

and therein Your Petitioners further represent that said subpoenas were duly served on said defendants, by the Sheriff of Frederick County, and were so returned on the 15th day of February A. D. 1878, and that Mr. William J. Ross appeared as solicitor for Michael Fogle and wife, and Nicholas Fogle Jr. and wife, all of which appears by reference to the papers and proceedings in the above entitled cause. Your Petitioners further represent that since the filing of said bill of Complaint, the service of the subpoena and entry of the appearance of the said William J. Ross, Nicholas Fogle Jr. one of the defendants so summoned, and for whom the said William J. Ross appeared in said suit has departed this life intestate, leaving the following children and heirs at law to wit: Emma Fogle, Charles Fogle, Annie Fogle and Margaret Fogle, who are infants, under twenty one years of age, and reside in Frederick County, Maryland, that they are entitled to Nicholas Fogle Jr.'s interest in said real estate above mentioned, and stand in his place in reference to the Complaints and defendants in said cause. Your Petitioners further represent and charge that, it would be to the interest of said infants to have said real estate sold under the direction of this Honorable Court and the proceeds of said sale to be divided among them according to their respective interest, and that said real estate is not susceptible of division among said parties entitled thereto, but that said real estate can not be so sold without said infants being made parties to the above cause and for that purpose said bill of Complaint must be amended.

To the end therefore, that said bill of Complaint be so amended, May it please your Honor to pass an Order giving leave to Complainants to file an amended Bill of Complaint, and such other relief as may be necessary.

And as in duty bound will ever pray, &c -

Geo. C. Mott

Sol. for Complainants.

The above petition having been read and considered, it is thereupon on this day of 10th April A. D. 1878, Ordered by the Court that leave be granted the Complainants to file an Amended Bill of Complaint in the above entitled cause as prayed for

John A. Lynch

Judge of the Cir. Court

Filed April 11th, 1878.

Amended Bill of Complaint.

Isaac Fogle & Barbara Fogle his wife,

vs.

Peter Fogle, and wife, Margaret Fogle, et al

No. 4340 Equity. In the Circuit Court for Frederick County, sitting as a Court of Equity, Feb 7th, 1878

To the Honorable the Judges of the Circuit Court for Frederick