

real estate being part of a tract of land called 'Daw Head' to a certain Alexander Caldwell, John Caldwell, Elizabeth Caldwell and Mary Caldwell during their natural lives and after their deaths 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 sold and conveyed by deed dated on the 10 day of June 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 Sweeney of Frederick County State of Maryland and died about eleven years ago intestate and seised in fee of the tract of land called 'Daw Head' containing one hundred and three and one quarter acres of land. The Bill further states that the said Christina Sweeney died intestate aforesaid leaving her husband James Sweeney surviving and the following children her heirs at law to whom said lands descended, viz: Mary E. Sweeney now the wife of William Lane and who resides in the State of Pennsylvania, Francis Sweeney now the wife of Thomas Smith and who resides in the State of Pennsylvania, Agnes Sweeney now the wife of Moses Estabine and who resides in the State of Pennsylvania, Martha Ann Sweeney a daughter who now resides in the State of Pennsylvania, Christina Sweeney now the wife of William Kennedy who are now residents and reside out of the State of Maryland, William W. Sweeney a son who resides in Frederick County, Columbia Sweeney a daughter who died sometime 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 being of full age except William W. Sweeney who is an infant under the age of twenty one years. The Bill further states that the said Mary E. Sweeney now the wife of William Lane 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 Sweeney to the said James Sweeney. The Bill further states that the said James Sweeney the husband of the said Christina Sweeney 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 15th 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 about 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.

J. H. Bailey 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 newspaper printed at Frederick, once a week for four successive weeks prior to the 21st day of October 1865.

J. H. Baughman

The answer of James Sweeney of Frederick County State of Maryland to the Bill of Complaint of Thomas Smith and Francis 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

Answer of J. Sweeney

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