of complaint as if here inserted in words and figures - that said tract of land contained about fifty nine and one half acres from which said Henry Hartsock sold to Jacob H Naill a portion of about twenty acres, as will be seen by a true and certified copy of the deed from Henry Hartsock to said Jacob H Naill, filed herewith, marked Exhibit No 2: that the said Henry Hartsock in contemplation of marriage with Lydia A Conner, entered into an agreement with the said Lydia A Conner on the 24th day of August 1854, by contract in writing duly signed, sealed and acknowledged and recorded, whereby the said Henry Hartsock for certain considerations therein mentioned conveyed to the said Lydia A. Conner all of the above described land to be by them jointly held and enjoyed after their marriage and "during their joint lives and in case the said Lydia should survive the said Henry" "then for the residue of her natural life to her sole and exclusive benefit and use the" "remainder in fee being reserved to and remaining in the said Henry Hartsock his heirs and" "assigns": all of which will be more fully seen by reference to said agreement, a true and certified copy of which is filed herewith marked Exhibit No 3. Your Orators further show that the said Henry Hartsock died intestate without having otherwise disposed of said land sometime in the fall of 1861, leaving as his widow the said Lydia A. Hartsock and the following named persons as his only children and heirs at law, viz: one of your Orators Janice C Sellman. Lavinia Hartsock afterwards intermarried with Augustus Barnes, Mary A. Hartsock afterwards intermarried with Jesse Lambert Sarah V Hartsock and Maria P. Hartsock; that by virtue of said agreement the said Lydia A Hartsock had a life estate in said land which she enjoyed and that the said Lydia A Hartsock died about the first of December 1865 whereupon said land vested in said children and heirs at law of said Henry Hartsock, who now own the same as tenants in common that all of said children and heirs at law live in Frederick County, except your Orators and Mary A Lambert wife of Jesse Lambert who live in Carroll County and that they are all adults except Maria Penn Hartsock who is an infant, and your Orators still further state that said land cannot be divided without injury and loss to all the parties concerned infants as well as adults and that it would be to the interest and advantage of all the said tenants in common infants as well as adults, to have said real estate sold by a trustee to be appointed by your Honorable Court.

In tender consideration whereof and for 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 and things of this nature are properly cognizable. To the end therefore that the said Augustus Barnes and Lavinia his wife, Jesse Lambert and Mary A his wife, Sarah V Hartsock & Maria Penn Hartsock, may answer fully and particularly all and singular the matters and charges aforesaid, May it please your Honor to order and decree that said real estate may be sold by a trustee to be appointed for that purpose 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, and may it further please your Honor to grant unto your Orators the state of Maryland's writ of subpoena to be directed to the said Augustus Barnes & Lavinia Barnes his wife, Sarah V. Hartsock and Maria Penn Hartsock of Frederick County & Jesse Lambert and Mary A. his wife of Carroll County 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 premises and to stand to abide and perform such order or decree therein as to your Honor shall seem meet. And your Orator will ever pray &c.

Milton G Urner
Solr. for Complainants

Exhibit No 1.

At the request of Henry Hartsock the following Deed was recorded August 17th 1858.

This Indenture made this first day of April in the year of our Lord one thousand Eight hundred and fifty four between Jacob Roop Jr and Mary Ann Roop his wife of Carroll County