Hanson & wife v. Hiram Kauffman above for error assigned, being seen, and by the Court of Appeals here fully understood, and mature deliberation thereupon had; for that it appears to the Court of Appeals here, that there is error in the record of proceedings aforesaid, and also in the giving of the decree aforesaid: Thereupon the Court of Appeals here passed their decree in the words and of the tenor following, towit;

Hiram Kauffman et al.
vs.
Emily S. Walker.

December Term 1855.

In this Cause standing ready for hearing all the proceedings were read and duly considered; It is thereupon, this tenth day of May A.D. 1856 by the Court of Appeals of Maryland, and by authority thereof, ordered, adjudged, and decreed that the order of the Superior Court appealed from in this case be and the same is hereby reversed, and the cause remanded to the Superior Court for further proceedings. The costs to be paid out of the fund.

Jno. C. Legrand
Will H. Tuck
Jno. Thomson Mason

December Term 1856.

State of Maryland Set:

At a Court of Appeals of the State of Maryland begun and held for the said State at the City of Annapolis on the first Monday of December being the first day of said month in the year of Our Lord One thousand Eight hundred and fifty six and in the year of the Independence of the United States of America the Eighty first.

Present

The Honorable John C. Legrand — Chief Justice
John B. Eccleston, William H. Tuck, John Thomson Mason — Associate Justices
William A. Spencer Clerk.

Among other were the following proceedings, Towit;

Tabitha A. Waters and Edward Franklin vs. Samuel O. Tazewell and Marcus Hanson Trustee.

Be it remembered, That now here on the First Monday in June being the Fourth day of the said month, in the year of our Lord one thousand eight hundred and fifty five the Judge of the Circuit Court for Baltimore City being in the Fifth Judicial Circuit of Maryland, in pursuance of the directions of the Act of Assembly in such case made and provided, transmit to the Court of Appeals here the record of proceedings of a plea which was lately depending before him in the Circuit Court of Baltimore City between Tabitha A. Waters and Edward Franklin plaintiffs, and Samuel O. Tazewell and Marcus Hanson Trustee defendants, and wherein the said Circuit Court

gave decree for the said Samuel O. Tazewell and Marcus Hanson Trustee against the said Tabitha A. Waters and Edward Franklin and from which said decree the said Tabitha A. Waters and Edward Franklin appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following, towit;

State of Maryland
City of Baltimore Set:

At a Session of the Circuit Court for Baltimore City in the Fifth Judicial Circuit of the State of Maryland begun and held at the Court House in and for the City aforesaid, on the Second Monday in May being the Fourteenth day of the same month in the year of our Lord One thousand Eight Hundred and Fifty Five.

Were Present
The Honorable
William George Hubs Judge
Samuel Hindes Esquire Sheriff
William H. H. Turner Clerk.

Among other were the following proceedings towit;

Tabitha A. Waters & Edward Franklin vs. Samuel O. Tazewell & Marcus Hanson Trustee.

Be it remembered that heretofore towit on the Twenty Sixth day of August in the year of our Lord One thousand Eight hundred and fifty four came into the Circuit Court for Baltimore City here the said Tabitha A. Waters, and Edward Franklin by William B. Perin Esquire their Solicitor and exhibited their Bill of Complaint in form following towit;

To the Honorable William George Hubs Judge of the Circuit Court of Baltimore City,

The Bill of Complaint of Tabitha A. Waters, of Baltimore City, and State of Maryland, and Edward Franklin, of the State of New Jersey respectfully shews:

That a certain Charlotte A. Crow widow, of said City the Sister of your Orators who are and were at that time her only heirs at law and next of kin, or legal representatives, being seized and possessed of certain real and personal property, consisting partly of her paternal inheritance, and partly of her acquisitions from her former husbands estate, and by purchase on her own part, did, by an Indenture dated the 11th day of July, 1837 for the consideration therein mentioned, convey unto Marcus Hanson, Trustee, of said City, certain real and personal property, therein particularly mentioned, of large value, towit, of the value of Six thousand dollars and upwards. In Trust, that the said Hanson should suffer said Charlotte during her life to hold, have, use, occupy, and enjoy said property, and the rents and profits thereof to receive and apply, to her sole and exclusive use and benefit, free from the power disposal, and controll of any future husband, and free from any liability for his debts, contracts and engagements, with power to her to sell, dispose of any convey, sale or covent, the above mentioned real and personal estate or any part thereof, to such persons, and for such uses and considerations as she might think proper, and the proceeds to receive and enjoy to her sole and separate use as aforesaid, And in Case of no such disposition a sale, in Trust, after her death to such uses, as she might appoint by will, and, in case of no such appointment, in trust, for her child, or children, if any she had, or should have, and for want of such child, or children, or descendants of the same, then to the use of the said Charlotte, her heirs, executors, administrators and assigns, and to and for no other use, intent, or purpose whatsoever [all of which will more particularly appear by reference to said deed, which