

residing in Sykesville, Carroll County, Maryland, all of the above named parties being adults above the age of twenty-one years.

That Sebastian, a son of the said George F. Kindley Sr., and his wife are dead, leaving no children or descendants; that William Kindley a son of the said George F. Kindley Sr., and his wife are both dead, leaving no children or descendants surviving them, all having died before the death of the said Wesley Boyer; Miranda E. Boyer a daughter of the said George F. Kindley sr., and her husband Wesley Boyer, are both dead, leaving no children or descendants surviving them; that Elvira W. Davis a daughter of the said George F. Kindley Sr., and her husband Joab W. Davis, Sr., are both dead, and leave surviving them the following named children and descendants--

Vernon Davis a deceased son, whose widow's name is Mollie Davis, about fifty-five years of age, residing in Muncie, and State of Indiana, and that the said Vernon Davis left two adult children surviving him, viz--Alfred Davis, whose wife's name is Loise Davis, and Grover Davis, unmarried, all of whom reside in Muncie, in the State of Indiana, and that the said Elvira W. Davis also left surviving her a son William K. Davis, whose wife's name is Mary E. Davis and who assigned his share in said real estate unto Joab W. Davis by deed dated on the 9th day of June 1914, and duly recorded in liber S. T.H. No. 267 folio 112 one of the land records of said County, and which said interest of the said William K. Davis and wife, was in turn conveyed by the said Joab W. Davis, Sr and wife unto Nathan J. England by deed, and the said Nathan J. England and wife by deed dated February 14 1910, and duly recorded in Liber H. W. B. No. 290, folio 379 one of the land records of said Frederick County, duly assigned and conveyed the same unto Your Complainant Joseph W. Smith, an adult of Frederick County, in the State of Maryland, a certified copy of which said deed is filed herewith, and marked Exhibit B. that the said Elvira Davis also left surviving her an adult unmarried son Joab W. Davis Jr., whose mind is affected and who is laboring under such mental incapacity as to be incapable of managing his property and estate, and unable to answer and defend this suit for himself and that he has no committee to answer for him, being now confined as an inmate in the Springfield State Hospital for the Insane, at Sykesville, Carroll County, and State of Maryland, that the said Elvira W. Davis also left surviving her an adult daughter Hepsie E. Etchison, a widow residing in Frederick County, Maryland; that all the above named parties are adults above the age of twenty-one years.

Fifth--That the said real estate is not susceptible of partition or division amongst the parties entitled thereto, without material loss and injury to them, and that in order to make a division of said interests in said property it will be necessary that the said real estate be sold, and the proceeds thereof divided amongst the parties entitled thereto, according to their respective and several interests and rights, and that it would be to the best interest and advantage of all the parties interested to have the said property sold under a decree of Your Honorable Court, and the proceeds divided as aforesaid according to the terms of said will and codicils thereto.

To The End Therefore--

- (1) That a decree may be passed for the sale of the said real estate.
- (2) That the proceeds of said sale may be distributed amongst the parties thereto, according to their respective rights and interests.
- (3) That your orators may have such other and further relief as the nature of their case may require.

May it please Your Honors to grant unto Your orators the writ of subpoena directed unto the said G. Wesley Kindley, and Julia Kindley his wife, Ernest Kindley and Marnie Kindley his wife, and William K. Davis and Mary Davis, his wife, adults, and all residing in said Frederick County, Maryland, also to the said Bradley Kindley and Kindley, his wife, Mary Kindley, adults, and residing in Baltimore City, in the State of Maryland, Nellie McComas and George McComas, her husband, adults, residing in Harford County, in the State of Maryland, Murray Kindley and Edith Kindley