

of said lands by E. H. Rockwell Esq and they and each of them took possession of the parts thereof respectively allotted to them and have continued to hold and enjoy ever since in severally said parts or divisions all of which will fully appear by the survey & plat made as aforesaid marked Exhibit No 3 and have continued to hold and enjoy them respective parts free and discharged from the control or any claim whatever of each other in or to the same Your Complainant further states that the names of the children to whom the legacies were given by the will of Jacob Beard are Jacob Beard Peter Beard, Mary Beard married to Ezra Smith, Elizabeth Beard married to Solomon Earnest, the said Elizabeth now dead, Christiana Beard married to Thomas P. Williams & Sally Beard married to Matthias Smith, your complainant further states that by an arrangement made between said John Beard & Solomon Beard the said John was to take upon himself the payment of the portions coming to Peter Beard that he has fully paid and satisfied Peter Beard for his portion and has paid to the said Christiana Williams, the sum of two hundred dollars in part payment of the legacy coming to her, and that the balance of the legacies by virtue of said arrangement were to be paid & satisfied by the said Solomon Beard Your complainant further states that the said John Beard died intestate seized and possessed of the real estate described in Exhibit No 3 and a lot of about fourteen acres in the County aforesaid adjoining the lands of Geo Smith, the heirs of Adam Anders, Jacob Beard & others which was recently purchased by said John Beard from the said George Smith

Your complainant further states that the said Solomon Beard was appointed by the Orphans Court of Frederick County, administrator of the personal estate of the said John as will appear by an exemplification of his letters herewith exhibited marked No 4, that the said personal estate is utterly insufficient for the payment of his debts and that recourse must be had to his real estate for their satisfaction and your complainant further states that the portion allotted to the said John Beard in the plat exhibited as No 3 is the portion marked "John Beard's" containing one hundred and sixty two acres and one fourth of an acre and twenty seven perches of land. In tender consideration whereof and inasmuch as your complainant is remediless in the premises by the strict rules of law and only relievable in a Court of law where matters of this nature are properly cognizable and to the end that the real estate whereof the said John Beard died seized and possessed may be sold under a decree of this Honorable Court and the proceeds of sale distributed among the creditors of the said John Beard so far as the payment of their claims will require the same, and that your complainant may have all such other or further relief in the premises as may be consistent with equity and the nature of his case May it please your Honor to grant to your complainant the writ of subpoena in the usual form and to the Sheriff of Frederick County to be directed commanding Solomon Beard, the administrator of John Beard dec'd Sarah Beard, George Wash<sup>r</sup> Beard and the infant son of the said John Beard not yet baptized Jacob Beard, Peter Beard, Mary Smith and Ezra Smith her husband, Solomon Earnest, Christiana Williams & Thomas P. Williams her husband Sarah Smith and Matthias Smith her husband and Solomon Beard to be and appear in this Court by a certain day in said subpoena fixed and then and there upon their several corporal oaths true and perfect answers make to the several matters & things charged in said Bill of Complaint and submit to such decree as the said Court may see fit to pass thereon And your complainant will ever pray &c

M<sup>r</sup> J. Ross & Wm<sup>r</sup> Ross  
Solicitors for Complainant

Ex No 1

Ex No 2