

These Complainants further state - that the said Joseph Eichelberger, being so seized, and possessed, some time in the month of April, Eighteen Hundred and Fifty four, departed this life - intestate, leaving your orators Michael F. Eichelberger, Harriet A. Eichelberger, Mary M. Seabrooks, and Virginia Eichelberger, Susan M. Eichelberger, Martin J. Eichelberger, Grayson M. Eichelberger, & Marion E. Eichelberger, as his only children, and heirs at law, and Elizabeth Eichelberger his widow, and that the said Susan M. Martin J. Grayson M. & Marion E. Eichelberger are Infants, under the age of Twenty one years. Your orators and oratrices further charge - That the said Real Estate is susceptible of partition among said Children, and heirs at Law, and that, if it cannot be divided, among them, with advantage to all the parties, interested, your orators & oratrices will be entitled to have the same sold, and the proceeds of sale brought into Court, to be distributed under the direction of your Honor, among all the said heirs at Law, according to their respective Interests, - To the end therefore - That the said Virginia Eichelberger, Susan M. Eichelberger, Martin J. Eichelberger, Grayson M. Eichelberger, & Marion E. Eichelberger, may full true direct, and perfect answers make - to all & severally the charges & matters aforesaid and that a Decree may be passed - for the partition of said Real Estate, among said heirs at Law, or in case a partition thereof cannot be effected with advantage to all the parties, interested, then that the said Real Estate, may be sold, by a Trustee to be appointed by your Honor for that purpose, and the proceeds of such sale, brought into this Court to be distributed under the direction of your Honor, among the parties interested, in proportion to their respective rights, and that your orators & oratrices may have all such others - and further relief, in the premises, as the nature of the case may require, and as to your Honor shall seem meet. May it please your Honor to grant unto your Complainants, the State of Maryland writ of Subpoena, to be directed to the said Virginia Eichelberger, Susan M. Eichelberger, Martin J. Eichelberger, Grayson M. Eichelberger, and Marion E. Eichelberger, thereby Commanding them, and each of them to be and appear before your Honor, in your Honorable Court, on a certain day - therein to be named, to answer all and singular the charges, & matters aforesaid, and to stand to, abide, and perform such order and Decree in the premises as to your Honor shall seem meet, and may it also please your Honor to grant a Commission issued to Five discreet, and sensible men as Commissioners to make partition of said Real Estate if the same can be done, with advantage to all the parties interested, and if the same cannot be divided to advantage to Report, according to the provisions of the act of assembly in such case made, and provided, and your orators & oratrices will ever pray, &c.

Grayson Eichelberger Sells

For Complainants

Exhibit No. 1. is as follows. Viz.

At the request of Joseph Eichelberger the following Deed is Recorded May 29th 1854. Rec'd. \$1. Stamp duty. Test. Edw. Shriver Ck.
 This Indenture - made this 3^d day of February, in the year of our Lord, One thousand, eight hundred, and Fifty four, between Martin Eichelberger & Maria his wife of Jefferson County, in the State of Virginia of the one part, and Joseph Eichelberger of the County of Frederick, in the State of Maryland of the other part: Witness eth. - That the said Martin Eichelberger & Maria his wife for and in Consideration of the sum of Nine Thousand and five hundred Dollars. (\$9500.00) Current money, to them in hand - paid by the said Joseph Eichelberger, at and before the sealing & de-