

No 4448 Equity

amongst those interested, according to their several and respective interests.

Your Complainants further state that the said Eli Horner, in his life time, several years ago, advanced to your complainants, Newton H Horner, Ann Maria, and the wife of Wm Ross White Harrett, now the wife of Smith Barr, and Sarah J then the wife of Robert M. Shenny, currency and property, each the sum of Five thousand and no more, and that in the distribution to be made of said intestate's property, that each of your Complainants, are properly, chargeable with the said sum, of Five thousand and no more, thus advanced, them by their said father Eli Horner.

To the end therefore that the Defendants hereinafter named, may answer the matters and things herebefore stated, as fully, and as particularly as if they were herein again repeated and they were thereunto specially interrogated, and that the real estate mentioned in said proceedings, may be sold, under a decree to be passed by your Honorable Court, and the proceeds of Sale of the same distributed, under the order and direction of said Court amongst those interested, according to their several and respective interests as set forth in said Bill of Complaint, and that your Complainants may have such other and further relief as the nature and Equity of their case may require.

May it please your Honors to grant unto your Complainants, the writ of Subpoena against the said Sophia Horner John Agnew and Louisa Agnew his wife, Lucinda Horner and Mary Horner of Frederick County, State of Maryland, commanding them to appear in this Court on some certain day to be therein named to, and over the premises and abide by and perform such decree, as may be passed therein.

And as in duty bound

William J Ross
Charles H Ross
Att' for Complainants

Filed Jan 22, 1879

Exhibit
No 1

David Gamble
To } copy new
Eli Horner

At the request of Eli Horner the following deed was recorded Dec 9th 1858

This deed made this 4th day of September in the year 1858 by David Gamble of Frederick County, in the State of Maryland, Witness that in consideration of the sum of Nine thousand six hundred and eight dollars the said David Gamble, doth grant unto Eli Horner of Adams County in the State of Pennsylvania, a tract or part of a tract of Land, called Carrollsburg, said Land lying East of Emmittsburg Frederick County and State of Maryland, adjoining Lands of St Joseph on the West, Marshall Hoke on the South, Rich and Gilson on the East, and Alexander S Horner on the North, and beginning for the outlines of said Tract, at a stone planted at the North end of a lane leading from Emmittsburg to Hoke's Mill, and running with a Westerly variation of 2 degrees S 14 1/2° E 30 ps to a stone, S 16° E 30 ps S 2° E 108 7/10 ps S 11° W 6 7/10 ps to the middle of Jones Creek, S 77 1/2° E 17 7/10 ps to the south bank of Jones Creek then with said creek N 48 1/2° E 12 ps N 57 1/2° E 7 ps N 61 1/2° E 10 7/10 ps N 75° E 48 ps N 53 1/2° E 8 7/10 ps N 42 1/2° E 12 ps S 88° E 8 ps S 58° E 15 ps S 66° E 18 ps S 59° E 28 ps S 53 1/2° E 8 7/10 ps N 5° W 6 ps to the North bank of Jones Creek, thence with Gilson's line to a stone 1 perch from the creek N 77 1/2° W 75 ps to a stone N 26° E 35 7/10 ps to a stone N 3° E 18 ps to a stone S 74° W 6 ps to a stone on the line of William Bell and N 61 1/2° W 48 7/10 ps to a stone N 26° E 9 7/10 ps with the line of Alexander S. Horner N 6 1/2° W 56 ps S 85 1/2° W 15 7/10 ps to a stone marked X N 87 1/2° W 5 7/10 ps N 75° W 30 ps N 86 1/2° W 10 ps to a stone S 77 1/2° W 41 ps to a stone, S 86° W 9 7/10 ps to the beginning containing 163 1/2 Acres of Land. Also a tract of Mountain Land lying about two miles West of Emmittsburg adjoining the Pennsylvania line on the North, the Land of Mr Sappington on the South, and David Gamble on the West Beginning at a stone pile on the East side of the road near Mr Sappington's