No. 6075. Equity

but said executors entered upon the discharge of their trust and made sale of said real Estate and among other parcels sold Lot No. 71 to a certain Jonathan A. Wenner for $281. and which said sale was reported to and ratified by the orphans Court of Frederick County.

That in February 1874, without having anyone substituted in the place of Jonathan A Wenner and without obtaining an order from the Orphans Court for a resale of the property, the said executors conveyed said Lot to a Certain Leander Barger, in consideration of the sum of $281.

That subsequently said Barger conveyed said lot to his wife Elizabeth K. Barger and that on the 18th day of September 1891 the said Barger and wife Conveyed said lot to the plaintiff Edwin M. Mellor.

That Jonathan A. Wenner who was reported as purchaser died many years ago leaving a widow named Mary E. Wenner who now resides in Washington D.C. and the following children him surviving, namely Mary E. Hracock wife of Frank Hracock Charlotte S. Wenner, Joseph W. Wenner, Annie E. Wenner, Georgie G. Wenner, David B. B. Wenner and Emma E. Wenner. That Mary E. Hracock and husband reside in Howard County Maryland and the rest of said Children reside in Washington D.C. and all of whom are infants except Mary E. Hracock and Charlotte Shafer Wenner, and that the said lot of Ground on the equitable interest of the said Jonathan A. Wenner if any he had descended to the above named children as his heirs at law, subject the dower right of their said mother.

That the sale of said Lot to the said Jonathan A. Wenner by said Executors and the ratification of said sale vested the title to said lot in the said Jonathan A. Wenner and that upon his death intestate the title descended to his heirs at law as herein stated which creates a cloud upon the title of the plaintiff Mellor, the said Mellor having paid a Valuable Consideration for said lot. The Bill also states that the widow and some of the Children of said Jonathan A. Wenner are non residents of the State of Maryland as is also the said Wm. W. Wenner one of the executors of said will.

It is thereupon adjudged and ordered that the Complainant by causing a Copy of this order to be inserted in some newspaper published in Frederick County once in each of four successive weeks prior to the 25th day of March 1893 giving notice to the said absent defendants of the object and substance of this Bill warn them to appear in this Court in person or by solicitor on the 12th day of April 1893. to answer the premises and show cause, if any they have, why a decree ought not to pass as prayed.

John E. Jordan
Clerk of the Circuit Court for Frederick Co.

Filed Feby 18th 1893.