

No. 1292 Equity.

will be hereafter filed and proved, and your Complainants further state that said Bills are all properly chargeable against, and ought to be paid out of the proceeds of sale of the real estate hereinafter described and that said bills were paid with the understanding and agreement between the said heirs at Law that the same should be so paid.

Your Complainants further state that the said heirs at Law and their respective husbands and wives entered into a written agreement authorizing the Complainant John H Jones to sell said real estate, and thereby agreeing to ratify and confirm any sale he might make and execute a deed or deeds to the purchaser thereof authorizing said John H Jones to pay all lawful debts and the balance to divide between said heirs at Law, and your Complainants file herewith a part of this Bill of Complaint said written agreement under seal marked Exhibit No. 10, that said John H Jones advertised said Real estate at public sale, and incurred costs and expenses in so doing, and actually sold the same for a good and fair price, but that Ellen Samu Thorn, and Samuel H. Thorn her husband who were in possession of said Real estate, refused to execute and sign a deed for the same and announced and still announce their intention of holding on to the possession of said Real estate, and refuse to make in any reasonable sale thereof although frequently requested so to do, occupying the same and paying no rent therefor and they further state that said expenses and debts so incurred should be paid out of the proceeds of sale of said real estate.

Your Complainants further state that said Nancy Evans being indebted as heretofore stated and possibly being otherwise indebted as heretofore stated seized of certain Real estate situated in Frederick County, in the State of Maryland described in a deed from George W. Malone and wife to said Nancy Evans certified, copy whereof is herewith filed with this Bill of Complaint as part thereof marked Exhibit No. 11, that she had died leaving a husband named Isaac Evans surviving her who is still living and the following heirs at Law, a daughter Sarah H. now wife of W. Benjamin L. Johnson both of whom are adults, and Complainants in this Cause, a daughter Ellen Evans now the wife of Samuel H. Thorn both of whom are adults and reside in Frederick County, and a son Lloyd H. Evans who with his wife Frances Evans, are adults and non-residents of the State of Maryland, residing in the State of West Virginia.

Your Complainants further state that being the personal estate of said Nancy Evans they and all other creditors of said Nancy Evans deceased, are entitled to have their claims paid out of the real estate of the said deceased in the hands of her heirs at Law as aforesaid.

Your Complainants further state that said Nancy Evans also left surviving her another daughter Mary who died intestate, unmarried and while an infant some time about the year Eighteen hundred and seventy-one leaving as her heirs at Law her surviving brothers and sisters.

Your Complainants further state that said real estate is not susceptible of partition among the parties interested without loss and injury, and that it would be to the advantage of all parties interested that the same should be sold and the proceeds divided among the parties entitled in proportion to their respective rights, and that independently of the debts above mentioned your Complainants W. Benjamin L. Johnson and Sarah H. Johnson his wife and Lloyd H. Evans and Frances Evans his wife are entitled to have the same sold under a decree of your Honorable Court.

To the end therefore that the defendants hereinafter named, may answer the premises and that said Real estate may be sold for the payment of the claims of your Complainants, and the other indebted creditors of said Nancy Evans if any such there be and the remainder of the proceeds of sale thereof if any such there be may be distributed among the parties entitled thereto in proportion to their respective rights, and that your Complainants may have such other and further relief in the premises as Equity may require.

May it please your Honor to grant unto your Complainants the writ of Subpoena against the said Ellen Samu Thorn and Samuel H. Thorn her husband, and Isaac Evans of Frederick County commanding them to be and appear in this Court on some certain day to be therein named to

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