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No 3236 Equity

State of Maryland Frederick County etc

At a Circuit Court for the fourth Judicial Circuit of the State of Maryland sitting as a Court of Equity held at the Court House in Fredericktown in and for the County aforesaid on the 20th day of December 1865.

Just - The Hon. Madison Nelson Circuit Judge, Wm. P. Totten Esq Sheriff and J. W. L. Hartly Clerk

Among other were the following proceedings to wit

John Poole & Ann his wife and others

vs Hanson Poole & wife, et al

It is remembered that heretofore to wit within 10 days of August 1865, came the said Complainants in Court lawfully by Gerson Eichberger Solicitor and filed in Court law the following Bill and Exhibits

Bill

To the Hon. Madison Nelson Judge of the Circuit Court for Frederick County sitting as a Court of Equity. The bill of Complaint of John Poole and Ann Poole his wife, Stephen Klein and Ann Klein his wife, and George Howard and Lucretia Howard his wife of said County respectfully shew unto your Honor that a certain William Poole was in his lifetime seized and possessed in fee of a house and lot of ground fronting on the North side of West Patrick Street in Fredericktown, which is particularly described in the deed of Conveyance therefor from John Pearty and wife to said William Poole, a true and certified copy whereof is filed herewith as Exhibit No 1, which with all other Exhibits your Orators pray may be taken as a part of this their bill of Complaint, as if here inserted in words and figures that said William Poole died intestate about the year Eighteen Hundred and fifty, leaving a widow who has since died, and the following named Children as his only heirs at law, viz; Hanson S. Poole, William H. Poole and your Orator John Poole, Ann Klein and Lucretia Howard, to whom said real Estate descended as coparceners or tenants in Common that said William H. Poole and Lucretia H. Poole his wife, by their deed duly executed have sold and conveyed their undivided interest in said property to the said Hanson S. Poole, as witnessed by said deed of Conveyance, a true and certified copy whereof is filed herewith as Exhibit No 2, that said real Estate cannot be divided among said Children and heirs at law, all of whom are adults, without great injury and loss and that it will be to the advantage of said heirs at law to have said real Estate sold and the proceeds of sale divided among said heirs at law according to their several interests that said Hanson S. Poole will not agree to sell said house and lot, but refuses to unite in a sale thereof and your Orators are advised that they are entitled to have the same sold and the proceeds of sale distributed under the direction of your Honor among the parties entitled thereto, and that Complainant refused to elect to take said real Estate under the Article 47 of the Code.

In tender consideration whereof and for that your Orators are remediless in the premises by the strict rules of the Common law and relevable only in a Court of Equity where matters of this nature are properly cognizable. To the end therefore that the said Hanson S. Poole and Elizabeth Poole his wife and William H. Poole and Lucretia H. Poole his wife, may answer all and singular the charges and matters aforesaid, and that said real Estate may be sold and the proceeds of sale distributed under the direction of your Honor among the parties entitled thereto and that your Orators may have all such other and further relief in the premises as the nature of the Case may require and to your Honor shall seem meet. May it please your Honor to grant unto your Orators the State of Maryland's writ of Subpoena