Courts Opinion and Decree.

John Cook Mobberly vs Eldred W. Mobberly.	No. 4630 Equity. In the Circuit Court for Frederick County, as a Court of Equity. May Term 1881.

In substance, the Bill in this case allege that on the 27th day of February, 1880, the defendant, Dr. Eldred W. Mobberly, brought an action of ejectment on the law side of this Court, against the complainant John Cook Mobberly, to recover a certain tract or parcel of land, known as a part of a tract called "Safland", and part of a tract called "Locust Thicket"; that about the year 1857, the said Dr. Mobberly agreed to give said parcel of land to the said John Cook Mobberly, (his son) as a provision for his support &c, in life, as he had done for the other members of his family, and did give said land to him; and in the execution of said gift placed his said son in possession of the same, as absolute owner in fee simple; that said John Cook has ever since, been in actual possession of said farm, claiming and using it as his own; that said claim was known to, and acquiesced in by the said Dr. Mobberly, and that he had declared to divers persons that he had given the farm to his son, John Cook; and that the complainant, relying upon the faith of said gift, laid out and expended large sums of money in permanent improvements thereon, with the knowledge and concurrence of his said father, which otherwise he would not have done; that the legal title to said land is vested in said Dr. Mobberly, which contrary to Equity and good conscience he is about to enforce by said action of ejectment; that the complainant is powerless to defend himself against said action of ejectment according to the strict rules of the common law. The complainant therefore prays the Court for an

injunction to restrain the said Dr. Mobberly from further proceeding in said action of ejectment, until the further order of this Court.

The injunction was ordered as prayed, and issued on the 21st September 1880.

On the 18th October 1880, the defendant filed his answer, under oath, denying all the material allegations of the Complainants' bill. The defendant in his answer avers, that when his said son grew up, he was a wild and very intemperate young man, and with the hope that he might reform and lead a different life, he stocked the said farm and placed the complainant in possession of the same, and gave him the entire proceeds of the same for his support and maintenance, That complainant continued from time to time on the farm, sometimes being on the farm, and at other times engaging in other occupations until the year 1865, he sold off the farming stock and entirely gave up farming; that he rented out the farm from that time until the spring of 1867, when at the earnest solicitation of his wife, and upon the promise of the complainant to reform and lead a different life, he again put him in possession of the farm, and gave him the proceeds thereof as the cheapest and easiest mode of supporting him, which he was obliged to do, and which he continued to do until the fall of the year 1879, when for the first time, and to his great surprise, he learned that his son was claiming the farm by virtue of a parol gift from him.

On November the 10th 1880, a motion was made to dissolve the injunction, on which motion an order was passed setting the case down for argument, with leave to either side to take testimony to be used at the hearing.