December Term 1847.

Henry W Cooley and Edney W his wife and John William Ricketts, Matilda Ann Ricketts and Mary Elizabeth Ricketts.

of our Lord one thousand eight hundred and forty one came John Bennett and Thomas Hodges and Matilda Ann his wife by Richard J. Bowie Esquire their Solicitor into the Court of Chancery of the State of Maryland and exhibited in said Court their Bill of Complaint against Henry W Cooley and Edney W his wife and John William Ricketts, Matilda Ann Ricketts and Mary Elizabeth Ricketts in the words following to wit.

To the Honorable Theodorick Bland Chancellor of Maryland.

The Bill of complaint of John Bennett of Louisiana and Thomas Hodges and Matilda Ann his wife of Montgomery County in the State of Maryland, respectfully sheweth that heretofore to wit, sometime in the month of November eighteen hundred and thirty nine, William Bennett late of Montgomery County was seized and possessed of certain real estate lying and being in Montgomery County, and also of other lands lying in Frederick County Maryland in fee simple and being so seized thereof and possessed, departed this life intestate leaving your orators John Bennett, Matilda Ann and Edney W Cooley wife of Henry Cooley of Montgomery County his children and John William Ricketts Matilda Ann Ricketts and Mary Elizabeth Ricketts infant children of his deceased daughter Eliza wife of Basil Ricketts of the State of Ohio, his heirs at law and the said William, Matilda Ann, and Mary Elizth Ricketts are infants under the age of twenty one years. And your orators charge that the said real estate is susceptible of partition among the parties aforesaid, and that if it cannot be divided between them with advantage to all the parties then that your orators will be entitled to have the same sold and the proceeds distributed amongst the parties in proportion to their respective interests. To the end therefore that the said Henry W Cooley and Edney W his wife of Montgomery County, William Ricketts Matilda Ann Ricketts and Mary Elizabeth Ricketts of the State of Ohio be made defendants to this Bill and may answer the premises, and that a decree may be passed for a partition of the aforesaid real estate, amongst the parties aforesaid, or in case a partition thereof cannot be effected, then that the same may be sold under the direction of this Court, and the proceeds thereof distributed amongst the said parties in proportion to their respective interests and that your orator may have such further or other relief as their case may require. May it please your Honor to grant to your orators the States writ of subpoena directed to said defendants commanding them to be and appear in this Court by a day certain and answer the premises etc, and pass an order giving notice to the said non resident defendants and so forth.

Richard J Bowie, Sol.r for Complt.

and thereupon the Chancellor passed an order of publication in the said cause against the non resident defendants in the words following to wit,

John Bennett, Thomas Hodges of Walter and Matilda Ann, his wife,
against
Henry Cooley and wife and others of Montgomery County Md.

In Chancery.
22d. July 1841.

The Bill in this case states that William Bennett late died seized in fee of several tracts or parts of tracts of lands lying in Montgomery and Frederick Counties respectively, leaving at his death the complainants John Bennett of Louisiana Thomas Hodges of Walter and Matilda his wife Edney wife of Henry Cooley his children of Montgomery County aforesaid, and John William Ricketts Matilda Ann and Mary Elizabeth Ricketts infant children of his deceased daughter Eliza, all of the State of Ohio, his heirs at law to whom the said lands descended, The Bill charges that the lands are susceptible of partition among the several heirs entitled, but if not that they, should be sold and the proceeds divided among them, To which end it prays that Henry Cooley and Edney his wife of Montgomery County, John William Ricketts, Matilda Ann Ricketts and Mary Elizabeth Ricketts of the State of Ohio, may be made defendants and answer the premises, and that the said lands, may be divided among the several heirs or in case the same cannot be made, that the same be sold and the proceeds distributed among the several heirs according to their respective rights and for other and further relief and that the said John William Ricketts, Mary Elizabeth Ricketts and Matilda Ann Ricketts reside out of the State of Maryland. It is thereupon ordered that the complainants by causing a copy of the order to be inserted in some newspaper published at Baltimore once in each of three successive weeks before the 23d. day of August give notice to the said absent defendants of the object and substance of this Bill, and warn them to appear in this Court in person or by solicitor, on or before the 30th. day of December next to answer the premises and show cause if any they have why a decree should not pass as prayed.

Theodorick Bland, Clk.

and at the same time a writ of subpoena was issued against the defendants Henry W Cooley and Edney W his wife to Montgomery County, returnable to the next Term of the said Court, at which next Term to wit, September Term 1841, the Sheriff of Montgomery County made return of the said writ of subpoena thus endorsed "Sum.d" And afterwards a writ of attachment to appear was issued at each term against the defendants Henry W Cooley and Edney his wife to Montgomery County and at July Term eighteen hundred and forty two the Sheriff of Montgomery County made return of the said writ of attachment thus endorsed "attached"

and afterwards at the Term last aforesaid the defendants Henry Cooley Junr. and Edney his wife file in the said cause their answer to the said Bill in the words following to wit.

The joint and several answers of Henry Cooley Junr. and Edney his wife to the Bill of complaint of Thomas Hodges and wife in the Court of Chancery of Maryland, exhibited and filed. These respondents answering each for himself and herself, and not one for the