

and the following named children and heirs at law, viz: Ellen M. married to Vincent Sanner Jr. Deborah F. married to A. J. Horine, Daniel B. D. Smeltzer, Manasses S. Smeltzer Amanda Smeltzer and Martin Smeltzer and Sarah L. married to Daniel Conroy. That they all reside in Frederick County except A. J. Horine and wife who live in the State of Illinois, and Manasses S. Smeltzer who is a student at Pennsylvania College in the State of Pennsylvania, and are all adults except Manasses S. Smeltzer, Amanda Smeltzer, and Martin Smeltzer who are under the age of twenty one years. ~ The Bill further states that said real estate is not susceptible of division or partition among the parties entitled without loss or injury to the parties, but that it would be to the interest and advantage of all the parties, the infants as well as adults, that said real estate should be sold and the proceeds divided among the parties entitled, according to their respective interests. ~ It is therefore this 25<sup>th</sup> day of June A.D. 1866, ordered that the Complainants by causing a Copy of this order to be inserted in some newspaper published in Frederick County once a week for four successive weeks before the 4<sup>th</sup> day of August A.D. 1866, give notice to the said A. J. Horine and Deborah F. his wife, and Manasses S. Smeltzer, the said absent defendants, of the object and substance of this Bill, and warn them to appear in this Court in person or by solicitor, on or before the 5<sup>th</sup> day of November A.D. 1866. to answer the premises, and show cause if any they have, why a decree ought not to pass as forevoted.

Filed June 25<sup>th</sup> 1866 ~

Geo W. L. Carty Clerk of the Circuit Court for Frederick County,

Answer of  
Mary B. Smeltzer

Answer of  
Young W. W. Young  
to Young his

Answer of  
Daniel B. D. Smeltzer

The Answer of Daniel B. D. Smeltzer of Frederick County State of Maryland to the Bill of Complaint of Vincent Sanner Jr. and Ellen M. Sanner his wife of Frederick County State aforesaid - filed in the Circuit Court for Frederick County State aforesaid as a Court of Equity - against himself and others - This defendant for answer to the said Bill of Complaint, answers and says, that he admits that Daniel Smeltzer died intestate in the year Eighteen hundred and forty five - seized and possessed in fee simple of the lands situate in said County and State described in the Copies of the deeds Exhibited in Complainants Bill as Exhibits A and B. which this respondent admits to be true Certified Copies. ~

This respondent further admits that said Daniel Smeltzer left a widow named Mary B. Smeltzer and the children named in the said Bill, to whom said lands descended as his heirs at law. ~

This respondent further admits, that Ellen married Vincent Sanner Jr., that Sarah married Daniel C. Conroy, that Deborah married A. J. Horine - that all the said children reside in Frederick County except A. J. Horine and Deborah C. Horine his wife - and Manasses S. Smeltzer - who are now residents as stated, and that all of said heirs at law are adults except Manasses, Amanda, and Martin Smeltzer who are infants under the age of twenty one years. ~

This defendant denies that the said lands are not susceptible of partition, without loss or injury to the parties as alleged in said Complainants Bill - And this defendant says that if not susceptible of partition, he has the right to have the same valued by Commissioners appointed by your Honorable Court - And as eldest son of said Daniel Smeltzer claims his right of Election - And that your Honor would appoint suitable Commissioners to make such valuation without this &c. And this defendant prays hence to be dismissed with his reasonable costs and charges &c. ~

Wm J. Ross

Solicitor for Respondent

Daniel B. D. Smeltzer

Filed July 2<sup>nd</sup> 1866 ~

Order is  
Commissioner  
of Pt. Quar

Commission