interests: that the said lands are very poor in quality: that there is a Chrome mine on said real estate: that if divided, there will be mine shares. And the parcels would be too small to admit of advantageous cultivation or sale,

At the same time the Complainants filed with the Commissioner as Evidence Exhibits Nos 1 & 2. and Defts. filed Exhibit R. W. G. which are herewith returned. And on this twelfth day of March in the year Eighteen hundred and sixty seven, the Complainants requiring no further time for the production of their Evidences, the Commissioner closed the said Commission and herewith returns the same on the day and year aforesaid, under his hand and seal

Comms fees $8.00 — W B. Nelson (Seal)
Isa Wood att. 75 — Commissioner
$8.75

And thereupon further proceedings of and upon the premises aforesaid between the parties aforesaid by consent of said parties and their said Solicitors is continued from term to term of said Court sitting in Equity until the third Monday & 15th day of February A. D. 1869. and thereupon afterwards to wit: on the 16th day of February 1869 was filed in and as a part of said Cause, the following opinion and decree of the Court:

Court's Opinion & Decree

Saml. W. Plummer & wife and others vs Lyde Griffith & wife and others } No 3319 Equity. In the Circuit Court for Frederick County as a Court of Equity.

This Cause having been —

argued by the Solicitors of the respective parties on the Bill answers and testimony on the 18 day of December A. D. 1868. and submitted to the Court, they have Examined the papers and the authorities referred to.

The object of this proceedings is to obtain a decree for the sale of the one hundred and sixty acres of land mentioned in the Bill, and to distribute the proceeds of sale among the heirs at law of Rachel W. Griffith deceased. The Complainants contend that said Rachel W. Griffith under the last will of her father Lyde Griffith took an Equitable life estate in said lands, and that the legal estate therein vested in the heirs of said Rachel W. Griffith in fee. On the contrary C. Columbus Griffith one of the Defendants Contends that the said Rachel W. Griffith his mother took an absolute title in fee simple to said land under said will: and that said Rachel W. Griffith before her death, and after the death of her husband, by her last will, Executed according to law devised to him in fee the whole of the land in question and that the other heirs of his said mother, have no interest in the land, but that he is justly Entitled to the same in fee simple.

The Question for this Court to decide is, whether the said Rachel W. Griffith tooke a fee in said land, or only an Equitable life estate therein, if the latter, then whether the Complainants have made out such a case as would justify this Court in passing a decree for the sale of said land.

That part of the will referred to is in these words —

"I give unto my son Lyde one hundred and sixty acres to include the buildings where Benjamin King