

No. 4317 Equity.

in and to said House & Lot and although your Complainant is informed and believes that the interests of the said Seajah J. Toms and Jacob Toms in said House & Lot, if they had any interests therein, was the only property owned by them or either of them at the time of said Sheriff's sale, and although your Complainant is advised that said Seajah J. Toms and Jacob Toms were each entitled to an exemption of One hundred Dollars worth of property under the Laws of this State, and that said Sheriff had no right to make said sale and the same is in consequence void, yet the said Thomas Clagett, as your Complainant is informed and charges, is claiming an interest in said property under said deed from said Jno. Broadner, Sheriff, a copy of which is filed herewith as Exhibit No. 6. - Your Complainant is advised that he is entitled to have said House & Lot sold for the purpose of paying his said Mortgage, and payment out of that part of the proceeds of sale upon which he has his lien as aforesaid: that while the undivided One third of said House & Lot, only has been conveyed to your Complainant yet said property is not susceptible of division and the undivided one third cannot be sold alone, without the greatest loss and injury, and it would be to the interest and advantage of all especially of your Complainant to have the whole of said Real estate sold, and the proceeds applied to the payment of the lien upon the same according to their legal and equitable priority.

In tender consideration whereof and to the end that said Jacob Toms and Mary Toms, his wife, and Seajah J. Toms, and Mary C. Toms, his wife, and Thomas Clagett may answer the premises fully and particularly and that said Real estate may be sold by a Trustee to be appointed by your Honorable Court for that purpose, and that your Complainant may have all such other & further relief, as the nature of the case may require and to your Honor shall seem right.

May it please your Honor to grant to your Complainant the State of Maryland writs of Subpoena, directed to said Jacob Toms and Mary C. Toms his wife and Thomas Clagett, all of Frederick County, directing and commanding them and each of them to be & appear in your Honorable Court, on some certain day to be therein named to answer the premises, and to abide by and perform such order or decree as may be passed therein, and as in duty bound your Complainant will ever pray &c.

C. C. S. Terry  
Milton G. Werner  
Sole for Compt.

Filed Dec. 10, 1877.

At the request of Jacob Toms the following deed was recorded Dec. 30, 1870.

M. S. R. Stamp  
\$2.50  
Cancelled

Exhibit No. 1

This Deed, made this 29th day of March in the year Eighteen hundred and seventy by us Seajah J. Toms and Mary C. Toms his wife of Middletown Frederick County, State of Maryland. Witnesseth, that in consideration of the sum of Two thousand and two hundred Dollars, we the said Seajah J. Toms and Mary C. Toms do grant unto Jacob Toms of said County the undivided one third part of all that lot of Ground situated in said Town of Middletown and particularly described in a deed from Charles J. Barr and wife to said Seajah J. Toms, dated the first day of April in the year 1869, and duly recorded in Liber Co. No. 3, folio 263 &c, one of the land records of Frederick County, and of the said Seajah J. Toms do warrant specially the property hereby conveyed, Witness our hands and seals.

Seajah J. Toms  
Mary C. Toms

That  
Seal