth from the personal estate of said Isaac Raven deceased or that her share thereof was or would be eight hundred dollars or any other given sum, and he denies that he ever told them or either of them, or any other person that said mortgage was, would be or was intended as a matter of form; and he denies that he ever told them or either of them or any other person that it was necessary for him to have said mortgage to enable him to settle up said estate; but he further says that he frequently urged said Joice and wife to give him a mortage on said lands to secure the amount due him by them including said purchase; and that he told them that if there was any thing coming to said Elizabeth on the final settlement of said Raven's estate that then he would consent to set off her share of said estate against said mortgage and he further says that said Joice and wife would not consent to give him said mortgage unless he would make them a further advance of money which he agreed to and did advance to them as particularly set forth in his answer to their said bill of complaint - And your orator further sheweth unto yr. Honour that he is now able to give Testimony by competent and legal witnesses whose testimony has come to the knowledge of your orator since the said decree of the said appellate Court was made as aforesaid that the said Elisha Joice and Elizabeth his wife, and the said Stephen Severson and Sarah his wife have and each of them had admitted and said to the said witnesses that the said mortgage was given to and received by yr. orator fairly and in good faith and that the said mortgage debt is justly fairly and bona fide due and owing to yr. orator. And your orator is now able to prove that he did not use any fraud misrepresentation or deception to obtain said mortgage, but that he acted throughout fairly and bonafide, and that said mortgage was read and explained to the said Elisha Joice and Elizabeth Joice, and Sarah Severson before and at the time of the execution thereof; and that the said mortgage debt is justly and bona fide due and owing unto him as set forth and stated in his said answer to their said bill of complaint - and so your orator says that he ought not to be bound by said decree of said appellate Court, for all which matters and good reasons yr. orator having by petition asked leave of yr. Honour to bring and file his bill of review in this cause and yr. Honour having granted said leave as will appear upon reference to said petition and order thereon of record in this Honourable Court and yr. orator having filed his bond with security as required which bond has been approved by yr. Honour - your orator with the leave of yr. Honour as aforesaid and according to the provisions of the act of the General Assembly of Maryland made and passed at December Session 1833 entitled an act for the relief of Elijah Taylor of Baltimore County now brings this his bill of review, and humbly conceives that he should be relieved herein - In tender consideration whereof, and for that there are divers errors and imperfections in said

decree of said appellate Court, in regard that yr. orator had not then the testimony which he now is able to produce, and that yr. orator has discovered such testimony as aforesaid by reason whereof and upon the rehearing of said cause the said decree of the said appellate Court ought to be reversed and reversed and that the decree of yr. Honour made in the said cause may stand and be again made published and enrolled &c. To the end therefore that the said decree of the said appellate Court may be reviewed and reversed &c. and that yr. orator may have the opportunity of introducing his said testimony since discovered and that such decree may be made as is consistent with equity and good conscience, and that yr. orator may have such relief in the premises as to yr. Honour may seem meet &c. May it please your Honour to grant unto yr. orator the state of Maryland writ of subpoena to revive and answer directed to the said Elisha Joice and Elizabeth his wife Stephen Severson and Sarah his wife all of the City of Baltimore in Baltimore County aforesaid thereby commanding them to appear and answer &c. and as in duty bound yr. orator will ever pray &c. Elijah Taylor

S. Moale, & Parkin Scott - Solrs. for Complt.

City of Baltimore Set: On this 23d day of April 1834 before the subscriber a justice of the peace of the state of Maryland in and for the City aforesaid personally appears Elijah Taylor named in the aforegoing bill of review and makes oath on the Holy Evangely of Almighty God that the matters and facts set forth and stated in the said bill are just and true as therein stated - Sworn to before - Jas. B. Latimer.

Mem: The copy of the decree of the Court of Appeals referred to in the said bill of review is not among the papers in the said cause.

And thereupon a writ of subpoena was accordingly issued as prayed for by the said bill of Review against the said Elisha Joice and Elizabeth his wife and Stephen Severson and Sarah his wife returnable to the next term of the said Court to wit, July Term 1834, at which term the Sheriff of Baltimore County made return of the said writ of subpoena thus endorsed "Summ.d" And afterwards to wit, at the same Term an attachment for want of an appearance was issued against the said defendants in the said bill of review returnable to the next Term of the said Court to wit, September Term 1834 at which Term the Sheriff of Baltimore County made return of the said attachment thus endorsed "attached".

And afterwards at the same Term on motion of the solicitors of the said Elijah Taylor the complainant in the said bill of review the Chancellor passed in the said cause the following order pro confesso -

Elijah Taylor.
vs.
Elisha Joice and Elizabeth his wife and Stephen Severson and Sarah his wife.

In Chancery September Term 1834 - In this cause the defendants being returned attached for not appearing to the bill of complaint filed by the complainant and the said defendants not having appeared upon motion of the complainant by his solicitor it is this 27th. day of September in the year eighteen hundred and thirty four - ordered that the said defendants either in person or by solicitor put in a good and sufficient answer to each interrogatory contained in the bill or a plea or demurrer to the same, on or before the fourth day of December Term of this Court or otherwise the Chancellor upon application of the complainant and