

No. 6087. *Equity.*

Cobb, a daughter Helen M. Apple whose husband's name is, Arthur M. Apple, a son Byron F. Etchison whose wife name is Mary F. Etchison a daughter Annie M. Adams whose husband's name is Edward E. Adams, and a daughter Grace G. Etchison, where her only heirs at-law.

1st That in the year 1870, the said Thomas M. Etchison died intestate leaving a widow Alice V. Etchison and the following named children who still survive him, viz; Howard M. Etchison, Elizabeth Etchison and Margaret Etchison which three named children are infants, under twenty-one years of age, and all of the other above named parties are adults.

2nd That the said Annie M. Adams, Byron F. Etchison, Helen M. Apple, Annie M. Cobb, Grace G. Etchison, Howard M. Etchison, Elizabeth Etchison and Margaret Etchison are now seized and possessed of the above mentioned house and lot as tenants in common.

3rd That on the 21st day of January A.D. 1877 the said Thomas M. Etchison, Grace G. Etchison, Byron F. Etchison and Mary F. Etchison his wife, to secure the payment of one hundred dollars due from their father and Mother to John Ritchie, executed a deed of Mortgage conveying to him all their interest in said real Estate, a Certified Copy of which Mortgage as recorded among the Land Records of Frederick County is herewith filed as Exhibit No. 2 to this Bill, that said Mortgage subsequently was assigned to one Joseph Wood who at present holds said Mortgage, which assignment has never been recorded among the Land Records of Frederick County, that at the time of the execution of said Mortgage and delivery of the same, the said Mortgagors claim they had no interest in said real Estate and that the same is void as to said real Estate and their present interest is not responsible for the payment of the same.

4th That the said real Estate is not susceptible of division among the above mentioned owners thereof, and that it cannot be divided without great loss and damage, that it would be to the interest and advantage of all the said parties and especially the infants to have the same sold and the proceeds arising therefrom, after the payment of all the costs, charges and expenses divided among them according to their respective interests, and the Plaintiffs pray for the following relief:

1st That a decree may be passed directing said real Estate to be sold and the proceeds to be divided among the above mentioned owners thereof.

2nd That a summons may be issued directed to the said Joseph Wood of Frederick County, commanding him to be and appear in your Honorable Court in some certain day to be mentioned therein, either in person or by solicitor, to answer said Bill, and abide by and perform such decree as may be passed in the premises.

3rd That an order of publication may be issued directing

Exhibit No. 1