Anne Arundel County ss

I hereby certify that the aforegoing is a true Copy taken from Liber R T S No 1 fol 46 and 47 one of the Land Record Books of Anne Arundel County

In testimony whereof I have set my name and affixed the seal of the Circuit Court for Anne Arundel County this 1 day of June 1855.

N H Green Clk Cir Court

At same time was filed the following agreement viz

In the Matter of the Caveat of Justinian C Hilbert to the Survey of Stony Point for John Dougherty | In Land Office of Maryland.

It is admitted in this case that Mrs Henwood the Widow of Old Richard Goodwin more than 30 years ago was in possession of the points of Land in controversy in this proceeding claiming under her said Husband Goodwin and that she then was accustomed to exercise acts of ownership over the said points of Land and particularly that she was in the habit of selling white sand to Wellerman from Annapolis and also took from the said points of Land and received the money from such purchases for the sand. This admission to have the same effect as if the same were proved before the Justice John E Walker in reply to Interrogatories propounded to Surviving and Competent Witnesses.

Before the Commissioner of the Land Office the aforegoing is admitted to be true.

H Murray atty for Dougherty
A S Wagner for Hilbert

When the case was argued by the Solicitors of Caveator and Caveatee on the 10 July 1855 the Commissioner of the Land Office after considering the arguments of the Counsel and examining the testimony and Exhibits passed the following Order,

July 10 1855

Ordered that the Caveat in this case be sustained Good costs to be paid by Caveatee

Jas Murray C L O

On the 14 November the Solicitor for Caveatee filed an Order for appeal as follows

Hilbert vs Dorothy | Land Office of Maryland

The Commissioner of the Land Office will enter an appeal in above case and send up the Record to the Court of Appeals

H Murray
for Dorothy

14 November 1855.

and on the 22 of December 1855 filed the following reasons for said appeal as follows.

Hilbert vs Dorothy | The Caveatee in this case supposing that the reason of the Commissioner of the Land Office for refusing his application is because the said Commissioner thinks the act of 1818 Ch 90 prevents him from issuing a Patent when the party applying and those through whom he claims have been in possession for more than 20 years and for other reasons makes the following reasons for appealing.

1 Because the act of 1818 Ch 90 never meant to remove in cases where the State is Patentee) the trial of title to Land cases to the Land Office or in such cases to give the Commissioner of the Land Office authority functus officio in which any other Court to have the jurisdiction exactly where it was before the passage of said act

2 That the said Commissioner ought to have issued a Patent to the Caveatee which would have terminated his (without which he cannot) to bring an action for the Land when the question of possession under said Court would arise before the Ordinary and proper tribunal with the benefit of a Jury trial

H H Murray
for Caveatee.

Land Office of Maryland

Be it remembered that on the 10 day of April 1856 James Murray Commissioner of the Land Office in pursuance of the act of Gen Assembly of Maryland in such cases made and provided submitted to the Court of Appeals the Record and proceedings herein before recited) of a cause lately depending before him between Justinian C Hilbert and John Dorothy wherein the said Commissioner of the Land Office gave judgment against the said John Dorothy and from which the said Dorothy prayed an appeal to the said Court of Appeals as

Witness the Honorable James Murray Commissioner of the Land Office attested by the seal of said Court Land Office of Maryland the 10 day of April 1856.

(Seal)

J Murray.
Commissioner of Land Office

And now came into the Court of Appeals here as well the said John Dorothy by H H Murray Esq his Attorney as the said Justinian C Hilbert by Randall and Wagner Esqs his Attorneys and thereupon on motion of the said Justinian C Hilbert by his Attorneys aforesaid it is ruled by the Court here that the said John Dorothy assign the errors in the Record of proceedings aforesaid in the giving the Judgment so as aforesaid to be by the Court of Appeals here for correcting the errors supposed to be