

No. 6014. Equity.

to the said Catherine C. Hines and which will in connection with her will was to be for the mutual benefit of each other.

5th That the said Catherine C. Hines was named as the executrix of said will, and there was no power of sale in either said will or the will of the said Catherine C. Hines, that the said Catherine C. Hines was dead when said will went into effect.

6th That neither the said Catherine C. Hines nor the said William A. Washby left any children surviving them but both died childless, leaving the same heirs at law, consisting of the following persons, viz:

1. A Brother, John N. Washby, whose wife's name is Jane Washby.

2. A Brother George Washby

3. The following nephews and nieces by a sister named Rebecca Mahoney, who died some years since to wit: Augustus Mahoney, whose wife's name is Fanny Mahoney, and Margaret Faust whose husband's name is Charles Faust.

4th The following nephews and nieces by a sister named Julian Payne, who died some years since viz: Frances Fry, whose husband's name is Jacob Fry; Emily Cookerly, whose husband's name is Charles Cookerly; Malie Staub, whose husband's name is Jacob Staub; Laura Payne, William Payne, Chertusfield Payne, Geo Payne, whose wife's name is Susan Payne, John Payne whose wife's name is Margaret Payne, and McCallana Payne, whose wife's name is Maggie Payne; all of whom are adults, excepting Chertusfield Payne, who is an infant under twenty-one years of age.

5th That the above described real Estate 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 the same.

6th That the 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 relative interests.

7th That the said George Washby, Chertusfield Payne, McCallana Payne and Maggie Payne, his wife, reside in the State of Ohio, and are non-residents of the State of Maryland, that Charles Faust and Margaret Faust his wife, Augustus Mahoney and Fanny Mahoney his wife and Jacob Fry and Frances Fry his wife, reside in Frederick County, Maryland, that Charles Cookerly and Emily Cookerly, Laura Payne, William Payne, George Payne and Susan Payne his wife, John Payne and Margaret Payne his wife reside in Washington County, Maryland, and Jacob Staub and Malie Staub his wife reside in Carroll County, Maryland.

That the Plaintiff's pray for the following relief:

1st That a decree may be passed for the sale of said real Estate and a division of the proceeds of said sale among said heirs at law according to their respective interests.

2nd For summons to be issued directed to the resident Defendants to answer said Bill.

3rd And for an order of Publication directed to the said George Washby, Chertusfield Payne and McCallana Payne and

Answer