

No 5139 Equity

the said Daniel D. Spesard by the Trustees of the Congregation of the United Brethren in Christ, by Deed recorded in Liber L. B. N. No. 2. folio 189, a copy of which will be introduced in evidence, if required.

(B) A tract of Mountain land situated in Frederick County containing Seventy three Acres of land, being the same lands which were conveyed to the said Daniel D. Spesard by W<sup>m</sup> A. Riddemose & wife by Deed bearing date the 19<sup>th</sup> day of November 1868, & recorded in Liber C. M. No. 2. folio 548, one of the Land Records of Frederick County, a copy of which will be introduced in evidence if required.

(C) Another tract of Mountain land Situate in Frederick County aforesaid, containing twenty <sup>seven</sup> (27) acres of land, more or less, being the same lands which were conveyed to the said Daniel D. Spesard by John Swedder Sheriff, by Deed bearing date December 22. 1877. & recorded in Liber T. L. W. 8. folio 587, one of the Land Records of Frederick County, a copy of which will be introduced in evidence if required.

(2) That being so thereof seized & possessed of said lands the said Daniel D. Spesard departed this life intestate on or about the 7<sup>th</sup> day of February 1885.

(3) That the said intestate left his Widow Rebecca Spesard Surviving him & that the said Widow by proceedings had in the Court in a Cause depending therein wherein she was Complainant & the heirs of the said Daniel D. Spesard defendants, the said Cause being numbered 3624, by the final decree of the Court had confirmed to her, as & for her dower in the said real estate of the said Daniel D. Spesard, deceased, a certain ~~part~~ portion of the aforesaid lands, being a part of the Sub division there of marked in this Bill as subdivision C, the lands laid off as aforesaid being particularly mentioned by metes & bounds in the proceedings aforesaid to which a reference is made, and copies thereof will be introduced in evidence if required.

(4) That the said Daniel D. Spesard, having departed this life intestate as aforesaid left Surviving him his Widow, the aforesaid Rebecca Spesard & the following named Children (a) a son Daniel R. Spesard who is intermarried with Barbara E. his wife (b) a son, Melvin T. Spesard who is intermarried with Annie, his wife (c) a daughter Arbelin, who is intermarried with Samuel H. Snell her husband. (d) a daughter Annie E. who intermarried with William B. Shank, her husband. (e) a daughter Clara E. who is intermarried with Daniel P. Shank, her husband. (f) a daughter Ida, who is intermarried with Elmer Oster her husband. (g) a son Edward Spesard, all the above named parties being Complainants in this Bill except Ida Oster & Edward Spesard, who are defendants.

(5) That the said Ida Oster & Edward Spesard, are infants under the age of twenty one years.

(6) That the said lands are not susceptible of partition amongst the heirs at law aforesaid & cannot be divided amongst the parties in interest without loss & injury, & that it would be to the interest & advantage of all of the aforesaid heirs that the said lands be sold &

Dece