No. 6360. Equity.

4th That in the year 1867 the said Charles C. Nicodemus Conveyed by deed his interest in said real Estate being the undivided one fifth to said Henry Carter a certified Copy of which deed is recorded in the Land Records of Frederick County & herewith is Exhibit No. 2 to this Bill, and at different dates the said Morgan M. Nicodemus and Mary Nicodemus Conveyed by deeds their interests in said real Estate each being the undivided one fifth, to the said Martin L. Nicodemus, which deeds have never been put on record but are in the possession of the said Martin L. Nicodemus, the said Martin Nicodemus then having an undivided three fifths interest in said real Estate, the said Henry Carter a one fifth interest and his wife Margaret E. Carter a one fifth interest therein.

5th That in the year 1876 the said Margaret E. Carter, wife of the said Henry Carter, died intestate still seized and possessed of her undivided one fifth interest in said real Estate, and she left surviving her her husband Henry Carter and the following named Children as her heirs at law. Viz.

1. The plaintiff, a son Lewis H. Carter, whose wife's name is Alice E. Carter.

2d A son, Charles H. Carter whose wife's name is Flora Carter.

3rd A daughter Emma F. Elgter, whose husband's name is Adam J. Elgter.

4th A daughter Laura J. Elgter, whose husband's name is James R. Elgter

5th A daughter Margaret E. Appleby whose husband's name is Henry Appleby.

6th A daughter, Mary E. Carter.

7th A daughter, Kate Carter.

8th A daughter, Susan Koontz, whose husband's name is Chas. Koontz

9th A daughter Grace B. Carter, to whom said one fifth interest of their said mother descended and vested in as tenants in common subject to their father's Courtesy rights therein.

6th That on the death of the said Margaret E. Carter, her said heirs at law, the said Henry Carter and Martin L. Nicodemus was seized and possessed of the fee in said real Estate as tenants in common.

7th That in the year 1894 the said Henry Carter died intestate in Carroll County, Maryland still seized and possessed of the undivided one fifth interest in said real Estate, which he had purchased of the said Charles C. Nicodemus, leaving a widow named Mary J. Carter surviving him, and the above named Children of Margaret E. Carter surviving his as his heirs at law.

8th That by his last will and testament the said Henry Carter directed his Executor William R. Curry, who has duly qualified as such Executor, to sell his real Estate situated in Frederick County, Maryland, including his interest in the above described property, at either public or private sale within one year from the date of his death, and that he shall apply the proceeds of said sale with the proceeds