

at law, are adults, over the age of twenty-one years of age except Lewis St. Rock who is an infant under the age of twenty-one years. ~

Your complainants further state that the said John Peter Gardner, died seized and possessed in fee of certain real estate mentioned and described in a deed from Isaac Bowles and Sarah Bowles his wife, to John P. Gardner, bearing date the 6<sup>th</sup> day of May A.D. 1848, duly recorded as in the said Records of Frederick County, in Liber N. P. J. M. & John Co. No., a certified copy of which is herewith exhibited and marked "Exhibit No. 1" which with all other Exhibits hereinafter produced your complainants pray may be taken as part of their Bill of Complaint. ~

Your complainants further state that the said lands, tenements and hereditaments are not susceptible of division or partition without loss or injury to the parties interested, and that it will be for the advantage and interest of the infant as well as adult heirs, that the same be sold under the order and decree of the Court, and the proceeds arising from such sale divided among the parties interested according to their respective rights, and your complainants do hereby expressly waive and renounce all rights of partition and election, to which they are entitled under the laws of Maryland. ~

But nevertheless your complainants are without remedy in the premises, save by the aid of your Honorable Court as a Court of Equity, where matters of this nature are properly cognizable. ~

To the end therefore that the defendants hereinafter named, may answer the several matters and things hereinbefore set forth, as fully and particularly as if the same were herein again repeated, and they were thereunto specially interrogated, and that a decree may be passed for the sale of the said real estate, and the proceeds of sale thereof divided among the parties entitled, according to their respective rights, and that your complainants may have such other and further relief in the premises as the nature and Equity of their case may require. ~

May it please your Honors to grant unto your complainants an order of publication, giving notice to the said Frederick Reak and Elizabeth Gardner, who are non-residents of the substance and objects 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 may it further please your Honors, to grant unto your complainants, an order of this Court, authorizing and directing the clerk of this Court to issue a Commission to two persons to be named by your Honors, who reside near Lewis St. Rock who is a non-resident infant, to appoint a guardian for said Lewis St. Rock, and to take the answer of said Lewis St. Rock by his said Guardian. ~

And may it further please your Honors to grant unto your complainants the writ of subpoena against the said John P. Gardner and Julia Ann Gardner his wife who are residents of Frederick County, commanding them to be and appear in this Court at some certain day to be therein named, and answer the premises and abide by and perform such decree as may be passed therein and as in duty bound your complainants will ever pray &c. ~

Filed March 18<sup>th</sup> 1869 ~

C. O. S. Levy

Solicitor for complainants

Exhibit No. 1. This Indenture made the 6<sup>th</sup> day of May in the year of our Lord One thousand eight hundred and forty eight, by and between Isaac Bowles and Sarah Ann Bowles his wife of Frederick County and State of Maryland of the first part, and John P. Gardner of the County and State aforesaid of the second part, Witnesseth that the said Isaac Bowles and his wife aforesaid, for and in consideration of the sum of One hundred