

if any she have, why a decree should not pass as prayed, and your Complainants will ever pray &c

Milton G. Warner
Solicitor for Complainants

Filed Oct. 20th 1869

Exhibit No 1

This Indenture made this 6th day of February in the year of our Lord 1834, between Daniel Albaugh, Esten Albaugh, John Philip Smith, Katharine Smith and Hannah Earnest, all of Frederick County in the State of Maryland of the one part, and Solomon Earnest of the County and State aforesaid of the other part, Whereas, Peter Earnest late of Frederick County, died seized and possessed of certain tracts or parcels of land, lying and being in Frederick County aforesaid, to wit, all that tract of land called "Weaver's Choice" containing One Hundred Acres of land more or less, also that tract of land called "Addition to Weaver's Choice" containing Thirty Acres of Land more or less. Also all that parcel of land, being part of a tract of Land called Round Knob, containing Ninety Acres of land more or less, being the same tracts or parcels of land deeded to the said Peter Earnest, by David Caden, as a reference to the said deed will more fully appear, it being recorded in Liber W. R. No 30, folios 205, 206 & 207, one of the Land Records of Frederick County, and also a certain tract of land called "Lechards Forest" lying and being in Frederick County aforesaid, containing sixteen and a half acres of land, deeded to the said Peter Earnest by John Honer, as reference to said deed will more fully appear, recorded, Liber W. R. No. 25 folios 508 & 509, one of the Land Records of said County of Frederick. And Whereas the said Peter Earnest, deceased left five heirs and representatives at law, to wit: Solomon, Esten, Hannah, Katharine, and Barbara, the said Esten having married the above named Daniel Albaugh, the said Katharine having married the above named John Philip Smith, who in right of their wives Esten and Katharine became entitled to their undivided one fifth part of the aforesaid tracts or parcels of land: Now this indenture Witnesseth, that the said Daniel Albaugh, and John Philip Smith and Hannah Earnest for and in consideration of the sum of Three Hundred and fifty dollars current money to each of them in hand paid by the said Solomon Earnest, the receipt whereof the said Daniel Albaugh, John Philip Smith and Hannah Earnest do hereby acknowledge & Have given, granted, bargained, sold, released and confirmed, and by these presents doth give, grant, bargain, release and confirm unto him the said Solomon Earnest, his heirs and assigns, forever, all their, the said Daniel Albaugh, John Philip Smith and Hannah Earnest's estate, right, title, interest and claim of in and to their undivided fifth parts of the whole aforesaid described tracts and parcels of land according to the four part, true intent and meaning of the last Will and Testament of the aforesaid Peter Earnest. Together with all and singular the improvements with the appurtenances to the said tracts and parcels of land belonging, or in any wise appertaining, and all the estate right, title, interest, claim whatsoever of them the said Daniel Albaugh, John Philip Smith and Hannah Earnest, of in and to their aforesaid one fifth part undivided of the aforesaid tracts or parcels of land and premises, and every part thereof, To have and to hold the aforesaid described tracts or parcels of land, and hereby bargained and sold, and every part and parcel thereof with the appurtenances unto the said Solomon Earnest, his heirs and assigns, to the only proper use and behoof of the said Solomon Earnest his heirs and assigns forever. And the said Daniel Albaugh, John

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