

This Respondent for answer to said Bill of Complaint admits it to be true that John Cole late of Frederick County died seized of the real estate and premises as set forth in said Bill & that he left the children and heirs at law as set forth therein - and that he died intestate at the time therein stated & John Oliver Cole sold his share or interest in said real estate to the Complainant the said Jane E. Cole & this Respondent as stated in said Bill. This Respondent further answering denies that the parties interested in said real estate were unable to agree amongst themselves upon a division thereof as is alleged in said Bill of Complaint and she states that no effort has ever been made by the said parties to agree upon a division thereof and that this Respondent has never refused to agree with the Complainant and the said Jane E. Cole upon a division of said real estate and that the Complainant before the filing of said Bill of Complaint proposed to the Respondent that she the Respondent should agree with her the Complainant & the said Jane E. Cole upon a division of part of said real estate and the Respondent objected thereto and that after this Respondent so objected the Complainant did not again at any time propose to execute said agreement & divide said real estate but instead thereof filed the said Bill of Complaint and this Respondent states that she did not before the filing of said Bill of Complaint refuse to agree upon a division of said real estate and the Respondent further answering states that the Complainant the said Jane E. & herself this Respondent are seized of said real estate tenants in common their title thereto being by descent and partly by purchase as is stated in said Bill and she suggests that upon the facts disclosed by said Bill of Complaint the Complainant is not entitled to the relief therein prayed and she claims the same benefit herself as if she had answered to said Bill of Complaint. And this Respondent further answering states that she is and has been at all times ready and willing to unite with the said Complainant and the said Jane E. in an agreement to divide the said lands and premises equally between them and this Respondent so that each of the said parties should hold imperpetually the one third part of said lands and premises and that she is now and has been at all times before the filing of said Bill of Complaint ready and willing to unite with the said Complainant and the said Jane E. in making sale of the said real estate and premises in case an agreement should be made to divide the same if should appear that they could not agree upon a division thereof and she suggests that she is & desires that the Complainant is without right to subject her or her interest in said lands & premises to a proportion of the costs & expenses attending the proceedings under said Bill of Complaint unless she has refused to unite in a division of said lands or in an agreement for a sale thereof and that you have sitting in equity will not do so.