

N^o. 2563 Equity.

The State of Maryland, Frederick County, to wit: At a Circuit Court of the third Judicial Circuit of the State of Maryland, sitting as a Court of Equity, held at the Court House in Frederick Town, in and for the County aforesaid, on the fourth day of June, in the year one thousand eight hundred and fifty five

Present The Hon. Madison Nelson Circuit Judge.

Israel C. O. Neal, Esq. Sheriff, &

Eds^r. Shivers clk.

Among other were the following proceedings, to wit:

Margaret Biser, George J. Whip & Mary A. B. Whip his wife.	} N ^o . 2563. Equity. In the Circuit Court for Frederick County, sitting as a Court of Equity.
Jonathan Tobey & Juliana A. Tobey his wife	

February Term 1854.

To the Hon. Madison Nelson, Judge of the Circuit Court, for Frederick County, sitting as a Court of Equity.

John Mullendore, James C. Carper & Elizabeth Carper his wife, and others.	} The Bill of Complaint of Margaret Biser, George J. Whip, and Mary A. B. Whip his wife, Jonathan Tobey & Juliana A. Tobey his wife respectfully shows

That George Cost Sen. on the 24th day of August, 1818, made his last will & Testament, and thereby among other things, devised to Margaret Biser & Catharine Mullendore a certain tract or parcel of Land, in these words, to wit "Item" I give & devise to my two daughters, Catharine Mullendore, and Margaret Biser, in equal right my other tract of Mountain Land, called High up, containing fifty eight & a half acres, to be divided between them in equal value, share and share alike to them, and their assigns in fee simple. a Copy of which said will is herewith filed, marked exhibit A. & which your orators & oratrices pray may be taken as a part of this their bill of Complaint, your orators & oratrices further show that the said Margaret Biser has sold her undivided half part of said Land to John Ausherman by deed bearing date the fifteenth day of June, in the year 1850. a Copy of which deed is herewith filed, marked Exhibit B. & which your orators & oratrices pray may be taken as a part of their bill of Complaint

And your orators & oratrices, further show, That the said Catharine Mullendore, died many years ago, possessed of her undivided half part of said Mountain Land, without heirs of her body: But at her death she left one brother George Cost, Jr. & four sisters, viz. Margaret Biser ^{Wife} Elizabeth Mullendore, wife of John Mullendore, Mary Whip the wife of George Whip & Elizabeth Coleman the wife of Jacob Coleman, all of whom are now dead, except Margaret Biser one of your oratrices, and John Mullendore, who lives in Washington County Md.

Your orator & oratrices further show - that the said George Cost, left one child, Elizabeth the wife of James C. Carper, who lives in Frederick County, That the said Uly Mullendore, left four children, viz. Daniel Mullendore, Jacob Mullendore, Mary the wife of Mr. Easton, who live in Washington County, and Catharine the wife of Joseph S. Kuffer, who lives in Frederick County, That the said Mary Whip, left four children, viz. Emanuel Whip & Jacob Whip, who do not reside in the State of Maryland, and George J. Whip, one of your orators and Julia A. Tobey, one of your oratrices, who live in Frederick County; That the said Elizabeth Coleman, left two children, viz. George Coleman, who lives in Ohio Virginia & Joseph Coleman, who lives in Ohio. your orators & oratrices, further show unto your Honor the said Mountain Land, is not improving in value, and that it will be for the Interest and advantage of all the parties concerned - that it should be sold, and the proceeds divided under the direction of your Hon^{or} Court. But now so it is your orators & oratrices are remediless, and cannot obtain adequate relief, without the aid of your Hon^{or} Court To the end therefore - That the defendants herein after named, may answer the several matters, and things herein before stated, as fully, and particularly as if they -