June Term 1844

from Liber W.H. folios 551 and 52 one of the Land Record Books of Calvert County.

Seals / Place — In testimony whereof I have hereunto subscribed my name and affixed the seal of Calvert County Court this twenty fifth day of April in the year of our Lord eighteen hundred and forty three.

William Mance, Clerk

Jesse D. Dalrymple Counsel for Jane C. Sedwick and child objected upon the ground that no other evidence of the execution of the deed and bond of conveyance was offered. The Court sustained the objection and overruled the motions for want of Jurisdiction over the subject matter of the deed and bond of conveyance.

Jesse D. Dalrymple counsel for Jane C. Sedwick and child then moved the Court to admit parol evidence as ancillary to the implication of law revoking the will. The Court overruled the motion, the Court then made the following decision to wit:

The Court having heard the parties by their counsels and duly considered the testimony in the cause, do adjudge order and decree this 12th day of April 1843 that the said caveat be and the same is hereby sustained and we further adjudge order and decree that the said paper offered for probate as the last will and testament of the late Joshua Sedwick, be and the same is hereby rejected and ordered not to be admitted to probate as his will.

Daniel Kent,
John H. Somervell.

John A. Sedwick and others by their counsel A. R. Sollers then presented to the Court the following prayer for an appeal which prayer the Court granted in the following words to wit:

We grant an appeal to the Court of Appeals as asked for in the prayer

Dan'l Kent, John H. Somervell.

When the aforesaid John A. Sedwick and others filed in Court here the following bond to wit:

Know all men by these presents that we John A. Sedwick James C. Sedwick and A. R. Sollers, are held and firmly bound unto Jane C. Sedwick for herself and and in behalf of her infant son John C. Sedwick in the full and just sum of five hundred Dollars current money to the payment of which sum well and truly to be made, we bind ourselves our heirs executors and administrators firmly by these presents sealed with our seals and dated this 12th day of April eighteen hundred and forty three. Whereas the above named John A. Sedwick is about to prosecute an appeal to the Court of Appeals of the State of Maryland from the Judgment of the Justices of the Orphans Court of Calvert County in the Judgment of the said Court against the said John A. Sedwick and others in the matter of admitting to probate the said last Will and testament of the said Joshua Sedwick late of Calvert County deceased now the condition of the above obligation is such that if the above bounden John A. Sedwick do and shall well and truly prosecute the said appeal with effect and in all things touching the premises faithfully perform and abide by the Judgment of the said Court of Appeals then this obligation to be null and void otherwise to be and remain in full force and virtue in law.

Signed sealed and delivered in the presence of Saml. S. Hodgkin

John A. Sedwick (Seal)
James C. Sedwick (Seal)
A. R. Sollers (Seal)

Maryland Sc. In Testimony that the foregoing is a true and perfect

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copy taken from the papers filed in this case I have hereto subscribed my

Seals / Place — name and affixed the seal of Calvert County orphan's Court this 15th day of May 1843.

Saml S. Hodgkin, Register of Wills for Calvert County

And now come into the Court of Appeals here as well the said John A. Sedwick and others by Augustus R. Sollers and Reverdy Johnson their attorneys as the said Jane C. Sedwick and child by Jesse D. Dalrymple, and Thomas S. Alexander their attorneys and thereupon now, on motion of the said Jane C. Sedwick and child by their attorneys aforesaid, it is ruled by the Court here, that the said John A. Sedwick and others assign the errors in the record of proceedings aforesaid, or in the giving the decree aforesaid, so as aforesaid brought before the Court of Appeals here, for correcting the errors supposed to be therein, or judgment by the Court of Appeals here will be entered against them in the default thereof. And the said John A. Sedwick and others by their attorneys aforesaid says that in the record of proceedings aforesaid and also in the giving of decree aforesaid, there is manifest error in this to wit, that by the record aforesaid it appears that the decree aforesaid in the cause aforesaid given was given for the said Jane C. Sedwick and child against the said John A. Sedwick and others when by the laws of the Land that decree ought to have been given for the said John A. Sedwick and others against the said Jane C. Sedwick and child therefore in that there is manifest error, and they pray that the decree aforesaid for that error, and others being in the record of proceedings aforesaid, may be reversed, annulled and held entirely as void, and that they the said John A. Sedwick and others may be restored to all things which they have lost by occasion of the said decree and that the said Jane C. Sedwick and child may reply to the errors aforesaid, and so forth. And thereupon it is ruled by the Court of Appeals here that the said Jane C. Sedwick and child join in the errors by the said John A. Sedwick and others above assigned in the record of proceedings aforesaid, or judgment by the Court of Appeals here, will be rendered against them in default thereof; and the said Jane C. Sedwick and child by their attorneys aforesaid, say there is no error in the record of proceedings aforesaid, nor in the giving of the decree aforesaid, and they pray that the Court of Appeals here will proceed to the examination as well of the record of proceedings aforesaid, as of the matters aforesaid, by the said John A. Sedwick and others above for error assigned, and that the said decree may be in all things affirmed, and so forth. And now at this day to wit, the day and year first above mentioned the parties aforesaid by their attorneys aforesaid being present in Court here Whereupon as well the record and proceedings aforesaid and the decree given in form aforesaid as the matters aforesaid by the said John A. Sedwick and others above for error assigned being seen, and by the Court of Appeals here fully understood, and mature deliberation thereupon had; for that it appears to the Court of Appeals here that there is error in the record of proceedings aforesaid, and also in the passing of the decree aforesaid. Therefore the Court of Appeals here proceeded to pass such a decree as the Orphans Court of Calvert County ought to have passed.

Sedwick and others
vs.
Sedwick and others.

This cause coming on to be heard having been fully argued and considered by the Court. It is thereupon this 30th day of June 1843 by the Court of Appeals for the Western Shore ordered