

No. 5803. Equity.

sale of certain Real Estate in Frederick County of which Daniel Pies died seized and possessed and that the proceeds of said sale may be distributed among the parties entitled thereto according to their respective rights. The Bill states

1. That Daniel Pies, late of Frederick County, deceased, was in his lifetime and at the time of his death seized and possessed of certain Real Estate, situated in Frederick County, which said Real Estate is a part of that conveyed to the said Daniel Pies in his lifetime by Jacob Pies and others a Certified Copy of which is filed with the Bill marked Exhibit A and for a fuller description of which the plaintiff prays leave to file a survey thereof hereafter in the further progress of the said Cause.
2. That the said Daniel Pies died intestate on or about the twenty eighth day of June, in the year Eighteen hundred and Twenty six,
3. That the said Daniel Pies left surviving him a widow, Barbara Pies, who died on or about the twelfth day of March, in the year Eighteen hundred and Eighty nine and the following children and heirs - at law.
 - (A) Mary Ann Elizabeth Pottner, a daughter, who is of full age, now a widow and residing in Washington County,
 - (B) The defendant Frederick O. Pies married to the defendant Margaret Pies both of whom are of full age and reside in Frederick County,
 - (C) The defendant Virginia Heagy intimately with the defendant William Heagy both of whom are of full age and reside in Adams County in the State of Pennsylvania,
4. That the said Real Estate owned by the said Daniel Pies at the time of his death descended to his said children upon their fathers' decease,
5. That the interest of one of said children and heirs at law the said Mary Ann Elizabeth Pottner, is now held and owned by the plaintiff as will appear from a certified copy of the Deed therein filed with the Bill as part thereof marked Exhibit B.
6. That the said Real Estate is not susceptible of partition or division among the said parties entitled thereto and cannot be divided without loss and injury to the parties interested therein and that it is necessary and to the interest and advantage of all the parties entitled thereto that the same be sold and the proceeds thereof divided among them according to their respective rights.
7. The Bill prays for the following relief.
 1. That a decree may be passed for the sale of said Real Estate.
 2. That the proceeds of said sale may be distributed among the parties entitled thereto according to their respective rights.
 3. For general relief.
 4. That process may issue against the resident defendants.
 5. That an order of publication may issue against the non-resident defendants William Heagy and Virginia Heagy, his wife, giving them notice of the object and substance