

No 11615 Equity

the year 1875, after having made and executed his last will and testament a certified copy of which will is filed with the Bill, that in said will he gives and bequeaths, among other things as follows "I give and bequeath all the rest and residue of the proceeds of my real and personal estate to be equally divided among my son Lewis R. Mussetter and my daughters Sarah A. Houser and Mary Jane Mussetter in equal portions, share and share alike. Item I give and bequeath to my sister Margaret Mussetter my undivided interest to the land my father Michael Mussetter died seized of, the same being part of Middle Plantation during their natural life. I also empower her to sell it or any part thereof and pay my part of the proceeds thereof to my Executor". That said Margaret did not sell the same in her lifetime, and after her death the said interest descended to the heirs of said Philip Mussetter. That said Philip left surviving him as widow Ellen J. Mussetter, and the following as his only children and heirs at law, the said Lewis R. Mussetter, Sarah A. Houser, wife of Frank Houser, and Mary J. Overt, wife of Samuel Overt; that the said Christian Mussetter died intestate before the death of said Margaret leaving surviving him as his widow Ada Mussetter and the following as his only children and heirs at law: The said Frank W. Mussetter, Susanna Greager, deceased, wife of Lawrence Greager, Phoebe Shaul, wife of Dr. P. Shaul, Rachel Gray, wife of C. Gray, Levi H. Mussetter, Calvin Mussetter and Margaret Nesmith wife of Henry Nesmith; that all of said parties are non-residents of the State of Maryland, except Lewis R. Mussetter and Mary J. Overt who reside in Frederick County and Sarah A. Houser who resides in Howard County; that all of said parties are adults, that said real estate is not susceptible of division among said parties in interest without injury and loss, and that it would be to the interest and advantage of all the parties concerned for said real estate to be sold and the proceeds distributed among them. The Bill, asks for a writ of Subpoena against the resident defendants, directing and commanding her to be and appear in your Court on some certain day to be therein named to answer the bill and abide by and perform such order or decree as to the Court should seem right, the bill further prays an order of Publication against the non-resident defendants giving them notice of the object and substance of the Bill, and warning them to be and appear in Court on or before some certain day in person or by solicitor, to show cause if any they have why a decree should not pass as prayed.

It is therefore adjudged and ordered this 24th day of June A. D. 1880, that the Complainants by causing a copy of this order to be inserted in some newspaper published in Frederick County once in each of four successive weeks prior to the 30th day of July next, give notice to said absent defendants of the object and substance of this Bill and warn them to appear in this Court in person or by solicitor on or before the 30th day of October next to answer the premises and show cause if any they have why a decree ought not to pass as prayed

Adolphus Searchoke Jr
Clerk

Filed June 24, 1880

Maryland, Oct



The State of Maryland
To Ellen J. Mussetter of Frederick County, Greeting. You are hereby commanded that all excuses set apart, you personally appear before the Judges of the Circuit Court for Frederick County

Order of Publication

Subpoena

Answer of
Levi H. Mussetter
and wife

Answer of
C. Gray
and wife

Answer of
Franklin Houser
letter & wife

Printed Certificate
missing "Examined"