No. 5841. Equity.

and Testament duly executed according to law by which he directed said real estate to his wife Catherine Fox in such terms as to render them same void for uncertainty. which Will was duly admitted to probated by the Orphans Court of Frederick County a Certified Copy of which Will as recorded in the Register of Wills office of Frederick County is filed herewith, marked Exhibit No 2. to this Bill and in which Will the Plaintiff is named as the Executor.

5th. That the said Catherine Fox has refused to accept the supposed devise contained in said Will. and has filed a paper writing in which she declines it. and claiming her dower right in said real estate and the estate of the said Jeremiah C. Fox. a certified copy of which paper as recorded in the office of the Register of Wills of Frederick County is filed herewith marked Exhibit No 3. to this Bill.

6th. That because of the said devise being void for uncertainty and the declination of the said Catherine Fox to accept the same the said Jeremiah C. Fox died intestate as to said real estate and the same has descended to and vested in the following named children as his heirs at law. to-wit. the plaintiff Littleton C. Fox who is a son. and Lilly L. Munshower wife of Cornelious J. Munshower. a daughter. who now possess said real Estate as tenants in comon. subject to the dower interest of the said Catherine Fox. who is still living. and who is willing that said real Estate should be sold free from her dower. she to receive out of the proceeds of sale such an amount as she may be entitled to the under the laws of Maryland. and the rules of your Honorable Court.

7th. That said real estate is not susceptible of division among said parties without loss and damage and it would be to their interest to have the same sold and the proceeds divided among the parties.

8th. That the said Jeremiah C. Fox. being indebted unto one Ellen. L. F. Baker in the sum of seven hundred and seventy five dollars which may be borrowed to pay off the ballance of this amount due to the said Julia A. Waehter and Margeret Baker according to the provisions of the will of his mother Mary Fox. On the 27th day of December 1890. executed his deed of mortgage in which his wife joined. conveying to the said Ella L. F. Baker. the real estate of which he died siezed and possessed as above mentioned for the purpose of securing unto her the repayment of said sum of seven hundred and seventy five dollars and the interest thereon. a certified copy of which mortgage is filed herewith marked Exhibit No. 4 to the Bill.

9th. That on the 2nd day of February 1891. one Samuel Fuss recovered a judgement against the said Jeremiah C. Fox in the Circuit Court for Frederick County in the sum of $369.00 dollars with interest from date and costs of suit. a certified copy of which is filed herewith marked Exhibit No. 5 to the