

at law of the said Nellie G. Eyler to whom the property descended and vested in as tenants in common upon the death of the said Nellie G. Eyler intestate.

FOURTH: That the said real estate is incapable of being divided without loss and injury to the parties of interest herein and it would be to the best interest and advantage of all the parties to this cause that the same be sold under a Decree of your Honorable Court and the proceeds divided as their interests appear.

TO THE END THEREFORE.

1st. That a Decree may be passed by your Honorable Court directing the sale of the real estate herein mentioned.

2nd. And for such other and further relief as the nature of the case may require.

May it please your Honors to grant unto your Complainants the Writ of Subpoena directed to John H. Eyler, residing in Emmitsburg, District, Frederick County, Maryland, and William Eyler, Bruce Dale Eyler and Thomas Eyler, infants, who reside with their father, John Eyler, in Emmitsburg District, Frederick County, Maryland, and Pauline Hess, infant, residing with Dr. O. H. Stinson in Emmitsburg, Maryland, Margaret Alexander, infant, and Clarence Alexander her husband, who reside in Emmitsburg District, Frederick County, Maryland, and Millard Hess, infant who resides with Mrs. Ethel Miller, in Emmitsburg District, Frederick County Maryland, commanding them and each of them to be and appear in your Honorable Court either in person or by solicitor, on some day certain to be named in said writ, answer the premises and abide by and perform such decree as may be passed therein.

Stoner and Storm  
Solicitors for Complainants,

(Filed May 11, 1933)

EXHIBIT NO. 1

at the request of Charles W. Hess and Nellie G. Hess, his wife, the following deed is received for record and recorded May 31st, 1917, at 10,30 o'clock A.M.

Test: Eli G. Haugh, Clerk.

This DEED made this 6th day of April in the year Nineteen hundred and Seventeen, by us, George S. Springer and Fannie E. Springer, his wife, both of Frederick County, State of Maryland, WITNESSETH: that for and in consideration of the sum of five hundred and twenty five dollars (\$525) the receipt of which is hereby acknowledged, we, the said George S. Springer and Fannie E. Springer, his wife, do hereby grant and convey unto Charles W. Hess and Nellie G. Hess, his wife, as joint tenants, all that part of a tract or parcel of land, situate, lying and being in Hampton Valley of Frederick County, State of Maryland, on the south side of the public road leading from Emmitsburg to Eyler's Valley in said County, it being the same tract or parcel of land, described as lots Nos. 2 and 5 on a Plat of sixteen lots laid out by Jane Williams, and recorded in Liber E. S. No. 3, Folios 374 &c., one of the Land records of Frederick County, containing twelve acres, three roods and one square perch of land, more or less, being the same tract of land, particularly described in a DEED from Joseph Hays and Elizabeth Hays, his wife, to the said George S. Springer, bearing date the thirty first day of October, in the year A.D. 1876, duly recorded in Liber T. G. No. 6, folio 290 &c., one of the Land Records of Frederick County.

Together with the improvements thereon and the rights and appurtenances thereto belonging or other wise appertaining.

To have and to hold the above granted property unto the said Charles W. Hess and Nellie G. Hess his wife, as joint tenants, their heirs or assigns forever in fee simple.

Witness our hands and seals.

Test: George S. Springer (SEAL)  
MF. Shuff Fannie E. Springer (SEAL)