

No. 6014 Orphans

Certified Copy of which will, as filed in the office of the Register of Wills of Frederick County and probated by the Orphans Court of Frederick County, is filed herewith marked Exhibit No. 10 to this Bill 5th. That the said Catharine C. Hines was named in said will as its Executrix, and there was no power of sale in either said will or the will executed by the said Catharine C. Hines; and that the said Catharine Hines was dead when said bill went into as above set forth.

6th That the said Catharine C. Hines left no children surviving her, neither did the said William H. Wesley, but both of them died childless, leaving the same heirs at law consisting of the following named parties viz:

1st a brother, John H. Wesley, whose wife's name is Jane Wesley and who are the plaintiffs in this cause.

2nd a brother George Wesley,

3rd the following Nephew and Niece by a sister named Rebecca Wesley who died some years since, to wit: Augustus Mahony whose wife's name is Fanny Mahony and Margaret Fout whose husband's name is Charles Fout,

4th The following Nieces and Nephews by a sister named Julie Payne, who died some years since viz: Frances Fry, whose husband's name is Jacob Fry, Emily Cookley, whose husband's name is Charles Cookley, Mollie Staub, whose husband's name is Jacob Staub, Laura Payne, William Payne, Chesterfield Payne, George Payne whose wife's name is Susan Payne, John Payne whose wife's name is Margaret Payne and McAllane Payne whose wife's name is Maggie Payne,

All of which heirs at law, their husbands and wives of such as are married, are adults over twenty one years of age, excepting Chesterfield Payne who is an infant.

7th That the real Estate described in Exhibits No. 1, 2, 3, 4, 5, 6, 7, 8, 9 has descended to and vested in the above named heirs at law as tenants in Common and they are now so seized and possessed of it as tenants in Common.

8th That said real Estate is not susceptible of division among said heirs at law without great loss and damage, and it would be to their interest and especially the infant to have the same sold and the proceeds divided among them according to their respective interests.

9th That the said George Wesley is a ^{now} resident of the State of Maryland and resides in the State of Ohio. That the said Charles Fout and Margaret Fout his wife, Augustus Mahony and Fanny Mahony, his wife, Jacob Fry and Frances Fry, his wife, reside in Frederick County, Maryland; that Emily Cookley and Charles Cookley, her husband, Laura Payne, William Payne, George Payne and Susan Payne his wife and John Payne and Margaret Payne, his wife, reside in Washington County, Maryland; that Jacob Staub and Mollie Staub, his wife, reside in Carroll County, Maryland.

Exhibit