December Term 1847

Baynard vs. Jones, Morris, Norris & his wife, Mary Ann Norris, } Q Batt. Co. Ct in Equity

It is agreed that a commission to take testimony issue to John R Henley Esq.

James M Buchanan, Sol pro queren.
John T Lloyd, Sol for Morris & Jones,
John T. McCulloh, Sol. for Rachel Weide

whereupon issued commission accordingly, and the said cause so standing was continued until the first day of March, in the year of our Lord eighteen hundred and forty five, at which term to wit, on the twentieth day of March, in the year aforesaid the complainant aforesaid by her solicitor aforesaid, filed in Court here the following copy of order and certificate of publication, to wit

In Baltimore County Court in Equity, 30th September 1844 Elizabeth Baynard vs J. P. Jones Israel Morris, Wm. Norris Jr. and Mary Ann Norris his wife and Rachel Weide, The object of this suit is to procure the correction of an error of the commissioners appointed to allot the residuum of the estate of George W Weide deceased among his three residuary devisees, The amended bill states that George Weide was at his death seized and possessed among other property, of several lots of ground in Baltimore City, that said Weide left, at his death unrevoked, a will dated 14th March 1829 by which he divised to his wife Rachel, one third of his estate to be laid off by commissioners, to be appointed by the Orphans Court of Baltimore County that said one third was by such commissioners laid off, that by said will the residuum of his estate, excepting sundry specific devises and bequest, was devised and bequeathed to be allotted to his three daughters by commissioners to be appointed by said Orphans Court that said allotment was so made, That said commissioners on assigning the residuum proposed to assign a lot situated on the east side above Water Street to Eliza Baynard, but that in drawing the allotment said lot was erroneously mentioned as being assigned to Mary Ann Norris, that said Baynard was put in possession of said lot when said assignment was made, and has continued in possession thereof That on the 29th June 1832, Mary Ann Norris and her husband William Norris Jr. executed to Rachel Weide a mortgage of said Mary's part of said residuum and therein again erroneously comprized said lot, and that on the 16th June 1832 said Rachel Weide, William Norris Jr. and Mary Ann Norris executed to J. P. Jones and Israel Morris, a mortgage of said Mary's interest in sundry lots assigned to her as said residuary devisee and therein erroneously comprized said lot so intended to be assigned by said commissioners to said Baynard, and so possessed by said Baynard that said Morris and Jones under said mortgage sold said property to them mortgaged, and said Jones bought the same, that at said sale, notice was given of the title of said Baynard, that said Norris and wife, and said Morris and Jones and said Rachel Weide all knew the matter stated in this amended Bill, and that said Norris and wife are now residents,

It is therefore this second day of October 1844 adjudged and ordered that the complainant by causing a copy of this order to be inserted in some newspaper published in Baltimore City once a week for each of three successive weeks, before the first day of November next, give notice to said absent defendants of the object and substance of this Bill, and warn them to appear in this Court in person, or by attorney on or before the tenth day of February next, and answer the premises and shew cause if any why decree ought not to pass as prayed.

Jno. C. Legrand.

True Copy – Test, Thos. Hall, Clk.

Baltimore, March 20th 1845, This is to certify that the annexed advertisement, order of publication in case of Eliza Baynard vs J. P. Jones & others, was published in the Baltimore Patriot agreeably to the directions therein set forth, the first publication being on the 4th of October 1844.

for J. Munroe, Jun.
D. B. Whipple

and afterwards, to wit, on the twenty first day of March, in the year aforesaid, and during the term aforesaid the complainant aforesaid by her solicitors aforesaid filed in Court here, in said cause the following affidavit to wit

Baynard, vs. Jones et al, } Batt. County Court, In Equity. State of Maryland, City of Baltimore ss, On this 20th day of March 1845 personally appears Thomas Ferguson and makes oath on the Holy Evangels of Almighty God, that William Norris Junior and Mary Ann Norris his wife are not residents of the State of Maryland.

Samuel Manning Justice of the Peace in & for the City of Baltimore

And thereupon the complainant aforesaid by her solicitor aforesaid filed in Court here the following petition to wit.

Baynard, vs. Jones et al } Q Baltimore County Court – In Equity. To the Honorable the Judges of Baltimore County Court in equity. The complainant prays that Morris and Jones, respondents, may be by complainant examined to Interrogatories to be filed by complainant in this cause.

J. M. Buchanan, J. T. McCulloh } Sol's for complainant

which being read and heard the Court passed the following order to wit, ordered this 21st March 1845, by Baltimore County Court in Equity, that the prayer of the above petition be granted, subject to all legal objection.

Jno. C. Legrand.

And afterwards to wit, On the twenty seventh day of March in the year aforesaid and during the term aforesaid the complainant aforesaid, by her said solicitors filed in Court here, the following Interrogatories to wit.

Eliza Baynard, vs. Rachel Weide, Jacob Paul, Jones & others, } Q Baltimore County Court in Equity. Eq. Law Docket. 47/1848 Interrogatories to be answered by Jacob Paul Jones and Israel Morris, respondents.