

ORDER OF PUBLICATION.

Ella J. Swomley and
Elisha Chalmers Swomley,
Plaintiffs,

Vs.

Virginia S. Hickman and
George S. Hickman, her husband,
Clarence W. Swomley and
Annie Swomley, his wife,
Clinton W. Smith, Raymond E.
Smith and Corinne A. Smith,
his wife. Defendants.

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No. 10511 Equity.
In the Circuit Court
for Frederick County,
sitting as a Court
of Equity.

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The object of this Bill is to procure a decree for the sale of the real estate of which Elisha Swomley, late of Frederick County, died seized and possessed, and the Bill in substance states; That the said Elisha Swomley died on February 24th, 1922, leaving a last Will dated November 10th, 1902, duly executed to pass real and personal estate, which will has been duly probated in Frederick County a certified copy of the same being filed with the Bill; and by said will he left three of his children, viz; Sarah M. Smith, Virginia Hickman (called in the will Ida Virginia) and Clarence W. Swomley each the sum of \$2,000.00 and devised and bequeathed the rest and residue of his estate to his other three children, viz; Edgar N. Swomley, Elisha Chalmers Swomley and Ella J. Swomley; that Margaret N. Swomley, the wife of said testator, named in said will died on October 1st, 1909; that the testator's daughter Sarah M. married William Smith, his daughter the said Virginia married George S. Hickman and his son Clarence W. Swomley married Annie, his wife; that the said Sarah M. Smith died about February, 1918, leaving two children, viz; Clinton W. Smith and Raymond E. Smith whose wife's name is Corinne A; that William Smith, the husband of the said Sarah M. died ten years or more ago; that the son, Edgar N. Swomley died unmarried and intestate in May, 1917, leaving his father the said Elisha Swomley as his heir at law; that by reason of the said Edgar N. Swomley so dying the devise to him in said will under the Statue laws of Maryland was transferred to his brothers and sisters aforesaid, each of whom became entitled to a one-fourth interest in the devise to said Edgar N. Swomley; that the said Sarah M. Smith also having died in the lifetime of her father, her interest in Edgar's share was transferred by operation of law to her two sons, the said Clinton W. Smith and Raymond E. Smith; that by reason of the death of the aforesaid person at the time as before stated, the Defendants named in the caption of this order of publication became and still are tenants in common in proportion to their respective interests with the above-named Plaintiffs in the real estate which passed under the residuary clause of the said Elisha Swomley; that said real estate consists of two farms in New Market District in Frederick County, the one containing about 175 acres and the other containing about 105 acres, and a wood lot of about 10½ acres and also of a lot of about 5½ acres which the testator inherited from his son, the said Edgar N. Swomley, certified copies of the deeds describing said real estate being filed as Exhibits to the Bill; the anove-named Plaintiffs and Defendants are all over 21 years of age; that the Plaintiffs reside in Ffrederick County and that Defendants Clarence W. Swomley and his wife reside in Kansas City: Missouri; that the said Raymond E. Smith and wife reside in Ohio, and the said Clinton W. Smith resides in Missouri; that the said Real estate is not susceptible of division or partition without material loss and injury to the parties entitled to interests therein as before stated and that in order to make division of said interests it will be necessary to sell the said real estate and divide the proceeds among the parties according to their several interests. The Bill then prays for a decree for the sale of said real estate, a division of of the proceeds among the parties and for general relief and also for process against the resident Defendants and an order of publication against the said non-resident Defendants.