



N<sup>o</sup> 3306 Equity ~

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

The Bill of Complaint of Vincent Lanner Jr & Ellen McLanner, his wife, of Frederick County Maryland, humbly shews unto your Honor, that a certain Daniel Smeltzer, late of said County was in his life time, seized and possessed of a large real estate, in Middle town Valley in said County, and being so seized and possessed, some time in the year Eighteen Hundred and sixty five, departed this life intestate, leaving Mary W Smeltzer his widow, and leaving your Complainant Ellen McLanner, Sarah C. Young, wife of Daniel Young, Deborah F. Horine wife of A. J. Horine, Daniel W. Smeltzer, Manasses S. Smeltzer, <sup>Amanda Smeltzer & Martin Smeltzer</sup> his children and heirs at law. ~ That the aforesaid parties all reside in said County, except A. J. Horine and Deborah F. Horine his wife who reside in the state of Illinois, and Manasses S. Smeltzer who is a student at Pennsylvania College in the state of Pennsylvania, and they are all adults except Manasses S. Smeltzer, Amanda Smeltzer and Martin Smeltzer who are under the age of twenty one years ~

Your Complainants further shew that the real estate of which the said Daniel Smeltzer died seized, is situate in said Frederick County in Middle town Valley, and is fully described in a deed from Joel Keller and wife to said Daniel Smeltzer, bearing date the first day of May A.D. 1854, a certified copy of which said deed of conveyance is herewith filed, marked Exhibit A and in a deed from Daniel Beachley and wife to Daniel Smeltzer dated the 29<sup>th</sup> day of September A.D. 1855, a copy of which is herewith filed marked Exhibit B, but that said Daniel Smeltzer in his lifetime sold a small part of said land to Daniel Beachley, which is described in a copy of the deed therefor, herewith filed marked Exhibit C, which said Exhibits your Complainants pray may be taken and considered as a part of this their Bill of Complaint. ~

Your Complainants further charge, that said real property is not susceptible of division or partition among the parties entitled, without loss or injury to the parties, but that it would be for the interest and advantage of all the parties, the infants as well as adults, that said real estate should be sold under the direction of your Honorable Court, and the proceeds divided among the parties entitled, according to their respective interests. And your Complainants expressly renounce and waive all right of partition and election given by the laws of the state of Maryland. ~

But nevertheless your Complainants are without remedy in the premises, save by the aid of your Honorable Court, as a Court of Equity, where matters of this nature are properly cognizable. ~ To the end therefore that the defendants herein after named, may answer the several matters and things hereinbefore set forth, as fully and particularly as if the same were herein again repeated, and they were thereunto specially interrogated, and that said real estate may be sold under the direction of this Court, and the proceeds divided among the parties entitled, according to their respective interests, and that your Complainants may have such other and further relief in the premises as the nature of their case may require ~

May it please your Honor to grant unto your Complainants an order of publication giving notice to the said A. J. Horine and Deborah F. Horine his wife, and Manasses S. Smeltzer who are now residents, of the substance and objects of this Bill, and warning them to appear in this Court, in person or by solicitor, on or before a certain day to be therein named, to answer the premises, and show cause, if any they have, why a decree ought not to pass as prayed. ~

And may it further please your Honor to grant unto your Complainants, the writ of subpoena against the said Daniel Young and Sarah C. Young his wife, Mary W. Smeltzer

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