

No. 6939 Equity.

Bill of Com-
plaint.

5. That all the conditions, provisions and charges named in said deed of gift have been complied with, fulfilled and paid, except the charge therein of one thousand dollars (\$1000.) in favor of Raymond Spalding and Mabel Spalding, Children of John C. Spalding, deceased, who are not yet of legal age, when, according to the said deed of gift, said charge is to be due and payable, and these infant children have therefore a lien on said farm of 97 1/2 acres and they are therefore made parties to this proceeding.

6. That John C. North and Robert Biggs, Committed are mortgagees of said farm of 97 1/2 acres to secure the payment of a sum of money due them on a promissory note for \$1000. also mortgages of said farm with another farm included, for the sum of \$2400. as will appear by reference to said mortgages recorded in Liber J. L. J. No 4, folio 259 and in Liber J. L. J. No 9 folio 110, both said records of Frederick County, both of which mortgages are due and payable by the terms thereof and of the mortgage notes accompanying the same.

The owners of the other farm (upon which rests in part the \$2400) assumed the payment of \$2200. of said mortgage debt in the conveyance of said other farm to her so that with the consent of said mortgagees, the amount of said mortgage lien upon said 97 1/2 acres is but \$1200.

7. Your orators further represent that said 97 1/2 acres cannot be divided without great loss and injury to the parties interested and that it would be to the interest, benefit and advantage of all the parties interested in said farm that the same be sold and the proceeds divided among the parties according to their respective rights and interests therein, setting aside and reserving the sum of \$1000. of said proceeds for the two infant children of John C. Spalding, deceased, who are within a few years of age and the youngest of whom, Mabel Spalding, will be of the legal age of 18 years within a year or less.

8. That it would be to the interest and advantage of the several tenants to sell said property because the fences and buildings are out of repair and are becoming worse from year to year because of want of owners of ownership and it that it would be to the benefit and advantage of the children of John C. Spalding who have a charge on said land, to sell the same and invest the proceeds to be paid to them promptly when they shall be entitled under the deed of gift to receive the same, whereas if the farm remain unsold until the money be come actually due and payable, delay and expense would inevitably result to their disadvantage.

9. That a sale of the farm can be effected at a fair price and all the adult parties interested are willing to sell the same, but find the aid of your Honorable Court necessary in order to convey a good title free of encumbrances and charges thereon and they therefore respectfully invoke the aid of your honorable Court in the premises