No. 3091 Equity

State of Maryland Frederick County Sct.

At a Circuit Court for the third Judicial Circuit of the State of Maryland, sitting as a Court of Equity held at the Court House in Fredericktown in and for the County aforesaid on the 22d day of December 1863.

Present the Hon. Madison Nelson Circuit Judge
Michael Zimmerman Esq. Sheriff and
Benjamin G. Fitzhugh Clerk

Among other were the following proceedings to wit;

James Bartgis & others
vs
Robert Bartgis & others

Be it remembered that heretofore to wit on the 29th day of April 1863 came the said James Bartgis &c. in Court here sitting by John A. Lynch, Solicitor and filed in Court here the following Bill & Exhibits.

Bill

To the Honorable M. Nelson Judge of the Circuit Court for Frederick County as a Court of Equity.

The Bill of Complaint of James Bartgis and Mary Bartgis his wife, Dennis Schell and Margaret Schell his wife, George W.L. Bartgis and Sophia E. Bartgis his wife, Hiram Bartgis and Matilda E. Bartgis his wife, Mary Bartgis of Frederick County Maryland Mary E. Rogers and Mary C. Bartgis of Baltimore City Maryland, humbly shows; That heretofore a certain Matthias E. Bartgis late of said County deceased, was in his lifetime seized and possessed of certain real Estate lying and being in Fredericktown, in said County, being part of Lot Number thirty Eight; and mentioned and described in a deed from Wm. H. Allaugh and wife, to said Matthias E. Bartgis, a certified copy of which deed is herewith filed as a part of this Bill, and marked Exhibit A. and being so therefore seized and possessed, sometime in or about the year Eighteen hundred and forty nine the said Matthias E. Bartgis departed this life intestate, leaving the said James, George W.L. Hiram, Margaret Schell Mary E. Rogers, John M. Bartgis and Devit C. Bartgis his children and heirs at law, and leaving Margaret Bartgis his widow; That his said widow departed this life, some in the year A.D. 1860.

That the said John M. Bartgis departed this life intestate sometime in the year A.D. 1858, leaving the said Mary C. Bartgis his widow and Robert Bartgis, Caleb Bartgis and John Bartgis his children, who are infants, under age and reside in the ~~[illegible]~~ City of Baltimore Maryland.

That the said Devit C. Bartgis departed this life intestate sometime in the year A.D. 1858, leaving the said Mary Bartgis his widow and John Bartgis and Matthias Bartgis his children who are infants, under age and reside in Frederick County.-

Your complainants further show and charge that said real Estate is not susceptible of partition amongst the aforesaid parties, and that it will be greatly to the interest and advantage of all the parties concerned the said infants as well as your complainants, that said real Estate be sold and the proceeds divided amongst the parties entitled.

And your complainants hereby expressly waive all and every right of partition and election given by the 47th Article of the Maryland Code of Public General Laws.

But so it is your complainants are remediless except by the aid of your Honorable Court.

To the end therefore that the said Robert Bartgis, Caleb Bartgis, John Bartgis of John, Matthias Bartgis and John Bartgis of D.C. may answer the premises, and that a decree-