

Among other were the following proceedings to wit:

Thomas Pusey and others } It is remembered that heretofore to wit on the 21 day of  
January 1865 and the said Complainants in Court here sitting  
by Joseph Davis Solicitor and filed in Court here the following

James Clabaugh and others

Bill &c

574 Stamp

Bill

In the Honorable Madison Nelson Judge of the Circuit Court for Frederick County sitting as a Court of Equity.

The Bill of Complaint of Thomas Pusey

John Heagle and Elizabeth Heagle his wife, William O. Selman, Daniel S. Jones and Mary Jones his wife, Robert Selman, John S. W. Selman, Howard G. Selman, Francis W. Selman, Gessaway S. Grimes, and Adam C. Warner and Margaret Warner his wife, humbly shew unto your Honor - That a certain Susan Cost (wife of Henry Cost) late of said County dec<sup>d</sup> was in her lifetime seized and possessed of certain real Estate in fee simple, lying and being in Frederick County in the State of Maryland, near the Town of New Market on the Annapolis Road, it being her dower land devised to said Susan Cost by the last will and testament of Gessaway Selman late of said County dec<sup>d</sup> - and the said Susan Cost being so thereof seized and possessed of said real Estate sometime in the year Eighteen hundred and fifty seven, departed this life intestate, leaving no children, but leaving her husband said Henry Cost - and said Henry Cost departed this life in the month of October Eighteen hundred and sixty four, intestate and William Selman her brother and two sisters namely; Elizabeth wife of Cornelius Grimes and Sarah Pusey wife of George Pusey her only brother and sisters and heirs at law.

And your Complainants further shew unto your Honor, that the said William Selman the said brother of said Susan Cost departed this life intestate leaving your Complainants William O. Selman, Mary Selman who has intermarried with your Complainant Daniel S. Jones, Robert Selman, John S. W. Selman, Howard G. Selman and Francis W. Selman his only children and heirs at law, and that the said Sarah Pusey said sister of said Susan Cost departed this life intestate leaving your Complainants Thomas Pusey, Elizabeth wife of John Heagle and the defendants Catharine wife of Robert S. Jarrison and Margaret wife of James Clabaugh, her only children and heirs at law, and that said Elizabeth Grimes said sister of said Susan Cost, departed this life intestate leaving your Complainants Margaret wife of Adam C. Warner and Gessaway S. Grimes her only children and heirs at law.

And your Complainants further shew unto your Honor, that all of the Complainants refuse to take the said real Estate at its appraised value and that the said real Estate is not susceptible of partition amongst the parties aforesaid, and that it will be for the interest, benefit and advantage both of your Complainants and defendants to sell the aforesaid real Estate and to divide the proceeds of said sale between your Complainants and defendants in proportion to their respective interests, And your Complainants has applied to the said Robert S. Jarrison and Catharine his wife and James Clabaugh and Margaret his wife and requested them to unite with your Complainants in making a sale thereof, upon the terms which would be convenient and beneficial to both parties.

But these requests have been utterly rejected, and your Complainants are advised that they must remain without remedy, unless this Court will interfere in their behalf.

And your Complainants further shew unto your Honor that all of the Complainants and defendants are over the age of twenty one years, - So the end therefore that the said Robert S. Jarrison and Catharine Jarrison his wife and James Clabaugh and Margaret Clabaugh his wife, may answer the premises, and that a decree may be passed by this Court for a sale of aforesaid lands, and the proceeds of said sale be distributed between the said Complainants and defendants in proportion to their respective interests, and that your Complainants may such further or other

Supposed

Answer of Clabaugh & others

Sealed