

when last heard from by them he was a resident of of the City of San Francisco, in the State of California, that all of the parties hereto, both Plaintiffs and Defendants, are adults over the age of twenty-one years.

Wherefore the Plaintiffs pray:

(1) That your Honorable Court may decree a sale of the real estate hereinbefore mentioned and described and a division of the money arising from such sale among the parties entitled thereto according to their respective rights.

(2) That the Plaintiffs may have all such other and further relief to which they may be entitled and the nature of the case may require.

And the Plaintiffs pray for the following process:

That the writ of subpoena may be issued in the usual form directed to the said Defendant, James P. Harris, residing in Frederick County in the State of Maryland, commanding him to be and appear in this Court on some certain day to be named therein, to answer the premises and abide by and perform such decree as may be passed herein; and that the order of publication may be granted in the usual form against the said Defendant, Alonso Harris, who is an adult and a non-resident of the State of Maryland, and whose whereabouts is unknown to the Plaintiff, but who, when last heard from by them was a resident of the City of San Francisco in the State of California, stating the substance and object of this Bill of Complaint, and warning him to appear on or before the day fixed in such order and show cause why the relief prayed should not be granted.

And as in duty &c

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Solicitors for Plaintiffs.

EXHIBIT NO 1.

Copy of the Will of Zachariah G. Harris.

In the name of God, Amen, I, Zachariah G. Harris of Frederick County in the State of Maryland do 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 at the discretion of my Executors hereinafter named and after my debts and funeral charges are paid, I devise and bequeath as follows:

Item:- I give devise and bequeath to my wife Margaret Harris all my property real, personal and mixed for and during her natural life and after her death the same to be disposed of as hereinafter directed, and it is further my will and I do so direct that my said wife, during her lifetime, shall have the full management and control of all my said personal property with the power of selling any portion thereof she may desire and investing the proceeds of any such sale as she may deem most advantageous.

Item:- After the death of my said wife Margaret, I will and direct that my Executors hereinafter named shall sell all my said property, real, personal and mixed, and distribute the proceeds of such sale equally among my six children, Loretta Lavinia Byran, Jos. C. D. Harris, Eberle P. Harris, Benjamin P. Harris, John P. Harris, and Mary M. Harris, share and share alike subject however to the following provisions: whereas I have heretofore to each of my said Sons a horse, I will and direct that my said daughters Loretta Lavinia, and Mary H. shall each receive the sum of one hundred dollars, in lieu of a horse, out of the proceeds of the sale of my said property before said division shall be made, in order that my daughters shall be equalized with my Sons.

And I do further will and direct that all moneys by me paid for any of my said children, and all advancements by me made to them or any of them, they shall be respectively charged with and the same deducted from their respective shares. And it is further my will and I do direct that the said division of my estate shall be made subject to this further provision: that whereas by said Sons Jos. C. D. Harris and Benjamin P. Harris are indebted to my Sons Eberle P. and John P. by other promissory notes or other evidences of indebtedness, I will and direct that the amount, or amounts which my said Sons Jos. C. D. and Benj F. or either of them, shall at any time of my decease, be indebted to my said Sons Eberle P. and John P. or either of them shall be deducted from the respective shares of said Joseph G. D. and Benj. F. and given to said Eberle P. and John P. respectively so as to secure the full payment, satisfaction and discharge of such indebtedness from said Jos. C. D. and Benj F. or either of them to said Eberle