

amongst the parties entitled according to their respective interests. . .

TO THE END THEREFORE,-

1. That your Honorable Court may assume jurisdiction of the premises, decree a sale of said real estate mentioned in the foregoing Bill of Complaint and distribute the proceeds arising therefrom amongst the parties entitled according to their respective rights and interests.
2. And for such other and further relief as the nature of the case may require.

May it please your Honors to grant unto complainants to writ of subpoena directed to the defendants, Charles F. Hahn a resident of Carroll County, Maryland, Ella E. Yingling and Samuel D. Yingling her husband, residents of _____ County, Maryland, Bertha E. Shank and Harry Shank her husband, of _____ County, State of Maryland, requiring them and each of them to be and appear in your Honorable Court on some day certain to be named in said subpoena answer the premises, abide by and perform such a decree as may be passed herein and that an order of publication may issue out of your Honorable Court against the said Bessie R. Huber and Jacob Huber, her husband, residents of York, State of Pennsylvania, and non-residents of the State of Maryland, warning them to be and appear in this Honorable Court on some day certain to be named in said order of publication, answer the premises, abide by and perform such a decree as may be passed herein.

And as in duty, etc.,

Filed July 7th, 1916.

Frank L. Stoner
SOLICITOR FOR COMPLAINANTS.

WILL OF JACOB BIRELY, DECEASED. "EXHIBIT N O 1"

In the name of God, I Jacob Birely of Frederick County in the State of Maryland being weak and sick in body, but of sound and disposing mind memory and understanding considering the certainty of death and the uncertainty of the time thereof, and being desirous to settle my worldly affairs and thereby be the better prepared to leave this world when it shall please God to call me hence, do therefore make and publish this my last will and testament in manner and form following that is to say-

First and principally I commit my soul into the hands of Almighty God, and my body to the earth to be decently buried, and after my debts and funeral charges are paid, I devise and bequeath as follows:-

I give and devise unto my son David Birely my Tan-yard where I now reside and all the materials belonging to the said Tan-yard, and all the land attached thereto containing twenty one acres more or less being a part of the resurvey on Mackeys Ohio and a part of a tract called "Seventh Division" lying and being in Frederick County Maryland to him, his heirs and assigns forever:-

I also give and bequeath to my son David Birely, the sum of Three thousand one hundred and fifty dollars, which sum he has already received from me in full, as per charges on account:-

I give and devise unto my son William Birely, his heirs and assigns the plantation, whereon he now resides, formerly owned by John Norris, being a part of the "resurvey on Clarks Discovery, and part of a tract called "Black Flint" and part of a tract called Friendship" containing one hundred and thirty eight acres of land more or less, lying and being on Little Pipe Creek in Carroll County Maryland:-

I also give and bequeath to my son William Birely the sum of seven hundred and eighty dollars, deducting therefrom six hundred and two dollars, the amounts charged against him, which he has already received from me.

I give and devise unto my son Lewis Birely his heirs and assigns the Plantation whereon he now resides, formerly owned by Frederick Duderar, being part of a tract of land called the resurvey on "Terra Rubra" containing one hundred and seventy two acres more or less lying and being near Double Pipe Creek in Carroll County Maryland:-