Gustavus A Thompson
and others
vs
George Earle Admr C.T.A
of Robert H Thomas

Be it remembered that now here, on the first Monday of December being the third day of the said Month, in the year of our Lord 1860 the Judge of the Sixth 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 Decree which was lately depending before him in the Circuit Court for Cecil County between George Earle admr C.T.A. of Robert H Thomas Complainant and Gustavus A Thompson and others defendants and wherein the said Circuit Court passed a Decree for the said George Earle admr C.T.A of Robert H Thomas against the said Gustavus A Thompson and others and from which said Decree the said Gustavus A Thompson and others appealed to the Court of Appeals here, the tenor of which said Record of proceedings is in form following to Wit.

State of Maryland Cecil County to Wit

At a Circuit Court of the Sixth Judicial Circuit of the State of Maryland begun and held for Cecil County aforesaid at the Court House in the Town of Elkton in said County on the first Monday of April in the year 1860.

Present.

The Honorable John H Price Circuit Judge
James E Oldham Sheff William H Robbins Clerk

On the Equity Side of said Court amongst other work the following proceedings to Wit.

George Earle admr C.T.A. of Robert H Thomas
vs
Gustavus A Thompson Harvey Thomas Elwood Thomas and Emily H Thomas an infant.

Be it remembered that heretofore to Wit on the 7 day of April in the year 1856 came the said George Earle admr C.T.A of Robert H Thomas by George Earle and John T Crossweil Esquires his Solicitors into the Circuit Court for Cecil County as a Court of Equity and exhibited in said Court his Bill of Complaint against the said Gustavus A Thompson Harvey Thomas Elwood Thomas and Emily H Thomas an infant in the Words and figures following to Wit.

To the Honorable John H Price Judge of the Circuit Court for Cecil County. In Chancery. Complaining shows to your Honorable Court George Earle of said County administrator with the will annexed of Robert H Thomas late of Germantown in the State of Pennsylvania deceased, that the said Robert H Thomas on the 11 day of September in the year 1855 contracted with one Gustavus A Thompson to sell to said Thompson for Twenty Eight thousand Five hundred Dollars, a certain piece of Land called in the Contract said Thomas Farm and Town Land at and adjoining Port Herman situate in Cecil County and described as containing Two hundred and Sixteen acres more or less, and as being the Land, which one Marlen Hill sold to said Thomas excepting certain parcels thereof previously sold, and your Orator for the terms of said sale and the purports of said Contract here Exhibited (referring to it as part of this Bill) a copy of said Contract Marked G A T And your Orator states that by said

Contract it will appear that said purchase Money was made payable as follows to Wit Ten thousand Dollars on the first day of April in the year 1856 Ten thousand Dollars on the first day of April in the year 1857 and Eight thousand five hundred Dollars payable on the first day of April in the year 1858, and these payments bearing interest from the execution of the Deeds provided for by said Contract. And your Orator states that it will further appear that the payment of said purchase Money was to be secured to be paid as follows to Wit Sixteen thousand Dollars thereof by Mortgage free of prior encumbrances of the Farm containing about Ninety seven acres of said Thompson in Baltimore County being Land bought by him from Caleb P. Jennings.

2 Thirteen thousand five hundred Dollars of said purchase money to be secured by Mortgage from said Thompson to said Thomas of all that part of the Land, above as aforesaid sold by Thomas to Thompson. Lying West of Cherry Street which part your Orator states contains about Seventy acres,

3 For the whole purchase Money bearing interest as aforesaid (and all of the above Mentioned portions of said purchase Money it was understood were to be secured with interest as aforesaid, security was to be given as said Contract shows) by a Conveyance in trust of the part of the sold land aforesaid shown and in the Contract designated as the ground in the Township of Port Herman which ground your Orator states contains Fifty five acres and is adjoining with the above Mentioned Seventy acres shown as laid out by said Thomas and as meant in said Contract of sale) on the Plat here as part hereof Exhibited Marked R.T.T. And your Honorable Court as your Orator suggests will see that by the said Contract the "Town Plat" ground was to be sold, or might be sold gradually and in parcels, and as might be specified and regulated by said Thompson under no strict limitation of time or parcels or prices.

4 And your Orator now further referring to said Contract states that thereby it will appear that said Thomas, on receiving the Mortgage Securities above Mentioned, was bound to convey absolutely to said Thompson all the Land lying Eastward of Cherry Street aforesaid which land your Honorable Court will see by the plat aforesaid comprehends along with the said Town Plat "ground aforesaid a piece of Land containing Ninety acres and thus that the said Town Plat "Ground being to be conveyed afterwards on the above mentioned trust the said Thomas was bound to convey to said Thompson in fee and clear of all charge and lien for any part of the purchase Money aforesaid, the said piece of Land containing Ninety acres it being required of said Thompson as a Condition precedent that he should obtain a release to said Robert H Thomas of all claim whatever of one John W Rawlins and his father John Rawlins against said Thomas and also obtain a release of all claims of one John Seamans against said Thomas on account of said Rawlins part of charges for Work &c at the Wharf at Port Herman and for Work &c at Log Pen,

And your Orator now states that the said Robert H Thomas has departed this life leaving as his heir at Law a daughter his sole issue an Infant named Emily H Thomas who resides in Philadelphia in the State of Pennsylvania. And that said Robert H Thomas left a Will which has been admitted to probate and whereof an authenticated copy has been recorded in the Office of the Register of Wills for Cecil County, but which