

No 11461 Equity

upon his personal estate have been granted to Sydney Bennett of Loudoun County in the State of Virginia, by the Orphans Court for Frederick County, as will appear by reference to a certified copy of said letters of administration herewith filed marked Complainants Exhibit No. as part of this bill. That default has long since been made in the payment of the said Fourteen Hundred Dollars secured by the said Mortgage and that the same is still due and payable to the said Sydney Bennett as administrator aforesaid of the said Henry S. Williams deceased.

Your Complainants further allege and charge that the mortgage of the said George S. Gamick is a first lien on the real estate herein mentioned and that of the said Henry S. Williams deceased due and payable to the said Sydney Bennett as his administrator aforesaid is a second lien on the same.

Your Complainants further allege and charge that the said Mary C. Williams deceased this life without issue and without a husband surviving her leaving the following brother and sisters and children of a deceased sister, as her heirs at law,

Mortimer Waltham married, residing near Baltimore Maryland
 Caroline Waltham married Edward Scott residing in Loudoun County, Virginia, Sarah Ann Waltham married Richard James: She died and left the following children, all adults.

Joseph M. James married, residing in the State of Illinois. William A. James married, residing in Loudoun County Virginia. Turner James married Mary Simons residing in Frederick County Maryland Virginia James one of your Complainants, married George S. Gamick, residing in Loudoun County Virginia. Alfred M. James unmarried, residing in Loudoun County Virginia; and the said Mary C. Williams may have left other heirs at law to your Complainants unknown.

Your Complainants further allege that the above named parties cannot agree upon the division of the real estate herein mentioned: that the same is not susceptible of division or partition and that it cannot be divided without loss or injury to the parties interested, and your Complainants are advised that they are entitled to have the same sold and the proceeds thereof applied first to the payment and satisfaction of the amount still due and owing on the Gamick mortgage and second to the payment and satisfaction of the Henry S. Williams mortgage and the surplus if any distributed among all the heirs at law in proportion to their respective interests that it will be for the interest and advantage of all the said parties to sell the aforesaid real estate and to divide the proceeds aforesaid.

To the end therefore that the defendants hereinafter named may answer the several matters and things hereinbefore stated and that the real estate mentioned in these proceedings may be sold under a decree of your Honorable Court and the proceeds of sale distributed among the parties entitled to the same, and that your complainants may have such other and further relief in the premises as the nature and equity of their case may require.

May it please your Honors to grant unto your Complainants the writ of subpoena directed to the said Mortimer Waltham and Turner James commanding them to be and appear in this Honorable Court at some future day to be therein named to answer the premises. And also an order of publication giving notice to the said Caroline Scott and her hus-