

wife into Court here, by William W. Sappington their Solicitor, and filed in Court here the following Bill and Exhibits, to wit:

To the Honorable Madison Nelson, Judge of the Circuit Court for Frederick County, sitting as a Court of equity; — The Bill of Complaint of Daniel Keller and Joel Keller, and Nancy Keller his wife, of Frederick County in the State of Maryland, humbly represents to your Honor; that heretofore to wit: on or about the 28th day of June in the year 1857, a certain Rosanna Keller of Frederick County and State of Maryland aforesaid, departed this life, seized and possessed of certain real estate, lying and being in said county, a description of which is contained in the copy of a deed for the same, herewith filed, marked Exhibit A. which with all other Exhibits herewith filed your orators and oratrix pray may be taken as part of this their Bill of Complaint; That the said deceased left at the time of her death the following children, to wit: Daniel Keller and Joel Keller, and the following grand children, to wit, Martin A Keller and Sarah Keller, children of her deceased son Ezra Keller who died in the year 1848; and Sarah Derr, a child of her deceased daughter Elizabeth, who had intermarried with a certain John Derr, and died in 1838; that the said Joel Keller intermarried with a certain Nancy Shaeffer, now Nancy Keller one of these Complainants; That the said Daniel Keller, Joel Keller and Nancy Keller his wife, Martin A Keller, Sarah Keller and Sarah Derr, are all now living, and are the legal representatives and heirs at law of the said Rosanna Keller deceased; that the said Daniel Keller, Joel Keller and Nancy his wife, and Nancy Derr, reside in Frederick County aforesaid, and are all of age, with the exception of the said Sarah Derr who is an infant under the age of twenty one years; and that the said Martin A Keller and Sarah Keller are infants under the age of twenty one years, and reside in the State of Ohio. — And your Orators and oratrix further state unto your Honor, that the said real estate, owned & possessed by the said deceased as aforesaid is not susceptible of advantageous division amongst her heirs, the parties entitled to the same; and that it would be greatly to the interest of all concerned, infants as well as adults, that the said real estate should ^{be} now sold, and the proceeds divided amongst the parties entitled; But your orators and oratrix are advised, that by reason of the nonage of the said Sarah Derr, Martin A Keller, and Sarah Keller, a sale of the said real estate cannot be had without the aid of your Honorable Court. — And your Orators further state, that they are willing and do hereby waive their right of election to take said real estate, or any part of it, at a valuation, under the act to direct descents, and pray that the same may be sold without any such valuation, or Commission for the same, on proper testimony taken. — To the end therefore that the said Sarah Derr, Martin A Keller and Sarah Keller may answer the premises, and that a decree may be passed for the sale of the aforesaid land, and the proceeds of said sale distributed amongst the parties entitled thereto; And that your Orators and Oratrix may have such other and further relief as their case may require — May it please your Honor to grant unto your Orators and Oratrix a Commission to be issued to two discreet persons, residing in the State of Ohio, as Commissioners authorizing them or either of them to appoint a Guardian to answer for said Martin A Keller and Sarah Keller two of the infant defendants to this cause, and residents of the said State of Ohio, one of the United States, of America, and to take the answer of said guardian; And may it also please your Honor to grant unto your orators and oratrix the writ of the State of Maryland of Subpoena against the said Sarah Derr of Frederick County commanding her to appear in this Court, at some certain day to be therein named to answer the premises and abide by and perform such decree as may be