

No. 4503 Equity

both of whom are Complainants in this Bill, a son Samuel H. Smith who is married, and the name of whose wife is Mary Smith, both of whom are complainants in this Bill, a son Charles L. Smith one of your Complainants, a daughter Barbara Ann Smith who is also one of your Complainants all of whom are adults and reside in Frederick County, in the State of Maryland, a daughter Mary E. Lechler who is a widow, adult and resides in Howard County, in the State of Maryland, and the following heir at law of a daughter Agnes who died intestate prior to the death of her father, namely a surviving husband Enoch Waltz who is an adult and lives in Frederick County and two children, a son Charles Waltz and a son Galvin Livingston Waltz both of whom are infants residing in Frederick County.

Your Complainants further state that said Charles Smith was at the time of his death seized and possessed of certain real estate situated in Frederick County described in deed from Samuel S. Kling and wife to said Charles Smith a certified copy whereof is herewith filed as part of this Bill of Complaint marked Exhibit No. 1.

Your Complainants further state that said real estate cannot be divided without loss or injury to the parties interested and that it would be to the advantage of all parties interested infant and adult that the same should be sold and the proceeds thereof divided among the parties according to their respective rights.

Your Complainants further state that your Complainant Catharine E. Smith, the widow of said Charles Smith is willing that the said real estate should be sold free from any claim of lienor and is willing to accept such portion of the net proceeds of sale as may be just and equitable.

To the end therefore that the Respondent herein after named may answer the premises, and a decree may be passed for the sale of said real estate and the proceeds thereof be divided among the parties interested in proportion to their respective rights and that your Complainants may have such other and further relief as their case may require.

Pray it please your Honor to grant unto your Complainants the writ of Subpoena directed to the said William Henry Smith and Eliza Smith his wife, George L. Smith and Margaret Smith his wife, Enoch Waltz, Charles Waltz and Galvin Livingston Waltz all of Frederick County and to Mary E. Lechler of Howard County commanding them and each of them to be and appear in this Court on some certain day to be therein named to answer the premises and abide and perform such decree as may be passed thereon and as in duty bound your Complainants will ever pray &c.

C. V. S. Levy
Solicitor for Complainants

Filed July 10, 1879

Samuel S. Kling
Jury
} City of New
Charles Smith

At the request of Charles Smith the following deed, was recorded May 15th 1868

Stamp 3.50

Subpoena

Exhibit No 1 to
Bill of Complaint

This Deed made this second day of April in the year Eighteen Hundred and sixty eight by us Samuel S. Kling and Mary Kling his wife of Frederick County and State of Maryland, Witnesses that for and in consideration of the sum of thirty three hundred and twenty five dollars, to the said Samuel S. Kling and Mary Kling his wife do grant in fee simple unto Charles Smith all that tract or parcel of Land