

on the 3<sup>d</sup> day of July 1865.

Present The Hon. Madison Nelson Circuit Judge,  
John A. Stever Esq Sheriff and  
J. W. L. Gentry Clerk.

Among other were the following proceedings to wit:

Robert S. Carlisle and wife

William L. Morrison and wife

It is remembered that heretofore to wit on the 3<sup>d</sup> day of February 1865 came the said Complainant in Court here sitting by John A. Lynch Solicitor and filed in Court here the following Bill and Exhibits.

Bill

In the Hon. Madison Nelson Judge of the Circuit Court for Frederick County as a Court of Equity.

The Bill of Complaint of Robert S. Carlisle and his wife Carlisle his wife of Frederick County, respectfully shows unto your Honor that a certain Barton Philpott and Amelia Philpott his wife late of Frederick County dec<sup>d</sup> were in their lifetime seized and possessed of certain real estate in said County, and being so seized and possessed, departed this life about thirty years ago, leaving Mary Amelia Philpott, afterwards married to Charles Carlisle, and Violetta G. Philpott afterwards married to Henry Boteler, their only children and heirs at law, that said real estate consists of about one hundred and two and a third (102 1/3) acres of land, in said County, and is known as Lot No 1, allotted to Barton Philpott and wife, distinguished in the division of lot No 12, part of The Rummy on Maryland made by Lawrence Sample in 1810 and which is fully described in Exhibit A, and Exhibit B, herewith filed as a part of this Bill, which together with all other Exhibits, your Complainants pray may be taken and considered as a part of this bill, and also a mountain lot near the above containing about twenty acres. Your Complainants further state that the said Violetta G. Philpott, prior to her marriage with the said Henry Boteler, sold her interest in said real estate, to the said Charles Carlisle, as will appear by her bond of conveyance for the same herewith filed and marked Exhibit C. That said Henry Boteler departed this life some twelve or fifteen years ago. That said Charles Carlisle and said Mary Amelia his wife departed this life several years since leaving your Complainant, Robert S. Carlisle, Annister W. Carlisle, Charles C. Carlisle and Mary Amelia S. J. Carlisle, now the wife of William L. Morrison, their only children and heirs at law. That said Annister W. Carlisle and the said Charles C. Carlisle, both departed this life intestate, unmarried and without issue three or four years since. That since the death of the said Henry Boteler, Annister W. Carlisle and Charles C. Carlisle, the said Violetta G. Boteler by deed bearing date the 20<sup>th</sup> day of January A.D. 1865 has conveyed all her interest in said real estate to the said Robert S. Carlisle and Mary Amelia S. J. Morrison, as will appear by a certified copy of said deed herewith filed marked Exhibit D. Your Complainants further charge that they cannot agree upon a division of the said real estate, and if said real estate is not susceptible of partition among the parties interested aforesaid, with advantage to all of them, then your Complainants to have proceedings under the act to direct decents, to make partition, In tender consideration whereof and for that your Complainants are remediless in the premises by the strict rules of the Common law and are relievable in a Court of Equity where matters of this nature are properly cognizable. It is and therefore, that the said William L. Morrison and Mary Amelia S. J. Morrison his wife both of Frederick County, and over the age of twenty one, may full, true and perfect answers make to this bill of Complaint according to the strict rules and practice of this Court. May it please your Honor to order, adjudge and decree that a Commission be

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