

without other heirs than his surviving brothers and sisters and their heirs also another brother William N. Lane who has since deceased intestate as to said lands and leaving as his children and next heirs two daughters Clarissa N. Ritchie and Alice now married to one Hubbard Taylor and three sons William N. Lane, James S. Lane and George J. Lane all of which children live in Clarke County Kentucky except George J. Lane who lives in Lancaster County Pennsylvania also another brother Elliot J. Lane who has since deceased intestate as to said lands and leaving as his surviving children & heirs at law James B. Lane, Estbridge Lane, Harriet Lane and Mary now married to one Washington Baker all residing in Lancaster County Pennsylvania Your orator further shows that after the decease of the said James S. Lane his since deceased brother Thomas L. Lane as a said administered upon his personal estate by duly obtaining letters of administration both in the State of Virginia and in Washington County in the State of Maryland and that he became as such administrator possessed of large sums of money belonging to his deceased brother, and with said moneys and acting for the benefit of all the heirs at law of said deceased James he purchased from Benjamin Rutherford the tenant as a said of said James deceased his undivided moiety of said half of lot No. 33 and took from said Rutherford a deed of conveyance in his own name for the same as by reference to the same, a copy whereof marked (Ex B) is herewith filed and is prayed to be taken as part of this bill and that the said undivided moiety so standing as to legal title in the name of said Thomas was in reality held in trust by him for the brothers and sisters and heirs at law of the said James deceased yet inasmuch as the legal and equitable title to the same by reason of the decease of said Thomas intestate and without issue or lawful heirs other than his surviving brothers and sisters and the children of such brothers and sisters as had deceased who also and none other are the heirs at law of said deceased James Lane have become united in the same persons these facts are no further material than as explanatory of the avowment which your orator now specifically makes that the title legal and equitable to the entirety of the said west half of lot No. 33, vests in and remains with the aforesaid surviving brothers and sisters and the children of such as have deceased as tenants in common and your orator further shows that the said land and real estate is not susceptible of a division among the parties entitled and that on account of the peculiar situation of the said several parties entitled it would be for the interest and advantage of all the parties concerned, that the said real estate should be sold and the proceeds divided among them and for as much as by reason of the marriage of some of them as aforesaid and their dispersion in various sections of the County where they cannot be communicated with nor their assent to the same procured, and that your orator is advised that he is entitled to the aid of this Court for the purpose of having the same sold and the proceeds divided among the said parties in proportion to their respective interests and that he cannot in the default of the assent and concurrence of all of said parties have redress without the intervention of this Court. And to the end that the several defendants hereinafter named all of whom reside beyond the limits of the State of Maryland and out of the jurisdiction of this Court, may answer the several matters and things herein before stated, and that the lands and real estate herein mentioned may be sold for the purpose of partition among the parties as they are entitled to the same and that your orator may have such other and full relief in the premises as the nature of his case may require may it please your honor to grant unto your orator an order of publication giving notice to the said Rebecca Hunter and Mary Ann the children of Willsborough N. Lane deceased and Andrew Kennedy the husband of said Mary Ann, John N. Lane, Mary Nicklin, John Martin and Mary F. Martin his wife Willsborough L. Webb George Webb and Edwin B. Webb, Clarissa N. Ritchie, George J. Lane, William N. Lane, James S. Lane and Hubbard Taylor and Alice his wife James B. Lane, Estbridge Lane, Harriet Lane, Washington Baker and Mary Baker his wife who are now resident as before