

with Charles A. Griffiths and Mordecai J. Griffiths; that they are both dead; that Charles A. Griffiths died testate, and Mordecai J. Griffiths died intestate; that said Mordecai's left Anna Mary and Beron H. Griffiths children and heirs at law; that Anna Mary is living, and Beron H. is dead; that Beron H. died intestate and aged five or six years, and leaving Anna Mary as his heir at law, and that Anna Mary is an infant aged about twelve years, and resides in Frederick County Maryland. ~ At the same time Complainants filed with the Commissioner Exhibits Nos. 1, 2, 3, 4, 5, 6, 7, 8, & 9. which are herewith returned. And there being no further time required by the Complainants for the production of their evidences, the Commissioner closed the said Commission and herewith returns the same under his hand and seal on this twelfth day of March Eighteen hundred and sixty seven Comm^{rs} fees \$8 00 - Filed March 12th 1867

Wm B Nelson *Seal*

Which is thus Endorsed ~

The execution of the within Commission will appear by certain schedules thereto annexed. Wm B Nelson Comm^r

Interlocutory Decree App^d Comm^r to order of Court

Samuel W Plummer & Mary E Plummer vs Lyde Griffith and others

N^o 3317 Equity ~ In the Circuit Court for Frederick County sitting as a Court of Equity. ~ February Term 1867

This cause standing ready for hearing and being submitted, the Bill, Answers, Exhibits, Testimony and other proceedings were read and duly considered. ~ It is thereupon this 14th day of May in the year Eighteen hundred and sixty seven by me Madison Nelson Judge of the Circuit Court for Frederick County sitting as a Court of Equity, and by the authority of the said Court, adjudged, ordered, and decreed that there be a partition of the real estate in the proceedings in this cause mentioned devised by Philimon Griffith to his Grand Children, between the Complainant Mary E Plummer, and the Defendant Anna Mary Griffith, 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 William Downey, Lewis F. Detroit, Thomas Baker of F. Ulysses Waters and Milton Mealey 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 the incumbrances if any thereon, and to divide the same into nine equal parts, having regard to quantity equality, if in their opinion said real estate be susceptible of such division with advantage to the parties interested therein, and to allot and assign four of such divisions to the said Mary E. Plummer, and to allot and assign five of such divisions to said Anna Mary Griffith, the divisions to be allotted and assigned to each of said parties, to be, as near as possible contiguous. And if in their opinion, the said real estate be not susceptible of such division with advantage to the parties therein interested, then that they proceed to divide the same into such lesser number of parts as they may deem most to the advantage of 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 incumbrances thereon. ~ And the said Commissioners shall 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 same, and of the several parts thereof, and to said Commissioners shall be annexed the usual oath of office. ~

M Nelson

Filed May 14th 1867 ~

Commission

To: William Downey Lewis F. Detroit, Thomas Baker of F. Ulysses Waters & Milton Mealey to divide real estate

Commissioners S. W. Downey L. F. Detroit Thos Baker of F. U. Waters & M. Mealey

Commissioner