life Estate of the said John William Dutrow having ceased and determined

Your Orator charges that it will be to the interest and advantage of the said Infants and both of them to have the said Real Estate sold so as that the said Mortgage thereon may be paid off and the surplus invested in some safe and productive fund for the benefit of said Infants under the direction of this Court and subject to the same trusts in said Deed set forth.

That the Income derived from the said Real Estate has now to be applied in keeping down the interest on said Mortgage in paying the Taxes on said Land and the Insurance on the improvements as well as towards supplying part of the seed and fertilizers used in the cultivation of the Land before any part of said income can be applied to the maintenance, support and education of the said Infants; whereas, if the said Real Estate were sold and said Mortgage paid off, the surplus could be judiciously invested on some non-taxable security which would yield a far better income for the said infants than they now receive

Your Orator therefore charges that it will be to the manifest interest advantage and benefit of the said infants, and each of them that the said Real Estate, being the same described in said Exhibits A and B, be sold and the proceeds invested under the direction of this Court upon the Trusts in said Deed set forth

In Consideration whereof and in as much as Your Orator is without remedy in the premises Except in a Court of Equity, where matters of this nature are properly Cognizable and retrievable To the end that a Decree may be passed for the sale of the said Real Estate by a trustee to be for that purpose appointed by this Court and that the funds arising from said Sale may be invested under this Courts order and direction upon the Trusts and for the uses in said Deed as to said Real Estate set forth, and that your Orator may have all such other and further relief as the nature of the case may require and as to the Court may seem meet May it please your Honors to grant unto your Orator the writ of Subpoena addressed to the said William L. Dutrow and Jacob S Dutrow commanding them and each of them to second appear in this Court on some Certain day to be therein named to answer the premises and abide and fulfil such Decree as may be passed therein and may it also please your Honors to grant unto your Orator such other and further relief as his case may require and as to your Honors shall seem meet

And as in duty &c.

December 5th 1878

Filed Dec. 6. 1878.

Jas. McSherry
Sol. Complainant

Exhibit "A"

At the request of Ezra Houck the following Mortgage was recorded June 14, 1875 —

This Mortgage made this fourteenth day of January in the year Eighteen Hundred and Seventy five by me John William Dutrow and Mary C his wife of Frederick County in the State of Maryland. Witnesseth that in Consideration of the sum of Two thousand Five Hundred (2500) dollars now due from me the said John William Dutrow to Ezra Houck of said County and State the said sum being this day borrowed of me the said John William Dutrow from said Ezra Houck by single bill of this date payable two years from the date hereof. We the said John William Dutrow and Mary C. Dutrow his wife do grant unto the said Ezra Houck