

age of twenty one years, that all of said parties are residents of Frederick County, except Jane who resides in Montgomery County Plus, and are entitled to the proceeds of the Real Estate herein mentioned. To the end therefore that the Defendants herein after named may answer the matters and things herein before stated, the same as if they were herein again repeated, and they were thereunto specially interrogated, and that a Trustee may be appointed by your Honorable Court in the place of George Phibus the Executor of the will of Peter Phibus for the sale of the Real Estate therein mentioned and now deceased for the purpose of selling the Real Estate of the said Peter Phibus and distributing the proceeds of sale equally among the children of the said Peter Phibus, or their representatives according to the will of the said Peter Phibus, and that your Complainants may have all such other and further relief as the nature and Equity of the cause may require. May it please your Honour to grant unto your Complainants an order of publication giving notice to the said Jane formerly Jane Phibus, and her husband who are non residents as before stated of the substance and object of this Bill and warning them to appear in this Court in person or by solicitor on or before a certain day to answer the premises and show cause if any they have why a Decree ought not to pass as prayed, And also the writ of subpoena against the said James Phibus, John Howf and Anna Howf his wife, Elizabeth Phibus, Benjamin F. Phibus, Francis Burke and Anna Mary Burke of Frederick County, commanding them to appear in this Court at some certain day to be therein named to answer the premises and abide by and perform such Decree as may be passed therein, And as in duty &c.

Filed Feby. 28th 1872.

Wm. J. Ross
Charles W. Ross
Sols. for Complainants

Exhibit 1

This Indenture made this 1st day of April in the year 1826. between Stephen Steiner of Frederick County and State of Maryland of the one part, and Peter Phibus of the County and State aforesaid of the other part - Witnesseth, that the said Stephen Steiner for and in consideration of Sixty dollars current money to him in hand paid before the sealing and delivery of these presents, the receipt whereof, he the said Stephen Steiner doth hereby acknowledge hath granted, bargained, sold, aliened, released, enfeoffed and confirmed and by these presents doth grant, bargain, alien, release, enfeoff and confirm unto him the said Peter Phibus his heirs and assigns forever, all that lot or portion of ground situate lying and being in Frederick County aforesaid being part of a lot or portion of ground called "Long Acre" which said "Long Acre" is a part of a tract of Land called "Foster's Chance", Beginning for the said Lot or portion of ground hereby intended to be conveyed, at a planted stone marked "P" and running thence South 63^{3/4} East - 64 ft - to a planted stone marked "H" North 4^{1/2} East - 106 ft - to the Southern edge of the street