No. 6077 Equity.

County are filed herewith marked Exhibits 1 & 2. and which Exhibits together with such other Exhibits the plaintiffs may file herewith it is prayed may be taken and considered as a part hereof.

2nd. That of said lands described in Exhibits 1 & 2. there was Condemned for the use of the western Maryland Rail Road that portion described in a paper now filed herewith as an Exhibit No. 3 to this Bill.

3rd. That the said Leonard Harbaugh left surviving him a widow named Mary A. Harbaugh, who is yet living, and the following Children as his heirs at law Vz.

1 The plaintiff Leonard E. Harbaugh who is a son and whose wife name is Ann F. Harbaugh

2. A Son Clarence N. Harbaugh

3. A daughter Susan E. Waggaman, who is married to David W. Waggaman; to whom the real Estate of which the said Leonard Harbaugh died seized and possessed descended to and vested as tenants in Common on the death of their father, subject to the dower interest of his widow Mary A. Harbaugh.

Exhibit No. 1-

4th That on the 10th day of February in the year Eighteen hundred and Eighty three the said Susan E. Waggaman and David Waggaman her husband Conveyed to the said Leonard E. Harbaugh all their right, title and interest in and to said real estate described in Exhibits 1 & 2. it being the one third undivided interest therein as heirs at law of the said Leonard Harbaugh a Certified Copy of the deeds for the same, as recorded Among the Land Records of Frederick County, is filed herewith as Exhibit No. 4 to this Bill.

5th. That after the Execution of Exhibit No. 4 the said Clarence N. Harbaugh departed this life intestate, still seized and possessed of his above interest and title in and to the real Estate described in Exhibits 1 & 2 of which his father died seized and possessed and on his death his undivided interest being the one third, descended to and vested in the said Leonard E. Harbaugh and Susan E. Waggaman as his only heirs at law as tenants in Common.

6th. That the said Leonard E. Harbaugh and Susan E. Waggaman are now seized and possessed of the entire real Estate of which Leonard Harbaugh died seized and possessed as tenants in Common, the said Leonard E. having a five sixth undivided interest therein and the said Susan E. Waggaman the remaining one sixth undivided interest therein, subject however to the dower right of their Mother Mary A. Harbaugh therein,

7th And the plaintiffs further represent that said real Estate is not susceptible of division among them without great loss and damage, that they cannot agree upon a sale of the same, and that would be to their interest and advantage to have the same sold, and the proceeds divided among them according to their respective interests,

8th And the plaintiffs pray for the following relief.

1st For a decree for the sale of the real Estate of which the said Leonard Harbaugh and Clarence N. Harbaugh died