

7111

Collison, William  
Mary w

Francis Hayward & Margaret w  
Thomas & James Layton  
James Layton Esq

Dorchester County 1838

Bill, Order Publication, Comm.  
Decees, Bond, Trustee Report  
Condition Report

Henry Page, Trustee

Not recorded

Manticoe Indian Lands



MARYLAND, SC.

To William Bea  
of Dorchester  
THE STATE OF MARYLAND,  
City, Greeting.

WHEREAS William Colleton & Mary his wife

have lately exhibited the Bill of Complaint, before us, in our High Court of Chancery, against James Layton & others

Defendant;

And whereas we have, by our writ, lately commanded the said Defendant to appear before us, in our said Chancery, at a certain day, to answer the said Bill, but forasmuch as the said James Layton

is an Infant under age, and cannot answer the said Bill, nor defend this Suit without having a Guardian assigned in that behalf—Knowe therefore, that we have given unto you full power and authority, in pursuance of the special order in our said Court, to assign and appoint a Guardian for the aforesaid Infant, and to take the answer of the said Infant by such Guardian to the said bill, and therefore we command you, that at such certain day and place as you shall think fit, you go to the said Defendant, if he cannot conveniently come to you, and assign and appoint a Guardian for the aforesaid Infant, and take the answer of the said Infant by such Guardian to the said Bill, of such Guardian's corporal oath upon the Holy Evangely, to be administered by you, the said answer being distinctly and plainly wrote; and when you shall have so taken the said answer, you are to send the same, closed up under your seal, together with your certificate of your having assigned and appointed such guardian as aforesaid, and this writ, unto us, in our said Chancery.

Witness the Honorable Theodorick Bland, Chancellor,  
this 3<sup>d</sup> day of Jan<sup>y</sup>

Anno Domini 1837

Test, Ramsay Waters Regbur

I do hereby Certify, That, pursuant to the powers vested in me by the above annexed commission, I have seen the infant therein named, and did on the 10<sup>th</sup> day of January 1837 assign and appoint James M. Newton guardian for the said infant for the purpose of answering a Bill of Complaint filed against him & others by William Colleton & Mary his wife and that I have taken the answer of the said infant by the said guardian on the corporal oath of the said guardian, which answer is hereto annexed. Given under my hand and seal, this 10<sup>th</sup> day of January 1837.

William Bea L.S.

The Answer of James Layton

infant under the age of twenty-one by James M. Newton his guardian to the Bill of Complaint of William Colleton & Mary his wife against him and others filed in the High Court of Chancery.

The defendant, by his guardian, for answer, says, that he admits the truth and justness of the facts stated in the complainant's Bill of Complaint and is willing for a decree to pass as prayed.

James M. Newton

Dorchester County, } Personally appears the said  
MARYLAND: } guardian, before me, the commissioner

named in the annexed commission, and makes oath that the above answer, signed by him, is a true answer to the best of his knowledge and belief.

Sworn before me, this 10<sup>th</sup> day of January 1837

William Bea  
Comm. Sec.



Collison

vs

Layton

Commission

Mtd 29 April 1897



William Allison  
& wife 2

Francis  
~~James~~ Hayward  
& Mrs

Leam -

8 May 1837



William Ellison and  
Mary his wife

Francis <sup>2</sup>  
~~Here~~ <sup>n</sup> Haywood and  
Others -

IN CHANCERY, 2  
March Term, 1837 1.

The said cause standing ready for hearing, and being submitted, the bill, answers, exhibits, and all other proceedings, were, by the Chancellor, read and considered.

It is, thereupon, this ~~eighth~~ day of ~~May~~ in the year 1837 by Theodorick Bland, Chancellor, and by the authority of this Court, adjudged, ordered, and decreed ~~that the bill be taken pro se~~ *pro se* ~~reference~~ *reference* ~~to~~ *to* ~~the~~ *the* ~~day~~ *day* ~~and~~ *and*

that the Real Estate of which James Layton died seized, be sold for the payment of his debts - That Henry Pope be and he is hereby appointed Trustee to make the sale, and that the course of his proceedings shall be as follows:—He shall first file with the Register of this Court, a bond to the State of Maryland, executed by himself, and a surety or sureties, approved by the Chancellor, in the penalty of ~~five~~ thousand dollars, conditioned for the faithful performance of the trust reposed in him by this decree, or to be reposed in him by any future decree or order, in the premises—He shall then proceed to make the sale, having first given three weeks' notice, inserted in such paper or papers as the Trustee shall deem proper, of the time, place, manner and terms of sale, which shall be *one fourth the cash or money*

*of sale, the balance in six and twelve months from the day of sale, with interest from the day of sale, secured by bond and security approved by the trustee*

And as soon as convenient after the sale, the Trustee shall return to this Court a full and particular account of the proceedings relative to the said sale, with an affidavit of the truth thereof, and of the fairness of the sale annexed, and on obtaining the Chancellor's ratification of the sale, and on the payment of the whole purchase money, (and not before,) the Trustee shall, by a good deed, to be executed and acknowledged according to law, convey to the purchaser or purchasers, and his or their heirs, the property to him, her or them sold, free, clear and discharged from all claim of the complainant or of the defendants, and of those claiming by, from or under them, or either of them. And the Trustee shall bring into Court the bonds taken on the said sale, together with the purchase money arising thereon, when received, to be applied under the Chancellor's direction, after deducting the costs of this suit and such commission to the Trustee as the Chancellor shall think proper to allow, on consideration of the skill, attention and fidelity wherewith he shall appear to have discharged his trust. And the Trustee shall, at the time of advertising the said sale, give notice to the creditors of the said ~~to~~ *to* exhibit their claims in the Chancery Office within six months from the day of sale, with the proper vouchers thereof.

Theodorick Bland Ch



837

am willing to receive the above amount either cash

or on account for the

of the Honorable Chancellor

in the above case and

James H. H. H. H. H.  
7  
William H. H. H. H.

Filed 10 Oct 1836.



To the Honorable Chancellor of Maryland:

The answer of Francis Hayward and <sup>Margaret</sup> ~~Mary~~ his wife  
to the bill of complaint of William Collier and ~~Mary~~ <sup>his wife</sup>

The defendants admit the several allegations stated in the complainant's  
bill

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to be true, and ~~and~~ willing that the Hon. Chancellor shall pass a decree as  
prayed.

*apr:*

1836

Francis Hayward  
Margaret Hayward

To the Honorable Chancellor:

I am solicitor for the complainant  
am willing to receive the above answer without oath.

in the above case, and I

*apr:*

1836

Henry Poy



Hayward  
vs  
Collison

In chq  
computer costs

Registers fees sent out . . . \$5.52  
duty now due & chd to Treasurer  
filing & approving bond 10 filing  
Report & Voucher 30 order 5 copy, 10  
filing cert 5 order final tally 5 copy  
10 order for stating 5 filing and it over  
Report 5 order 5 copy, auditors Report  
1.00 Taxing costs & copy, 25 recording  
addl proceds. \$2.50 . . . . . 4.65

Seals & Tassels . . . . . 10.17  
Costs on executing Comm. . . . . 2.00  
Solvrs fee . . . . . 4.00  
10.00

Waters Ryll . . . . . 26.17  
16 March 1838



IN CHANCERY, 27th Dec. 1837.  
Ordered, that the sale made and reported by Henry Page, Trustee for the sale of the real estate of James Layton, be ratified and confirmed, unless cause to the contrary be shewn before the 6th day of March next, provided a copy of this order be inserted once in each of three successive weeks in some paper published before the 6th day of February next. The report states the amount of sales to be \$115:00.  
True copy,  
Test,  
RAMSAY WATERS,  
Reg. Cur. Can.  
January 13, 3w

CHRONICLE OFFICE,  
Cambridge, *March 13th* 1838.

**I certify that the annexed advertisement was published in the "CAMBRIDGE CHRONICLE" once in each of three successive weeks, commencing the 13th day of January, 1838.**  
*Geo. J. Jackson*



James Leyton's  
= Real estate -  
Report of deeds

u  
Filed 27 Decr 1837  
Order 27 Decr 1837  
Order 15 March 1838



**To the Honorable Chancellor of Maryland:**

The report of HENRY PAGE, Trustee for the sale of the Real Estate of *James Layton* respectfully represents, that, pursuant to the decree in the cause of *William Collison and wife against Thomas Hayward and others* - - -

he filed in this Court, his bond for the faithful discharge of the trust reposed in him— That, after he had given three weeks' notice, inserted in the "Cambridge Chronicle," of the time, place, manner and terms of sale, he did, on the *17<sup>th</sup>* day of *June* in the year 1837, set up and expose to public sale the said property: consisting of

*a tract of land called Martineke Indian Land containing one hundred acres was sold to William Collison for one hundred and fifteen dollars -*

That the said sale was in all respects fair, and your Trustee prays the usual order of ratification.

*Henry Page, Trustee.*

MARYLAND, }  
DORCHESTER COUNTY, SC. } On the *22<sup>d</sup>* day of *December* in the year 1837, personally appears Henry Page, Trustee, before me, the subscriber, a Justice of the Peace for Dorchester County, and makes oath that the facts stated in the above annexed report are just and true to the best of his knowledge and belief.  
Sworn before me.

*J. Newton*

IN CHANCERY, } **ORDERED.** That the sale made and reported by *27<sup>th</sup> Decr*, 1837, } Henry Page, Trustee for the sale of the Real Estate of *James Layton* be ratified and confirmed, unless cause to the contrary be shewn before the *6<sup>th</sup>* day of *March next*—Provided, a copy of this order be inserted once in each of three successive weeks, in some paper published in ~~Dorchester county~~, before the *6<sup>th</sup>* day of *February next* The report states the amount of sales to be *\$115.00 &c.*  
*Theodoruk Blaud Cr*

IN CHANCERY, } **ORDERED.** That the above sale, made and reported by Henry Page, be, and the same is hereby, absolutely ratified and confirmed—no cause to the contrary having been shewn, although notice was given agreeably to the rules of this Court. *The Trustee is allowed for Commission and all expenses fifteen Dollars and eleven cents*  
*Theodoruk Blaud Cr*



Trustees Bonds

Filed 10 May 1837

Approved 10 May 1837  
Theodoruk Hand Sr



Know all Men by these Presents, That we, Henry Page  
and William W Laird

of Dorchester county, in the State of Maryland, are held and firmly bound  
unto the State of Maryland, in the full and just sum of Five ——— thousand  
dollars, current money, to be paid to the said State or its certain attorney—To which  
payment, well and truly to be made and done, we bind ourselves, and each of us, our  
heirs, executors and administrators firmly, by these presents. Sealed with our seals  
and dated this 10<sup>th</sup> day of May, in the year, 1837

WHEREAS, by a decree of the Court of chancery,  
passed at March Term, in the year  
1837, in the cause of William Collison and wife  
against Francis Hayward & others  
the said Henry Page

was appointed Trustee to make sale of the Real Estate in the proceedings mentioned.  
Now the condition of the above obligation is such, that if the said Henry  
Page shall well and truly perform the trust reposed  
in him by the said decree, or that may be reposed in him by any future decree, or  
order in the premises, then the above obligation shall be void; else to remain in full  
force and effect in law.

Signed, sealed and delivered }  
in the presence of me }

who Certify that the  
above bond is sufficient.

Jno. Newton  
a Justice of the Peace  
for Dorchester County

Henry Page



Wm W Laird





William Collison and  
Mary his wife,  
vs.  
Thomas Layton and  
others.

IN  
**Chancery**  
21th NOVEMBER,  
1836

THE object of the bill filed in this cause is to obtain a decree for the sale of the real estate whereof James Layton died seized, in Dorchester county.

The bill states that the said James Layton departed this life since the year 1820, seized of a small real estate in said county—that he died intestate as to said land, and left the following children, to wit: the complainant, Mary, and Margaret wife of Francis Hayward, Thomas Layton, and James Layton who is an infant—that said land is too small to divide with advantage to the parties interested, and prays that the same may be sold. The bill also states that the defendant, Thomas Layton, resides out of the State of Maryland.

It is thereupon ordered that the complainant, by causing a copy of this order to be published in some newspaper once in each of three successive weeks, before the 14th day of December next, give notice to the said absent defendant of the substance and object of the bill, that he may be warned to appear in this Court, in person or by a solicitor, on or before the 10th day of April next, to show cause, if any he have, why a decree should not be passed as prayed.

True copy.

Test: RAMSAY WATERS,  
Nov. 19 3w Reg. Cur. Can.

Henry Page, Trustee, To Eccleston & Jackson,  
May 20th, 1837. To advertisement of Chancery Sale,  
property of James Layton, 2 squares 3w. \$ 2:00  
January 13, 1838. To adv. of Order of Ratification, two  
squares - three weeks - 2:00  
March 19, 1838. Rec'd payment, \$ 4:00  
Eccleston & Jackson

I hereby certify that the  
above advertisement ap-  
pears in the Cambridge  
Chronicle - once in each  
of three successive weeks  
before the 14th day of  
December, 1836.

Jm. T. Jackson - Pr.



7111  
William Collins &  
Mary his wife

Francis Hayward &  
others -

=

R. Waterbury. Lieberman  
under this water & for  
subpoena to the land  
rights -  
H. Py

Filed 4<sup>th</sup> August  
1836 for prob<sup>ate</sup> issued

Probate



To the Hon. The: Board Chancellors of Maryland.  
The title of complaint of William Collins and  
Mary his wife of Berkeley County and a party  
respondents, the certain James Lupton late  
of said County, departed this life since the  
year 1820 owner of a small parcel of land  
in said County; that he was intestate as to the  
personal estate of land, and left the follow-  
ing children to wit: the persons Mary, Margaret  
wife of Francis Hayward, Thomas Lupton and  
James Lupton; that the said parcel of land is  
too small to divide with advantage - In the  
purpose of selling this land my it please you then  
to pass the order with of sale from your to said  
Francis Hayward and Margaret his wife and  
James Lupton who is an expert and on order  
of publication against the said Thomas Lupton,  
we hereby the to appear in this case to a-  
sume the premises and show cause why  
a decree should not pass as prayed

Henry Dyer Clerk



William Collinson and Mary  
his wife

Francis Hayward and Margaret  
his wife and others

In Chancery 16<sup>th</sup> March 1838

The Auditor reports to the Honorable the Chancellor that he has examined the proceedings in this Cause and from them stated an account between the Real Estate of James Langton deceased and the Trustee for the sale thereof wherein the proceeds of sale are applied to the payment of the Trustee's allowance for Commission and Expenses and the costs of suit and the net balance equally divided among the four heirs at Law of the deceased.

All which is respectfully submitted

A. Randall  
Aud

of the Real Estate of  
James Langton deceased

in account with  
Messrs Page Esq and Co

and  
Auditor's Report  
16<sup>th</sup> March 1838

Filed 17 March 1838

Order 19 March 1838



D<sup>v</sup> The Real Estate of James Layton deceased in account with Henry Page Esquire Trustee

C<sup>v</sup>

1837		Dolls ct	Dolls ct	1837	Dolls ct	
June 17	To the Trustee for his Commission and Expenses		15 11	June 17	By Amount of proceeds of Sale as per Trustee's Report	115 00
	To the Counselman's note for the Costs of said suits					
	Registers fees sent out	5 52				
	Attos now due	4 65				
	Seals and Taxes	2 00				
	Cost on Executing Bond	4 00				
	Solicitor's fee	10 00				
	Auditor's fee	4 67	30 84			
			45 95			
	To William Collinson and Mary his wife in right of said Mary		17 26 <sup>1</sup> / <sub>4</sub>			
	To Francis Hayward and Margaret his wife in right of said Margaret		17 26 <sup>1</sup> / <sub>4</sub>			
	To Thomas Layton		17 26 <sup>1</sup> / <sub>4</sub>			
	To James Layton		17 26 <sup>1</sup> / <sub>4</sub>			
			115 00			115 00



Collisow

vs  
Layton

order of publ  
10 November 1836



William Collison &  
Mary his wife

vs  
Thomas Layton & others

In Chancery  
10 Nov 1856

The object of the Bill filed in this cause is to obtain a Decree for the Sale of the Real Estate whereof James Layton died seized in Dorchester county. The Bill states that the said James Layton departed this life since the year 1820 seized of a small Real Estate in said County - that he died Intestate as to said Land and left the following children to wit. the Complainant Mary, and Margaret wife of Francis Hayward, Thomas Layton and James Layton who is an Infant that said Land is too small to divide with advantage to the parties interested - and prays that the same may be sold - The Bill also states that the Defendant Thomas Layton resides out of the State of Maryland.

It is thereupon ordered that the Complainant by causing a copy of this order to be published in some news <sup>paper</sup> once in each of three successive weeks before the 14 day of December <sup>next</sup> ~~past~~ give notice to the said absent defendant of the substance and object of the Bill that he may be warned to appear in this Court in person or by a Solicitor on or before the 10<sup>th</sup> day of April next to shew cause if any ~~one~~ he hath why a Decree should not be passed as prayed -  
Theodore M. Head