

No. 1302 Equity

Martha & Fanny Brown, all living in Washington County, & all infants except Helen, Eliza and Asbury who are adults

That said Daniel Buchanan died seized & possessed of about One hundred and twelve acres of land situated in Frederick & Washington Counties Maryland, being part of the land purchased by said Daniel Buchanan from W & F Brown Trustees & the Browns, or from whomsoever the same was obtained, as by deeds, Copies of which are filed as Exhibits Nos 2 & 3, and which constituted his real estate. That he by his said last will appointed your Complainant Mary Buchanan the sole Executrix of the same but gave no power to sell his real estate, other than the said direction that his "heirs" should sell the same "whenever they shall agree"; that said heirs have not been able to agree, and some of them being infants of tender years are incapable of agreeing. That your Complainant Mary Buchanan is advised that by said will the said legacy of eight hundred & fifty dollars to her is a charge upon said real estate & she is entitled to have the same sold to pay said legacy and your Complainant W & F Buchanan is entitled to a share of the proceeds of sale after the payment of all the legacies.

In tender, consideration whereof & for that your Complainants are remediless in the premises by the strict rules of the common law & releivable only in a Court of Equity where matters & things of this nature are properly cognizable. - To the end therefore that the said Defendants hereinafter named may answer the premises fully & particularly, and that the real estate of which said Daniel Buchanan died seized & possessed, wherever situated, may be sold by a Trustee to be appointed for that purpose and that your Complainants may have such other and further relief in the premises, as the nature of the case may require, & to your Honors shall seem just, may it please your Honors to grant unto your Complainants the State of Maryland writ of Subpoena, directing & commanding the said James Brown, Wilson, Eliza, Asbury, Maria, Lewis, Keller, Charles, Emma, Martha & Fanny Brown, William Lewis, & Ann Elizabeth, his wife, all of Washington County, Jos. Fox & Sarafine, his wife, John Fox & Cornelia Ann Fox his wife, Geo. Lewis Fox & Martha Ann his wife, Daniel Manahan & Amanda Eliza his wife of Frederick County, Franklin Wajaman & Malinda his wife of Frederick County Cendealla Buchanan of Baltimore City, to appear in this Court on some certain day to be therein named, to answer the premises & abide by & perform such decree as may be passed therein and may it also please your Honors to grant to your complainants an order of Publication against said Daniel Buchanan & Susan Buchanan his wife, Wm Benschroff & Emeline Benschroff his wife, & Nelson S Buchanan who are non-residents as aforesaid, giving them notice of the object & substance of this bill & warning them to appear in this Court on some certain day to be therein named in person or by Solicitor & abide by such decree as may be passed in the premises - and as in duty bound your Complainants will ever pray &c

Milton G. Under
Solicitor for Compls.

Filed Oct. 8, 1877

Last Will

of
Daniel Buchanan dec'd

In the name of God Amen I, Daniel Buchanan of Frederick County, and State of Maryland, being weak in body, but of

Exhibit No 1