

No. 4638 Equity

Was he sold parts thereof namely two deeds to Simon A. Weller recorded respectively in Liber T. G. No. 1, folio 399^o, and Liber T. G. No. 5 folio 626^o Land Records as aforesaid certified, copies whereof are herewith filed, as parts hereof, marked respectively Exhibit No. 3 & 4. And one deed to John R. Pinger recorded in Liber T. G. No. 6, folio 389^o of the Land Records aforesaid, a certified copy whereof is herewith filed, as part hereof, marked Exhibit No. 5, and one deed to Colman Weller for some six acres or thereabouts which deed has not yet been placed upon record.

Your Complainants further state that said Real estate which has not been conveyed, and has not been contracted to be sold, and conveyed to said Weller consists of twenty acres of land or thereabouts, and is that part of the Real estate owned by said Ann E. Martin known, as part of a tract of land, called "Buck's Horn", and is subject to a Mortgage for the sum of seven hundred dollars, all of which together with the interest thereon from the Twenty-third day of April in the year eighteen hundred and eighty is due and owing to the Mortgagee, a certain Warner J. Grimes, who is, also an adult residing in Frederick County, a certified copy of which mortgage is herewith filed, as part hereof, marked Exhibit No. 6.

Your Complainants further state that said real estate of twenty acres or thereabouts cannot be divided without loss or injury to the parties interested, and that the value of said real estate is greater than the amount due upon said Mortgage.

To the end therefore that the defendants hereinafter named, may answer the premises, and that said real estate, consisting of twenty acres or thereabouts be sold and the proceeds applied first to the payment of said Mortgage debt, and the remaining proceeds of sale, and the remaining proceeds of sale be divided among the parties, according to their respective rights, and that your Complainants may have such further and other relief, as the nature of their case, may require.

May it please your Honors to grant unto your Complainants the writ of Subpoena directed to the said Harry A. R. Withrow and Warner J. Grimes of Frederick County commanding them, and each of them to be and appear in this Court on some certain day to be named therein to answer the premises, and abide by and perform such decree as may be passed therein.

And may it please your Honors further to grant unto your Complainants an Order of Publication, giving notice to the said John H. Martin and Margaret Ellen Martin his wife, and the said Thomas H. Withrow the adult non-resident defendants, of the substance and object of this Bill, and warning them to appear by solicitor or in person by some certain day to answer the premises, and show cause if any they have why a decree should not pass, as prayed.

And may it please your Honors further to issue a Commission to such persons as to your Honors shall seem proper who reside near the said Harry M. Withrow, Willie M. Withrow, Robert Withrow, Rose V. Withrow and H. Scott Withrow, the infant non-resident defendants in this Cause, authorizing them or either of them to appoint a guardian to answer for such infants, and take the answer of said infants by their said Guardian, and

As in duty bound &c

C. V. J. Levy
Solicitor for Complainants