

thereof filed here the marked Exhibit No. 4, and your Orators would still further represent that said real estate of which said John Schroyer died seized and possessed will not admit of advantageous division among all of said heirs at law, but that it would be to the interest and advantage of all the parties concerned, infants as well as adults for said real estate to be sold by a trustee to be appointed for that purpose by your Honorable Court & in tender consideration whereof and for that 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 and things of this nature are properly cognizable & to the end therefore that the said Daniel Hoffman, James W Hoffman, Daniel Hoffman, Ellen Hoffman, Caroline Hoffman, Ephraim Moser, and Susan E his wife, Samuel Keumma & Col. Moller, Executors of Jacob Keumma dec'd, Daniel Burns and Joseph Poffenberger & John Poffenberger may answer fully and particularly all and singular the matters and charges aforesaid: May it please your Honor to order and decree that said real estate may be sold by a trustee appointed for that purpose, and that your Orators 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, - And that an order of publication may be granted unto your Orators, giving notice to the said Samuel Hoffman, Daniel, Ellen, & Caroline Hoffman who are now residents as aforesaid, of the substance and objects of this Bill, and warning them to be and appear in your Honorable Court in person or by solicitor, on or before a certain day to answer the premises and show cause, if any they have, why a Decree should not pass as prayed. - And may it further please your Honor to grant unto your Orators the State of Maryland's writ of subpoena to be directed to the said Jas. W Hoffman and Daniel Burns of Frederick County, and Samuel Keumma & Col. Moller, Executors of Jacob Keumma dec'd, and Ephraim Moser and Susan Elizabeth, his wife, and Joseph & John Poffenberger, all of Washington County Maryland, directing and commanding them and each of them 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 & perform such order and decree therein as to your Honor shall seem meet, and your Orators will ever pray &c.

Milton C. Warner

Solicitor for Complainants

At the request of John Schroyer, the following Deed was recorded January 8<sup>th</sup> 1861.

Exhibit No 1

This Deed made this 31<sup>st</sup> day of March in the year Eighteen hundred and sixty by Joseph Wastler and Catharine Wastler his wife of Frederick County, in the State of Maryland Witnesseth, that in consideration of forty dollars, the said Joseph Wastler and Catharine Wastler his wife doth grant unto John Schroyer of said County and State, all that Lot of ground situated in Frederick County in the State of Maryland being part of a tract of land called "Honesty is the best Policy". The same being designated as Lot No 2 and which is described as follows; Beginning for the same at a stake at the whole end of 49 1/2 perches on the 3<sup>rd</sup> line of the deed from Philip Coblenz to Jacob Martin and running thence S. 14° W 54 1/4 perches to a stake being a corner of Lot No 1 part of the land called "Honesty is the best Policy" S. 63° East 44 perches to a stake, N. 11 1/4° East 72 3/10 perches to a stake, N 86 3/4° W. 42 1/2 perches to the first mentioned beginning, containing sixteen and a half acres of land more or less, in fee simple.

Witness our hands and seals the day and year first above written.

Test. -

Carow Poffenberger

Joseph Wastler  
Catharine Wastler  
marks

Which is thus endorsed,

State of Maryland, Frederick County to wit: I hereby certify that on this 31<sup>st</sup> day

Exhibit 1