Windsor, in Carroll County, Maryland, respectfully represent:

1. That on the 19th day of October, 1918, your complainant, N. Charles Graybill, the defendant, George W. Hull, and John H. Ensor and Edgar G. Guyton acquired from Charles Jones certain tract of land containing ninety-six acres and one rood, of land, more or less, located in Frederick County, Maryland, by deed dated on said 19th day of October, 1918, and duly recorded in Liber No. 326 at folio 277, one of the land records for said Frederick County, a certified copy of said deed being filed herewith as part of this bill of complaint and marked "Exhibit No. 1".

2. That on the 19th day of May, 1919, said parties acquired another tract of land containing fifty-three acres and twenty square perches of land, more or less, from John J. John, by deed dated on said 19th day of May, 1919, and duly recorded in Liber No. 340 at folio 401, one of said land records, and a certified copy of said deed is filed herewith as part of this bill of complaint, and marked "Exhibit No. 2".

3. That on the 20th day of December, 1919, said parties, together with their respective wives, entered into an agreement for the management and disposition of said farms, which was duly recorded in Liber No. 356 at folio 242, one of said land records, and a certifid copy of said agreement is herewith filed and marked "Exhibit No. 3".

4. That said parties, N. Charles Graybill, George W. Hull, John H. Ensor and Edgar G. Guyton, one or about the 20th day of December, 1919, made and entered into an oral agreement of co-partnership, to be known as the "NEW WINDSOR FRUIT COMPANY", for the purpose of growing and marketing fuits and other kindred purposes, and that no definite term or undertaking was agreed upon.

5. That on the 8th day of August, 1922, John H. Ensor withdrew from said partnership and, together with his wife, Lottie E. Ensor, transferred and conveyed all of his interest in the assets of said partnership to the said N. Charles Graybill and Edgar G. Guyton, by deed dated on said 8th day of August, 1922, and recorded in Liber No. 340 at folio 401, one of said land records, a certified copy of said deed is filed herewith as part of this Bill of Complaint, and marked "Exhibit No. 4", this deed making the interests of the several parties in the partnership assets, as follows:- N. Charles Graybill three-eighths, George W. Hull two-eighths and said Edgar G. Guyton three-eighths, as tenants in common.

6. That on or about the 30th day of October, 1923, the said Edgar G. Guyton departed this life, intestate, seized and possessed of said three eighths undivided interest in said partnership property, and left surviving him as his only heirs at law, his widow, Cora B. Guyton, and four infant children, namely:- Arline Guyton aged about 18 years, Miriam Guyton aged about 14 years, Charlotte Guyton aged about 10 years and Edgar G. Guyton, Jr., aged about 7 years, to whom said property descended.

7. That all of said real estate is now owned by said N. Charles Graybill, George W. Hull and said heirs at law of Edgar G. Guyton, as tenants in common, and can not be divided, without loss and injury to the parties entitled to interests therein, and it would be to the interest and advantage of all the parties to have said real estate sold and the proceeds divided.

8. That as a result of the age and serious illness of said George W. Hull and the death of said Edgar G. Guyton, the business has been managed by your complainant, N. Charles Graybill, who has had charge of the management and operation of said business, with the consent of the other parties, for a number of years.

9. That much of the land is planted and apple and peach trees, which requires the almost constant attention of some experienced fruit grower and salesman.

10. That due to the drought and other conditions over which these parties have no control, it now appears that the income for this year will be little in excess of the