

No. 6082: Equity

being the same land conveyed by John Wheatley and others to the said Christian H. Thomas; Also part of a tract of land called 'Araby' adjoining the above described land containing one hundred and ten acres of land more or less conveyed to the said Christian H. Thomas, by William Kayman and others and also a part of a tract of land called 'Araby' containing six and three quarters acres of land, conveyed by George H. Kayman and wife to the said Christian H. Thomas, except all these pieces or parcels of land conveyed by the said Christian H. Thomas in his lifetime to George Kayman, James M. Allbaugh and John J. Cutchell and others, containing in the aggregate amount five acres of land more or less, as will appear by certified copies of said deeds herewith filed marked Exhibits Nos. 4, 5, 6, 7, 8 and 9.

Third, That the said Christian H. Thomas was in his lifetime indebted to a certain John H. Williams of Shenandoah County, by his two single bills, aggregating the sum of nine thousand dollars, and that to secure the same, the said Christian H. Thomas and Eveline Thomas his wife on the 4th day of August, 1883 executed their deed of mortgage conveying the farm known as the 'Araby Farm' containing two hundred and fifty four acres and heretofore conveyed by John S. Wheatley and others to said Christian H. Thomas to secure the payment of said indebtedness, and that since the death of said Christian H. Thomas, the said Eveline T. Thomas, the widow of said Christian H. Thomas together with Samuel S. Thomas and Alice T. Anson, two of the children and heirs at law of Christian H. Thomas, to secure an indebtedness of two thousand dollars executed their deed of mortgage conveying the land heretofore described in these proceedings, as will appear by certified copies of said mortgages herewith exhibited marked Exhibits Nos. 10 and 11.

Fourth, That the said Christian H. Thomas died in the latter part of the month of June in the year 1889 intestate leaving a widow Eveline T. Thomas, and the following children and grandchildren, his heirs at law, namely: - Samuel S. Thomas, who intermarried with Louisa P. Buckman both of whom reside in Clark County, Virginia; Alice T. Anson, a widow who now resides in the District of Columbia and Virginia J. Butte and Frank Butte, children of Mary Virginia Butte a deceased daughter of the said Christian H. Thomas both of whom are infants and reside in Jefferson County, West Virginia, with their father Frank P. Butte, the said Mary Virginia Butte having died before her said father, to whom the lands above described, descended as his heir at law subject to the dower right of the said Eveline T. Thomas, the widow.

Fifth, That the said Christian H. Thomas died intestate in the month of June as aforesaid and that letters of administration upon the personal estate of the said Christian H. Thomas by the Orphans' Court of Shenandoah County were granted to Samuel S. Thomas as appears by a certified copy of letters of Exemplification herewith filed marked Exhibit No. 12.

Sixth That the personal estate of the said Christian H. Thomas is wholly insufficient for the payment of his debts and that it will be necessary that the real estate herein mentioned be sold for the payment of the debts of the said Christian H. Thomas, due to Government as well as the claims of all other

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