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No. 2699 Equity

The State of Maryland, Frederick County, to wit:
At a Circuit Court of the Third Judicial Circuit of the State of Maryland sitting as a Court of Equity held at the Court House in Fredericktown in and for the County aforesaid, on the Second Monday of February in the year eighteen hundred and fifty seven.

Present, the Hon. Mr. Nelson, Circuit Judge,
Maddox Rhoderick Esq. Sheriff
Edward Shriver, Clerk,

Among other were the following proceedings, to wit;

Henry Brown vs Daniel Brown & others } Be it remembered that heretofore, to wit On the 7th day of January in the year eighteen hundred and fifty seven, came the said Henry Brown, in the Court here sitting, by Buckett & Johnson, Solicitors, and filed in Court here the following Bill and Exhibit

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To the Hon^{ble} Mr. Nelson, Judge of the Circuit Court for Frederick County sitting in Equity, The Petition of Henry Brown of Frederick County humbly complaining to your Honor sheweth, that Elizabeth Brown of said County died intestate about the first of October 1856 seized & possessed of certain real estate described in a deed from Mr. D. Brown to said Elizabeth Brown as will appear by said deed herewith exhibited as "Ex. A," which with all other exhibits he prays may be taken as part of this Bill, that said real estate lies in Frederick County, that said Elizabeth left the following heirs at law, to wit Henry Brown, your Petitioner, Daniel Brown, Levi Brown & Bermina Brown, all of whom are adults & reside in Frederick County, and Ephraim B. Manahan, Cyrus B. Manahan, Daniel J. Manahan & John Henry Manahan, Sophia Elizabeth Manahan & Mary B. Manahan, infant children of Lydia Manahan, deceased, daughter of said intestate and Catharine E. Comfort, Martin H. Comfort, Hiram E. Comfort, Mary J. Comfort, Margaret A. Comfort & Pembroke Somerset Comfort, infant children of Magdalena Comfort, a deceased daughter of said intestate all of whom also reside in Frederick County, your Petitioner further shows that said real estate consists of sixteen acres of Mountain land and is indivisible and that he waives his right of election under the act to direct descent & believes that the other parties entitled are willing to waive theirs also, and therefore prays your Honor to appoint & issue a commission to five discreet sensible men authorizing them on a majority of them to proceed in the premises and determine whether real estate will admit of division and if so to divide it & if not to value said land, and in every respect to execute & perform their duties according to the provisions of the 1820 Chap. 198 and that your Honor will grant such further & other relief in case the parties entitled all waive their right of election, in the premises as Equity & good conscience may require. May it therefore please your Honor to grant your Petitioner the writ of habereas to the Sheriff of Frederick County directed, ordering him to summon the said Daniel, Levi & Bermina Brown, and Ephraim B. Cyrus B., Daniel J., John H., Sophia E. & Mary B. Manahan, and Catharine E., Martin H., Hiram E., Mary J., Margaret A. & Pembroke Somerset Comfort to be and appear in this Court by same day to be therein named to answer this Petition & abide by such decree as may be passed in the premises & as in duty bound &c

Buckett & Johnson
Solicitors for Petitioner