

and possessed as aforesaid, now descending to and vesting in said Daniel Tucker, Mary Jane Smitj and Druesilla Smith, under the laws of Maryland, in equal degree equally.

4. That the said Daniel Tucker is married and his wife's name is Sarah B. Tucker, and they reside in Frederick County Maryland, the said Maru Jane Smith is a widow and also lives in Frederick County Maryland, and the said Druesilla Smith is a widow and resides in Washington County Maryland.

5. That the aforesaid real estate of which the said Charles A. Tucker died, seized and possessed, is not susceptible of division or partition among the parties interested therein without loss and injury; and it would be to the interest and advantage of all the parties concerned for said real estate to be sold by a trustee to be appointed by Your Honorable Court and the proceeds distributed among them according to their respective interests.

Wherefore your complainants pray for the following relief--

1. That said real estate may be sold by a trustee to be appointed by your Honorable Court and the proceeds of sale divided among the parties entitled according to their respective interests.
2. That your complainants may have all such further relief as the nature of the case may require.
3. That the writ of subpoena may be issued directed to Druesilla Smith, of Washington County, Maryland, commanding her to be and appear in Your Honorable Court on some day certain to be named therein, answer the premises, abide by and perform such a decree as may be passed therein.

And as in duty etc.

Reno S. Harp

Stoner & Weinberg

Solicitors for Plaintiffs.

EXHIBIT NO. 1.

At the request of William Tucker the following deed was recorded Sept. 6, 1858.

This deed made this 21st day of October in the year eighteen hundred and fifty six By William S. Bantz and Carloline Bantz, his wife, of Frederick County, Witnesseth That in consideration of the sum of Four Hundred and seventy-five dollars, the said William S. Bantz and Caroline Bantz, his wife do grant unto William Tucker the following described lots of ground situated and lying on the North side of All Saints street in Fredericktown adjoining the lot now owned by William S. Bantz, on the East and the lot owned by Henry Nixdorff on the West side thereof and fronting for each of said two lots hereby conveyed on said All Saints street twenty-eight feet and running North for depth to the line of a post fence now enclosing said lots they being the same two lots of ground conveyed by Peter Mantz to Henry Jor-entz by deed bearing date on or about the 1st day of November in the year 1854, and recorded in liber E. S. No. 6 folio 80&co., one of the land records of Frederick and being also the same which were conveyed by said Henry Lorentz and wife to said William S. Bantz by deed bearing date on the 18th day of November 1855 and recorded in liber E. S. No. 8 folio 171, one of the land records of Frederick County, also all that portion of lot No. 3 being part of the real estate of which Peter Mantz died, seized and possessed situated and lying on the North side of All Saints' street, in Fredericktown and being that portion of lot No. 3 lying between the lots conveyed by Peter Mantz Exeoutor to Nicholas Thompson on the East side of and to Henry lorentz on the west side and fronting on All Saints street