real estate being part of a tract of land called "Dam Head" to a certain Alexander Caldwell, John Caldwell, Elizabeth Caldwell and Mary Caldwell during their natural lives and after their death to David Caldwell and Christina Caldwell children of William Caldwell which said will is dated on the twenty third day of February Eighteen hundred and twenty eight. ~
The Bill further states that the said parties having a life estate in said lands are all dead and that according to the provisions of said will the title and estate in said lands vested in the said David and Christina Caldwell. ~
The Bill further states that the said David Caldwell died and conveyed by deed dated on the 12 day of April Eighteen hundred and thirty four all his right, title and interest in severally to the said Christina Caldwell. ~ The Bill further states that afterwards the said Christina Caldwell married James Sweeny of Frederick County State of Maryland and died about eleven years ago intestate and seized in fee of the tract of land called "Dam Head" containing one hundred and three and one quarter acres of land. ~ The Bill further states that the said Christina Sweeny died intestate aforesaid leaving her husband James Sweeny surviving and the following children her heirs at law to whom said lands descended, viz:- Mary E. Sweeny now the wife of William Hare and who resides in the State of Pennsylvania, Francena Sweeny now the wife of Thomas Smith and who resides in the State of Pennsylvania, Agnes Sweeny now the wife of Moses Estelline and who resides in the State of Pennsylvania, Martha Jane Sweeny a daughter who now resides in the State of Pennsylvania, Christina Sweeny now the wife of William Kennedy who are now residents and reside out of the State of Maryland, William W. Sweeny a son who resides in Frederick County, Columbia Sweeny a daughter who died sometime in the year Eighteen hundred and sixty three intestate and without issue leaving her brothers & sisters her heirs at law ~ all of said children being of full age except William W. Sweeny who is an infant under the age of twenty one years. ~ The Bill further states that the said Mary E. Sweeny now the wife of William Hare by deed dated on the fourth day of December Eighteen hundred and fifty six sold and conveyed all her right, title, interest and estate in and to the said lands descended to her as one of the heirs at law of the said Christina Sweeny to the said James Sweeny. ~ The Bill further states that the said James Sweeny the husband of the said Christina Sweeny is entitled to an estate for life in said lands as tenant by the Curtesy and that said lands cannot be divided without loss or injury to all the parties interested and prays the Court to pass a decree directing said lands to be sold and the proceeds of sale divided among all the parties interested according to their several and respective interests.

It is therefore on this 18th day of September in the year Eighteen hundred and sixty five ordered that the Complainants by causing a copy of this order to be inserted in some newspaper published at Frederick once in each of four successive weeks before the twenty first day of October 1865, give notice to the said absent defendants of the object and substance of this bill and warn them to appear in this Court in person or by Solicitor on or before the 31st day of January 1866, to answer the premises and show cause if any they have why a decree ought not to pass as prayed. ~

David L. Carty Clerk of the
Circuit Court for Frederick County

Citizen Office Frederick Feb 9. 1866. ~

I hereby certify that the annexed order of publication was published in the "Citizen" a newspaper printed at Frederick, once a week for four successive weeks prior to the 21st day of October 1865. ~

J. W. Baughman ~

Answer of Jas. Sweeny

The answer of James Sweeny of Frederick County State of Maryland to the Bill of Complaint of Thomas Smith and Francena Smith of the State of Pennsylvania ~ filed in the Circuit Court for Frederick County State of Maryland as a Court of Equity against himself and others. ~ This defendant admits the several matters and things stated in said Bill of Complaint to be true as therein stated. ~ This defendant further states that