

who dies intestate, leaving the said Thomas A. Smith, Chas
 E Smith Ann E Ramsey Mary A Smith Joseph. R Smith, Rach-
 el Ann Smith Ary Smith, & Philemon M Smith the Executor
 named in said will his brothers and sisters his only heirs
 at Law That the said Testator Constituted & appointed Fuller
 Smith and Philemon M Smith his Executors & Executrix -
 who accepted the Trust & obtained letters Testamentary to-
 said will from the Orphan's Court of said County. Your orators
 and oratrix, further show unto your Honor that the said -
 John M Smith, at the time of his death, owned and possessed
 a Valuable farm, and mill, situate, lying & being in Frederick
 County, in the Vicinity of New Market, as Tenants in Commu-
 nity with the heirs at Law of Thomas Anderson, late of said County
 dec'd whose farm and Mill Property was on the first day of
 April 1830. Conveyed to the said John M Smith & Thomas -
 Anderson as Tenants in Common by Silas Hibbard & John Miller
 of Frederick County as fully appears by a true & certified Copy
 of said Deed of Conveyance here exhibited as a part of this bill
 marked Exhibit B. Thomas Anderson some years since, died
 intestate, and that the undivided Interest of the said Thomas
 Anderson in said Farm, and mill descended to his heirs at Law.
 who held the same as Tenants in Common, with the said -
 John M Smith, at the time of his death. That on the day
 of 1852 Mr J Anderson and other heirs at Law of said Thomas
 Anderson dec'd and the assignees of said heirs at Law, filed a Bill
 of Complaint in the Circuit Court for Frederick County, against
 John M Anderson, for the undivided Interest of said heirs at Law
 of said Thomas Anderson without making the said devisees of
 the said John M Smith parties, or the Executors of his will -
 parties to said bill of Complaint, which fully appears from said bill
 of Complaint, and the proceedings therein, it being No 2393. Equity. -
 in your Honor's Court, which bill in Equity, and the proceedings
 therein, are to be considered as a part of this bill, as if here inser-
 ted. Your orators and oratrix further state that this Court, on the day
 of 1852 passed a Decree in said Case appointing A M Anderson
 Justice to make sale of the undivided Interest of the parties to
 said bill of Complaint, which they held as Tenants in Common with
 the said devisees of John M Smith dec'd aforesaid, and that said
 Justice on the 10th day of July 1852 at 2 o'clock. P M made sale
 of all the undivided interest of said farm, and mill, which in
 any way belonged to said heirs at Law of said Thomas Anderson
 dec'd at which sale a certain David Rimbush, became the highest
 bidder, and purchaser of said undivided Interest of said farm -
 & mill property, which sale was Reported to this Court by the
 said Justice, verified by affidavit, and that said Report of sale -
 by the said Justice was on the 14th day of August. 1852 under form
 of Law, finally ratified & confirmed, all which fully appears by a
 true and certified Copy of said Report here inserted as a part of
 this bill & is marked Exhibit C That the said David Rimbush