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and said Margaret Marks are both dead, that said Margaret Marks died in testate leaving the following named children her heirs at Law, to wit, John Marks Eliza Marks Lavina Marks George Marks and Amanda Marks of whom said Lavina Marks George Marks and Amanda Marks are infants under the age of twenty one years, your complainants further state, that the said Magdalena Hinck Elizabeth Showers Barbara Hinkle and Margaret Marks named amongst others as residuary legatees and devisees in the said testament and last will of said John Troxell Senior and the said Magdalena Hinck Elizabeth Showers, Barbara Hinkle and Magaret Marks named in the said deed from Jacob Troxell to Joshua Motter of which said exhibit H. T. is a copy, are respectively the same persons and not other or different; and that said Mary Ecklinger named in said testament and last will and said Mary Ecklinger named in said deed of which said exhibit H. T. is a copy are one and the same person, and not other or divers; and that said Catherine Ulrice in said Testament and last Will named as one of the said residuary legatees and said Catherine Wintz named in said deed, of which said exhibit H. T. is a copy, are one and the same person and not other or divers - Your complainants further state that said Elizabeth Showers and said Mary Earlinger both reside in Baltimore County in the State of Maryland, that said Leporick Hinch said Elizabeth Hinch, said Frederick Hinch said Charles Hinch, and said Augustus Hinch, said John Marks (the son) said Eliza Marks Lavinia Marks said George Marks and said Amanda Marks are all residents in the State of Ohio; that said John Hinch, said Jacob Hinch said Jacob B. Wince and said Catherine Wince his wife, and said John A. Davis and said Mary Ann Davis his wife are all residents of the State of Pennsylvania; and that said Barbara Hinkle resides in the State of Virginia and that said Magdalena Troxell widow of said Peter Troxell, said Michael Wise and Eliza Wise his wife said Samuel Troxell William Troxell said Amanda Troxell said John Troxell of John and said Joshua Motter all reside in Frederick County aforesaid - your complainants are advised that under the circumstances hereinbefore stated the said lands are liable to a decree for a conveyance thereof to your complainants or a suit for specific performance or execution of said agreement - But now so it is, may it please your Honors, that without the aid of your said Honorable Court sitting as aforesaid, your complainants are wholy without remedy or relief - To the End therefore that such decree may be passed and made, and that your complainants may have such relief in the premises as the nature of the case and equity may require, may it please your Honours to grant unto your complainants the writ of the State of Maryland of Subpoena in the usual form, to be directed to the said Elizabeth Showers and said Mary Earlinger both of Baltimore County in the State of Maryland; said Magdalena Troxell Michael Wise and Eliza Wise his wife Catheline Troxell Samuel Troxell William Troxell and Amanda Troxell Joshua Motter and John Troxell of John all of Frederick County aforesaid, commanding them and each of them by a day therein to be limited and under a pain therein to be expressed to be and appear in your said Honourable Court, and then and there to answer this bill, and the several matters and things therein contained and stated, fully and particularly as if they were thereunto particularly interrogated the said adults upon their respective corporal oaths, according to the best of their knowledge information and belief, and the said infants

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by some guardian, or guardians, to be assigned in that behalf, and for as much as the said Leporick Hinch John Hinch Jacob Hinch Elizabeth Hinch Frederick Hinch Charles Hinch John Marks (the son) Eliza Marks Lavinia Marks George Marks Amanda Marks Jacob B. Wince and Catherine Wince his wife Barbara Hinkle and John A. Davis and Mary Ann Davis his wife reside within the State of Maryland and beyond the jurisdiction of your said Honorable Court May it further please your Honours to grant unto your complainants an order of publication in the usual form giving notice to the said absent defendants of the nature and object of this bill, and warning them by a day therein to be limited, and a pain therein to be expressed, to be and appear in your said Honourable Court, and then and there upon their respective corporal oaths to answer this bill, and the several matters and things therein contained and stated, to the best of their respective knowledge information and belief; and that otherwise a decree will be taken pro confesso against them. And may it please your Honours to pass a decree in this case according to the provisions of the acts of Assembly and supplements in such case made and provided ordering the said defendants to convey and assure said lands and tenements to your complainants by such conveyance and assurance as to your Honours may seem meet to direct. And may it please your Honours to grant unto your complainants, such other and further relief in the premises as the nature of the case and equity may require, and as in duty bound they will ever pray &c. Wm. Schley, Solr. for Complainants.

Exhibit B. M. as referred to in the aforegoing bill in a mutilated condition "as follows to wit:

or further delay then the above oblig—— and of no effect otherwise to stand and —— and virtue In Law as witness my hand —— and date first above written -

Witness present, Joseph Hughes. Jr —

on the back of which is the following

1813 April 7th. Received on the within bond the sum of $115.

April. Received the sum of $70.

Exhibit G. M. Article of agreement made agreed and entered into this fourth day of March in the year of our Lord eighteen hundred and seventeen between John Troxell of Frederick County in the state of Maryland of the one part and Magdalin Troxel widow of Peter Troxel son of the said John Troxel late of Frederick County (deceased) of the other part as follows - Whereas the said John Troxell being desirous to give and bequeath unto the said Magdalin and her five children the plantation on which they now live, containing about one hundred and sixty one acres, and, also 50 acres of Mountain land being the same on which Abraham Jones Emmit now lives - and also a negro man named Jim, now in the possession of the said widow on the following terms that is, the said land and premises together with the negro man is to be the joint property of the said widow and her five children equally share and share alike, she to have the same share as one of the children and the whole use of all the property until the youngest child shall be of full age that is to be understood, until the youngest child that may be living when the whole of the children are of age shall be of full age by law, at which said time the said John Troxel agrees to convey all the land above said to the said Magdalin and her five children if the should all be living or to as many as may then be alive, to them equally with the said