

No 5071 Equity

said, and that it cannot be divided between them with advantage to any or all the parties - And that your Orators will be entitled to have the same sold, and the proceeds distributed amongst the parties in proportion to their respective interests To the end therefore, that the said Sarah Gaither, Widow of the said Ephraim Gaither, Miranda Gaither, and Florence Butler Infants aforesaid, may answer the premises, and a decree may be passed for a sale of the Real Estate aforesaid, and that the same may be sold under the direction of this Court, and the proceeds thereof distributed among said parties in proportion to their respective interests. And that your Orators may have such further or other relief as their case may require. May it please your Honors to grant unto your Honors the writ of Subpoena against the said Sarah Gaither, Miranda Gaither and Florence Butler, commanding them and each of them to appear in this Court, at some certain day to be therein named, to answer the premises and abide by and perform such decree as may be passed therein - And as in duty lies.

James W Pearce,
Solicitor for complainants.

At the Request of Eph Gaither the following deed was recorded 18 Nov. 1851.

1851. Nov. 18. Recd. Stamp duty. W B Dy - Clerk.

Exhibit A. This Indenture made this 5 September 1851, between Christopher O Brashear & Mary Brashear, his wife, of Frederick County in the State of Maryland, of the one part & Ephraim Gaither (Colored Man) of the same County & State aforesaid, of the other part Witnesseth that for & in consideration of the sum of Three Hundred dollars current money of Maryland by the said Ephraim Gaither to the said Christ O Brashear in hand paid, or secured to be paid, at & before the sealing & delivery of these presents the receipt of which they do hereby acknowledge, the said O Brashear & Mary his wife have bargained & sold, aliened, conveyed & by these presents do give, grant, bargain & sell, alien, convey, release, confirm unto, the said Eph. Gaither his heirs & assigns, all that part of a tract or parcel of land called Pretty Sally, contained within the following meter bounds, courses & distances hereinafter named it being the same piece or parcel of land which was deeded by Christian Harding to the said O Brashear on the 12 April 1845, & recorded in Liber W. B. D. No. 2 fol 506 &c. One of the Land Records of Frederick County Court as reference, there will show; beginning for the part now intended to be conveyed, at the end of the 2^d line of a certain parcel of land bequeathed to Robert Mullins by the Last will & Testament of his father Thomas Mullins dec^d then laid off for 60 acres & running thence S. 20° W 49 1/4 ps. to a part of said Pretty Sally now owned by William Salmon then with said Salmon's line S 64 1/2° E 75 1/2 ps to a Stone N. 34 1/2° E 31 ps to the end of the 3^d line of John Brashear's part of said land then with said land 6 Courses & distances N. 28 1/2° W 23 ps N. 41 1/2° W - 24 ps. S. 62° W. 8 ps. N 65° W. 9 ps. S. 40 W 2 ps.

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