No. 4620 Equity

Edwin J. McLain, Harriet F. McLain, Eliza L. McLain, William H. Smeltzer, Daniel Smeltzer, Peyton Smeltzer, Harriet E. Smeltzer, Clarke Smeltzer, Sarah C. Ordeman married to Frederick Ordeman,
James N. McLain an infant
Proteus B. McLain an infant
Belle A. Smeltzer an infant
Richard T. Smeltzer an infant

That said property is not susceptible of division amongst the parties entitled thereto and that it will be to the interest and advantage of all parties in interest and entitled thereto that the said property be sold and the proceeds distributed amongst them.

Exhibit

Your Orator and Oratrix charge that said property is not capable of partition amongst the owners thereof and that it will be for the interest and advantage of all those entitled thereto, both infants and adults that the same be sold, and the proceeds divided between them according to their respective interests.

Bill of Complaint

Your Orator and Oratrix further charge that the said Rebecca Shipley and her husband Samuel Shipley reside in the State of Ohio, and are non-residents of this State, and that the said James N. McLain, Proteus B. McLain, Belle A. Smeltzer and Richard T. Smeltzer are also non-residents of this State and do not live therein.

Your Orator and Oratrix further charge that the said George L. McLain, Robert L. McLain, Anthony K. McLain, Ida B. McLain, Sarah C. Ordeman, James N. McLain, Proteus B. McLain, Belle A. Smeltzer, and Richard T. Smeltzer, are all infants under the age of Twenty-one years.

In consideration whereof and inasmuch as your Orator and Oratrix are without remedy in the premises, except in a Court of Equity where matters of this nature are properly cognizable and returnable.

To the end that a decree may be passed for the sale of said Real estate and a distribution of the proceeds amongst those in interest. May it please your Honors to grant unto your Orator and Oratrix the writ of Subpoena addressed to the said James B. McLain, Joseph M. McLain, George L. McLain, Robert L. McLain, Anthony K. McLain Ida B. McLain, Edwin J. McLain, Harriet F. McLain, Eliza L. McLain, William H. Smeltzer, Daniel Smeltzer, Peyton Smeltzer, Harriet E. Smeltzer, Clarke Smeltzer, Sarah C. Ordeman and Frederick Ordeman her husband of Frederick County aforesaid, commanding them and each of them to be and appear in this Court on some certain day to be therein named to answer the premises and stand to and abide such decree as may be passed therein; And may it also please your Honors to grant an order of Publication warning the said Rebecca Shipley and Samuel Shipley her husband, the said James N. McLain, Proteus B. McLain, Belle A. Smeltzer and Richard T. Smeltzer non-residents of the substance and object of this Bill, and to appear in this Court in person or by Solicitor on some certain day, to be therein designated to answer the premises and to stand to and abide such decree as may be passed therein.

And may it also please your Honors to grant unto your Orator and Oratrix all such other and further relief as the nature of their case may require and as may be equitable and just.

And as in duty &c

Jas McSherry
Solicitor for Complainants

Filed July 21st, 1881

Filed