No. 4486 Equity

These respondents for answer to said Bill of Complaint answer and say, that they admit that these respondents together with the Complainants & others as charged in said Bill of Complaint are seized and possessed of the Lands described in the Deed from Louis E. Millhorts to Leonard Harbaugh & others, and that Exhibit No 1 filed with said Bill is a true certified copy of such Deed; and these respondents further answering, admit, that the purchase money for said land was found by Leonard Harbaugh Hiram Harbaugh & George Harbaugh and Simon N. Harbaugh in Equal proportion - with the exception of Two hundred and seventy five dollars, that the $275 - part of the purchase money was borrowed by the said Leonard C. Harbaugh Hiram Harbaugh Elias Harbaugh and George Harbaugh from the Frederick Town Savings Institution, for which they gave their joint and several promissory note, filed with said Bill of Complaint as Exhibit No 2, and that the said note was paid by Crawford & Bro as the Agent of the Complainants as charged in said Bill these respondents further admit that the said lands described in Exhibit No 1 cannot be divided without loss and injury, and agree that a decree shall pass for a sale of the said lands.

These respondents further admit that no part of the purchase money for said lands has been paid by Elias Harbaugh & C - And that the said Elias Harbaugh died as charged in said Bill leaving a widow named Catharine, and the following children Susan Barbary Harbaugh, Ulysses G. Harbaugh & Minnie Ivra Harbaugh - that Leonard Harbaugh died as charged in said Bill leaving a widow name Mary A. Harbaugh and the Complainants his heirs at Law, to whom the interest of the said Leonard Harbaugh descended -

That George Harbaugh, died as charged in said Bill leaving a widow named Matilda Harbaugh, and the following children, Nancy C Harbaugh Charles A. Harbaugh Jacob E. Harbaugh, George A. Harbaugh, Ellen A. Harbaugh, Virginia A. Harbaugh, Ida K Harbaugh, Ann R. Harbaugh and Lilly Harbaugh - to whom the interest of the said George Harbaugh in said land descended, And these respondents agree to the passage of a decree by your Honorable Court for a sale of said land and a distribution of the proceeds of sale according to their several and respective interests

Hiram Harbaugh
Simon N. Harbaugh
Elizabeth Harbaugh

Filed May 28, 1879

Leonard C. Harbaugh & others
vs
Mary A. Harbaugh & others

No. 4486 Equity
In the Circuit Court for Frederick County in Equity.

Interlocutory Decree

The Defendant Catharine Harbaugh having been duly Summoned to appear to the Bill of Complaint and having failed to appear thereto.

It is thereupon this 28th day of August 1879, by the Circuit Court for Frederick County, sitting as a Court of Equity adjudged ordered and decreed that the Complainant is entitled to relief in the premises But because it doth not certainly appear to what relief the Complainant is entitled, it is further adjudged and ordered that a Commission issue to William B. Nelson and John E. R. Ward Esqs Commissioners to take testimony to support the allegations of the Bill of Complaint.

John A. Lynch
Judge of the Cir. Court

Filed Aug. 28, 1879