Appeals in Hawkins vs Archer, For the reasons I think that Van Bergen vs Slade cannot be regarded in conflict either with Hawkins vs Archer or Woodward vs Glasbrook

John H. Price

And afterwards to wit on the 3d day of April in the year last aforesaid the said cause having been read and heard and duly considered the Court hereupon passed the following Decree to wit,

James and Wife and others / Charlotte Withers and others

Circuit Court for Baltimore County In Equity

This cause standing ready for hearing and being submitted upon the Bill answers and exhibits, the Arguments of Solicitors having been heard,

This thereupon this 3d day of April in the year 1862 by John H. Price Judge of the Circuit Court for Baltimore County in Equity aforesaid ordered and decreed that there be a sale of the real estate of James Calder in the proceedings mentioned & that is to say the land situate in Baltimore County Maryland of which Margaret Park deceased was possessed at her decease among the parties to this suit so that two parts thereof in five parts to be divided shall be allotted to the Complainant Sarah Turner "during the term of her natural life without impeachment of waste, and that at the death of the said Sarah Turner "if she shall have any child or children or descendants of such child or children alive at the time of her death the said two parts so allotted to the said "Sarah Turner" shall belong to the child or children of the said Sarah Turner" or to their descendants as the case may be if more than one to be equally divided between them and their heirs Issuer per stirpes and not per capita, And in the event that the said Sarah Turner shall die without issue leaving any children or descendants alive at her decease then the said two parts so allotted to her shall descend to the Heirs at Law of James Calder" deceased in the proceedings named. That two parts thereof in five parts to be divided shall be allotted to "Charlotte Withers one of the defendants during the term of her natural life without impeachment of waste, and that at the death of the said Charlotte Withers "if she shall have any child or children or descendants of any such child or children alive at the time of her death, the said two parts so allotted to the said Charlotte Withers shall belong to the child or children of the said Charlotte Withers" or to their descendants as the case may be of more than one to be equally divided between them and their heirs Issuer, per stirpes and not per capita and in the event that the said Charlotte Withers "shall die without leaving any children or descendants alive at her decease, then the said two parts so allotted to her shall descend to the Heirs at Law of James Calder "deceased in the proceedings mentioned And that the remaining one fifth part shall be divided into three equal parts, one part thereof shall be allotted to Sarah Turner one of the Complainants in fee simple, one part thereof shall be allotted to Charlotte Withers in fee simple, and the remaining one third of said one fifth part to be divided into six equal parts among among the defendants Heirs at Law of Mary Little deceased as follows to wit one part thereof to be allotted to George Little son of John Little deceased in fee simple, one part thereof to be allotted to Rebecca Lord "in fee simple, one part thereof to be allotted to George Little in fee simple, one part thereof to Ann Anderson" in fee simple

one part thereof to Margaret Lib in fee simple, and the remaining one sixth part to be divided into two equal parts one part thereof to be allotted to William Little son of Charles Little deceased in fee simple, and one part to John Little son of said Charles Little deceased in fee simple, and it appears this Court to make the said partitions it is further adjudged and decreed that a Commission issue in usual form to Edwin Rider Wm H. Hoffman and Joshua A. Oakley Pleasant Hunter Wm Vance of Baltimore County authorizing them or any four or three of them to enter upon said Wash and survey the said land and to divide the same into five equal parts having regard to quality and quantity whereof two contiguous parts shall be allotted to the Complainant Sarah Turner for her life, and after her death to her children or descendants or otherwise as has heretofore been specifically decreed, two contiguous parts shall be allotted to the Defendant Charlotte Withers for her life and after her death to her children or descendants, or otherwise as has heretofore been decreed, and the remaining one fifth part shall be divided into three parts, one part thereof shall be allotted to the Complainant "Sarah Turner" in fee simple, one part thereof shall be allotted to the defendant Charlotte Withers "in fee simple and the remaining one third part of said one fifth shall be divided into 6 parts and be allotted to the defendants children and grandchildren of "Mary Little" deceased as follows to wit One of said six parts shall be allotted to George Little "son of John Little deceased in fee simple one of said six parts shall be allotted to Rebecca Lord "in fee simple, one of said six parts shall be allotted to George Little in fee simple, one of said six parts shall be allotted to Ann Anderson in fee simple one of said six parts shall be allotted to Margaret Lib "in fee simple, and the remaining one sixth part shall be divided into two equal parts, one part thereof shall be allotted to William Little "son of Charles Little deceased, in fee simple, and the other of said two parts shall be allotted to John Little" also son of Charles Little deceased in fee simple And that the said Commissioners make and or cause to be made out a plat and certificate of said land and of the division thereof with the boundaries and courses and an accurate description of the said Estate and of the parts thereof, and to the said Commission there shall be annexed the usual oath of office

John H. Price

Whereupon issued Commission to the parties named in the foregoing Decree in form following to wit

Maryland Sct

The State of Maryland To Edwin Rider William H. Hoffman Joshua A. Oakley Pleasant Hunter and William Vance of Baltimore County Gentlemen Greeting Know ye that we have pursuant to an Order of our Circuit Court for Baltimore County in Equity sitting this day passed in a cause therein between James Turner and Sarah Turner his wife and others Complainants and Charlotte Withers and others defendants fully authorized and Empowered you or any four or three of you to enter upon Wash and survey the tract or parcel of land in the proceedings in said cause mentioned of which Maryland Park late of Baltimore