died said Byron H. Griffith's interest in said real-estate, being the undivided two sixteenths thereof, whereby said Anna Mary Griffith became and is now seized of the undivided four sixteenths or one fourth of said real estate; that said Lyde Griffith, son of said Rachel, and Anna Mary Griffith who is an infant under twenty-one years of age, reside in said County of Frederick, and the said John A. Griffith, C. Columbus Griffith and Ann Watkins reside in Montgomery County, that said real estate, which is the same now in the possession and occupancy of said C. Columbus Griffith in said County of Montgomery, will not admit of advantageous partition among all said parties entitled thereto, but that it will be the the interest and advantage of all said parties, infant as well as adult, that said real estate shall be sold by a Trustee to be appointed for the purpose, and the proceeds of sale distributed under the direction of your Honor, among the parties entitled according to their respective interests, but your Orators allege that C. Columbus Griffith, one of said devisees, on the death of said Rachel Griffith, took and still holds exclusive possession of said real estate and refuses to agree to a sale thereof, but claims title to the same under some supposed and pretended devise by said Rachel Griffith, when in fact as your Orators are advised and charge, the said Rachel had no right or power to dispose of said real estate, and said C. Columbus Griffith has no other or further right thereto or interest therein than as one of the children and heirs of said Rachel Griffith, under the provisions of said last will and testament of said Lyde Griffith, and as one of the devisees thereof

under said last will and testament.

To the End therefore that the said Ann Watkins, Lyde Griffith and Louisa his wife, John A. Griffith, Anna Mary Griffith and C. Columbus Griffith may answer all and singular the charges and matters aforesaid, and that said real estate may be sold by a Trustee to be appointed for the purpose and the proceeds of sale distributed among the parties entitled according to their respective interests, and that your Orators may have all such other and further relief in the premises as the nature of the case may require and to your Honor shall seem meet.

May it please your Honor to grant unto your Orators the State of Maryland's writ of Subpoena to be directed to the said Lyde Griffith and Louisa Griffith his wife, and to the said Anna Mary Griffith of Frederick County, and to the said Ann Watkins, C. Columbus Griffith and John A. Griffith of Montgomery County, thereby commanding them and each of them to be and appear in your Honorable Court in person or by Solicitor on a day therein to be named, to answer all and singular the charges and matters aforesaid, and to stand to, abide by and perform such order and decree therein as to your Honor shall seem meet. And your orators will ever pray &c

Grason Eichelberger
Solr. for Complts.

Filed Oct. 4. 1866.

Exhibit. No 1.

In the name of God, Amen. Lyde Griffith, of Montgomery County, in the State of Maryland, in health of body, mind, memory and understanding, do therefore