

No. 5983. *Equity.*

of land so exchanged were ever executed or recorded, that the lands which then belonged to said Patrick Naylor have since passed to his grandsons John Thomas Naylor and Mr. H. Naylor herein named as Defendants that said division line and fence so placed and mutually agreed upon has ever since been recognized and maintained as the division line between said properties.

That said Real Estate of which said Thomas Lyles died seized and possessed as aforesaid is not susceptible of division or partition among the parties entitled thereto according to their respective rights without great loss and injury that the parties entitled thereto cannot agree among themselves upon a price therefore and that it will be for the benefit, interest and advantage of all concerned to have the same sold by a trustee thereto appointed by a decree of your Honorable Court and the proceeds of sale distributed among the parties entitled thereto according to their respective rights under the direction of your Honorable Court To the end therefore that said real Estate which belonged to said Thomas Lyles dec'd. may be sold by a trustee thereto appointed by Decree of your Honorable Court and the proceeds from such sale after payment of the Costs, fees and expenses incident to these proceedings and such sale divided among the parties entitled thereto according to their respective rights may it please your Honors.

1st To grant unto your orators the state of Maryland writ of Subpoena to the said Defendants Maxwell W. Warfield and William Warfield his wife and Cornelia Jackson of Frederick County Money G. Smith, John Hall, Thomas Hall & William Hall of Baltimore City Mary Jackson and Rev. W. Mathew Travis her husband of Frederick or vicinity in Allegany County all in the State of Maryland directed Commanding and requiring them and each of them to be and appear in your Honorable Court by a day certain to be therein named to answer the premises and to stand to, abide by and perform such order and decree as your Honorable Court may pass therein

2d To grant unto your orators as against said Defendants not residents of the State of Maryland viz: Elizabeth Lyles and James Lyles her husband and Mr. A. J. Naylor of Washington City for vicinity D. C. Virginia Wilson and Lewis Wilson her husband who are believed to reside in the territory of New Mexico W. S. of N. A. and also Thomas Naylor of Harrisburg, Pa. an order of publication notifying them of the substance and object of this Bill and warning them and each of them and each of them to be and appear in your Honorable Court in person or by attorney by a day certain to be therein named to answer the premises and to stand to, abide by and perform such order or decree as may be passed by your Honorable Court in relation thereto and

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