

No. 4584 Equity.

since her said mother, intestate, and without issue, and whose interest in said land descended to her surviving brother and sisters above mentioned as her heirs at Law.

Your Complainant further charges - that the said Jacob F. M. Easterday, being indebted to a certain William A. Hemp of Frederick County, State of Maryland, in the sum of Two hundred and fifty dollars, by his sealed note dated on the 3rd day of January, 1876, and payable two years after date, with interest from date, to secure the payment of said note, did, on said 3rd day of January, 1876, execute his deed of Mortgage to said William A. Hemp, conveying all his right title and interest in and to said land mentioned and described in Exhibit No. 1, as will appear by a certified copy of said Mortgage herewith exhibited, marked Exhibit No. 3.

And your Complainant further states that he is informed, and so charges that no part of the principal or interest of said Mortgage debt has been paid, but that the same is now due, owing, and unpaid.

Your Complainant further states, that upon Judgments obtained by your Complainant in the Circuit Court of Frederick County, against the said Joseph Easterday, the life tenant, and against the said Jacob Frederick M. Easterday, by the name of Frederick M. Easterday, and by virtue of writs of fieri facias thereon issued to the Sheriff of Frederick County, they became the purchasers, at Sheriff's sale of all the right title interest and Estate of said Joseph Easterday - and also all the right title interest and Estate of the said Jacob Frederick M. Easterday into the Equity of the redemption thereof in the one third part of said Real Estate which descended to him as heir at Law of his said mother Sarah A. H. Easterday, and of his sister the said Joanna Easterday, dec'd, as appears by certified copies of two deeds from Joseph S. B. Harbeck Sheriff to your Complainant herewith exhibited marked Exhibits Nos. 4 & 5.

Bill of
Complaint

And your Complainant further charge that by virtue of said sale and conveyance it is now entitled to the interest of the said Joseph Easterday the life tenant and to the interest of the said Jacob Frederick M. Easterday, subject to the Mortgage aforesaid, and that it is now seized and possessed of the life estate - and also of an interest in said lands as tenants in common with the others interested and entitled to said lands as hereinbefore set out.

And your Complainant charges that as life tenant it is entitled to the life estate of Joseph Easterday in said lands, that it is willing that the same shall be sold under a decree of your Honorable Court, free, clear and discharged of said interest, and that in lieu thereof it is willing to receive such part of the purchase money, as the said Joseph Easterday would have been entitled to receive under the rule of Court.

And your Complainant as tenant in common, charges that said lands cannot be divided without loss and injury to the parties interested, and that it would be to the interest and advantage of all the parties interested, infants as well as adults that the Real estate in the proceedings mentioned be sold under a decree to be passed by your Honorable Court, and the proceeds of the sale thereof divided amongst the parties interested, according to their several and respective interests.

That John S. Easterday, who survived his wife, Rachel Ann; Fayette Souders who survived his wife Sarah O. Souders, Jacob Frederick Easterday, and Martha Easterday his wife are now residents of the State of Maryland, and do not reside therein. To the end therefore that the defendants herein after named may answer the matters and things stated in the foregoing Bill of Complaint the same as if herein again repeated and were thereunto specially interrogated, and that the Real Estate in these proceedings mentioned may be sold under a decree of your Honorable Court, and the proceeds of sale divided among the parties interested, according to their several and respective interests, and that your Complainant may have such other and further relief as the nature