

TRACY v. SCOTT.

{4 Cranch, C. C. 250.}²

Circuit Court, District of Columbia. Oct. Term, 1832.

APPEALS—DISTRICT OF COLUMBIA—SEPARATE
COUNTIES.

Appeals from the orphans' court of the county of Alexandria, D. C., are governed by the same rules as in the county of Washington, and must be taken within the time limited by the Maryland testamentary system (chapter 15, § 18).

{This was an action by R. M. Scott, administrator of Tracy, against Tracy.}

Appeal from the orphans' court of Alexandria county, District of Columbia, but not taken within the time limited by the Maryland testamentary system (chapter 15, § 18), which is in force in Washington county.

Mr. Taylor, for appellant, contended that there was no limit to the right of appeal, and that the right of appeal is not governed by the Maryland law in force in Washington county.

But THE COURT, upon consideration of the act of congress of the 27th of February. 1801, § 12 (2 Stat. 103), decided that appeals from the orphans' court here are governed by the same rules as in Washington county, to wit, by the Maryland testamentary system (chapter 15, § 18), and dismissed the appeal, without prejudice to the appellant's equity or other relief.

Mr. Swann, for appellee.

² [Reported by Hon. William Cranch, Chief Judge.]

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