

No. 4983 Equity

Eighteen years, Hattie E England aged about sixteen years, Charles E England aged about fourteen years, Morgan England aged about twelve years and John W England aged about ten years.

3 That said Mary Ellen England who was a widow was at the time of her death seized and possessed of certain Real Estate lying and being in said County which is particularly described in Exhibit A herewith filed and prayed to be taken and considered as a part hereof as fully as if herein at large in words and figures set forth.

4. That in addition to said real estate the said Mary Ellen England was also seized and possessed at the time of her death of a one fourth undivided interest in certain other tracts of land lying and being in said County and particularly described in Exhibit B herewith filed which is also prayed to be taken as a part hereof as fully as if herein at large in words and figures set forth.

5. That the interest, title and Estate of the said Mary Ellen England in and to said several tracts or parcels of land upon her death descended to and vested in her said six infant children hereinbefore named.

6. That the interest of said Mary Ellen England in the land described in Exhibit B. is involved in a litigation now pending in this Honorable Court and which was instituted during the lifetime of the said Mary Ellen England.

7. That said real estate of which said Mary Ellen England died seized and possessed is not capable of division among and between said six children without loss and injury to all and that it will be to interest of all of said children that said real estate described in Exhibit A. should be sold as speedily as possible and that described in Exhibit B. as soon as said pending litigation shall be determined, and the proceeds arising from such sales be divided among said children equally, and that it will likewise be for the benefit of said infants that such sales be made as aforesaid and the proceeds be divided as aforesaid.

8. Your Orator prays for the following relief

1. That a decree may be passed for the sale of the said real estate and that the proceeds of such sale may be divided among the said parties interested therein, except the growing crops belonging to said Walter and Nathan

2. For all such other and further relief as the nature of the case may require and as to your Honors may seem meet.

3. That a subpoena may issue addressed to the said Walter A England Nathan J England, Hattie E England, Charles E England Morgan England and John W England all of Frederick County aforesaid, requiring them to be and appear in this Court on some certain day to be therein named to answer the premises and show Cause if any they have why a decree should not pass as prayed. And as in duty lie.

Filed June 2, 1864

J. M. Sherry
Solicitor for Plaintiff.

N. B. Henary, Isaac S. Henary and Others

vs
John T. Williams & Jane E his wife and Others

Singleton King, John J. Jamison and Rufus H. Magawder the Commissioners appointed by the Commission heretofore issued in this case, to examine appraise

No 3373 Equity
In the Circuit Court for
Frederick County, sitting as a Court
of Equity

February Term 1869