

No. 10121, Equity,

Shows;-

FIRST; that a certain John Cronise, died on or about March 20, 1920 in Frederick County, Maryland, Seized and Possessed, of the valuable real estate mentioned in these proceedings,

Second;- That on March 24 - 1920, there was filed in the above entitled cause, a Bill of Complaint, in the name of Calvin C, Zimmerman, one of the heirs at law of the said John Cronise, against Margaret Houck, Ezra Houck, her husband, John Zimmerman, Nettie Zimmerman, Albert Zimmerman, her husband, and Lillie Cronise --for the purpose of obtaining a decree, to sell all the real estate, of which John Cronise, died seized and possessed,

THIRD; that on April, 12th, 1920, upon application of the plaintiff, in this cause, the following were made parties, as Defendants, Rebecca Heagey, widow, Hannah Sophia Ramsburg, and Alexander Ramsburg, her husband, John R. Cronise, Elizabeth A. Winebrenner, and Henrietta Devilbiss,

Fourth; That on April 17th, 1920, it appearing to the Court, that all the defendants, were adults, and Sui Juris, and that they had consented to the sale of the property, Your Honorable Court, passed a decree Directing that the land and premises mentioned in these proceedings be sold and appointing Frank L. Stoner, William M. Storm, and Jesse F. R. Heagey Trustees, to make said sale,

Fifth; That said Decree, was passed under a misapprehension, as to the law, as hereinafter shown, and without the Court being advised concerning all the heirs at law of the said John Cronise,

Sixth; that said John Cronise died intestate, unmarried, without issue and without leaving brothers or sisters, or their, descendants, parents or grand parents,

Seventh; That the said John Cronise, left surviving him, as his only heirs at law, all the parties to these proceedings, who, as aforesaid are the paternal first Cousins, of the said John Cronise, and your Petitioners, who are the maternal first Cousins, of the said John Cronise,

Eighth That the relationship of your Petitioners, arises in the following Manner; ,

Isaac Cronise intermarried with Julia Barrick, and of this Marriage there were born two Children, Della Cronise, and John Cronise, Dying Unmarried, and without issue, Julia Barrick, who as aforesaid, was the wife of Isaac Cronise, and the Mother of the said Della Cronise and John Cronise, John Cronise had One Sister, Susanah Barrick, and two Brothers Simon Barrick, and Ezra Barrick, Susanah Barrack, the Sister of the said Julia Barrick, Cronise, intermarried, with Solomon Creager, and of said, Marriage there were born three Children, Mary, Jane, Now Mary, Jane Biteler, Margaret E, Now Margaret E, Crum and Julia now Julia Derr, Your Petitioners, Simon Barrick the Brother of Julia Barrick, Cronise, left one son Your Petitioner, Fred, Barrick, Ezra Barrick, a Brother of Julia Barrick, Cronise, also left one son, Your Petitioner, Roderick A. Barrick,

NINTH; That the parties to this proceeding are all the paternal first cousins, of the said John Cronise, and the Plaintiff excluded Your petitioners, as parties upon the theory, that the real estate, having descended to the said John Cronise, from his father, Could now only be inherited by said paternal first Cousin, as provided in Section 1-6 inclusive of Article 46- of Bagby's Code of Public General Laws of Maryland,

Tenth; that in Adopting this theory, the Plaintiff, it is respectfully submitted Erroneously construed, the law, inasmuch, as Sections 1 to 23 inclusive and Sections 25-26-27-28- and 31- of Article 46- of the Code of Public General Laws of Maryland. Title "Inheritance" in Bagby's Annotated Code, of law, are Expressly, repealed, by Chapter, 325- of the Acts of 1916, Not codified as Sections, 1, 2, 3, and, 4 of Article 46- in Vol. 4. Bagby's Annotated Code,

Eleventh, That said Chapter, 325- Acts of 1916, had for its purpose the assimilation of the law Governing the transmission of the title of Real Estate, to the law regulating the distribution of personal property, as said purpose is manifested, in the Title, to said act, which is as follows;-

"Chapter 325, An act to repeal Sections 1 to 23 (inclusive) 25-26-27-28- and 31- of Article 46 of the Code of Public General Laws Of Maryland, Title, "Inheritance" in Bagby's Annotated, Code of said Laws, and to enact in Lieu thereof, four new sections of article 46- to be known as Sections 1-2-3- and 4 of