

(e) The defendant, Clarence M. Fuss, a son, an infant under the age of twenty-one years and residing in Frederick County.

(f) The defendant, Robert W. Fuss, a son, an infant under the age of twenty-one years and residing in Frederick County.

3. That said real estate cannot be divided without loss or injury to the parties interested therein, and that, in order to make division of said interests it will be necessary that said real estate be sold and the proceeds thereof divided amongst the parties according to their several interests.

to the end therefore--

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

2. That the proceeds of said sale may be distributed between your oratrix and orator and the remaining heirs at law of said Edward M. Fuss, deceased, according to their respective rights and interests.

May it please your Honors to grant unto Your oratrix and orator the writ of subpoena, directed to the said Elmer L. Fuss, John M. Fuss, Clarence M. Fuss and Robert W. Fuss, all infants and all residing in said Frederick County, commanding them to be and appear in this Court, at some day certain to named therein, and answer the premises and abide by and perform such decree as may be passed therein. And as in duty bound etc.

Eugene L. Rowe,
Solicitor for Plaintiffs.

EXHIBIT NO. 1.

At the request of Edward Mead Fuss, the following deed is received for Record and recorded April 3rd 1905 at 9.50 o'clock, A. M.

Test--Samuel T. Haffner, Clerk.

This deed made this thirtieth day of March in the year nineteen hundred and five, by Virginia Gillelan, Anna V. Gillelan, Charles E. Gillelan, Sarah Salome Gillelan his wife, H. Morris Gillelan, Etta Gillelan, his wife, William R. Gillelan and Margaret J. Gillelan, his wife all of Frederick County in the State of Maryland, Witnesseth--That whereas David S. Gillelan late of Frederick county was in his life time seized and possessed of the hereinafter described real estate and being so seized and possessed departed this life on or about the 7th day of November A. D. 1904, intestate and said real estate descended unto the said Anna T. Gillelan, Charles E. Gillelan, H. Morris Gillelan and William R. Gillelan his children and sole heirs at law subject to the right of dower of the said Virginia Gillelan his widow and whereas the said Virginia Gillelan, Anna V. Gillelan, Charles E. Gillelan H. Morris Gillelan and William R. Gillelan have sold said real estate to Edward Mead Fuss. Now therefore in consideration of the sum of Eight Thousand one hundred and fifty dollars, we the said Virginia Gillelan, Anna V. Gillelan, Charles E. Gillelan, Sarah Salome Gillelan his wife, H. Morris Gillelan, Etta Gillelan his wife William R. Gillelan and Margaret J. Gillelan his wife do grant unto the said Edward Mead Fuss all that tract of land situated in the Fifth Election District of Frederick County in the State of Maryland, about one mile East of the town of Emmitsburg, Md., Part of which was conveyed unto the said David S. Gillelan by Ezekiah Mehrling, executor of the last will and testament of William Gillelan, deceased by a deed bearing date the 7th day of January and recorded in Liber A. F. No. 3 folio 346 &c., one of the land records of Frederick County and part of which was conveyed to the said Joshua Motter deceased by a deed bearing date the 31st day of October A. D. 1883, and recorded in liber A. F. No. 7 folio 576 &c., one of the land records of Frederick County only that portion of the last described tract which lies South of the Littlestown Road is intended to be conveyed to the said Edward Mead Fuss and the whole tract sold to him and hereby conveyed unto him is contained in the following metes, bounds, courses and distances. Beginning at the end of 20 ⁴/₁₀ perches on the seventh