No 4194 Equity

Mary J. McDevitt
vs
Mary McDevitt
James McDevitt et al

In the Circuit Court for Frederick County, sitting as a Court of Equity

To the Honorable the Judges of the Circuit Court for Frederick County sitting as a Court of Equity.

Bill of Complaint

Humbly complaining showeth unto your Honors your Oratrix Mary J. McDevitt of Adams County in the State of Pennsylvania, next friend to Mary McDevitt, James McDevitt, Peter McDevitt Joseph McDevitt, Harry McDevitt, and John McDevitt of said Adams County in the said State, infants under the age of twenty-one years that a certain Joseph P. McDevitt late of said County, and State, deceased was in his life time seized and recently died seized and possessed of certain real estate lying partly in said Adams County and partly in Frederick County in the State of Maryland, which said land was conveyed to the said Joseph P. McDevitt by Mary McDevitt and others by deed dated the seventh day of August in the year Eighteen hundred and fifty six, duly recorded in Liber J. W. S. C. No 4 folio 575 one of the Land Records of Frederick County aforesaid, a certified copy whereof is hereunto filed marked Exhibit A, which as well as all other Exhibits hereinafter referred to your oratrix prays may be taken as part of this Bill of Complaint as fully as if herein at large in words and figures set forth. The said Real estate being the same conveyed by the said Joseph P. McDevitt to the said Mary McDevitt and others by a deed of conveyance, a certified copy whereof is hereunto exhibited as Exhibit B. Exhibit A.

Your oratrix further shweth unto your Honors that all of said land described in said Exhibits lies in Frederick County Maryland, and constitutes part of a valuable farm, the remainder of which lies in Adams County aforesaid. That the said Joseph P. McDevitt died some few months ago intestate leaving the said Mary James, Peter, Joseph, Harry, and John, his children, and your oratrix his widow him surviving.

That large amounts of indebtedness on the part of the said Joseph P. McDevitt have been exhibited in the Orphans Court of Adams County aforesaid, greatly in excess of the personal property owned by the said decedent at the time of his death, and that decrees have been obtained in the said Adams County for the sale of that portion of the real estate of which the said Joseph P. died seized which lies in said Adams County.

That unless the whole farm is sold as an entirety, the value thereof will be very greatly depreciated, and the said infants will sustain heavy loss, and detriment.

Your oratrix, charges that it will be for the interest and advantage of the said infants to sell the aforesaid real estate, and to invest the proceeds remaining after the satisfaction of the said decedents debts in some safe and productive fund for the benefit of said infants, and for the payment of your oratrix's dower right therein.

To the end therefore that the said Mary McDevitt, James McDevitt, Peter McDevitt, Joseph McDevitt, Harry McDevitt and John McDevitt may answer the premises, and that the aforesaid real estate, may be sold under the authority of this Court, and that your oratrix may have such further and other relief as her case may require.

May it please your Honors to grant unto your oratrix an order of publication against the said Mary, James, Peter, Joseph, Harry, and John McDevitt warning them to be and appear in this Court at some certain day to be therein named by guardian, to answer this bill, and show cause if any they have why