

## No 6540 Equity.

in fee Simple" and that the daughters each took an estate for life in one fifth of the same lands as tenants in Common. Subject to leave their said estate defeated upon their marriage or death, with remainder, in each share to Robert and his heirs; and consequently that the widow of Robert was entitled to be endowed in the lands.

It follows, then, no matter which of the alternative views be adopted, whether the one which fixed the death of Mrs. Sims as the event upon the happening of which the over-remainders were to take effect or whether the clause creating these over-remainders be regarded as limiting the prior gifts to a fee-tail - the result is precisely the same and the daughter and grand-daughter both took absolute and indefeasible fees the moment Mrs. Sims died.

The proof shows conclusively that the property cannot be advantageously divided and that it will be to the interest and advantage of all the parties for a sale to be decreed.

Entertaining these views I will accordingly sign a decree in conformity to this opinion when one so drawn shall be presented by the plaintiffs' Solicitors.

August 6-1896.

Geo. M. Sherry,

Meoree

Filed September 2nd 1896.

Charles H. Toller and  
Anna C. Toller, his wife

(M)

Lafayette Grayson  
Mary Kemp Sims Grayson  
et al.

No. 6540 Equity  
In the Circuit Court for Frederick  
County, sitting as a Court  
of Equity.

July Term 1896

The above cause standing ready for a hearing, and being submitted, the Bill, Answer, Exhibits, Testimony and all proceedings were by the Court read and considered.

It is thereupon, this 2nd day of September in the year Eighteen Hundred and ninety six by the Circuit Court for Frederick County, as a Court of Equity, and by authority of said Court, adjudged, ordered, and decreed that the land and premises mentioned in these proceedings be sold, and that Milton G. Dorer, of Frederick County, be, and he is hereby appointed