

No 1130 Equity

estate, all of which will fully appear by reference to a certified copy of said Will of Nicholas Fogle Sr. herewith exhibited, marked Exhibit No. 1, which your Complainants pray to gether with all other Exhibits hereinafter produced, may be taken and considered as part of this their Bill of Complaint.

Your Complainants further state that the said Nicholas Fogle Sr. died on the 3<sup>rd</sup> day of February in the year Eighteen hundred and seventy eight, and that at the time of his death he was seized and possessed of several pieces or parcels of Land, called "Long Bottom Enlarged" and several parts of a Tract of Land, called "Stand Spring" all lying contiguous to one another and situated in Frederick County, State of Maryland, containing fifty three and a half Acres, and fifteen and three quarters perches of Land, fully described in various deed from Conrad Her and wife to Nicholas Fogle, and William Her & other, to Nicholas Fogle, excepting 11 perches of Land, conveyed by said Nicholas Fogle & wife to the Board of County School Commissioners of Frederick County, certified copies of which said deeds, and a plot of said Land with the Courses & Distances are herewith exhibited marked Exhibits No. 2, 3, 4, 5, 6, 7 & 8, and also, ten and one half Acres of Land, situated in the County and State, aforesaid, conveyed by Jesse Gerdeman and wife to said Nicholas Fogle by deed, a certified copy of which is Exhibited as Exhibit No. 8, and also, all that parcel of land known as Lot No. 1 on a plot of Survey made by Jeremiah Fox March 30<sup>th</sup>, 1876, being part of a tract or parcel of Land called Roundabout, containing seven Acres 2 Rods, and thirty three perches of Land more or less, conveyed to the said Nicholas Fogle Sr. by James M. Smith Esqr. of the last will of John Smith of Md. dec'd, a certified copy of which is herewith exhibited marked Exhibit No. 9. - Also a lot of Land, containing about Eighteen acres of Land more or less purchased by the said Nicholas Fogle of Henry Saylor & wife by deed a certified copy of which is exhibited as Exhibit No. 10.

And your Complainants further state that by the provisions of the bequest of said last will and testament the lands, tenements, and real estate, mentioned, aforesaid vested, in your Complainants, and, a certain Nicholas Fogle Sr. as tenants in common subject to the dower right of Elizabeth Fogle wife of the said Nicholas Fogle Sr. in said lands.

Your Complainants further charge that Nicholas Fogle Sr. who by the will of his father Nicholas Fogle Sr. was entitled to a one undivided sixth part in said lands subject to the dower right aforesaid, died in the Spring of the year Eighteen hundred and seventy eight, intestate leaving a widow named Mary E. Fogle then surviving, and the following children his heirs, at law, viz, Emily Jane Fogle, Charles Henry Fogle Anna Bell Fogle, and Margaret E. Fogle, all of whom are infants, and, under the age of twenty one years, and reside in Frederick County, State of Maryland, & to whom the undivided portion of the said Nicholas Fogle Sr. in said lands, described, subject to the dower right therein of the said Mary E. Fogle.

And your Complainants further charge that they by virtue of the bequest of said Will of said Nicholas Fogle Sr. are together with the Children, aforesaid of the said Nicholas Fogle Sr. seized, as tenants in common of said real estate, that the said lands, cannot be divided amongst those interested without loss and injury, and that it will be to the interest, and advantage of all the parties concerned that the said lands shall be sold, under a decree of your Honorable Court and the proceeds of sale divided amongst those interested according to their several and respective interests.

To the end therefore that the defendants herein aforesaid may answer the several matters and things hereinbefore stated, the same as if they were hereinafter repeated, and and they were thereunto specially interrogated, and that the Real estate mentioned in these

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