

orator Charles E. Smith as appears by a certificate of the Register of Wills of Carroll County herewith filed and marked Exhibit C which is hereby prayed to be taken and considered as a part of this Bill of Complaint and that your orator the said Charles E. Smith accepted said Executorship, and is fulfilling the same, and proceeding to settle the estate of said deceased as such Executor.

Your orators further show unto your Honors that they are advised and so charge that it is necessary in consideration of the premises aforesaid and the fact that your orator Charles E. Smith is the Executor of the said will and testament of said Testator and one of the co-purchasers of said real estate that a Trustee shall be appointed by a Decree of your Honorable Court to convey said farm and Real Estate to your orators free from all incumbrance as provided for and covenanted in said agreement on the payment by your orators of the balance of said purchase money with interest thereon.

In Tender consideration wherefor and for as much as your orators are remediless in the premises save by the aid and interposition of your Honorable Court where such matters are properly cognizable and relievable. To the end therefore that the several defendants hereinafter named may answer the several matters and things hereinbefore stated as fully and particularly as if they were herein again repeated and they were thereto specially interrogated, and that a Trustee may be appointed by a Decree of your Honorable Court to convey the said farm and Real Estate and premises to your orators by a good and sufficient deed free of all encumbrance on the payment by your orators of the balance of said purchase money with interest, and that your orators may have such further and other relief in the premises as their case may require or Equity allow.

May it please your Honors to grant unto your orators the writ of subpoena to be directed to the said Mary Smith widow of the said John Smith of Carroll County, Charles S. Devilbiss and Mary Louisa Devilbiss his wife of Baltimore City, Milton Day and Sarah June Day his wife of Baltimore City, Christianna Adeline Routson wife of your orator Thomas H. Routson of Frederick County, Francis Olivia Smith and Ellen Virginia Smith of Carroll County, commanding and requiring them and each of them to be and appear in this Honorable Court on some certain day to be therein named, to answer the premises and to stand to abide by and perform such decree or order as may be passed therein, and may it please your Honors to grant to your orators such further and other relief as they may be entitled to and as in duty bound your orators will ever pray &c.

Jno. E. Smith &

Wm. A. McKellip,

Solicitors for Complainants.

EXHIBIT A

(Filed 27 Decbr. 1869)

(I.R.S. 5¢)

Article of agreement made and concluded this seventh day of December in the year of our Lord one Thousand Eight hundred and sixty-seven by and between John Smith of Carroll County, State of Maryland of the one part and Chas. E. Smith of Frederick County, State of Maryland and T. H. Routson of Carroll County State of Maryland of the other part. Witnesseth the said John Smith for the consideration hereinafter mentioned, doth hereby covenant and agree to sell and hath sold to said Chas. E. Smith and T. H. Routson his Farm lying and being in Frederick County, State of Maryland, containing Two hundred and Eighty-four and one half Acres and Six square perches of land, lying on Sam's Creek near McKinstrys Mill, including about two acres adjoining and lying in Carroll County, State of Maryland and all personal property thereon excepting the Grain now growing. For the sum of Twenty Four Thousand dollars, to be paid as follows, Two Thousand Dollars to be paid on the first day of April