Bill

Bill and Exhibits &c

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

The Bill of complaint of William Keller and Ann E. Keller his wife, Henry Keller and Sarah Keller his wife Daniel Keller and Jane Keller his wife, Isaac Keller and Catharine Keller his wife, Eli Routzahn and Mary Routzahn, Lawson Alexander and Catharine Alexander his wife, Lydia Keller, Malinda Keller, Elizabeth Keller, Sarah Keller, Thomas C. Keller, Amanda C. Keller, Washington Biser and Mary J. Biser his wife, humbly shows unto your Honor that sometime in the Summer of the year Eighteen hundred and Sixty five, Hannah Keller, the widow of David Keller dec^d departed this life intestate, seized and possessed of a certain House and Lot in Middletown in said County, and certain lot of land containing three acres & twenty eight perches adjoining said Village of Middletown, being the real property purchased of said Henry Keller and William Keller Trustees in No 3102 Equity, in said Court, as will appear by a copy of said Trustee's Report hereunto filed as a part of this Bill and marked Exhibit A. –

Your complainants further show that said Hannah Keller left the following named children and Grand children as her only heirs at law viz; the said William Keller, Henry Keller, Daniel Keller, Isaac Keller, sons of said Hannah, and the said Mary Routzahn, Catharine Alexander, Lydia Keller Malinda Keller, Elizabeth Keller daughters of said Hannah, and said Sarah Keller a grand child of said Hannah and only child and heir at law of her deceased Son John Keller, who died before the said Hannah, and the said Thomas C. Keller and Amanda C. Keller and Mary J. Biser and Charlotte R Keller, Grand children of said Hannah, and the only children and heirs at law of her deceased son Jonathan Keller, who died before his said mother. –

That the aforesaid parties all reside in Frederick County aforesaid, and are all adults except the said Charlotte R. Keller who is under the age of twenty one years. – Your complainants further show that said real estate descended to said heirs at law of Hannah Keller – that the same cannot be divided among said parties without great injury and loss – and that said real estate should be sold and the proceeds distributed among those entitled, is required by the interest of the said parties the adults as well as said infant. – Your Complainants further show that the said Hannah Keller has only paid the one third of the purchase money for said real estate, and the remaining two thirds are still due and unpaid, and is, as your Complainants are advised, a lien on said real Estate, and that the same ought to be sold and the proceeds after paying said purchase money lien, divided among the heirs of said Hannah Keller. – And your Complainants hereby expressly waive all and every right of partition and election given by the laws and acts of Assembly of this State, to render Consideration whereof, and for that your Complainants are without remedy 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 Charlotte R Keller may answer the matters and things aforesaid as fully as if the same were herein again repeated and they thereunto particularly interrogated, and that said real estate may be sold, and the proceeds after paying the purchase money lien thereon, distributed under the direction of your Honor, among the parties entitled to the same, and that your Complainants may have all such other and further relief in the premises as the nature of the Case may require and to your Honor shall seem meet. –

May it please your Honor to grant unto your Complainants the State of Maryland's writ of Subpoena to be directed to the said Charlotte R Keller of Frederick County, commanding her to be and appear before your Honor, in your Honorable Court, on a certain day therein to be named, to answer all and singular the premises and to stand to, abide by and perform such order and decree therein as to your Honor shall seem meet, right and proper to pass –

And your Complainants will ever pray &c.

John A. Lynch
Solicitor for Complainants