No. 3264 Equity.

State of Maryland Frederick County Set.

At a Circuit Court for the Fourth 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 30th day of April 1866 — Present The Hon. Madison Nelson Circuit Judge.

William B. Tabler Esq: Sheriff and
James L. Carty Clerk.

Among other were the following proceedings to wit:

Samuel Nicholas & wife et al
vs
Jane Sanders

Be it remembered that heretofore to wit — on the 13th day of October 1865, came the said Complainants in Court here sitting by Grayson Eichelberger Solicitor and filed in Court here the following Bill and Exhibits.

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

The bill of complaint of Samuel Nicholas and Rachel Nicholas his wife Catharine Erick, Solomon Sanders and Elizabeth Sanders his wife, Josiah Moser and Amanda E. Moser respectfully showeth unto your Honor that in December in the year eighteen hundred and sixty four, a certain Joseph Nicholas died intestate seized and possessed of a valuable real estate composed of several pieces or parcels of tracts of land lying partly in Frederick and partly in Washington County, which with a particular description of said real estate will appear by reference to the deeds of conveyance therefor, true and certified copies whereof are filed herewith as Exhibits No: 1-2-3-4-5-6 and 7, which with all other Exhibits your Orators pray may be taken as a part of this their bill of complaint as if here inserted in words and figures — that the said Joseph Nicholas died leaving Samuel Nicholas, Elizabeth Sanders, Catharine Erick, his children and Josiah Moser Amanda E. Moser and Jane Sanders his grandchildren and the only children and heirs at law of the intestate's deceased daughter Malinda, as his only heirs at law, to whom said real estate descended — that said John Sanders is an infant under the age of twenty one years and resides in the State of Ohio, beyond the limits of the State of Maryland — that said real estate is not susceptible of advantageous division and is rapidly going down and that it will be to the advantage and interest of all said parties, infant as well as adults, that said real estate should be sold by a trustee to be appointed by your Honor and the proceeds of sale distributed among said heirs at law according to their respective rights and your Orators do not elect to take said land under the provisions of Article 47 of the Code of Public General Laws of this State.

In tender consideration whereof and for as much as your Orators are remediless in the premises by the strict rules of the Common law and relievable only in a Court of Equity where matters of this nature are properly cognizable, To the end therefore that the said Jane Sanders may answer all and singular the charges and matters aforesaid and that said real estate may be sold by a trustee to be appointed by your Honor and the proceeds of sale distributed under the direction of your Honor among said heirs at law and that your Orators may have all such other and further relief as the nature of the case may require and to your Honor shall seem meet, May it please your Honor to order a Commission to two Commissioners residing near said infant defendant authorizing them or either of them to appoint a Guardian to answer for such infant and to take the answer of such infant by said Guardian — And your Orators will ever pray &c.

Grayson Eichelberger
Solr for Complainants

Let Commission issue to L. W. C. Dean and John S. Berger to take the answer