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CHANCERY COURT (Chancery Papers) 9337, Thomas Layton vs. William Collison: copied docket page; bill 12 February 1838. Mortgage foreclosure on slave Israel Coleman

[MSA S512-9254, MdHR 17,898-9,337, 01/38/05/42]

MSA SC 4239-5-136
M 11017

9337

Layton, Thomas
vs
William Collison

Dorchester Co. 1838

Bill, Exhibit, Answer, Decree

Not recorded

To the Hon: Theodorick Bland Chancellor of Maryland.

The bill of complaint of Thomas Layton of Dorchester County respectfully represents, that on the twelfth day of April eighteen hundred and thirty he was the rightful owner and was in possession of a certain negro boy about fourteen years of age, which boy, called Daniel Coleman, your complainant pledged or mortgaged ~~the same negro boy~~ to a certain Elizabeth Ayres to secure to her the repayment of twenty eight dollars and forty seven cents with the interest - all which matters and things will appear from the exhibit herewith filed marked A. which your complainant states is a true copy of the original and a mortgage made in the possession of a certain William Collison hereinafter mentioned as the defendant in this action -

Your complainant further states that on or about the twenty third day of September eighteen hundred and thirty the said Elizabeth Ayres assigned and set over all her interest in the said instrument to a certain James Layton who immediately received possession of the said boy and held possession of the said boy till the death of him, the said James Layton which occurred about the month

of December eighteen hundred and thirty seven. your complainant further states that before the death of the said James Dayton he was fully paid and satisfied the said sum of money and interest -

Your complainant further states that he left the state of Maryland soon after he executed the aforesaid mortgage and and continued absent till the commencement of the year eighteen hundred and thirty seven.

Your complainant further states, that after the death of the said James Dayton the said negro boy Israel was assumed in the estate of the said James Dayton as his own property, and was in the course of the administration assigned to a certain William Colleson, who intermarried with Mary a daughter of the said James Dayton, as a part of the distributive share to which he was entitled in right of his wife -

To the end therefore that the said mortgaged property may be so assigned to your complainant and the said negro boy delivered up as the property of your complainant free clear and discharged from all liability growing out of the said mortgage may it please your Honor to grant to your complainant the states writ of subpoena against the said William Colleson commanding him to be and appear in this court to answer the premises and stand ready to abide such order as the court should not pass as prayed. and the your Honor may give such other and further relief as the nature of the case shall require and as in duty bound your complainant will ever pray &c

Henry Perry Solr
for complainant

Thomas Dayton
vs
William Colleson } In Chancery
December term 1838

This cause standing ready for hearing and having been submitted without argument the proceedings were read and considered -

Whereupon it is on this thirteenth day of February in the year eighteen hundred and thirty eight by Theodorick Bland Chancellor and by the authority of this court adjudged ordered and decreed, that the said defendant William Colleson forthwith transfer and deliver up to the said plaintiff Thomas Dayton the said negro boy slave named Israel Coleman free clear and discharged from all claim from or under the said Mortgage in the proceedings mentioned -

And it is further adjudged ordered and decreed, that the said defendant pay unto the said plaintiff his costs of this suit to be taxed by the Register -

Theodorick Bland Ch

9337

Thomas Layton
vs
William Collins

R. Hunter Esq.

Like plead another his action and upon oath is the same as pleas — pleas

H. Page

Filed 12th Feby 1838.

Decree
13 February 1838

D. M. Kesler

Thomas Layton
vs
William Collison

In chy
compter costs

Registers fees due.
app & filing Bill retn to March
Term 1837. 15 Entering & signing
Decree 25 Copy 25. Taxing costs
& Copy 25 .. 90

Seals & Taxes . 2.00
Solrs fees . . 10.00

$ 12.90

S Waters Reg Ch.
27 Feby 1838.

To the Honorable Chancellor of Maryland:

The answer of William Collison of Dorchester County to the bill of complaint of Thomas Layton –

This defendant admits the several allegations stated in the complainants bill

to be true, and is willing that the Hon. Chancellor shall pass a decree as prayed, if the equity ~~and~~ and justice of the case requires or a decree –

Witness
Solomon Robinson

William Collison

To the Honorable Chancellor.

I am solicitor for the complainant in the above case, and I am willing to receive the above answer without oath.

1886

Henry Page

William Collison
v
Thomas Layton

Filed 12 Feby 1838

Know all men by these presents, that I Thos. Layton of Baltimore City & State of Maryland, for and in consideration of the sum of $28.47, in hand paid by Elizabeth Ayres of the City of Baltimore, after at & before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged: Have granted, bargained and sold, and by these presents, do grant, bargain and sell unto the said Elizabeth Ayres, her Executors, administrators or assigns, my negro boy named Israel Coleman, aged 14 years and a slave for life, Israel is now 14 years of age. To Have and to hold all and singular the negro boy named Israel Coleman value for life above bargained and sold or mentioned or intended so to be to the said Elizabeth Ayres, her heirs, Executors and assigns forever. And I the said Thos. Layton for myself, my heirs, Executors and assigns, the said negro boy Israel unto the said Elizabeth Ayres her Executors, Admrs. and assigns, against me the said Thomas Layton, my Executors, Admrs. and assigns, and against all and every other person or persons whatsoever, shall and will warrant and forever defend by these presents. In testimony whereof I have hereunto set my hand and seal this 12th day of April 1830.

Thos. Layton (Seal)

Signed, sealed and delivered in the presence of

Peter Galt.

Filed 12 Feby 1898

Exhibit 4

Baltimore City ss: Be it remembered that on the 12th day of April 1830 before the subscriber a Justice of the Peace for said City appeared Thos. Layton and acknowledged the above Instrument of writing to be his act and deed, according to the intent and meaning thereof. Acknowledged before

Peter Galt.

A claim of Redemption endorsed on the back specifying that of the said Thos. Layton pays to the said Elizabeth Ayres, the sum of $28.47 in 12 months from the date, then the above bill of sale or Mortgage to be null & void —

Sept. 23. 1830 For value rec.d I do hereby assign and transfer, and make over all my right, title claim and interest of in and to the negro boy Bristol Colmon, mentioned in the within bill of sale, to James Layton of Dorchester County, State of Maryland. Witness my hand and seal the day & year above written.

her
Elizabeth ⊠ Ayres
mark

Witness
Peter Galt.