

departed this life on or about the Month of April in the year 1840. Still seized and possessed of said lands, so devised to him as aforesaid, except a portion of said home place amounting to about 73 Acres, 2 Rods and 2 perches of land, which was conveyed, by said Cunningham and his wife to William Orme by deed, about the year 1863, in which the part so conveyed is fully described; and a certified Copy of which is herewith filed as Exhibit W. O. (Liber of W. G. No. 1. folio 388.)

And your Complainant further states that said John A. Cunningham and wife, in consideration of his indebtedness of \$2,000 - did on the 2<sup>nd</sup> day of October in the year 1869, execute to John W. Ross a deed of Mortgage of said lands then owned by him, to secure the payment of said \$2,000; and which Mortgage was on the 23<sup>rd</sup> day of June, 1871, assigned by said Ross to Mattie C. Cunningham, the widow of said John A. Cunningham. All which will appear by reference to a certified Copy of said Mortgage and assignment herewith filed as Exhibit J. W. R.

And your Complainant further states that said John A. Cunningham died intestate, and that Letters of administration on his personal estate were granted by the Orphan's Court of Frederick County to James L. Davis, who has accepted the trust, a Copy of which letters, is herewith filed as Exhibit J. W. L.

And your Complainant further alleges that the said John A. Cunningham - have in his life time was much indebted by Mortgage, notes, accounts &c which are still due, owing and unpaid, and that the personal estate of said Cunningham is insufficient to pay his debts, as will appear from certified Copies of the inventories of Assets and claims of creditors filed in the Orphan's Court for Frederick County, and herewith produced as Exhibits Nos 1 2 & 3.

And your Complainant further charges that a sale of the Real Estate of said John A. Cunningham, is necessary for the payment of his debts, the personal property being insufficient for that purpose.

Your Complainant further charges that the said John A. Cunningham - have left a widow named Mattie C. Cunningham an Adult, then surviving, and the following Children his heirs at law, who are infants, to wit: Benjamin Cunningham, Kate Cunningham and Bessie Cunningham, and that said Widow, and Children reside in Frederick County.

In tender Consideration whereof, and to the end that the Defendants hereinafter named may answer the several matters and things here in before charged, and that the Real Estate of said John A. Cunningham or so much thereof as may be necessary, may be sold for the payment of the Claim of your Complainant, and of the other unsatisfied creditors of the said John A. Cunningham, and that your Complainant may have such other and further relief in the premises, as the nature and Equity of his Case may require, May it please your Honors to grant to your Complainant writs of Subpoena against Mattie C. Cunningham Assignee and widow as aforesaid, Benjamin Cunningham Kate Cunningham and Bessie Cunningham, Children and heirs at law as aforesaid, of Frederick County Maryland, Com manding them to appear in this Court at some certain day to be therein named, to answer the premises and abide by and perform such decree as may be passed therein - And your Complainant will ever pray &c -

Filed Jan. 4<sup>th</sup> 1870

John Ritchie, Sol<sup>r</sup> for Compl<sup>t</sup>

Exhibit

Exhibe