

NO. 3241. Equity.

1865.
 a deed from said M. F. Eichelberger before her said
 Single bill did, in order to indemnify said M. F.
 Eichelberger against all loss he might sustain on
 account of his liability to said said Single bill, recited
 to said M. F. Eichelberger upon the 1st day of February
 1861. a mortgage of all the land described in said
 deed from M. F. Eichelberger marked Exhibit No. 1. all
 of which will more fully & at large appear by reference
 to said mortgage is a true copy of which is filed
 herewith marked Exhibit No. 6. your Oratrix still further
 shew unto your Honors that said John Rutzah of G.
 died leaving your Oratrix as his widow and the
 following named persons as his only children and
 heirs at law viz: - Josiah Rutzah, Ann L. Albaugh,
 wife of Wm. L. Albaugh, Sarah J. Rutzah, Lucius B.
 Rutzah, Charlotte E. Rutzah, Amanda E. Rutzah,
 Mary E. F. Rutzah, Emma F. Rutzah,
 Martin P. Rutzah, Laura V. Rutzah and John
 W. Rutzah all of whom are infants under the
 age of twenty one year except Josiah Rutzah
 Ann L. Albaugh and wife of Wm. L. Albaugh and
 Sarah J. Rutzah who are adults, and all of said
 heirs at law reside in Frederick County, that said
 children and heirs at law of said John Rutzah
 of G. now own all of said land of which said
 John Rutzah of G. died seized & possessed as tenants
 in common and that it would be to intrude and
 advantage of all the said children & parties
 concerned, infants as well as adults to have said
 real Estate sold by a trustee to be appointed by your
 Honorable Court, that said land will not admit
 of division without injury & loss to all the parties
 infants interested as well as adults, and your Oratrix
 is willing said land shall be sold free & clear
 of her claim of dower and she is willing to accept
 in lieu of her right of dower in such land such an
 allowance as she may be entitled to by law, and
 as your Honors may deem equitable and just.

In tender consideration whereof and for that your
 Oratrix is omniscient in the premises by the strict rules
 of the Common Law and relievable only in a Court of
 Equity, where matters and things of this nature are properly
 recognizable. To the end therefore that the said Josiah
 Rutzah, Wm. L. Albaugh & Ann L. Albaugh his wife, Sarah
 J. Rutzah, Lucius B. Rutzah, Charlotte E. Amanda
 E. Mary E. F. Emma F. Martin P. Laura V. & John
 W. Rutzah & the said Michael all and singular
 the matters and things aforesaid, may it please your
 Honors to order and decree that said real Estate
 may be sold, by a Trustee to be appointed for