

that said Catharine died intestate and that her husband said Samuel Weller still survives, your Honor is further informed that said Real Estate will not admit of a division amongst the heirs of said Intestate and that it will be for the benefit of all parties interested that said Real Estate should be sold by a Trustee to be appointed for that purpose and the proceeds distributed amongst the parties according to their respective interests and rights and that none of the heirs at law of said Intestate elect to take said property or any part thereof under the act to direct descents, - In tender consideration whereof and that your Orators are remediless in the premises by the strict rules of the Common Law and relievable only in a Court of Equity where matters of this nature are properly cognizable, - As the ends therefore that the said Mary Damuth, Jacob Damuth, Sophia Smith, Joshua Smith, Samuel Weller, James Oliver Weller and Mary Elizabeth Weller, may full time direct and perfect answers make upon their respective - Corporal Oaths to all and singular the charges and matters aforesaid as fully in every respect as if the same were here again repeated and they thereunto particularly interrogated, may it please your Honor to adjudge, order and decree that the said Real Estate of which the said James Stokes died seized and the owner as specified and described in the Exhibits in this, and be sold by a Trustee to be appointed for that purpose and that your Orators may have such further relief in the premises as the nature of the case may require and to your Honor may seem meet, May it please your Honor to grant unto your Orators the State of Maryland writ of Subpoena to be directed to the said Mary Damuth, Jacob Damuth, Sophia Smith, Joshua Smith, Samuel Weller, James Oliver - Weller, and Mary Elizabeth Weller thereby commanding them and each of them to be and appear before your Honor in your Honorable Court, either in person or by solicitor on a day therein to be named, then and there to answer all and singular the premises aforesaid and to stand to, abide & perform such order & decree in the premises as to your Honor shall seem meet &c &c

Isaac E. Pearson, Solicitor
for Complainants,

Exhibit
No 1

At the request of James Stokes of the County of Frederick
the following deed is Recorded. Apr 6. 1842,

This Indenture made this second day of April 1842 in the year of our Lord one thousand eight hundred and forty two, Between Samuel Heard & Jane Heard his wife of Frederick County in the State of Maryland of the one part and James Stokes of the County & State aforesaid of the other part. Witnesseth that for and in consideration of the sum of four hundred and fifty dollars Current Money by the said James Stokes to them the said Samuel Heard & Jane Heard his wife in hand paid at and before the sealing & delivery of these presents, the receipt they do hereby acknowledge they the said Samuel Heard and Jane Heard his wife, have granted, bargained & sold, aliened & enfeoffed and by these presents do give grant, bargain and sell, alien, enfeoff, release, convey and confirm unto the said James Stokes his Heirs & assigns forever all the following lots of ground situate and lying on the East side of what is commonly called "Water Street" in Mechanics town in the County & State aforesaid

Subpoena