and forty Come again into Court here as well the said Isaac P. Smith, Benjamin Dashiell, Amanda Sanders, George W. Dashiell, John C. Dashiell and Isaac B. Dashiell by their Solicitor aforesaid, as the said William Williams heir at law as aforesaid by his Solicitor aforesaid: And thereupon on motion of the said Complainants by their said Solicitor, it is ordered by the Court here by Consent of the said William Williams by his said Solicitor, that the Cause aforesaid be set down for argument and hearing: whereupon the Solicitors for the parties aforesaid, under the direction of the Court proceeded in the argument of the said Cause before the Court and the same was submitted to the decision of the Court; but because the Court here are not advised to give their judgment and decree of and upon the premises aforesaid between the parties aforesaid – it is ordered by the Court here that the Cause aforesaid be Continued until the third Monday of May next; –

Memorandum: At the final hearing of this Cause, the Complainants by their Solicitor aforesaid exhibited and filed in Court here Certain objections in manner and form following to wit:

Smith and Dashiell
v
Williams

In Chancery in Somerset County Court.
The Plaintiff objects to the Copy of the record in the Case of John C. Wilson vs Robert S. King and others being offered in evidence or used, because it is not a true Copy from the record book in the Custody of the Clerk of this Court as will appear by an inspection of said record book and a Comparison of the aforesaid Copy with the Original of which it purports to be a Copy – which record book and Copy the plaintiff prays the Court to inspect and Compare

Wm. N. Handy for Complainant

Whereupon by direction of the Court here the record book aforesaid was forthwith brought into Court and by the Court here inspected and Compared.

At which said third monday of May to wit: in the year of our Lord eighteen hundred and forty one being the day until which the Cause aforesaid, was by order of the Court here Continued, Come again into Court here the parties aforesaid by their Solicitors aforesaid: and because the Court here are not as yet advised to give their judgment and decree of and upon the premises aforesaid between the parties aforesaid, the Cause aforesaid by order of the Court here is further Continued until the fourth monday of November next:

And now at this day to wit the said fourth monday of November in the year of our Lord eighteen hundred and forty one, Come again into Court here the said Isaac P. Smith, Benjamin Dashiell, Amanda Sanders, George W. Dashiell, John C. Dashiell and Isaac B. Dashiell by their Solicitor aforesaid, and the said William Williams heir at law as aforesaid by his Solicitor aforesaid and thereupon the Court here pass the following decree in the premises to wit:

George Dashiell and Isaac P. Smith
v
William Williams heir at law of William Williams

Bill in Somerset County Court
Nov: Term 1841

This Cause having been set down for final hearing and been argued by

Counsel, and the proceedings having been by the Court read and Considered, and the Court having Concluded tho' with much doubt and difficulty, that William Williams the original defendant in this Cause purchased the two elevenths of the House and Lot mentioned in the proceedings pendente lite as therein mentioned, it is thereupon this 27th day of November 1841 by the Court adjudged, ordered and decreed that the injunction issued in this Cause be perpetual; but inasmuch as the Court is of opinion that there is no evidence of fraud in fact, on the part of said William Williams in making said purchase, it is further adjudged and decreed that each party bear his own Costs.

Ara Spence
Wm. Tingle
Brice S. Goldsborough

110 And thereupon the said William Williams by his Solicitor aforesaid prays an appeal from the Judgment and decree aforesaid, to the Court of Appeals of the State of Maryland and it is granted him: and it is ordered by the Court here that the record and proceedings aforesaid in the Cause aforesaid with all things thereunto relating be transmitted to the said Court of Appeals, and the Same are transmitted accordingly.

Test
Levin Handy Clk

Maryland ss. I hereby Certify that the aforegoing is truly taken and Copied from the record of proceedings of Somerset County Court sitting as a Court of Chancery

Seal
place

In Testimony whereof I hereto subscribe my name and affix the Seal of Somerset County Court this twelfth day of March in the year of our Lord eighteen hundred and forty two.

Levin Handy Clk Somt Cty Court.

And now come into the Court of appeals here, as well the said William Williams Junior heir at law of William Williams by Henry Page Esqr. his attorney, as the said Isaac P. Smith Benjamin Dashiell, Amanda Sanders, George W. Dashiell, John C. Dashiell and Isaac B. Dashiell heirs at Law of George Dashiell by William N. Handy Esqr. their attorney. And the said William Williams by his said attorney, says that in the record of proceedings aforesaid, and also in the giving of Judgment aforesaid, there is manifest error in this, to wit, that by the record aforesaid it appears that the Judgment aforesaid in the plea aforesaid given was given for the said Isaac P. Smith, Benjamin Dashiel, Amanda Sanders and others against the said William Williams Jr. when by the law of the land that Judgment ought to have been given for the said William Williams against the said Isaac P. Smith and others therefore in that there is manifest error, and he prays that the Judgment aforesaid for that error, and others being in the record of proceedings aforesaid, may be reversed, annulled, and held as entirely void, and that he the said William Williams may be restored to all things which he lost by occasion of the said Judgment and that the said Isaac P. Smith and others may reply to the errors aforesaid, and so forth. And the said Isaac P. Smith & others by their attorney aforesaid, say there is no error in the record of proceedings aforesaid, nor in the giving of the Judgment aforesaid, and they pray that the Court of Appeals here will proceed to the examination as well of the record of proceedings aforesaid, as