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submitted that the only issue to be decided by the Chancellor between the parties in this cause is in relation to the true legal and equitable construction of the deed exhibited with the answer and marked (Exhibit B) to be gathered from said deed and other competent evidence in the cause and that if his Honor the Chancellor shall be of the opinion, that Catharine Redhead the grantor in the said deed did convey to her sister Ann Shippy by said deed, but her undivided moiety of her mothers undivided fourth part in fee simple, that in that case decree shall be passed for a sale of the property mentioned in the said Bill for the purpose of division according to the prayer of the said Bill to wit, three fourth parts of the proceeds of said property to belong to the Complainants and the remaining one fourth part to belong to the defendant; If on the contrary his Honor the Chancellor shall be of opinion that Catharine Redhead by her deed of the 11th day of December in the year 1824 exhibited with the answer and marked Exhibit B. did convey to her sister Ann Shippy all the right which she the said Catharine Redhead was seized and possessed of at the time of the execution of the said deed marked Exhibit B. in the lands conveyed by Darius Hodson to his mother Catharine Shippy by his deed of 1815 exhibited with the answer and marked exhibit A. that then the said Bill shall be decreed to be dismissed with costs to the defendant.— Henry Page Solr. for Complt.
Jas. A. Steward, Solr. for Deft.

And afterwards to wit, on the 31st. day of December 1842 the Chancellor passed his Decree in the said cause which was duly enrolled in the words following to wit:

Thomas Higgins and Catharine his wife — vs. — Anne Shippy —

In Chancery — December Term 1842. — This case standing ready for hearing and being submitted the Bill answer exhibits, Agreement and all the other proceedings were by the Chancellor read and considered. It is therupon this thirty first day of December 1842 by Theodorick Bland, Chancellor and by the authority of this Court adjudged ordered and decreed that the real estate in the proceedings mentioned be sold for the purpose of distribution; — That Henry Page be and he is hereby appointed Trustee to make said sale and that the course and manner of his proceedings shall be as follows, he shall first file with the Register of this Court a bond to the State of Maryland executed by himself and a surety or sureties to be approved by the Chancellor in the penalty of five thousand dollars conditioned for the faithfull performance of the trust reposed in him by this decree or to be reposed in him by any future decree or order in the premises he shall then proceed to make said sale having given at least three weeks notice by advertisement inserted in such newspaper or papers as he shall think proper of the time place manner and terms of sale which shall be as follows one third Cash and the residue on a credit of six and twelve months with interest from the day of sale to be secured by Bond with sureties to be approved by the Trustee. And as soon as convenient after the sale the Trustee shall return to this Court a full and particular account of his proceedings relative to the said sale with his affidavit of the truth thereof and of the fairness of the sale annexed, and on obtaining the Chancellors ratification of the sale, and on the payment of the whole purchase money (and not before) the Trustee shall by a good deed to be executed and acknowledged according to law convey to the purchaser or purchasers and his her or their heirs the property to him her or them sold free clear and discharged from all claim of the complainants

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or of the defendant and of those claiming by from or under them or either of them. And the Trustee shall bring into Court the bonds taken on the said sale together with the purchase money arising thereon (when received) to be applied under the Chancellors direction after deducting the costs of this suit and such commission to the Trustee as the Chancellor shall think proper to allow on consideration of the skill attention and fidelity wherewith he shall appear to have discharged his trust.—
Theodorick Bland, Ch.r

And afterwards to wit, on the 11th day of January 1843 came the defendant aforesaid by her Solicitor aforesaid and filed her petition in the said cause in the words following to wit:

Thomas Higgins and Catharine his wife — vs. — Ann Shipley —

In Chancery — Decree for sale &c. — To the Honble. Theodorick Bland Chancellor of Maryland — The petition of Ann Shipley the defendant in this cause respectfully states that from the decree passed by your Honor in this cause on the 31st. Dec.r 1842, the said Ann Shipley prays an appeal to the Court of Appeals, as in such cases made and provided, and forasmuch as the Trustee appointed to make sale of the property in the proceedings in said cause by the said decree may proceed in the execution of his appointment to make sale of the property unless otherwise directed by a special order of your Honor, and in such case as it is proper that all proceedings under the said Decree should be suspended during the pendency of said appeal your petitioner prays that your Honor will grant an order for suspending all further proceedings under said decree until the said appeal shall have been heard or until the further order of this Court, and that your Honor will direct a copy of such order when granted to be sent or served on the said Trustee in order that his proceedings under said decree may be suspended, or grant such other order as your Honor may think the case requires, and as in duty bound, your petitioner will ever pray —
Jas. A. Stewart, Solr. for petitioner

On which petition the Chancellor passed the following order

In Chancery 11th January 1843 —

Ordered that the foregoing petition be and the same is hereby dismissed with costs to be taxed by the Register.
Theodorick Bland, Ch.r

And afterwards to wit, on the 30th day of January 1843 the Trustee filed in the said cause his Trust Bond duly approved by the Chancellor in the words following to wit:

Know all men by these presents That we Henry Page and T. I. Henry of Dorchester County in the State of Maryland are held and firmly bound unto the State of Maryland in the full and just sum of five thousand dollars current money to be paid to the said State or its certain attorney To which payment well and truly to be made and done we bind ourselves and each of us our heirs executors and administrators firmly by these presents, Sealed with our seals and dated this 28th day of Jan.y in the year 1843; Whereas by a decree of the Court of Chancery passed at December Term in the year 1842 in the cause of Thomas Higgins and wife against Anne Shippy the said Henry Page was appointed Trustee to make sale of the real estate in the proceedings mentioned; Now the condition of the above obligation is such, that if the above bound Henry Page shall well and truly perform the trust reposed in him by the said decree or that may be reposed in him by any future decree or order in the premises then the above obligation