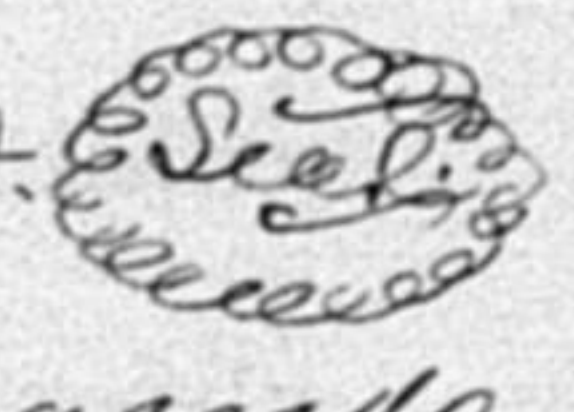


papers. during Shimers ownership & deponent knows the Land mentioned & referred to in this answer, and the exhibits herein referred to in this answer & the exhibits herein referred to and herewith returned.

To the fourth Int. He answers that the Lands & property of which Cornelius Shimer died seized, are susceptible of division, but not of Equal division, among all the parties interested. The most valuable of the property being mill property, & much more than any one share shall amount to, and this property could not be divided, without being destroyed & injured & no equal shares by any possibility could be taken of the Estate, without difference in Value to be accounted for in money - deponent can see no safe or prudent mode of settling the Estate without sale, and the proceeds in proper proportions.

To the last Int. Knows nothing further. The Commission was here closed, and is Respectfully returned

R Wilson Jr. Com. 

Thereupon the following Interlocutory Decree was passed.

Edward A Shimer } In the Circuit Court, for Frederick County, July Term 1854.
 " } Oct. Term. The said Cause being ready for a hearing, and being submitted, and the proceedings read & considered -
 Catharine Shimer }
 George W. Shimer & } It is thereupon this tenth day of November, 1854 by Madison
 Cornelius A. Shimer } Nelson Esq. Circuit Judge for the third Judicial Circuit of
 the State of Maryland, and by the authority of the Circuit Court, for Frederick County, sitting in Equity, ordered, adjudged, and decreed - that there be a partition of the real Estate whereof - Cornelius Shimer, late of Frederick County, State of Maryland in the proceedings mentioned lately died seized, among his heirs at Law. And to the end that the Court might be enabled to make such partition, it is further adjudged, ordered, and decreed, that a Commission in the usual form issue to John Derr, Lewis Bunker Dewitt C. Johnson, Frederick Krantz, and Elias S. Delashmatt of Frederick County, authorizing them, or any three or four of them, to enter, view, walk over, & survey, the said real Estate, and value the same subject to all incumbrances, if any there on, and to divide the same in four equal parts, having regard to quantity & quality if in their opinion the said Real Estate be susceptible of such division with advantage to all the parties interested therein; and to allot one such division to Edward A. Shimer, one to Catharine Shimer, one to George W. Shimer, and one to Cornelius A. Shimer and if in their opinion the said Real Estate be not susceptible of such division, with advantage, to all the parties interested therein then that they proceed to divide the same into such lesser number of parts, as they may deem most to the advantage of all the parties interested therein, and to ascertain the value of each part thereof, subject to any incumbrances thereon, having regard as aforesaid to quantity and quality. And if in their opinion said Real Estate will not admit of division without loss or injury to the parties, then that they make return of said Judgment and the reasons upon which the same was formed, with the Real Value of said Real Estate, subject to any incumbrances thereon, and that the said Commissioners lay off the dower of Mary Phoebe Shimer the widow of the deceased, in the said Real Estate, before they proceed to divide or value the same. And that the said Commissioners make out, or cause to be made out a plat, and Certificate of the said Real Estate, and of the division thereof, with the beginning and courses, and an accurate description of the said Estate, and of the several parts thereof, and to the Commission there shall be annexed the usual oath of office.

M. Nelson.

Thereupon the following Commission was issued.

Maryland Sec. The State of Maryland, to John Derr, Lewis Bunker Dewitt C. Johnson, Frederick Krantz, and Elias S. Delashmatt, of Frederick County.

