

No. 8197. Equity

2. That the said Mary M. Smith left no husband surviving her, but left the following children as her heirs at law, to-wit: - Four orator, William F. Smith, a son, who is married and whose wife's name is Alice F. Smith, Lillie May Fogle, a daughter, who is married to Thindan A. Fogle, Harry V. Smith, a son, who is unmarried, Edgar A. Smith, a son, who is unmarried, and Charles M. Smith, a son, who died intestate on May 30, 1907, survived by a widow, Emma Smith and two infant children, Mary Smith and Helen Smith aged respectively about thirteen and eleven years.

3. That all of said parties herein named are adults, except the said Mary Smith, and Helen Smith, and all are now living except the said Charles M. Smith, deceased.

4. That upon the death of the said Mary M. Smith intestate as aforesaid, the said real estate of which she died seized descended to and vested in the said William F. Smith, Lillie M. Fogle, Harry V. Smith, Edgar A. Smith and Charles M. Smith, her heirs at law, as tenants in common, and upon the subsequent death intestate of the said Charles M. Smith as aforesaid, his undivided interest in said real estate descended to and vested in his said infant children, Mary Smith and Helen Smith, as his heirs at law, subject to the dower therein of his said widow, Emma Smith.

5. That the said real estate is not susceptible of division or partition among the said parties thereto entitled without loss or injury to said parties interested.

6. That the said Emma Smith, Mary Smith and Helen Smith, defendants, reside in Hagerstown Washington County, Maryland.

7. That your orators and oratrices are advised and aver that they are entitled to the aid of Your Honorable Court for the sale of the aforesaid real estate and the division of the proceeds thereof among the parties entitled, according to their respective rights.

Wherefore, your orators and oratrices pray for the following relief: -

(1) That a decree may be passed for the sale of the said real estate of which the said Mary M. Smith died intestate seized and possessed and the division of the proceeds thereof among