No. 7639. Equity.

and Sister cannot be made without loss and injury to them as the property is not susceptible of such division without great loss and injury, and that it will be for the best interest and advantage to all parties concerned that the real estate herein described be sold and the proceeds be divided among the respective parties according to their respective interests.-

To the end therefore

That a decree may be passed for the sale of the said real estate.

That the proceeds of said sale may be distributed between your orator and the defendants Clinton G. B. Kearwood, and Henrietta Moler.

That your orator may have such other and further relief as the nature of their case may require.

May it please your honors to grant unto your orator the writ of subpoena directed to the said Clinton G. B. Kearwood and Dolly Kearwood, his wife and Henrietta Moler and George Moler, her husband all of Frederick County, State of Maryland, commanding them and each of them to be and appear in this Court on some certain day to be named therein and answer the premises and abide by and perform such decree as may be passed in the premises.

And as in duty etc.

J. Roger McSherry
Solicitor

June 5- 1908.

Exhibit No. 2.

Filed June 5. 1903.

At the request of McKendree Noble Harwood the following deed is received for record and recorded May 8. 1902. 10.40. O'Cl. A.M.

Test: Douglas H. Hargett. Clerk.

This deed made this 2nd. day of May in the year Nineteen hundred and two by Lee Wittberger and Virginia Noble Kearwood Wittberger, his wife, of the City of Washington in the District of Columbia, witness a certain paper writing dated the 4th. day of January in the year 1902. and purporting to be the last will and testament of Thomas N. Kearwood late of Frederick County, Maryland, deceased has been offered for probate, as and for the last will and testament of