

Gideon Bantz & Julia Bantz } N^o. 2624. Equity. In the Circuit Court, for Frederick County.
his wife & others. } as a Court of Equity. July Term 1855;

or, } This Cause standing ready for a hearing and being sub-
Peter Sower Bantz. } mitted. The Bill answers, exhibits, depositions &
all other proceedings, were by the Court read & considered. It is thereupon this 13th
day of July, in the year Eighteen Hundred and fifty five, by Morrison Nelson Circuit
Judge, for the third Judicial Circuit of the State of Maryland, and by the authority
of the Circuit Court, for Frederick County, sitting as a Court of Equity. Ordered ad-
judged and decreed, That there be a partition of the Real Estate, whereof Gideon
Bantz sen^r, in the proceedings mentioned lately died seized, among his heirs at law,
and to the end that this Court, may be enabled to make such partition, it is further
ordered, adjudged, and decreed - That a Commission in the usual form - ifue to
Abraham Kemp, Christian Steiner, George Mackell, Elias L. Delashmatt, &
David J. Markey of Frederick County, authorising them, or a majority of them, to
enter upon, walk over, and survey the said Real Estate, and value the same,
subject to all incumbrances, if any thereon, and to divide the same into eight
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 such division to each of the children of
Gideon Bantz, or the Complainants, and to the defendant, Peter Sower Bantz, and
in their opinion the said Real Estate be not susceptible of such divis-
ion, with advantage to all parties concerned, then that they proceed to
divide the same into such lesser number of parts as they may deem most advan-
tageous to all the parties interested therein, and ascertain the value of each
part thereof, subject to any incumbrances thereon, having regard as aforesaid
to quantity & 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 of their said Judg-
ment, with the Real Value, of the said Estate, subject to any incumbrances
thereon, and that said Commission lay off the dower of Anna Maria Bantz
the widow of the said deceased, in the said Real Estate, before they proceed
to divide, or value the same, and that the said Commission, make out
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 the said Estate, and of the several parts thereof, and to the said Commis-
sion there shall be annexed the usual Oath of Office.

M. Nelson.

Whereupon the following Commission was issued.

Maryland &c. The State of Maryland, to Abraham Kemp, Christian
Steiner, George Mackell, Elias L. Delashmatt, & David J. Mar-
key 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 Equity, passed this day in a Cause therein, between -
Gideon Bantz, and Julia Bantz, his wife, and others, Complainants & Peter Sower
Bantz defendant, authorised, and empowered you, or a majority of you, having
first taken the Oath hereunto annexed, to adjudge, and determine, whether
the Real Estate whereof Gideon Bantz sen^r, late of Frederick County deceased,
did seized, will admit of being divided without loss, or injury, to all the
parties interested, and to ascertain the value of the said Real Estate, in the
lawful money, taking into consideration any incumbrances thereon;