Frederick Town Savings Institution
vs
John I. Derr, George W. Derr, Daniel I. Derr, Jane E. Derr, Luther C. Derr, Ely D. Derr Daniel Derr & David Rauble

Be it remembered that heretofore, to wit, On the 17th day of January in the year eighteen hundred and fifty two came the said Frederick Town Savings Institution in Court here sitting by M B Luckett, Solicitor and filed in Court here the following Bill and Exhibits,

Bill

To the Honorable Madison Nelson, Judge of the Circuit Court for Frederick County, sitting as a Court of Equity.

The Bill of Complaint of the Frederick Town Savings Institution, who sues as well for itself as all other Creditors of Henry Derr, late of Frederick County, deceased, who will come in & contribute to the expenses of this suit, shows that the said Henry Derr was in his life time indebted to your Orator in the sum of five hundred & fifty dollars, Current Money, on his promissory note dated on the twentieth of January eighteen hundred & fifty one & payable ninety days after the date thereof, as will appear by a copy of said note herewith filed, marked No 1 which with all other Exhibits your Orator prays may be taken as part of this its Bill of Complaint And your Orator further charges that the said Henry Derr being indebted as aforesaid unto your Orator, & also to divers other persons in large sums of money, and having real & personal estate of considerable value, departed this life sometime in September eighteen hundred & fifty one, intestate, & leaving John I. Derr, George W Derr, Daniel I. Derr, Jane E. Derr, Luther C. Derr & Ely D Derr his children & heirs at law, all of whom are infants & all of whom reside in Frederick County aforesaid, And your Orator further charges that Administration of all & singular the personal estate of the said Henry Derr hath been lately granted by the Orphans Court of Frederick County unto Daniel Derr of Frederick County, who in virtue thereof has possessed himself of said personal estate: but your Orator is informed & believes & charges that the same is not sufficient to discharge all the debts, due & owing by the said intestate at the time of his death, And your Orator files herewith an exemplification of the Letters of Administration of the said Daniel Derr, marked Exhibit No 2, And your Orators are advised that any deficiency in the said personal towards satisfying the debts aforesaid ought to be supplied by a sale of the real estate of the aforesaid debtor, Your Orator further shows unto your Honor that a certain Daniel Derr & a certain David Rauble of Frederick County, having become sureties for the said Henry Derr on the aforesaid note, due as aforesaid to your Orator, the said Henry Derr on the nineteenth of August eighteen hundred and fifty executed to the said Daniel Derr & David Rauble, a deed of Mortgage of his real estate, to secure & indemnify the said Daniel Derr & David Rauble against loss by reason of their said suretyship As will appear by a copy of said Mortgage herewith filed, marked Exhibit No 3 - But now so it is may it please your Honor that your Orator cannot obtain adequate relief against said real estate, without the aid of this Court, To the end therefore that the said defendants hereinafter named, may answer the several matters & things herein before set forth, as fully as of the same were here repeated & they thereto specially interrogated, And that the aforesaid Administrator may set forth an account of the personal estate that has come to his hands, And that the aforesaid real estate, or so much thereof as may be necessary for the purpose, may be decreed to be sold, for payment of so much of the aforesaid debts as may remain unsatisfied by the application of the personal estate aforesaid,

Exhibit No 1

Exhibit No 2

Exhibit No 3