aforesaid had no notice until it appeared of record.

4. Your orator is advised that by virtue of the deed from Marchant to him, above referred to, he is a bona fide purchaser, upon good and valuable consideration, of the interest of said Marchant in said property, disclosed by the said records at that time; and that the deed of assignment from Marchant and wife to said Abergh operated only to convey to said Abergh the interest of the wife of said Marchant in said property; and that your orator is now a tenant-in-common with said Abergh of said property.

5. And your orator further charges, that it is his duty under said deed of trust to convert the interest acquired by him thereunder in said property into money; that said interest in the property undivided, especially in view of the state of title above disclosed, is unmarketable, and can only be sold at great loss to the parties interested therein; that said property is incapable of division in kind, and that he has applied to the said Aberghs, and requested them to unite with your orator in making sale thereof, upon terms which would be convenient and beneficial to all parties; but these requests have been utterly rejected, and your orator is advised that he must remain without remedy unless this Court will interfere in his behalf.

To the end, therefore—

(1.) That the said defendants may answer the premises.

(2.) And that a decree may be passed for a sale of the aforesaid property, and the proceeds of said sale be distributed between the said defendants and your orator, according to their respective interests.

(3.) And that your orator may have such other and further and general relief as the nature and equity of his case may require.

May it please your Honor to grant unto your orator the writ of subpoena against the said Annie E. Abergh and Charles Abergh, of Baltimore city, Maryland, commanding them to appear in this Court at some certain day to be therein named, to answer the premises, and to abide by and perform such decree as may be passed therein.

And as in duty, &c.

Pollard & Latane

Solr. for Complt.

Complainant's Exhibit C. T., No. 1.

(Filed 2d August, 1884.)

J. R. Marchant and Wf.,

asst. to

Annie E. Abergh.

This deed, made this twenty eighth day of December, in the year one thousand eight hundred and eighty-two, between John R. Marchant and Annie E. Marchant, his wife, of Baltimore city, in the State of Maryland, of the first part, and Annie E. Abergh, wife of Charles Abergh, of the said city and State, of the second part:

Witnesseth, that in consideration of nineteen hundred dollars lawful money, the receipt whereof is hereby acknowledged, the said John R. Marchant and Annie E. Marchant, his wife, do grant and assign unto the said Annie E. Abergh, her personal representatives and assigns, all that lot of ground situate and lying in said city, and thus described, viz:

Beginning for the same on the north side of Jackson Square avenue, at the distance of fifty-four feet east from the corner formed by the intersection of the north side of Jackson Square avenue and the east side of Washington street; and running thence easterly,