October Term 1886.

Herbert T. Tiffany.

Test as to John I. Yellott, Attorney -

Herbert T. Tiffany.

Petition and Exceptions of John I. Caldwell and Anna R. Caldwell his Wife.

(Filed October 2nd. 1886.)

Sarah W. Hodges, et al. vs Edwin Fitzgerald Trustee, et al.	In the Circuit Court for Baltimore County, in Equity.

To the Honorable, the Judges of said Court:

The petition and exception of John I. Caldwell and Anna R. Caldwell, respectfully shows unto your Honors:

1st. That they agreed to purchase the estate known as "Dover", formerly belonging to the late John T. Johns, under and in accordance with the terms of Exhibit B & J. filed in this cause.

2nd. That one of the conditions of this offer, as set forth in said exhibit, and accepted by decree of this Court, was that a "good fee title" should be given them for said Dover.

3rd. That your petitioners are ready and desirous to complete said purchase on the terms of said offer, but they are advised that a question exists as to the validity of the title to be acquired under said decree, and the other decrees in this case, in consequence of the operation of the deed from Sarah W. Hodges, et al, to Edwin Fitzgerald, in trust, filed in these proceedings, and a person who had proposed or agreed to lend the sum of $17,000 to your petitioners, upon the security of the said property, has declined to do so, upon the ground of said supposed defect of title. And your petitioners charge that the said title is in fact imperfect and insufficient. Whereupon they respectfully pray that the matter of the

October Term 1886.

said title may be considered by this Honorable Court, and the question of its sufficiency and validity may be judicially determined, and that it may be declared whether or not your petitioners should be required to accept the same and comply with the terms of said sale; and if, in the judgment of this Honorable Court, the said title is insufficient, that an order or decree may be passed setting aside the said sale, and discharging your petitioners from all obligation as purchasers in the premises.

And as in duty, &c.

F. W. Brune,
Charles E. Gorsuch.
Solicitors for J. I. and A. R. Caldwell.

It is hereby agreed that the above matter be submitted at once for decree.

John I. Yellott,
Atty. for Brown and Yellott Trustees.
F. W. Brune,
Charles E. Gorsuch.
Attys. for John I. Caldwell and Anna R. Caldwell.

Order Ratifying Sale and Overruling Exceptions.

Filed October 2nd. 1886.

Sarah W. Hodges et al vs Edwin Fitzgerald, et al.	In the Circuit Court for Baltimore County, in Equity.

The petition and exception of John I. Caldwell and Anna R. Caldwell, filed in these proceedings on the second day of October, 1886, the said deed November 15th, 1881, from Sarah W. Hodges and others to Edwin Fitzgerald, in trust, a copy whereof is filed in this