John Johnson Chr.

In Chancery 1st June 1852.

The parties having been unable to make the agreement spoken of in the foregoing opinion; It is therefore ordered in pursuance of said opinion that this cause be and it is hereby referred to the Auditor with directions to state and report an account or accounts between the parties according to the principles of the Bill, and upon these principles, and in conformity with the views expressed in said opinion the said account or accounts to be stated from the pleadings and proofs now in the cause and such further proofs (if any) as may be laid before the Auditor and all questions not in said opinion adjudicated are hereby reserved for the future consideration and order of this Court.

John Johnson Chr.

Order for an appeal filed in the Highland of Chancery on the 5 day of June 1852.

Charles H Carter
vs
Charles B Calvert
and others

The Treasurer Enter an appeal on the part of the defendants Charles B Calvert and George H Calvert from the Chancellors order of 1 June 1852.

Thos S Alexander for appts.

Decree and opinion of the Court of Appeals filed in the High Court of Chancery on the 12 day of March 1855.

Charles B Calvert
George H Calvert
vs
Charles H Carter

Appeal from Court of Chancery.

This cause standing ready for hearing and the proceedings read and duly considered. It is therefore this 4 day of January A.D. 1857 by the Court of Appeals of Maryland and by authority thereof ordered adjudged and decreed that the decree decision passed by the Chancellor in the cause and which was appealed from be and the same is hereby affirmed with costs in both Courts. and it is further ordered adjudged and decreed that the cause be sent to the Circuit Court for Prince Georges County sitting in Equity for further proceedings

John C Le Grand
John B Coccerton
Nicholas Brewer
Jno Thomson Mason

Maryland Sct. I William A Spencer Clerk of the Court of Appeals of the State of Maryland do hereby certify that the aforegoing is truly taken from the Record of proceedings of the Court of Appeals aforesaid.

In testimony Whereof I have hereunto set my hand as Clerk and affixed the seal of the said Court of Appeals this 12 day of March A.D. 1855.

William A Spencer Clk

Charles B Calvert and George H Calvert
vs
Charles B Calvert

Court of Appeals
Dec 1 1854.

Coccerton Jr delivered the opinion

We consider it unnecessary to express any opinion in relation to the question whether the Arbitrators exceeded their authority by including in their award matters which are said to be connected with what is called the paternal succession because we fully concur with the Chancellor in the opinion that a cloud of certainty in the ancestrum is from the way of the plaintiff in this case. In addition to what has been so well said by the Chancellor in the opinion see Ward vs Barry 12 Ward R 380 Henow vs Hewitt 1 A and E No 8 110 in 41 Eng C L 460 Cockburn vs Gurney 6 Yardl R 381

We affirm the decree of the Chancellor with costs to the appellee and the cause will be sent to the Circuit Court for Prince Georges County for further proceedings. For which purpose a decree will be signed in accordance with this decision.

Decree affirmed and cause remanded for further proceedings.

True copy. Test William A Spencer Clk
Court of Appeals of Md

And Whereas in the first Monday in April being the second day of the same Month in the year of our Lord came into the Circuit Court for Prince Georges County here, as well the said Complainant by his Solicitors aforesaid as the said Respondent by their Solicitors aforesaid And the said Complainant by his Solicitor aforesaid filed in Court here the following petition and Order to Wit

Carter
vs
Calvert

In Prince Georges County Court

To the Honorable the Judge of the Circuit Court for Prince Georges County

The petition of the Complainant in the cause showeth.

That it has been remanded to this Honorable Court for further proceedings by the Court of Appeals.

That it was instituted in the late Highland of Chancery and was on the 1st June 1852 by the Chancellors order of that date referred to the Auditor to state an account, which order on appeal by the defendants George Calvert was affirmed.