August 1874 and your Complainant Lott Hartsock was appointed Trustee of the person and Estate of said Mary Ann Kirby as will appear by a certified copy of the decree in said No 3990 Equity filed herewith marked Exhibit No 7, that the said John Kirby at the time of his death was indebted to your Complainant Jno T Sim upon open account for medical services rendered and medicine furnished to the amount of One hundred and Sixteen dollars and was indebted to your Complainant Lott Hartsock individually in the sum of fourteen & 7/100 dollars that your Complainants Eliza Creager and Adam Creager as Executrix and Executor of said Will have proceeded in the settlement of said estate of said Jno Kirby and they have positively ascertained that the personal estate of said Jno Kirby is largely insolvent and insufficient to pay his debts and your Complainants Jno T Sim and Lott Hartsock who are creditors of said Jno Kirby and who file this bill as well for themselves as for all other creditors of said Jno Kirby who may come in and contribute to the expense of this suit are advised they are entitled to have the interest of said Jno Kirby in said Real Estate sold for the payment of his debts, and your Complainants do allege further that said Real Estate is not susceptible of advantageous division, that it would be a sacrifice of the said Jno Kirby's undivided one half interest in said Real Estate for the same to be sold separately and it would be to the interest and advantage of all parties concerned including said lunatic Mary Ann Kirby and your Complainant Eliza Creager who is entitled to the remainder in said Jno Kirby's interest in said Real Estate after the death of said Mary Ann Kirby for said Real Estate to be sold and the proceeds distributed under the direction of your Honorable Court

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, to the end that the said Mary Ann Kirby may answer the premises fully and particularly 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 Honors may seem just and that said Real Estate may be sold by a trustee to be appointed by your Honorable Court and the proceeds distributed to the parties entitled, May it please your Honors to grant to your Complainants the State of Maryland's Writ of Subpoena directed to said Mary Ann Kirby directing and commanding her to be and appear in your Honorable Court on some certain day to be therein named to answer the premises and to abide by and perform such decree as may be passed therein

And as in duty bound your Complainants will ever pray &c

William G Ulmer
Solor for Complts

Filed Dec. 10. 1874.

Exhibit No. 1

In the name of God Amen

I John Kirby of Frederick County in the State of Maryland being sick and weak in body but of sound and disposing mind memory and understanding, considering the certainty of death and the uncertainty of the time thereof and being desirous to settle my worldly affairs and thereby be the better prepared to leave this world when it shall please God to call me hence do therefore make and publish this my last Will and Testament in manner and form following that is to say.

First and principally I commit my soul into the hands of Almighty God and my body to the earth to be decently buried at the discretion of my