and upon the premisses, day thereupon is given to the parties aforesaid before the Court of Appeals
until the last Monday in November next, to hear the judgment of the Court of Appeals here
of and upon the premises, for that the Court now here thereof are not advised &c
At which said first Monday of November, being the twenty ninth day of the same month
in the year of our Lord one thousand eight hundred and twenty one, came again into the
Court of Appeals here the parties aforesaid, by their Attorneys aforesaid, whereupon further
process of and upon the premises between the parties aforesaid, is by virtue of an Act
of Assembly in such case made and provided, further continued before the Court of Appeals
here until the first Monday in June next, the same day is given to the said parties there
to hear the judgment of the Court of Appeals here of and upon the said premises &c
At which said first Monday in June, being the third day of the same month, in the
year of our Lord one thousand eight hundred and twenty two, came again into the
Court of Appeals here the parties aforesaid by their Attornies aforesaid, But because the
Court of Appeals here are not advised what judgment to give of and upon the
premises, day therefore is given to the parties aforesaid before the Court of Appeals here
until the last Monday in November next, to hear the judgment of the Court of Appeals here
of and upon the premises for that the Court now here thereof are not advised &c
At which said last Monday in November, being the twenty fifth day of the said
Month in the year of our Lord eighteen hundred and twenty two, came again into
the Court of Appeals here the parties aforesaid by their Attornies aforesaid, whereupon
further process of and upon the premises between the parties aforesaid, is by virtue
of an Act of Assembly in such case made and provided, further continued before
the Court of Appeals here, until the first Monday in June next, the same day
is given to the said parties there then to hear the Judgment of the Court of Appeals
here of and upon the said premises &c At which said first Monday in June,
being the second day of the same month, in the year of our Lord one thousand
eight hundred and twenty three, came again into the Court of Appeals here the
parties aforesaid, by their Attornies aforesaid, But because the Court of Appeals
here are not advised what judgment to give of and upon the premises, day
therefore is given to the parties before the Court of Appeals here until the last
Monday in November next to hear the judgment of the Court of Appeals here
of and upon the premises, for that the Court now here thereof are not advised &c
At which said last Monday in November, being the twenty fourth day of the said
Month in the year of our Lord One thousand eight hundred and twenty three,
came again into the Court of Appeals here the parties aforesaid, by their Attornies
aforesaid; thereupon further process of and upon the premises between the parties
aforesaid is by virtue of an Act of Assembly in such case made & provided further
continued before the Court of Appeals here until the first Monday in June next,
the same day is given to the said parties there then to hear the judgment of the
Court of Appeals here of and upon the said premises &c Annapolis at the
day, town, the first Monday in June, being the seventh day of the same month in
the year of our Lord One thousand eight hundred and twenty four, came again
into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid, whereupon
upon all and singular the premises, being seen and by this Court here more fully seen
understood and matured deliberation thereupon had, for that it appears to the

Court here that there is manifest error in the record of proceedings aforesaid, and also in the rendition of the Judgment aforesaid, therefore it is considered by the Court here that the Judgment aforesaid for those errors and others in the record of proceedings aforesaid be reversed annulled and held entirely as void; and that the said Mary D. Stevens be restored to all things which by reason of the Judgment aforesaid she hath lost; thereupon the Court here according to the directions of the Act of Assembly in such case made and provided order and direct a remission of the record and proceedings aforesaid to the Clerk of the said County Court of Worcester, with the Writ of the State of Maryland of Procedendo to the said County Court, directing them to proceed in the action aforesaid and to a new trial thereof, in the same manner as if no trial had taken place or any appeal had been prosecuted; it is also considered by the Court of Appeals here, that the said Mary D. Stevens recover against the said David Richardson, the sum of Twenty six dollars eight cents and one third of a cent by the Court here adjudged unto the said Mary D. Stevens as her costs for her costs and charges by her said suit and expended about her prosecution of the appeal aforesaid, and that the said Mary D. Stevens have thereof execution &c. the record and proceedings aforesaid, with the said Writ of Procedendo are therefore remitted to the Clerk of the said County Court accordingly &c

Attest James Parrott Clk

Memorandum. Judgment reversed 8th June & the Court file the following opinion in writing, viz

Court of Appeals (Cl.) June Term 1824.

Mary D. Stevens } Appeal from Worcester County Court. The opinion of the Court delivered
v. } by Judge Earle. This is an action of Dower, and we are called on by
David Richardson } the Card, to give a construction to the acts of Assembly regulating the
law of Descents. A decision of any Question arising on these Acts of the Legislature deeply
concerns the landed interest of the Country and is in every view of much importance. The
one under consideration is peculiarly of this character. We have to decide upon the legal effect
of an election made by a Husband in right of his Wife to take the whole estate of her
Ancestor at the valuation set upon it by the Commissioners, and pay to her brothers & sisters
their just proportion of the value thereof in money - to determine in fact, whether
such Election vests in the Husband the inheritance in fee, in the lands elected to be taken
to the exclusion of his Wife; and if it does so vest, whether he is thereby clothed with
the legal Estate or only acquires thereby an equitable interest to be perfected by the pay-
ment of the purchase money, and a Conveyance by Deed from the Commissioners?
These points are raised in a suit by the second Wife of John Stevens, who elected to
take the lands and Mills set forth in her Declaration in right of his former Wife - He
died in the year 1818. possessed of those Lands & Mills, but without any other title to them
than what he derived by election to take them in right of his first Wife, not having fully
paid the purchase money, nor obtained a Deed for them from the Commissioners -
Whether the Husband is capable by his election in right of his Wife, to vest the inher-
itance in fee in the lands elected to be taken in himself, to the exclusion of his Wife,
is a question on which we cannot at this time permit ourselves to doubt, whatever
might have been our sentiments on the point if we had been invited to act upon it, soon
after the first Act of Descents in 1786. The Capacity in the Husband to do this has
been fully recognized by the Legislature of the State, by an act passed in the year 1802
and it is believed that in numberless cases, before and since that law, the Courts of Justice
have every where sanctioned the principle, that the election by the Husband in
right of his Wife to take her Ancestor's Lands at the valuation of the Commissioners