

Francis Penn, late of Frederick County, died sometime in the year Eighteen Hundred and Sixty Nine, intestate, seized and possessed of about twelve acres of Land, situated in Frederick County, particularly described in two deeds one from Dennis D Howard to said Francis Penn, a certified copy of which is filed herewith marked Exhibit No 1, and the other from D H Maynard and D V Hammond Trustees, to said Francis Penn, a certified copy of which is filed herewith, marked Exhibit No 2, and which said Exhibits together with all others herewith filed, your Complainants pray may be taken as a part of this Bill of Complaint, as fully as if here inserted in words and figures; that said Francis Penn died leaving your Complainants Elizabeth Penn, his widow, and your Complainants Nicholas Penn, Alice Lawson, Abram Penn and Argine Daily, together with Sarah Penn, Louiza Penn Charles Penn, Cassie Penn and Perry Penn, and Francis Penn, as his only children and heirs at law, who inherited and took said real estate upon the death of said Francis Penn, but the said Francis Penn on the 4th day of June 1869, by his deed duly executed, conveyed all his "right title, claim and interest" in and to said real estate to your Complainant Elizabeth Penn, widow of said Francis Penn dec'd. as appears by a certified copy of said deed filed herewith, marked Exhibit No 3.

And your Complainants would further state that said real estate, is not susceptible of division among said heirs at law and tenants in Common without injury and loss, and that it would be the interest and advantage of all infants as well as adults for said real estate to be sold by a Trustee to be appointed by your Honorable Court, and the proceeds divided among them. ~ And your Complainant Elizabeth Penn, widow of said Francis Penn, is willing said real estate shall be sold free clear of her right of Dower therein, she agreeing to take in lieu thereof such proportion of the proceeds as your Honor shall deem right &c. That all of said heirs at law are adults except said Argine Daily, Sarah Penn, Louiza Penn Charles Penn, Cassie Penn and Perry Penn, who are infants and all of whom reside in Frederick County.

In tender consideration whereof and for that your Complainants are remediless in the premises by the strict rules of the Common Law and recoverable only in a Court of Equity, where matters and things of this nature are properly cognizable.

To the end therefore, that the said John H Daily, and Argine Daily, his wife, Sarah Penn, Louiza Penn, Charles Penn, Cassie Penn, and Perry Penn, may answer fully and particularly all and singular the matters and things stated in this Bill of Complaint; and that the 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 all such other and further relief in the premises as the nature of the Case may require and to your Honor shall seem right, Pray it please your Honor to grant unto your Complainants the State of Maryland's writ of Subpoena directed to the said John H Daily and Argine Daily his wife, Sarah Penn, Louiza Penn, Charles Penn, Cassie Penn, and Perry Penn, requiring them and each of them to appear in your Honorable Court on some certain day to be therein named to answer the premises and show cause if any they have, why a decree should not be passed as prayed, and your Complainants will ever pray &c.

Milton G. Orner
Solicitor for Complainants

Filed Jan. 11th 1872