

question, Mrs. Hickman gave him \$300.00 of her own money for the purpose of paying for the lots. This was a definite part (three-fourths) of the purchase money, and we think under the circumstances the grantee held the legal title to the lots with an implied trust in favor of his wife to the extent of three-fourths interest therein.

"If the purchase money is paid by several and the title taken in the name of one, a trust will result to the others in proportion to the amount paid by each."

Bispham's Principles of Equity, Sec. 81, page 121. Keller v. Keller 45 Md., 269 The equitable doctrine of resulting trusts are so familiar to the profession that no extended citation of authorities is deemed necessary to sustain the views above expressed. We hold, therefore, that the plaintiff, Mrs. Gertrude E. Hickman, is entitled to a three-fourths interest in said lots, and the heirs of Thomas Hickman are entitled to the other one-fourth interest therein, subject to the widow's right of dower therein. As the Bill was filed upon the theory of a mistake or fraud in making out the deed, which theory we do not find sustained by the evidence, we will not pass a final decree at this time, but will hold the bill so as to give the plaintiff opportunity to amend the same in accordance with the views herein expressed, if she desires so to do.

While we might declare the results of our views in a decree at this time, it may be that the plaintiff will desire to obtain a sale of the property on the ground of non susceptibility to partition among the concurrent owners, as, according to our views of the testimony, the plaintiff is a concurrent owner with the heirs of Thomas Hickman. If the plaintiff desires so to amend, she should make seasonable application to that end, otherwise a final decree will be passed as indicated above.

Hammond Urner  
Glenn H. Worthington.

Filed June 12th, 1915.

ANSWER OF RESPONDENTS TO THE AMENDED BILL.

Gertrude E. Hickman	"	No. 9162. Equity.
	"	
vs.	"	In the Circuit Court for
	"	
Annie Kroeger et al.	"	Frederick County, in Equity.
	"	
	"	

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To the Honorable the Judges of said Court:-

The answer of Annie Kroeger, and Conrad Kroeger her husband, William Hickman, Catharine Hickman, Ida Garrick and Louis Garrick her husband, Emma Oettinger and Rudolph Oettinger her husband, Josephine Hickman, Charles Hickman and Anna Hickman his wife to the amended Bill of Complaint filed in this cause:-

These respondents answering say:-

That they admit the matters and things contained in the first second and third paragraphs of the Amended Bill of Complaint filed in this cause of June 21st, 1915, and since the said real estate is not susceptible of division among the parties entitled thereto, without great loss and injury, these respondents consent and agree that your Honors shall pass an order of your Honorable Court, appointing a trustee or trustees to make sale of the real estate mentioned in these proceedings and divide the proceeds arising therefrom, among the parties entitled thereto in accordance with the opinion of your Honorable Court filed in this cause, on June 12th, 1915, all of the parties in interest being of full age. And as in duty bound etc.,

Guy K. Motter.  
Solicitor for Defendants.

Filed June 29th, 1915.

D E C R E E.

Gertrude E. Hickman.	"	No. 9162 Equity in the Circuit Court
	"	for Frederick County, sitting as a Court
Vs.	"	of Equity. Max TERM, 189-
	"	
Annie Kroeger et al.	"	
	"	

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The above cause standing ready for a hearing, and being submitted, the bill, Answer, Exhibits and testimony and all other proceedings were by the court read and considered, and the opinion of the