

John B Baker, Hester Baker  
 John F Caylor, Anna Mary Caylor  
 Solomon P Earnest & Mary E Earnest  
 vs  
 Sarah Elizabeth Earnest

No. 3503 Equity ~

In the Circuit Court for Frederick County in Equity ~

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Bill

Be it remembered that heretofore to wit: On the 30<sup>th</sup> day of October, in the year of our Lord One thousand Eight Hundred and sixty nine; came John B. Baker, Hester Baker, John F. Caylor, Anna Mary Caylor, Solomon P. Earnest & Mary E. Earnest, now absent here sitting as a court of Equity, by their Solicitor Milton H. Wynn, Esq., and filed here the following Bill and Exhibits. viz. ~

To the Honorable the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity. ~

The Bill of Complaint of John B. Baker and Hester Baker his wife, John F. Caylor and Anna Mary Caylor his wife, and Solomon Peter Earnest and Mary Elizabeth Earnest, his wife, all of Frederick County, respectfully shew unto your Honors, that Solomon Earnest late of Frederick County, died intestate sometime in the month of March 1864, seized and possessed of a valuable tract of land of about two hundred and thirty nine and one half acres, situated in Frederick County, particularly described in two deeds of Conveyance, one from Abraham Earnest and wife to said Solomon Earnest and the other from Daniel Albaugh and others to said Solomon Earnest, certified copies of which deeds are filed herewith, marked Exhibits Nos. 1, 2, 3, which with all other Exhibits here with or hereafter to be filed, your Complaint pray may be taken as a part of this Bill of Complaint, as fully as if here inserted in words and figures; That said Solomon Earnest died leaving as his only heirs at law, your Complainants, Hester Baker, Anna Mary Caylor, and Solomon P. Earnest, and Sarah Elizabeth Earnest, who are children of said intestate, and all of whom are adults, with the exception of Sarah Elizabeth Earnest, who is an infant and residing in Frederick County; that said heirs at law own our said Real Estate as Tenants in Common, and said Real Estate cannot be divided between said Tenants in Common, without injury and loss to all the parties interested, but it would be to the interest and advantage of all the said heirs at law and Tenants in Common, infants as well as adults, for said real estate to be sold, and the proceeds divided amongst them. ~ Your Complainants further shew unto your Honors that said Solomon Earnest, died leaving a widow now living named Susan Maria Earnest, and said widow is willing for said real estate to be sold free from the incumbrances of her dower therein, and that in lieu thereof she will accept such proportion of the proceeds of sale as your Honorable Court shall adjudge reasonable and just, as appears by her written Consent filed in this case, marked Exhibit S. M. E. ~

In tender consideration whereof, and for that your Complainants 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, and to the end that the said Sarah Elizabeth Earnest may answer all and singular the matters and things afore-stated, and that said Real Estate may be sold by a Trustee, to be appointed by your Honorable Court for that purpose, and that your Complainants may have such other and further relief in the premises as the nature of the case may require, and to your Honors shall seem right ~

May it please your Honors to grant unto your Complainants the Writ of Maryland's Writ of Subpoena, directed to the said Sarah Elizabeth Earnest, directing and Commanding her to be and appear in your Honorable Court on some certain day to be therein named, and answer the premises, and show cause