

...ceded, adults Infant & Lunatic That the Real Estate of which Mr Miller decessed, and mortgaged in these proceedings should be sold and the proceeds distributed among the parties entitled to the same and this respondent prays hence to be dismissed, with his reasonable costs &c

Thomas A Miller

The Petition of John W Miller & others filed 23rd Feby 1853

To the Hon Mason Nelson Judge of the Circuit Court for Frederick County sitting as a Court of Equity the Petition of John W. Miller & Joanna Miller his wife, and others. most respectfully states That on the 12th Day of November 1851 they filed their bill of Complaint in Frederick County, as a Court of Equity, for the sale of the Real Estate of William Miller dec^d - That among other things they alleged in said bill That Zachariah Miller a son and one of the heirs at law of the said William Miller deced had been duly excoited declared a Lunatic, by virtue of a writ issuing from said Court, in the nature of a writ Delunatio inquirendo - No 2384 upon the Equity Docket, your Petitioners further state - That upon the Confirmation of the inquisition by the Court Thomas A Miller was appointed the Trustee of his person, and Estate your Petitioners state - That the Subpoenas issued in the premises against Zachariah Miller, who was made a party defendant in the Bill has been returned & returned. But your petitioners are advised, that the Trustee Thomas A Miller is precluded from answering upon behalf of the said Zachariah the allegations in the Bill by reason of their Community of Interest in the property sought to be sold your Petitioners therefore pray your Honor to pass an order in the premises appointing some suitable disinterested person or Commissioner to appoint guardian, to appear as guardian for the said Lunatic defendant - & on his behalf, answer the allegations in the Bill, and your Petitioners will ever pray

Wm J. Ross } soley.
Wm J. Ross } for Petn

John W Miller & } No 2389 Equity In the Circuit Court for Frederick
Joanna Miller } County, sitting as a Court of Equity
his wife & others } January Term 1853.

The Petition in this case having been read by the Court It is thereupon, this 23rd day of February 1853 Ordered that Robt + Wilson Jr of Frederick County, be and he is hereby appointed, Commissioner to appoint a guardian of the said defendant Zachariah Miller a Lunatic, with full power and authority to answer the said Bill of Complaint, in his behalf, and in all respects to defend & sustain his rights & Interests, so far as the same may be involved in this suit.

W Nelson

Thereupon the following Commission was issued
Maryland &c The State of Maryland to Robert Nelson Esq of Frederick County Greeting: Whereas John W Miller & Joanna Miller his wife and others, have lately exhibited their bill of Complaint, before me in the Circuit Court, for Frederick County, sitting as a Court of Equity against Thomas A Miller & Sarah Miller his wife & others and whereas I have, by my writ, lately commanded the said Defendants to appear before me in said Court as a Court of Chancery at a certain