

The following Decree was passed 18. Decr. 1854.

Michael F. Eichelberger } N. 2579. In the Circuit Court, for Frederick County, sitting as a Court
 and others. } of Equity October Term 1854.
 Elizabeth Eichelberger } This cause standing ready for hearing, and being submitted,
 and others. } upon the Bill, answers, exhibits, and all other proceedings
 which were duly read & considered. It is thereupon this 18th day
 of December, 1854. by me Madison Nelson - Circuit Judge, for the third Judicial Circuit
 of the state of Maryland, sitting in the Circuit Court, for Frederick County, as a Court of
 Equity, and by the authority of the said Court, ordered, adjudged, and decreed that there
 be a partition of the Real Estate in said proceedings mentioned, wherof Jos. Eichelberger
 lately died seized, amongst his said heirs at law, and to the end, that this Court
 may be enabled to make such partition. It is further adjudged, ordered and decreed
 that a Commission in the usual form issue to Michael Zimmerman, John W. Miller
 Elias Kriss, George W. Danick, and Michael S. Beckenbaugh of Frederick County, authorizing
 them, or any four, or three of them to enter upon, walk over, and survey the said
 Real Estate, and value the same, subject to all incumbrances, if any thereon & to divide
 the same into seven equal parts, having regard to quantity, and 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 of such divisions to each of the Complainants
 Michael F. Eichelberger, and Mary M. Seabrooks, and to each of the defendants, Virginia
 Susan M. Martin J. Grayson M. & Marion E. Eichelberger, 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 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 the
 said Real Estate will not admit of division, without loss or injury to the parties
 then that they make return of their said Judgment, and the reasons, upon which
 the same was formed, with the Real Value of the said Estate, subject to any incum-
 brances thereon, and that the said Commissioners lay off the dower, of the defendant
 Elizabeth Eichelberger the widow of the decd. in the said Real Estate, before they proceed
 to divide, or value the same, and that said Commissioners make or cause to be made
 out a plat & certificate of the said Real Estate, and of the division thereof, with the
 Beginning, and courses, and an accurate description of said Estate, and of the several
 parts thereof, and to said Commission shall be annexed the usual oath of office,
 W. Nelson.

Whereupon the following Commission was issued. viz.
 Maryland Set: The state of Maryland to Michael Zimmerman, John W. Miller,
 Elias Kriss, George W. Danick & Michael S. Beckenbaugh, of Frederick County.
 Greeting: Know ye that we have pursuant to an order of the Circuit Court
 for Frederick County, sitting as a Court of Chancery, passed this day in a Cause therein
 between Michael F. Eichelberger, Hanut et. Eichelberger & others, Complainants, and
 Elizabeth Eichelberger, Virginia Eichelberger & others defendants, authorized & empow-
 ered you, or a majority of you, having first taken the oath hereunto annexed, to request
 and determine whether the Real Estate, wherof Joseph Eichelberger, late of Frederick
 County decd. died seized, will admit of being divided, without loss, or injury to all the
 parties interested, and to ascertain the value of the said Estate, in lawful money, taking
 into consideration any incumbrances thereon, and to ascertain the value of the said
 Estate, subject to the incumbrances; And if the said Estate, can, in your opinion and
 judgment, or in the opinion or Judgment of a majority of you, be divided without
 loss