Complainant further charges that after the said renunciation the said Mary occupied one third of the farm aforesaid containing about fifty acres of land more or less and lived upon the same up to the date of her death which occurred sometime in the year 1868 and that the remaining two thirds of the said farm was sold by Henry Stier the Executor of said last Will of Peter Cutsail to Dennis A Barnes, and conveyed by deed to the said Barnes as will appear by reference to a certified copy hereunto Exhibited marked Exhibit No 3 Your Complainant further charges that by the terms of the Will aforesaid, the fee of the one third part thereof was vested in the said Sally Cutsail and that the land mentioned aforesaid upon which the said Mary Cutsail the widow of the said Peter Cutsail resided being the only portion of the Estate of the said Peter remaining unsold is the part or portion thereof devised by the said last Will and Testament to the said Sally.

Your Complainant further states that the said Sally Cutsail died before her said mother, some years ago leaving your Complainant and Charles Thomas Thompson, Sarah Elizabeth Thompson and John Thompson her only children and heirs at law to whom said lands descended as tenants in common, and that the legal title to said lands was and is in your Complainant and his said brother and sister subject to the lien Estate of the said Mary who as before stated died some time in the year 1868.

Your Complainant further charges that the said Charles Thomas Thompson Sarah Elizabeth Thompson and John Thompson are infants under the age of Twenty one years and reside in Frederick County

Your Complainant further charges that the said land cannot be divided without loss and injury to the parties interested and that it will be to the interest and advantage of all the parties concerned that the said land mentioned in these proceedings be sold and the proceeds of sale divided amongst those interested according to their interests

To the end therefore that the Defendant hereinafter named may answer the several matters and things herein before stated as particular as if they were herein again repeated and they were thereunto specially interrogated, and that the Real Estate in the proceedings mentioned be sold and the proceeds of said sale or sales divided amongst those interested, and that your Complainant may have such further and other relief as the nature and equity of this cause may require May it please your Honor to grant unto your Complainant the Writ of Subpoena against the said Charles Thomas Thompson Sarah Elizabeth Thompson and John Thompson commanding them to appear in this Court on 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 bound &c

J. E. R Wood
William J Ross
Charles W Ross
Solicitors for Complainant

Filed April 20 1869

Exhibit No 1

I, Peter Cutsail of Frederick County in the State of Maryland being infirm in body, but of sound and disposing mind memory and understanding