Opinion and Decree of the Court,

Shoestreet and others
vs
Bowie and others

In Circuit Court for Prince Georges County sitting as a Court of Equity,

This is a Bill by the Creditors of the Late Robert W Bowie of Prince Georges County in the Nature of Chancery calling for an account of the Real and personal Estate of Wm Bowie and alleging an insufficiency of his personal Estate to pay his debts Mrs Catharine Bowie the Widow of Robert W Bowie in her answer to said Bill claims that a portion of the Real Estate of her husband called Cummock's Farm was supposed to contain about four hundred acres of Land, and liable for the payment of his debts she claims the same in virtue of a contract of her husband with her after their marriage made in consideration of her consenting to sell her marital rights and permitting him to receive the money for the same, A Decree was obtained by consent of all parties for the sale of all the Real Estate of Robert W Bowie in order that she might be at liberty and receive the proceeds of sales of said Land in lieu of her claim to such Land specifically and of the same in establishing such specific claim she claims to be considered as entitled to dower in the said Land called Cummock. In the progress of the Case it was sustained that the claim of Mrs Bowie would seriously prejudice the claims of Creditors and the Chancellor John Johnson being a Creditor he considered himself disqualified by interest from deciding in the case and has transmitted the whole case to this Court for adjudication and final settlement. The case was referred to the Auditor and he has reported that the proceeds of sale the property of which Robert W Bowie died seized and possessed including the Land called Cummock's are insufficient to pay his debts on the Report of the Auditor exceptions were taken by Mrs Bowie and the Creditors of Robert W Bowie and I and are called to decide the validity of Mrs Bowies claim against the Creditors of Robert W Bowie subsequent to the supposed contract between her husband and herself It appears from the Evidence taken

in the cause that Mrs Catharine Bowie was interested in a very valuable Real Estate called Enfield Chase that her husband was anxious to realize the money for the same, and that Mrs Bowie was unwilling to sell the same unless she received an equivalent in other property this is evidenced from Doctor Harper and others that Mr Bowie agreed to give Mrs Bowie his Wife Cummock's Farm then belonging to him if she would join him in the sale of Enfield Chase "her manner and these conversations took place several times between the Witness and Mr Robert W Bowie and the matter was talked of between Dr Harper and Mrs Bowie for some two or three years before the sale of Enfield Chase was accomplished and must have been in the year 1827, 1828 and 1829. It does not appear by the testimony of any Witness that Mr and Mrs Bowie called them to Witnesses the contract but on the day the deed of Mrs Bowies Land was executed Mr Gladden the sister of Mrs Bowie went with Mr and Mrs Bowie to Nottingham and in that occasion Mr Bowie promised to give to Mrs Catharine Bowie his Wife Smalling Witness thought it was then that would be equivalent to the amount that Mrs Bowies Land fetched for Witness has no recollection of any particular Land Mr Robert W Bowie was in possession of the Land called Cummock's at that time there is no evidence that any such contract was recorded in writing and it is evidence that Mrs Bowie from that time the death of Mr Bowie in 1848 was seven in possession of the Land called Cummock's but on the contrary Robert W Bowie continue to possess said Land exercising the most ostensible acts of ownership over it exclusively receiving the rents issues and profits of the same to the day of his death frequently to see the same with the knowledge and consent of Mrs Bowie and actually advertising the sale of the same in the County paper which was taken and read in his House and indeed one Witness deposes that Mrs Bowie was particularly anxious and solicitous for Witness to sell the same as the agent of Mr Bowie as she doubted and calculated to his health by the exertion