


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 heirs at law of the said Daniel Smeltzer deceased, And if in their opinion now 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 parties interested therein, and ascertain the value of each part thereof subject to any incumbrances thereon, having regard as aforesaid to quality and quantity. 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} judgment and the reasons upon which the same was formed, with the real value of said real estate subject to any incumbrances thereon. And that the said Commissioners lay off the dower of Mary B. Smeltzer the widow of said Daniel Smeltzer deceased, in the said real estate, before they proceed to divide or value the same, and that the said Commissioners make out or cause to be made out a plat and Certificate of the said real estate and of the divisions thereof with the beginning and courses, and an accurate description of the said real estate, and of the several parts thereof, and to the said Commission there shall be annexed the usual oath of Office.

Filed September 24th 1866

Madison Nelson

Maryland, Feb.

The State of Maryland, So. Ele. Rountzahn, Jonathan Rountzahn, John Kepler, Hanson F. Rudy and John Rountzahn of Frederick County - Creating ~
 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 Vincent Sanner Sr. and Ellen Mc Sanner his wife Complainants, and Mary B. Smeltzer, Daniel B. Smeltzer et al. Defendants; authorized and empowered you or a majority of you (having first taken the Oath hereunto annexed, and giving notice according to the Forty seventh Article of the Maryland Code of Public General Laws) to enter upon, walk over, survey, adjudge and determine, whether the real estate whereof Daniel Smeltzer late of Frederick County, deceased seized, will admit of being divided without loss, or injury to all the parties entitled, and to ascertain the value of the said real estate "subject to all incumbrances if any, thereon, and to divide the same into seven equal parts having regard to quantity and quality, if in your 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 heirs at law of the said Daniel Smeltzer, deceased. And if in your opinion the said real estate be not susceptible of such division with advantage to all the parties interested therein, then that you proceed to divide the same into such lesser number of parts as you may deem most to the advantage of all parties interested therein, and ascertain the value of each part thereof, subject to any incumbrances thereon, having regard as aforesaid, to quality and quantity. And if in your opinion the said real estate will not admit of division, without loss, or injury to the parties, then that you make return of your judgment, and the reasons upon which the same was formed with the real value of said real estate subject to any incumbrances thereon as aforesaid; And you or a majority of you, are authorized and empowered to lay off the dower of Mary B. Smeltzer, the widow of the said Daniel Smeltzer deceased, in the said real estate, before you proceed to divide or value the same." And if you, or a majority of you shall decide that the said real estate is susceptible of division (after laying off the widow's dower) you shall make out or cause to be made out a plat, and certificate of the said real estate, and of the divisions thereof, with the beginning and courses, and an accurate description of the said estate, and of the several parts thereof, with the real value of each part, and you, or a majority of you

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