

Small & Warfield Jun^t
Frances E Shreeves and
M A Shreeves his wife
vs

Richard D. Warfield
Elizabeth Warfield
& others

No 2407 Equity filed February 6th 1852 in the
Circuit Court for Frederick County sitting as a Court
of Equity in the words and figures following to wit.

To the Honorable Madison Nelson Judge of the
Circuit Court for Frederick County sitting as a Court of
Equity

Humbly Complaining sheweth unto your Honor
your Brethren and oratrix Small & Warfield Jun^t. Frances E Shreeves, Monroe A
Shreeves his wife, that Small & Warfield late of Frederick County sometime in the year
Eighteen hundred and fifty one departed this life, who died intestate leaving the
following children his only heirs at law viz your Complainant Small & Warfield Jun^t.
Monroe A Shreeves the wife of your Complainant Frances E Shreeves, Richard D
Warfield James H B Warfield, Henrietta Warfield who married John A Warfield
Elizabeth Warfield, Rachel C Warfield, Ann M Warfield who married William H
Jones, that Rachel C Warfield and Jane H B Warfield are both infants under the
age of twenty one years, that the said Small & Warfield the testator died leaving a
large and valuable real estate situate and being near to Johnsonville in Frederick County
and State of Maryland consisting of three hundred acres more or less and for a full true
and particular description of said land and premises reference being had to the deed of Con-
veyance of Washington Burgess to said deceased, and the testament and last will of
Alexander Warfield it will fully and at large appear true & certified copies of said
deed of conveyance and testament and last will are here exhibited as a part of this bill
of complaint, marked Exhibit A which together with all other exhibits your oratrix
to whom may be taken and considered as a part of this bill of complaint.

Your Brethren and oratrix further shew unto your Honor that the said children and
heirs at law of the said deceased own and hold all the said real estate as copartners
and that it will not admit of a division without loss and injury to all the parties
interested, and that it would be for the benefit interest and advantage of all the
said co partners to have said lands and premises sold by a trustee, and the money
the proceeds of sale divided amongst the parties entitled. Your Brethren and oratrix
further state that all the copartners, heirs at law of the said Small & Warfield
deceased are anxious and wish said lands and premises should be sold by a trustee
appointed for that purpose without the expense of a proceeding under the act to devest
descents, no one of said co partners having any wish or desire to take said real estate at
the valuation, but all wish it sold. In tender consideration whereof and for that
your Brethren and oratrix are remeless in the premises by the strict rules of the common
law and relievble only in a Court of Equity where matters of this nature are properly
cognizable To the end therefore that the said Richard D Warfield, James H B Warfield
John A Warfield and Henrietta Warfield his wife Elizabeth Warfield Rachel C
Warfield William H Jones and Ann M Jones his wife may all full true and direct
answers make to all and singular the charges and matters in said Bill of Complaint
as fully in every particular as of the same were here again repeated and they thereunto
particularly intitulated and may it please your Honor to adjuage and decree
that said lands and premises of which said testator died the owner to be sold by a
trustee appointed for that purpose and the money the proceeds of sale distributed
amongst the parties entitled, and may it please your Honor to extend unto your
Brethren and oratrix all such other and further relief in the premises as the nature of
the case may require and may it please your Honor to grant and, in oratrix and