

No. 5014 Equity

In the Circuit Court for Frederick County sitting as a Court of Equity

John A. Hoons and Georgianna C. Hoons
his wife, John Ott and Emma Ott his
wife Joseph A. Miller & others

No 5014 Equity
in said Court

vs
Jas W. Miller and wife

Order of
Publication

The object of this suit is to procure a decree for the sale of certain real estate situated in Frederick County of which John W. Miller died seized and possessed. The Bill states that said John W. Miller died about the year A.D. 1871 after having made and duly executed his last will and testament which was admitted to probate by the Orphans Court for Frederick County, a copy of which is filed with the bill as part thereof and marked Exhibit No. 1. That he died seized and possessed that of a farm situated in Frederick County containing One hundred and ninety eight acres more or less described in a deed from Mary Ann Miller; That J. W. Miller Joseph A. Miller and John F. D. Miller the Executors of said will qualified as such and settled a number of accounts in the Orphans Court and have sold all the real estate of said John W. Miller except the said farm and as more than five years have elapsed since the death of said testator, the time limited by said will for the sale of said real estate, doubts are entertained as to the power of said Executors to sell said farm and it would be to the interest and advantage of all parties concerned for said farm to be sold by a trustee to be appointed by this Court. That Joanna Miller the widow of said John W. Miller is dead; that by said will the children of said John W. Miller were each to have the sum of Eight hundred dollars out of the proceeds of said farm and the balance was to be invested for the benefit of said Joanna Miller during her life, but said will contained no direction as to what disposition should be made of said surplus after the death of said Joanna and the same would descend by operation of law to the said children of said John W. Miller namely: Joseph A. Miller, Georgianna C. Hoons wife of John A. Hoons, Emma F. Ott wife of John Ott, Abnera Post wife of John Post, Columbia Miller wife of Levi F. Miller, John F. D. Miller and J. James W. Miller all of whom are adults and reside in Frederick County with the exception of J. James W. Miller who is a non-resident and resides in the State of Missouri; that said parties in interest have not been able to agree among themselves for the sale of said real estate and it is not susceptible of division among them according to their respective interests and as the time limited by said will for the sale of said real estate has expired it would be to the interest and advantage of all parties concerned for said real estate to be sold by a trustee to be appointed by this Court and the proceeds distributed among them. It is thereupon adjudged and ordered that the Plaintiff 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 5 day of November A.D. 1884 give notice to the said Joanna W. Miller and Catharine Miller his wife, who are non-residents of the object and substance said bill and warn them to appear in this Court in person or by solicitor, on or before the 5 day of February A.D. 1885 to answer the premises and show cause if any they have why a decree ought not to pass as prayed.

Dated this 2^d day of October A.D. 1884

Adolphus Feasak Jr

Clerk of the Circuit Court for Frederick County

Filed October 2, 1884

Handwritten notes in the left margin, including "Order of Publication" and other illegible text.