

No. 6087 Equity.

who were her only heirs at Law, a son Thomas H. Etchison, a daughter Annie M. Cobb whose husband's name is Edward E. Cobb; a daughter Helen M. Apple whose husband's name is Arthur M. Apple a son Byron S. Etchison, a daughter Annie H. Adams whose husband's name is Edward C. Adams, and a daughter Grace G. Etchison;

6th That in 1870, the said Thomas H. Etchison died intestate, leaving a widow Alice V. Etchison and the following named children viz:

Howard M. Etchison, Elizabeth Etchison and Margaret Etchison, said children being infants, while all the other named parties are adults.

7th That the said Annie H. Adams, Byron S. Etchison, Helen M. Apple, Annie M. Cobb, Grace G. Etchison, Howard M. Etchison, Elizabeth Etchison and Margaret Etchison are now seised and possessed of the above mentioned house ^{and lot} as tenants in Common,

8th That on January 21st 1879, said Thomas H. Etchison, Grace G. Etchison, Byron S. Etchison and Margaret Etchison his wife, to secure the payment of one thousand dollars due from their father and mother to John Ritchie, executed a deed of Mortgage, a Certified Copy of which is filed and marked Exhibit No. 2, to the Bill, that said Mortgage was subsequently assigned to one Joseph Wood, who now holds said Mortgage but which assignment was never recorded; that at the time of the Execution and delivery of said Mortgage, said Mortgage had no interest in said real Estate and same is void as to it, and their present interest is not responsible for the payment of said Mortgage.

10th That said real Estate is not susceptible of division among the owners above mentioned without great loss and damage, but that it would be to the interest of all parties especially the infants to have the same sold and after payment of all Costs and Expenses, and proceeds divided among them according to their respective interests.

The bill then prays for a decree for the sale of said real Estate, for a summons against the said Joseph Wood, and an order of publication against the non-resident defendants the said Alice V. Etchison, Howard M. Etchison, Elizabeth Etchison and Margaret Etchison.

It is thereupon this 16th day of March 1893 by the Clerk of the Circuit Court for Frederick County, sitting as a Court of Equity and by the authority thereof, adjudged and ordered that the plaintiffs by causing a copy of this order to be inserted in some newspaper published in Frederick County, once a week for four successive weeks prior to the 15th day of April A.D. 1893 give notice to the said Alice V. Etchison, Howard M. Etchison, Elizabeth Etchison and Margaret Etchison the non-residents, of the object and substance of this suit and warn them to be and appear in this Court on or before the 2nd day of May A.D. 1893, to answer the said Bill and abide by and perform such decree as may be passed in the premises.

John C. Jordan
Clerk of the Circuit Court for Frederick County

Filed March 16th 1893

Answer of Joseph