

only recourse is, to seek the aid of a Court of Equity.

The Bill further charges that the said real estate is not susceptible of partition among the parties entitled, and that it cannot be divided between them with advantage to the parties aforesaid, and that the Complainants will be entitled to have the same sold, and the proceeds distributed amongst the parties in proportion to their respective interests.

The Bill also charges that it would be to the interest of all the parties in interest, to have the real estate mentioned, sold, free from and clear of the dower right of the widow of said intestate, now Ruth Green, growing to the said Widow, in lieu of her dower therein, such proportion of the proceeds of the sale thereof, as may appear to be legal and just.

The Bill also states, that heretofore Samuel Todd, a brother of said intestate, transferred and assigned to Samuel B. Todd, one of the Complainants, all his right, title, interest, and estate in and to all the lands mentioned herein, and by reason of said assignment, the said Samuel B. Todd, will be entitled to that proportion of the proceeds of the sale of said real estate, which the said Samuel Todd, would have been entitled to if said assignment had not been executed.

The Bill further charges, that it will be greatly to the advantage of all the parties concerned, to have the whole estate in parcel No. 8, sold, and the purchase money divided, four fifths to the heirs of Benjamin Todd, and one fifth to Lucian Todd.

The Bill also charges that Rachel B. Todd, one of the parties Defendant, resides out of the State of Maryland.

It is therefore adjudged and ordered, that the Complainants by causing a copy of this order to be inserted in some newspaper published in Frederick City, once in each of four successive weeks before the tenth day of July, 1868, gave notice to the said absent Defendant of the object and substance of this Bill, and warn him to appear in this Court in person or by solicitor, on or before the 19th day of October next to answer the premises, and show cause if any he has, why a decree ought not to pass as prayed.

Filed June 11th 1868.

Charles Meutz, Clerk

Answer of The separate answer of John Ledwalle to the Bill of Complaint of Charles W. Ins. Le Donale Todd and others filed against this Defendant and others in the Circuit Court for Frederick County sitting in Equity.

This Defendant for answer to said Bill of Complaint, or to so much thereof as it materially concerns him to make answer unto, answers and says; That the said Benjamin Todd was in his lifetime indebted to your Respondent in the sum of sixteen hundred and sixty six dollars and sixty six Cents, for which he executed to this Respondent his single bill dated on the day of May 1866 payable two years after date with interest from the date thereof, and that the same was given to secure the third and last payment for the tract of land described in said Bill of Complaint as tract No. 5 sold to said Benjamin Todd, by this Respondent as Trustee for the sale of the real estate of William J. Donald dec'd, and of your Respondent files herewith a copy of said single bill, marked Exhibit B to this answer. This Respondent has no knowledge of the other charges contained in said Bill of Complaint, and leaves the Complainants to their proof of the same and he is willing a decree shall pass for the sale of the said real estate, but claims that the money hereinbefore specified shall be paid to your Respondent with interest according to the tenor and effect of said single bill, the same being a lien for so much unpaid purchase money.

Grayson Eichelberger, Solicitor for Compt