

Sweeney of Frederick County State of Maryland and died about eleven years ago intestate & died in fee of the tract of land called "Daw Head" containing one hundred and three and one quarter acres of land and fully described in the deed from David Caldwell to the said Christian Caldwell and filed in said cause as Exhibit No 2.

Your Complainants further charge that the said Christian Sweeney died intestate as aforesaid leaving her husband James Sweeney surviving, the following children her heirs at law to whom said lands descended viz. Mary E. Sweeney now the wife of William Hand and who reside in the State of Pennsylvania, Francis Sweeney now the wife of Thomas Smith and who reside in the State of Pennsylvania, Agnes Sweeney now the wife of Moses Esterline and who resides in the State of Pennsylvania, Martha Jane Sweeney a daughter who now resides in the State of Pennsylvania, Christian Sweeney a daughter now the wife of William Kennedy who resides out of the State of Maryland, William W. Sweeney a son who resides in Frederick County Maryland, Columbus Sweeney a daughter who died in the year Eighteen hundred and sixty three intestate and without issue, leaving her brothers and sisters her heirs at law, all of said children are of full age except William W. Sweeney who is an infant under the age of twenty one years.

Your Complainants further state that the said Mary E. Sweeney now the wife of William Hand on the fourth day of December in the year Eighteen hundred and fifty six by deed conveyed to the said James Sweeney all her right, title, interest and estate in and to the lands described in Exhibit No 2, which descended to her as one of the heirs at law of Christian Sweeney which will appear by reference to a copy of said deed herewith filed marked Exhibit No 3.

Your Complainants further state that the said James Sweeney the husband of the said Christian Sweeney is entitled to an estate for life in said lands as tenant by courtesy. and your Complainants further state that the said lands cannot be divided among the parties interested without loss or injury hereinafter to be named. and the end therefore that the said defendants may answer the matters and things stated in the foregoing bill of Complaint as fully and particularly as they were herein again repeated and they were thereunto specially interrogated, and that the same estate in the proceedings mentioned may be done and the proceeds of sale divided among all the parties interested according to their several and respective interests and that your Complainants may have such further and other relief in the premises as the nature and Equity of their case may require. May it please your Honor to grant unto your Complainants an order of publication giving notice to the said William Hand and Mary E. Hand his wife, Moses Esterline and Agnes Esterline his wife, Martha Jane Sweeney, William Kennedy and Christian Kennedy his wife, who are non residents of the State of Maryland as aforesaid of the substance and object of this bill and warning them to appear in this Court in person or by solicitor on or before a certain day to be therein named to answer the premises and show cause if any they have why a decree ought not to pass as prayed and also the writ of subpoena against the said James Sweeney William W. Sweeney of Frederick County commanding them to appear in this Court at some certain day to be therein named to answer the premises and abide by and perform such decree as may be passed therein and as in duty lies.

Wm J. Charles, Ross  
Solicitor for Complainants

Exhibit No. 1

In the name of God Amen -

I James Caldwell of Frederick County in the State of Maryland, being sick and weak in body, but of sound and disposing mind, memory and understanding, considering the certainty of death and the uncertainty of the time thereof and being desirous to settle my worldly affairs, and thereby be the better prepared to leave this world when it shall please God to call me hence, do therefore make and publish this my last will and testament in manner and form following that is to say: -

First and principally, I commit my soul into the hands of Almighty God, and my body to the earth to be decently buried at the discretion of my Executor hereinafter named, and after my