and that all said Children and heirs at law are over twenty one years of age and reside in in Frederick County. These defendants for further answer admit that said real estate descended to said Children of the intestate subject to the right of her widow to dower therein, and they state that said real estate will not admit of partition or division among said Children & heirs at law and they state further that said real estate, consisting of a small tract of about fifty five acres of land subject to the widows right of dower therein, cannot be sold without great injury & loss to these defendants & all the heirs at law, and they are not willing that it shall be sold, but if your Honor shall determine that said real estate ought to be sold they then pray your Honor to appoint Daniel Marker trustee in accordance with the recommendation filed herewith as Exhibit &c to answer & these respondents pray to be hence dismissed &c.

G. Eichelberger
Sol for Defts.

Filed August 15th. 1866.

Exhibit D M. to Answer.

Peter C. Kesselring & Elizabeth Kesselring vs Daniel Marker & others.

No. 3278
In the Circuit Court for Frederick County, sitting in Equity.

We, the Children & heirs at law of Michael Marker deceased do hereby recommend Daniel Marker for the appointment as trustee in the above case to make sale of the real estate of the intestate

Ludwick Rontzahn
Mary Rontzahn
Hezekiah Cline
Barbara E. Cline
Adam Warenfelz
Cassa Warenfelz
George H. Ambrose
Matilda Ambrose
Lewis Marker

Filed August 15th 1866.

Interlocutory Decree appointing Commissioners to view, value, divide & lay off down &c

Peter C. Kesselring & Elizabeth Kesselring his wife, vs Daniel Marker, Lewis Marker & others

No. 3278 Equity
In the Circuit Court for Frederick County, in Equity.

This cause standing ready for hearing the Bill Exhibits answers and all proceedings were read and considered It is thereupon this 8th. day of September in the year Eighteen hundred and sixty six by the Hon. Madison Nelson Circuit Judge of the ~~of the~~ Fourth Judicial Circuit of the State of Maryland and by the Authority of the Circuit Court for Frederick County as a Court of Equity, adjudged, ordered and decreed That there be a partition of the real estate whereof Michael Marker in the proceedings mentioned lately died seized and possessed amongst his heirs at law, And to the that this Court May be enabled to make