

bill of complaint, and erroneously omitted from said deed.

NINTH: That the said erroneous omission in said deed of the description of the twelve acre tract is the result of a mistake of fact on the part of both grantors and grantees to the deed.

TWELFTH: That your orators are tenants in common with James H. Moxley and George B. Moxley, both divorced, respondents, herein, of the entire seventeen acre tract hereinabove described, in the proportions as provided by the laws of descent and distribution of the State of Maryland, as heirs of the said Everett G. Moxley.

THIRTEENTH: That the said real estate is not susceptible of partition without material loss and injury to the parties entitled to interests therein as above stated, and that in order to make division of said interests, it will be necessary that said real estate be sold and the proceeds thereof divided amongst the parties according to their several interests.

FOURTEENTH: That the respondent, Susie V. Gregory was, at the time of the execution of the deed referred to as Complainants' Exhibit No. 1, the wife of the respondent, James E. Moxley, and as such, joined in the execution of the said deed, and that subsequently thereto, the respondents Susie V. Gregory and James E. Moxley were divorced a vinculo matrimonii, and the said Susie V. Gregory has since intermarried.

FIFTEENTH: That as to allegations and prayer in this cause concerning the reformation of the said deed, Complainants' Exhibit No. 1, the said Susie V. Gregory is a necessary party respondent, and that she is now a non-resident of the State of Maryland, and resides in the District of Columbia.

SIXTEENTH: That your orators are without adequate remedy at law.

TO THE END THEREFORE: