

No 3992 Equity

plaintiff has acquired nothing more than a life interest in this property, and we accordingly do adjudge and determine

We also entirely agree with the Court below that the allegations of this bill and the proof now in the case do not authorize a decree for a sale or lease of the lands, but we are of opinion that by amendment of the pleadings and further proof a case may be made for such sale or lease under the act of 1862 Ch 156 and as the Counsel for the appellees in this Court has expressed in his brief a willingness that the case shall be remanded for that purpose, we shall accordingly remand the same under the Code Act 5 Sec 28 without affirming or reversing the decree appealed from

Cause remanded

Maryland Act:

I James S. Franklin clerk of the Court of Appeals of Maryland do hereby certify that the foregoing is truly taken from the record and proceedings of the said Court of Appeals

In testimony whereof I have set my hand as Clerk and affixed the seal of the said Court of Appeals this 16 day of January A.D. 1876



Rec'd filed Jan 15, 1876.
Appellants costs in Court of Appeals \$26.15
Appellees do do \$57.15

James S. Franklin Clerk
Court of Appeals of Md.

Charles W. Shreve and wife and others

vs

Daniel T. Shreve Et al

No 3992 Equity

In the Circuit Court for Frederick County

In Equity

The petition of the complainants in this cause respectfully shows that this cause has been remanded by the Court of Appeals of Maryland in order that further proceedings may be had looking to a sale, a distribution, a division or a lease of the real estate in this cause mentioned in accordance with the prayer of the bill, but to sustain which prayer no testimony was taken before the cause was carried by appeal to the said Court of Appeals. Your petitioners now respectfully show that it will be greatly to the advantage of all the parties concerned that testimony be taken and the property sold and proceeds divided according or that there be a division or a lease of the same, if it cannot be sold to advantage

Your petitioners therefore pray your Honorable Court to pass an order or award a commission to issue to Wm B Nelson and George M Shellman to take testimony in accordance with their petition to support the allegations of the Bill in pursuance of the decree of the Court of Appeals of Maryland filed in this cause and your petitioners will ever pray &c

J. E. R. Hood

March 11th 1876.

The foregoing petition having been read and duly considered it is thereupon this thirteenth day of March in the year Eighteen hundred and Seventy Six ordered by the Circuit Court for Frederick County sitting as a Court of Equity and by the authority thereof that a commission in this issue to Wm B Nelson and George M Shellman to take testimony in this cause in accordance with the petition and decree of the Court of Appeals

John A. Lynch

Judge of the Cir Court.

It is this Eleventh day of March A.D. 1876. agreed that the foregoing order be passed.

J. E. R. Hood. Sd for Complainants

C. H. Wood Sd for Defendants

Filed Mar 13/76