No. 5032 Equity

said mother.

3. That the said Samuel Scholl Rutherford is an infant under the age of twenty one years and resides with his father Samuel H Rutherford in Dauphin County State of Pennsylvania

4. That the real Estate mentioned and described in the first paragraph of this Bill of Complaint upon the death of the said Margaret Scholl intestate descended to and vested in the above named Children and grand Child as tenants in common

5. That the said lot of ground cannot be divided without loss and injury, and that it will be to the advantage of all parties in interest that the said lands be sold under a decree of your Honorable Court, and the proceeds of sale divided among them according to their respective interests therein.

To the end therefore that the defendant herein after named may answer the matters and things stated in said Bill of Complaint the same as if herein again repeated and he was thereunto specially interrogated and

1. That the real estate mentioned in these proceedings may be sold under and by virtue of a decree to be passed by your Honorable Court and

2. That the proceeds of sale may be distributed among the parties interested according to their respective interests therein and

3. That your Orators may have such further and other relief as the nature and Equity of their Case may require

May it please your Honors, to pass an order directing a Commission to issue to two persons who reside near the said Samuel Scholl Rutherford who is an infant and the only defendant in this Case, authorizing them or either of them to appoint a guardian to answer for such infant and take the answer of such infant by his said guardian and provide the mode of authenticating the Execution of said Commission and as in duty &c

Charles W Ross

Filed January 1. 1885 — Atty for Plaintiff

Ordered by the Court this 9th day of January 1885 that a Commission issue in the above Case to Dr Thos J Smith and Dr H B. Buckler two persons residing near the said Samuel Scholl Rutherford to appoint a guardian for said infant and to take the answer of said infant by his said guardian, and that the execution of said Commission shall be authenticated, under the hand and Seal of said Commission as all Commissions issuing out of this Court are authenticated.

Filed January 9. 1885. — John Ritchie

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At the request of Dennis Scholl the following Deed was recorded June 21. 1884

Exhibit No 1

This Indenture, made this 20th day of June in the in the year Eighteen hundred and forty four between William M Beall of Frederick County in the State of Maryland Trustee as hereinafter mentioned of the one part and Dennis Scholl of the same place of the other part, Whereas by a decree of the Frederick County Court sitting as a Court of Equity bearing date on the 14th day of March 1844 in a Cause in the said Court then depending between Martha R Hanna Complainant and Clarissa McCleery and Henry W Knight defendants the said William M Beall was appointed Trustee to make Sale of the property in said decree mentioned and hereinafter particularly described and Conveyed and whereas the said William M Beall in pursuance of said decree, did on the 18th day of May in the year Eighteen hundred and forty four sell and dispose of to the said Dennis Scholl the property hereinafter described and Conveyed