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in the year aforesaid on motion of the Complainant by his Solicitor aforesaid the Court passed the following order to wit:

Feinour Trustee of Jacob Schaub adv. Schaub and Winschoff	On the Equity side of Baltimore County Court Since the argument of this cause I have carefully examined the proceedings and considered the arguments and have lately had an opportunity of conferring with one of my brethren the Chief

Judge to whom I submitted the papers and the notes I had taken at the hearing. we are both of opinion that whatever may be the state of things on the question as to the rights of the respective parties to the Record, there is enough upon the face of the proceedings and in the evidence to make it proper and essential that the Infant William Eberwein Junr as he is called by William H. Eberwein as in some parts of the proceedings he is styled, should be made a party. For although it may be true as contended in argument by the Counsel for the Complainant that any decree which might be passed in this case would not in anywise affect the rights of this infant inasmuch as he is no party to the proceedings, yet the same remarks would apply with as much force to other similar cases, such as mortgagees where there are several who have transfers upon the same piece of property in which however the Court generally require all persons interested to be brought before it when such interest comes to their knowledge by anything appearing upon the face of the proceedings. The Elementary Books lay it down as a general rule subject it is true to exceptions, that however numerous the persons may be who are interested in the subject of a suit they must nevertheless be all made parties plaintiffs or Defendants so that a complete decree may be made between those parties it being the constant aim of a Court of Equity to do complete justice by embracing the whole subject deciding upon and settling the rights of all persons interested in the subject of the suit to make the performance of the order of the Court perfectly safe to those who are compelled to obey it and to prevent future litigation. If this be not done the defendant may either demur to the Bill or when the cause comes on to a hearing he may object that proper parties are wanting or the Court may refuse to proceed to a decree or if the Court does make a decree that decree may be afterwards reversed Coopers Equity Treatise on Pleading # 33 and authorities ib cit. It may be likewise remarked that although a Court of Chancery only decrees the sale of such title or interest in Lands or property as the parties to the suit have and does not warrant the title, yet wherever that Court can see any outstanding title or interest in any other person who although he has such title is not a party they will endeavour to make him a party if it be proper to do so. and thus render the title as perfect as may be thereby protecting persons who may purchase under its decree and preventing future litigation. It is therefore by Baltimore County Court adjudged and ordered this 30th day of November 1842, that the Complainant have leave to amend his bill by making William H. Eberwein the infant son of William Eberwein, deceased who is referred to in the proceedings a defendant in this cause when such further proceedings will be had as justice and Equity may seem to require

R. B. Magruder.

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The said cause so standing was continued until the September Term of the said Court in the year of our Lord one thousand eight hundred and forty three at which term to wit on the ninth day of October in the year aforesaid the Court passed the following decree in said cause to wit:

Charles Feinour Sen.r vs. Schaub and others. In Baltimore County Court as a Court of Equity. This case standing ready for hearing and being submitted and the Bill answers Exhibits and all the other proceedings in the cause having been read and the arguments of the respective Solicitors for the parties having been heard and considered by the Court. It is thereupon this 9th day of October eighteen hundred and forty three by Baltimore County Court sitting as a Court of Equity adjudged ordered and decreed that the Bill filed by the Complainant be dismissed with costs to the defendants to be taxed by the Clerk of this Court.

R. B. Magruder.

Pursuant to law. I assign as reasons for the passage of the above decree those which are set forth in an order of this Court passed on the 30th of November 1842 the Solicitor for the Complainant having notified the Court that it is not his intention to avail himself of the leave granted by that order to amend his bill by making the Infant William Eberwein a defendant and having submitted the papers for such decree or order as may be proper upon that refusal on his part to make him a party

R. B. Magruder.

And afterwards to wit, on the sixteenth day of October in the year aforesaid and during said term the Complainant by his Solicitor aforesaid prayed an appeal from the decree aforesaid of the Court here so as aforesaid passed to the Court of Appeals for the Western Shore of the State of Maryland and filed in Court here in said cause the following prayer of appeal to wit:

Feinour Trustee of Schaub vs. Schaub and Winschoff.	On the Equity side of Baltimore County Court. Mr. Kell. Please enter an appeal from the Decree of the Court dismissing the Bill of Complaint in the above cause.

16th Oct. 1843. St. G. W. Teackle, Solr for Complt.

Which appeal was by the Court here granted. It was thereupon ordered by the Court here that a transcript of the Record and proceedings in the cause aforesaid with all things thereunto relating be transmitted to the said Court of Appeals and the same is transmitted accordingly. Test, Thos. Kell, Clk.

In Testimony that the aforegoing is a full and true transcript of the proceedings in the cause aforesaid taken from the record of proceedings of Baltimore County Court as a Court of Equity. I hereunto subscribe my name and affix the seal of said Court this thirtieth day of October in the year eighteen hundred and forty three. Thos. Kell, Clk.

(Seal)

And now come into the Court of Appeals here, as well the said