

Order  
of  
Publication

Louisa Mellen surviving  
Executor of John Willson dec'd

Mary Kohlhaas and others

No 3139 Equity Docket,  
In the Circuit Court for Frederick County, sitting as a  
Court of Equity.

Oct. Term 1863.

The object of this suit is to procure a decree for the sale of certain real estate situate in Frederick County, sold by the Executors of John Willson dec'd to a certain Benjamin Kohlhaas dec'd (sometimes spelled or called Colchosa) for the unpaid balance of the purchase money therefor. The Bill states, that on or about the 6<sup>th</sup> day of March in the year 1855, William Willson of John and the Complainant as Executor of the last will and testament of John Willson late of Montgomery County and State of Maryland, dec'd sold to a certain Benjamin Kohlhaas of Frederick County and said State, certain real Estate in said Frederick County, particularly described in the bill and its accompanying Exhibit 'B', for the sum of three hundred and twenty five dollars, one third of which was to be paid in cash, and the balance with interest, in one and two years thereafter; that said Benjamin Kohlhaas paid the cash installments of one hundred and Eight dollars, and executed to said Co-Executors his single bill for the balance, in the sum of two hundred & seventeen dollars, payable in equal sums in one and two years after said 6<sup>th</sup> day of March 1855 with interest payable annually; that on or about the 8<sup>th</sup> day of December in the year 1858, said Benjamin Kohlhaas paid on said single bill one hundred and three dollars, that said single bill is long over due, and there remains a large balance of the principal and interest of said purchase money unpaid; that said unpaid purchase money and interest is a lien upon the said real Estate; and said Complainant is entitled to, and prays a Decree for the sale of said land for the payment of said balance of the unpaid purchase money and the interest that may be due thereon; that said William Willson of John, Co-Executor of said Complainant as aforesaid is dead, and Complainant is his surviving and sole Executor of said John Willson dec'd.

And the bill further states that on or about the 21<sup>st</sup> day of January in the year 1862, said Benjamin Kohlhaas departed this life, and left surviving him, the following heirs namely, his widow Mary, residing in Frederick County, State of Maryland, and the following children, all of full age, George W. Kohlhaas residing it is believed in Washington County of said State, and Alexander Kohlhaas, Frederick Kohlhaas, James W. Kohlhaas and Eliza Kohlhaas, all now residents residing out of the State of Maryland and beyond the jurisdiction of this Court, the said Eliza and some or all of said other absent defendants believed to be married, but to whom not known, and the bill then prays for the writ of subpoena in the usual form against the present defendants, and an order of publication against said absent defendants.

It is therefore by me Madison Nelson Judge of the Circuit Court for Frederick County sitting as a Court of Equity, and by the authority of this Court, on this 18<sup>th</sup> day of November in the year 1863, adjudged and ordered that the Complainant by causing a copy of this order to be inserted in some newspaper published in said Frederick County once in each of four successive weeks before the 19<sup>th</sup> day of December in the year 1863, give notice to the said absent defendants of the object and substance of the Bill and warn them to appear in this Court in person or by solicitor on or before the 22<sup>nd</sup> day of March in the year 1864 to answer the premises, and show cause if any they have, why a decree should not pass as prayed.

True Copy Test -

M. Nelson  
B. S. Fitzhugh Clerk

Answer  
of  
Ben. H. Kohlhaas

Interlocutory  
Decree

Commissions

Commissions  
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