No 4486 Equity

of all that tract of land, containing one third of an Acre of Land situate lying in Sabillasville, Frederick County State of Maryland, and distinguished in the plat of said Town as Lot No. 20, which said Lot of ground, was conveyed by Lewis E. Millar and Miranda S. Millar his wife to the said Leonard Harbaugh Elias Harbaugh of E Hiram Harbaugh George Harbaugh of E and Simon N. Harbaugh by deed dated on the 28th day of November 1859, a certified Copy of which is hereunto Exhibited marked Exhibit No. 1, which your complainants pray together with all other Exhibits hereinafter produced may be taken and considered as part of this their Bill of Complaint.

Your Complainants further charge that the said Leonard Harbaugh, died as aforesaid intestate, leaving your Complainants his only heirs at Law, and a widow named Mary A. Harbaugh, to whom the interest of the said Leonard Harbaugh in said Lot of Land descended, and that your Complainants subject to the dower interest of their mother Mary A. as aforesaid are seized and possessed of said land as tenants in common with other parties in these proceedings mentioned and set out hereafter.

Your Complainants further charge that the said lot of Land cannot be divided among the parties interested without loss and injury, and that it will be to the interest and advantage of all interested infants as well as adults that the real estate in these proceedings be sold and the proceeds of sale of said lands be divided amongst the parties interested according to their several and respective interests therein

Your Complainants further state that at the time of the purchase of said from said Millar, the cash payment was made by said Leonard Harbaugh Hiram Harbaugh George Harbaugh and Simon N Harbaugh, in equal portions, the said Elias Harbaugh of E refusing and declining to pay any part thereof, that on the 25th day of January 1860, the said Leonard Harbaugh Hiram Harbaugh Elias Harbaugh and George Harbaugh, borrowed from Frederick town Savings Institution the sum of Two hundred and Seventy five dollars, and executed their promissory note to L Ramsburg Secr for said sum payable ninety days after date as will fully appear by reference to said promissory note hereunto Exhibited as Exhibit No 2.

And your Complainants further charge that they through their Agents Crawford & Bro. paid said note and all interest due thereon and that the payment by them of said note makes your Complainant pay more than their just proportion of the purchase money for said land, and that in Equity they are entitled to be subrogated to the rights of the other owners of said land and are entitled upon a Sale of said Lands to be reimbursed out of the proceeds of sale for the overpayment made by them.

Your Complainants further charge that the said Elias Harbaugh of E. died intestate in the month of Sept 1876, leaving a widow named Catharine S Harbaugh and the following children, his heirs at law, and to whom the interest of the said Elias Harbaugh of E in said lands, descended as his heirs at Law.

1st, Susan Barbara Harbaugh,
2 Ulysses Grant Harbaugh,
3 Minnie Nora Harbaugh, all of whom are infants under the age of twenty one years, and all of whom reside in Frederick County

And said Complainants further charge that in truth & in fact the said children & heirs at law of said Elias Harbaugh of E have no interest or claim in said Land, as the said Elias Harbaugh, had never paid his portion of the purchase money for the same.

And your Complainant charges, that the said Hiram Harbaugh who is