John Reynolds next friend of Larinia E. Schindel vs Andrew J. Schindel

Be it remembered. That now here on the first Monday in June being the first day of the said month, in the year of our Lord one thousand eight hundred and fifty seven the Judge of the Fourth Judicial Circuit of Maryland in pursuance of the directions of the act of Assembly in such Case made and provided, transmit to this Court of Appeals here the record of proceedings of a plea aforesaid which was lately depending before him in the Circuit Court of Washington County between Elizabeth Emmert next friend of Larinia E. Schindel Complainant and Andrew J. Schindel defendant and wherein the said Circuit Court gave decree for said Andrew J. Schindel against the said Larinia E. Schindel and from which said decree John Reynolds next friend of Larinia E. Schindel appealed to the Court of Appeals here, the tenor of which said Record of proceedings is in form following, that is:

State of Maryland, Washington County, to wit

At a Circuit Court of the Fourth Judicial Circuit of the State of Maryland sitting as a Court of Equity begun and held at Hagerstown in and for the County aforesaid on the first Monday of March, being the second day of the same Month in the year of our Lord one thousand eight hundred and fifty seven.

Were Present

The Hon. Thomas Perry Judge of said Court

Benjamin A. Garlinger Esquire, Sheriff

Isaac Nesbitt Clk.

In the Record of proceedings of the same Court, amongst others, is the following tenor, to wit:

Elizabeth Emmert next friend of Larinia E. Schindel vs Andrew J. Schindel, No. 982 Equity

Be it remembered, that heretofore to wit; on the thirty first day of January in the year of our Lord one thousand eight hundred and fifty six the said Elizabeth Emmert next friend to Larinia E. Schindel by William T. Hamilton and George W. Smith her Solicitors, filed in Court here her certain Bill of Complaint in the words and of the tenor following, to wit,

To the Honorable Judge of the Circuit Court for Washington County as a Court of Equity. The Bill of Complaint of Elizabeth Emmert of Washington County next friend to Larinia Schindel of said County a feme Covert, humbly shews, that said Larinia by the death of her father Joseph Emmert of said County, who died in the month of September A.D. 1853, intestate, inherited with her sister Ursilla, a large real & personal Estate. That said real Estate being undivided, upon application to this Court, Commissioners were appointed the 13th day of February A.D. 1855 to partition the same, who upon the 8th day of May following made report thereof, which by the decree of this Court passed thereon the 4th day of December A.D. 1855 was ratified. And that by said partition there was allotted to the said Larinia two valuable farms lying and being in said County, together containing two hundred and eighty two and one rood of land, besides a tract of wood land, and a mountain lot, together containing thirty five acres

and eighteen perches of land valued in the aggregate by said Commissioners in their said report at twenty one thousand six hundred and sixty nine dollars and Eighty five cents. And that by the said decree passed as aforesaid, the said Larinia holds the said real Estate so as aforesaid allotted to her in severalty. That beside the said Larinia is entitled at the death of your Orator's her mother, to the undivided half of the real estate assigned by said Commissioners to your Orators, the widow of the said Joseph Emmert, dec^d. as her dower portion consisting of a farm containing two hundred and thirty six acres and two roods of land, a mountain lot containing forty acres, one rood and twenty perches, and a house and lot (situate in Hagerstown) all lying and being in said County and valued in the aggregate by said Commissioners at twenty one thousand six hundred and sixty nine dollars and Eighty five cents.

And your Orators further shews that the said Larinia being so seized and possessed of the real estate aforesaid and also possessed of a large personal Estate she died on the 8th day of May A.D. 1855 intermarried with a certain Andrew J. Schindel of said County and as your Orators are advised they lived happily together as husband and wife until the second day of the month of following.

And your Orators further shews that upon that day, being on their return from a bridal tour in the City of Philadelphia the said Andrew J. first exhibited the bad and harsh temper and perverse disposition that has ever since characterized his intercourse with his said wife Larinia. That then and there without the least cause upon the part of his said wife to justify ill treatment of any kind the said Andrew used the most mortifying and offensive language to her, threatening her with an application for a divorce, and in every respect upon that occasion behaving in a most unbecoming and unhusband like manner. That afterwards at home from time to time he abused her with ill, insulting and severe language, resulted over her as having the possession and entire control of her Estate and asserting her exclusive dependence upon him, whilst at the same time interdicting her in the purchase of things necessary to her comfort and suitable to her condition in life. That however much the said Larinia was disposed to be the dutiful and affectionate wife of the said Andrew, could any longer bear with his harsh and cruel treatment and to relieve herself from the unhappy condition in his society a separation was obliged to be had which occurred on the second day of November A.D. 1855.

And your Orators charge that both before and after said separation the said Andrew took possession of the personal effects of the said Larinia amounting in value to five thousand dollars. That he claims the management of said real Estate. That he has now in his possession the produce and profits of the same for the last year. That he has leased the said real Estate for the ensuing year and has taken to himself the sole control and management of the same for his own use and benefit to the entire exclusion and against the consent of the said Larinia and to her great loss and injury and as your Orators are advised, against the just, legal and equitable rights of the said Larinia in the premises. And your Orators further charge that the said Andrew is having absorbed the whole personal estate of the said Larinia, and is managing and controlling the said real