

resewing to themselves, now and at all times hereafter all and all manner of benefit and advantage of exception to the manifold uncertainties and imperfections in the Complainants said bill of complaint contained, for answer therunto, or unto so much thereof as materially concerns these defendants to make answer unto, they answer and say, that Jacob Biggs late of Frederick County, deceased, did in due form of Law, on the 3rd day of October 1822 make and execute his testament and last will, a true copy of which is exhibited as a part of Complainants said bill of Complaint marked Exhibit A. And these defendants further admit that the tract of land specified and contained in the annexed and following clause of the will of said Jacob Biggs dec^d containing 115 acres of land, is unsold and is owned and belongs to the persons specified in said Bill of Complaint as tenants in Common, that said clause in testators will is as follows -

"I give and devise to my four daughters that is to say, Catharine Knoff, Amy Knoff, Susannah and Mary Smith as tenants in common and not as Joint tenants, the Plantation whereon I now dwell containing about 211 acres, and part of a tract of land called the reservoir on "Bucks Forest" about 115 acres of land to them heirs & assigns in fee simple" These defendants admit that it would be for the interest & advantage of the Complainants to have said 115 acres of land sold as prayed in said bill - and that they are willing and wish a decree to pass as prayed by the Complainants, and the money the proceeds of sale brought into the Honorable Court as a Court of equity to be distributed among the parties justly and equitably entitled to it by virtue of said testament and last will of Jacob Biggs dec^d - The defendants admit the facts as stated and charged in said Bill of Complaint, and they join in the prayer that a decree pass in the case as prayed &c -

Signed by us the defendants John Smith Mary Smith
Jacob Knoff, Jeremiah Martin, Mary Martin, George Hesser,
Amy Hesser, William Kidenow, Eva Kidenow, John Knoff,
William G Blaw, Susannah Blaw Benjamin
Ogle, Catharine Ogle

Which is thus endorsed viz - I agree to accept this answer without oath to have the same effect as if sworn to & Bill admitted &c Jos M Palmer Sol^r for Complainants

Thereupon the following Decree was passed

Joseph S Knoff, Franklin Knoff
John Lever & wife, and others
vs

John Smith & Mary Smith his wife
Jacob Knoff, John Knoff & others

No 2495 Equity - In the Circuit Court for
Frederick County, sitting as a court of Equity
January Term 1854

This case standing ready for hearing and being submitted to the Court upon the Bill, Answers, Exhibits, and all other proceedings which were read & considered.

It is thereupon this 9th day of January 1854 by Madison Nelson the Judge of the Circuit Court for Frederick County, sitting as a court of Equity, and by the authority of this court, adjudged ordered and decreed, that the one hundred and fifteen acres of land and premises specified and named in the Bill and Exhibits in this case be sold as prayed by a trustee appointed for that purpose; That John Lever Esq, be and he is hereby appointed trustee to make sale, and that the course and manner of his proceedings shall be as follows. He shall first file in this court with the Clerk thereof, his bond to the State of Maryland, executed by himself with good security to be approved according to law, in the penalty of Two thousand dollars, conditioned for the faithful performance of the trust reposed in him by this decree, or which may be reposed in him by any future order or decree in the premises - He shall then proceed to make sale of the said one hundred and fifteen acres of land and premises specified in said bill and exhibit, having first given three weeks public notice