

No. 4739 Equity

months after date to the order of John & Martin Rouzer for the sum of two hundred and seventy-seven dollars and thirty seven cents with interest from date, which said last single Bill, the said Martin Rouzer in writing transferred and assigned all his interest therein to your Complainant, and your Complainant charges that he is now the sole owner and administrator in said single Bill, all of which will fully appear by reference to the said single Bill herewith filed, marked Exhibits Nos. 1 & 2, which said Exhibits together with all other Exhibits hereinafter produced your Complainant prays may be taken and considered as part of this his Bill of Complaint, the same as if set forth in words and figures.

Your Complainant further charges that the said John Birley being thus indebted, died intestate in the month of April in the year eighteen hundred and eighty-one, seized and possessed of several lots and parcels of land, situated in Harwic District, Frederick County, State of Maryland, consisting of Lot No 35, in the village of Sabillaeville, conveyed to him by deed from Thomas P. Conn and Lot No 36 in said village, conveyed to him by John Mc Clain & wife, and also all that piece or parcel of land containing in and about thirty-two acres of land, conveyed to the said John Birley by John Starbaugh of Co, by deed, certified copies of which are herewith exhibited, marked Exhibits Nos. 3, 4 & 5.

Your Complainant further states that upon the death of said John Birley, intestate aforesaid, the real estate described in the Exhibits hereinbefore referred to, descended to the following named children and heirs at Law of the said John Birley, subject to the dower of Susan Birley the widow of said intestate as follows

- 1st John Birley who married Elizabeth, both of whom reside in Frederick County.
- 2^d Lewis A. Birley who married Martha, both of whom reside in Frederick County.
- 3^d Laura E. now the wife of Daniel Eby both of whom reside in Frederick County.
- 4th Margaret, now the wife of George W. Eyles, both of whom are residents of Lagrange Lagrange County State of Indiana.

Your Complainant further charges that Letters of Administration on the personal Estate of said Intestate were granted by the Orphans Court of Frederick County, to Susan Birley, the widow of said intestate, as appears by Copies of Exemplification of such letters herewith exhibited, marked Exhibit No. 6. That the personal Estate of said John Birley is wholly insolvent, and insufficient for the payment of his debts, and that for the payment of his debts, it will be necessary that the Real Estate mentioned in these proceedings be sold under a decree of your Honorable Court.

That all of said parties interested in these proceedings are residents of this State and are adults, except the said George W. Eyles and Margaret Eyles his wife, who are of full age but are non-residents of the State of Maryland.

To the end therefore that the defendants hereinafter named may answer the matters and things hereinbefore stated, the same as if they were herein again repeated and they were thereunto specially interrogated, and that the

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