Benjamin W. Jones
against
John Jones.

In Chancery
December Term 1847.

This cause standing ready for hearing and being submitted on the written arguments of the solicitors of the parties the bill, answer and other proceedings were attentively read and considered It is therefore this 28th day of December in the year one thousand eight hundred and forty seven by John Johnson Chancellor and by the authority of this Court adjudged ordered and Decreed that the defendant John Jones proceed within sixty days from the service of a copy of this decree upon him, to elect whether he will take and hold the real estate of Evans Jones deceased situate lying and being in Cecil County in this State as one of the heirs at law of the said Evans or not, and if he shall not make his election within the time above specified to take and hold the same as one of the heirs at law of the said Evans, then he shall by a good and sufficient Deed duly executed and acknowledged according to law convey all his interest therein as one of the heirs at law of the said Evans to the Complainant Benjamin W. Jones his heirs and assigns, and if he shall within the time above specified elect to take the said Land as one of the heirs at law of the said Evans then he shall by a good and sufficient deed to be executed and acknowledged agreeably to the laws of Pennsylvania for conveying real and personal estate, convey to the said Benjamin W. Jones his heirs and assigns so much of the said real estate in the said State devised to him by the Will of the said Evans Jones deceased, dated on the seventh day of August in the sixty seventh year of the Independence of the United States of America as would, but for the said Will have descended to the said Benjamin as one of the heirs at law of his mother and the personal property by the same Will bequeathed to him to the said Benjamin W. Jones and his executors and administrators. And it is further adjudged ordered and decreed that if the said defendant John Jones shall elect to take and hold the said Real estate situate in Cecil County as one of the heirs at law of the said Evans Jones deceased he shall account with the said Benjamin of and concerning the rents issues and profits which he may have received from the real and personal property devised and bequeathed to him by the said Will and hereby ordered to be Conveyed to the said Benjamin and liberty is hereby reserved to the Complainant to apply to the Court for any further directions order or decree which may be necessary for that purpose or for completing the title of the said Complainant either in and to the said real estate in Cecil County in case the Defendant shall not within the time aforesaid elect to take and hold the same as one of the heirs at law as aforesaid or in and to the real and personal property in Pennsylvania devised and bequeathed by the said Will and hereby directed to be Conveyed in case the said defendant shall elect to take and hold the said real estate in Cecil County as heir at law as aforesaid. And it is further adjudged ordered and decreed that in case the said Defendant shall elect to take and hold the said real Estate in Cecil County as one of the heirs at law of the said Evans Jones then that his interest therein as heir at law as aforesaid shall stand security for the compliance by him with the provisions of this decree in relation to the property devised to him by the said Will.

And it is further adjudged ordered and decreed that the defendant pay

to the complainant his costs to be taxed by the Register.

John Johnson Chr.

True Copy Test Lewis Gassaway Reg Cur Can

State of Maryland Cecil County towit. On this tenth day of January in the year 1848 personally appeared Wm. Cochran Before the subscriber a Justice of the Peace in and for the County and State aforesaid and made oath on the Holy Evangels of Almighty God that he did on the tenth instant serve on John Jones the defendant within named an exact Copy of the within mentioned Decree

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And afterwards towit on the third day of February one thousand eight hundred and forty eight came the said defendant by his Counsel Othe Scott Esquire and prayed an appeal from the said Decree to the next Court of Appeals to be holden for the Western Shore of Maryland in the words following towit:

Jones
vs
Jones

In Chancery

The defendant in this case prays an appeal to the Court of Appeals of the Western Shore.

Othe Scott Solr for Defl.

Which said appeal was granted and the proceedings ordered to be transmitted and the same are hereby transmitted accordingly.

Maryland Set

I hereby certify that the aforegoing is a true Copy from the original proceedings in the said cause now remaining in the Court of Chancery of the said State.

Seal

In Testimony whereof I have hereunto set my hand and affixed the Great seal of the said state this 15th day of May in the year of our Lord one thousand eight hundred and forty eight.

Lewis Gassaway Reg Cur Can

Complts Costs $18.39
Defts Costs 22.49
Cost of Transcript — $27.61

And now come into the Court of Appeals here as well the said John Jones by Othe Scott and Alexander Evans his attorneys as the said Benjamin W. Jones by Cornelius McLean and Hiram McCulloh his attorney and thereupon on motion of the said Benjamin W. Jones by his attorney aforesaid, it is ruled by the Court here, that the said John Jones assign the errors in the record of proceedings aforesaid, or in the giving the Decree aforesaid, so as aforesaid brought before the Court of Appeals here, for correcting the errors supposed to be therein, or judgment by the Court of Appeals here will be entered against him in default thereof: and the said John Jones by his attorneys aforesaid, says, that in the record of proceedings aforesaid, and also in the giving of Decree aforesaid, there is manifest error in this, towit, that by the record aforesaid, it appears that the Decree aforesaid, in the cause aforesaid given, was given for the said Benjamin W. Jones against the said John Jones when by the law of the land, that