the Petitioners pray that said Cause may be proceeded in notwithstanding the death of said Jacob Duhl

W. L. Rose Solicitor for Petitioners

In the Circuit Court for Frederick County in Equity No 2886 Equity
Ordered by the Court this 11th day of January 1860 that this Cause be proceeded in notwithstanding the death of Jacob Duhl one of the Complainants
Alexanders Chancery Practice 103
act of 1844 Chap 44 Sec 3 –

M. Nelson

John W. Duhl et al
vs
Edmund Kehn wife et al
} No 2886 Equity In the Circuit Court for Frederick County as a Court of Equity

Know all men by these presents that whereas William Duhl late of Frederick County hath departed this life seized of certain real estate and leaving several heirs at Law of whom Anna Kehn wife of Edmund Kehn is one Mary Stoner wife of John W Stoner is one and Sarah Devilbiss wife of George C Devilbiss is one and whereas application hath been duly made to the Judge of the Circuit Court for Frederick County sitting as a Court of Equity according to the provisions of the act of Assembly for a division of said estate among the said heirs and other heirs of said William Duhl deceased and whereas Commissioners have been appointed by the said Court to proceed therein according to Law and the said Commissioners have determined that the said estate cannot be divided without loss to all the parties interested and have made return of their Judgment and the reasons upon which the same was formed and the real value of the said estate in current money to the said Court by whom the said return has been confirmed and whereas the said Edmund Kehn and Anna Kehn John W. Stoner and Mary Stoner George C Devilbiss & Sarah Devilbiss his wife are desirous of refusing or unwilling to take the whole or any part of the said estate at the value ascertained and returned by the said Commissioners according to the act of Assembly. Now Know ye that we the said Edmund Kehn and Anna Kehn his wife John W Stoner and Mary Stoner his wife George C. Devilbiss and Sarah Devilbiss his wife for divers good Causes and Considerations us thereunto moving have refused and by these presents do refuse to take the whole or any part of the said estate at the value ascertained and returned by the said Commissioners and do pray the Court that the real estate hereinbefore mentioned in these proceedings may be sold for the purpose of partition we having accordingly affixed Given under our hands and seals this 18th day of January in the year of our Lord 1860

Signed sealed & delivered in the presence of us who do hereby attest the same
John S. Rizer
John Renzer

Edmund Kehn (Seal)
Anna Kehn (Seal)
John W Stoner (Seal)
Mary Stoner (Seal)
Geo. C. Devilbiss (Seal)
Sarah Devilbiss (Seal)