Copy of which Will under seal is hereunto filed as a part of this Bill and marked Exhibit No 1 Item among other clauses in said Will is the following "I give and devise to my son William Allber all my estate both real and personal to him and his Heirs forever, upon it to pay all my just debts and all the foregoing Legacies, and must find his mother Ann Allber a comfortable living on the farm they now live upon during her single life, and also to find a home for her sisters during their single life" Complainant further shews that during the life of her father the testator she and her sisters Calhanna Allber and her mother her brother William Allber all lived upon and had a home upon the farm or land so devised to said William as aforesaid that as soon as said testator died, said William refused to allow Complainants to remain on or find a home upon said farm and also refused to find her a home as required by said Will Item said William Allber afterwards sold the said devised land as aforesaid, and that the present owners are Benjamin C Barrett James Boyce, Daniel Lee and Philip Debach, Your Complainant now charges and avers that upon testators death and in pursuance of said Will said William took possession of and exercised ownership over said farm and land, that soon after the testators death and William compelled Complainant to leave said farm and seek a home elsewhere, he refused to find her a home as devised by said Will or suffering her to remain on said land, that Complainant has find the death of her father the testator until now been compelled herself to find a home and to pay rent as best she could out of her own means. That said William sold said land and applied the proceeds to his own use without assent of Complainant and that Complainant is now and was at the time of said testators death and when he made said Will single and unmarried and upto the death of testator and before she lived with her father Mother brother and sisters aforesaid on the land so as aforesaid devised to said William Allber, she further avers and charges that she always since the death of her father demanded of said William to find her a home but he always refused.

Your Complainant is advised and she charges and avers that the land so devised as aforesaid to said William was devised upon condition that he should find a home for her sisters during their single life that, was a positive command of the testator expressed in his Will, and that all the land so devised is charged with and bound to Complainant for the performance of said command in said Will and that said William could not lay hold and enjoy said land upon compliance with said commands, that notwithstanding thereof said land upon by said William it is charged with and bound for the compliance of the command of said Will in favor of Complainant for a maintenance and support from the death of her father until now, and during her and her sisters single life, that Complainant has no relief save in a Court of Equity To the end therefore that Benjamin C Barrett James Boyce Daniel Lee and Philip Debach may answer the matters and things hereinbefore stated as fully as if they were here again repeated, and they severally interrogated, and that the land aforesaid or so much as may be necessary may be decreed to be sold to pay Complainant a fair and reasonable

sum of money for her maintenance and support from her father's death till now and that said land contained to pay her and pursuant to her a home as commanded by said Will. And that Complainant may have such other and further relief as to Equity shall seem meet as her case requires May it please your Honor to grant unto Complainant the Writ of Subpoena against the said Benjamin Boyce James Boyce Daniel Lee and Philip Debach commanding them to appear in this Court at some certain day to be named therein and answer the premises and abide by and perform such decree as may be passed therein.

E Bailey Graff Solr for Compl.

To the Exhibit referred to in the foregoing Bill of Complaint see page 2 of the foregoing Record

Thereupon Subpoena issued as prayed pursuant Bill of Complaint in form following to Wit.

Baltimore County Sct

The State of Maryland To Benjamin C Barrett James Boyce Daniel Lee and Philip Debach of Baltimore County Greeting.

We command and enjoin you that all excuses set aside you be in your person before the Judges of the Circuit Court for Baltimore County at the Court House in said County, on the 4th Monday of August next to answer the Complaint of Ann Allber against you in the said Court exhibited Hereof fail not as you will answer the contrary at your peril, Witness the Honorable John H Price Judge of the said Court the 12th day of July in the year of our Lord 1858.

Issued the 27 day of July 1858. Jno H Carman Clk

And afterwards to Wit on the 12th day of August in the year 1858 and before the day therein mentioned for the return of the same) the Sheriff of Baltimore County to whom the foregoing subpoena had been delivered for the service thereof made return of the same to the Court here thus endorsed to Wit.

Summoned Annex. R W Hoop Shff.

And afterwards to Wit on the 30th day of August in the year last aforesaid the said Ann M Allber by her solicitor aforesaid filed in the Circuit Court here the following petition to Wit.

To the Honorable John H Price Judge of the Circuit Court for Baltimore County, In Equity

The petition of Ann M Allber of Baltimore County respectfully represents that on the day of July 1858 she filed in your Honorable Court her Bill of Complaint against Benjamin C Barrett James Boyce Daniel Lee and Philip Debach. That since filing said Bill of Complaint has ascertained that said Barrett has not the equitable title to the land alleged to belong to him, and that the legal title to said Barrett's land is in Jacob Wisner, that no answers have yet been filed and the ends of Justice requires that said Wisner be made a Defendant. Your petitioner prays leave to amend and to add in said Bill of Complaint that Jacob Wisner holds the legal title to the land and Equity said Barrett