No. 5041 Equity.

the premiums and of the Court of Appeals.

10. That your petitioner is fully confident that Your Honors never intended to interfere with the Jurisdiction of the Orphans Court, which had been already invoked by said Lewis A. Reese, and that upon a full statement of the facts Your Honors would not have passed the Decree of date January 19 filed in this cause.

11. That if said decree is allowed to stand and that if the sale now advertised by said Reese to take place on February 21st next under said Decree is suffered to be made, Your petitioner right under said appeal will be utterly frustrated, ~~inasmuch~~ a decision being had and before an argument can be made in the Court of Appeals.

12. That said Reese has advertised a Sale under said Decree as appears by reference to a copy of the advertisement filed herewith as Exhibit B.

13. That the said decree was obtained by surprise and was improvidently procured —

14. Wherefore your petitioner prays for the following Relief.

1. That your Honors may pass an order or supplemental decree revoking and annulling said decree of January 19, 1885 until the final action of the Court of Appeals upon said appeal from said Orphans Court.

2. That said Petitioners may be summoned to show cause why said Decree of January 19, 1885 should not be annulled and vacated as aforesaid.

3. And that said sale may be suspended until the further order of the Court

4. And as in duty &c.

Wm. Wilcoxon
Jas. McSherry, for petitioner

January 21, 1885.

State of Maryland, Frederick County — to wit

On this 21 of January A.D. 1885 came Andrew J. Wilcoxon above named and made oath in due form of Law that the matters and things stated in the aforegoing petition are true to the best of his knowledge information and belief

Randolph G. Barrick —
Justice of the Peace of said State in and for said County

The foregoing petition and exhibits having been read and considered. It is thereupon this 21st day of January A.D. 1885 ordered and adjudged by the Circuit Court for Frederick County sitting as a Court of Equity that the petitioners whose names appear at the head of the Original Petition filed in this cause show cause on or before the 12th day of February A.D. 1885 why the prayer of the aforegoing petition filed by Andrew J. Wilcoxon should not be granted, provided a Copy of the aforegoing Petition and of this order be served upon them by the Sheriff of this County or upon their Solicitors on or before the 27th day of January instant

John A. Lynch
Judge of the Cir. Court.

Served upon C. V. S. Levy Esq. Solicitor on the 22nd day of January 1885 at 11.45 AM
George H. Grove, Sheriff