

No. 4731 Equity

her death the proceeds of such sale should be divided equally among his children share and share alike, that by said last will and testament the said Mary Ann Cocton was authorized and empowered to advance to any of his said children their portion devised and bequeathed to them, that the said Mary Ann Cocton neither sold any of said estate, nor made any advancement to any of said children.

The Will further states and charges that the said Mary Ann Cocton is now dead and that the Real estate of which the said James Cocton died seized and possessed has descended in and descended to the above named surviving children and grandchildren of the said James Cocton, as tenants in common and, as such they are now seized of the same.

The Will further states and charges that the said Real Estate cannot be divided among said tenants in common without loss and injury, and that it would be to the interest and advantage of all parties that the same be sold, under a decree of the Circuit Court for Frederick County, sitting as a Court of Equity, and the proceeds of said sale be divided among those entitled, according to their respective interests.

The Will then prays for a sale of said Real estate under a decree of said Court for subpoena against the Resident Defendants, and an Order of Publication against the non-resident defendants, Francis P. Heery, and James P. Cocton.

It is therefore this 16th day of November A. D. 1881, adjudged and ordered that the Complainants by causing a copy of this order to be inserted in some newspaper published in Frederick County, once a week for four successive weeks before the 17th day of December, A. D. 1881, give notice to the non-resident defendants Francis P. Heery and James P. Cocton of object and substance of this bill of Complaint and warn them and each of them to be and appear in this Court either in person or by solicitor on or before the 20th day of March A. D. 1882, to answer the premises, and to show cause if any they have why a decree ought not to pass, as prayed for.

Filed November 16, 1881

Adolphus Fearhake Jr., Clerk of the Circuit Court for Frederick County.

Emmitsburg, Jan. 11th, 1882

This is to certify that the Amended Order of Publication in the matter of Lawrence S. Heilmann, Mary C. Heilmann his wife et al vs James P. Cocton et al was published in the "Emmitsburg Chronicle," a newspaper published in Frederick County, once a week for four successive weeks, before the seventeenth day of December, A. D. 1881.

Samuel Trotter Editor & Publisher

MARYLAND, Sct:



The State of Maryland

To Joseph A. Cocton of Frederick County, Greeting, You are hereby commanded that all excuses set apart, you personally appear before the Judge of the Circuit Court for Frederick County, sitting as a Court of Equity, to be held, at the Court House in Frederick Town, in and for said County, on the second Monday of December next, to answer the Bill and Complaint of Lawrence S. Heilmann & Mary C. Heilmann his wife, John S. Cocton & Emily E. Cocton his wife, Mary A. Heery and Agnes R. Heery against you and others in said Court exhibited, and so forth.

Hereof, fail you not, as you will answer the contrary, at your peril.

Printer's Certificate

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