

Vincat Lauer Sr & wife
vs
Mary B Smeltzer et al

N^o 3306 Equity ~
In the Circuit Court for Frederick County
in Equity ~
January Term 1867 ~

The Commissioners in the Interlocutory Decree passed in this Cause for the partition of the real estate of Daniel Smeltzer late of said Frederick County, deceased, having made a return of their proceedings under the said Decree, and having returned that said lands were not susceptible of partition into as many parts as there were heirs, nor were the said lands susceptible of partition into two or more parts without loss or injury to the parties interested therein, and having valued the said lands and assigned by metes and bounds the dower of Mary B. Smeltzer the widow of said Daniel Smeltzer in said lands, and Daniel D. B. Smeltzer the eldest son of said Daniel Smeltzer deceased, by a writing filed in this Cause having elected to take the Home Farm of said deceased, described in the plat filed with the return of the said Commissioners, containing two hundred and seven Acres, two Rods and four Perches of land more or less at the valuation of the said Commissioners. ~

It is thereupon this 5th day of February in the year Eighteen hundred and sixty seven by me W. Nelson, Circuit Judge for the fourth Judicial Circuit, of the State of Maryland, and by the authority of the Circuit Court for Frederick County as a Court of Equity, adjudged, ordered and decreed that the said return of the Commissioners be, and the same is hereby ratified and confirmed. And it is further ordered, adjudged and decreed that the said Daniel D. B. Smeltzer shall hold in severally and not jointly or in common with the other parties to this suit, the real estate designated in the return of the said Commissioners, and the accompanying plat, as Division No. 1 and Division No. 2 (being the Home Farm aforesaid) subject to the dower of said Mary B. Smeltzer as assigned by the said Commissioners in their return and the plat accompanying the same. ~

And it is further adjudged, ordered and decreed that this Cause be referred to the Auditor to state an account, distributing the amount of said valuation among the parties entitled to the same first deducting the Costs and expenses of this suit to be taxed by the Clerk, and the expenses of the Commission and survey, and that he report the same to this Court. ~
Filed February 5th 1867 ~
W. Nelson

Audit

Statement of an account between Daniel D. B. Smeltzer and the heirs of Daniel Smeltzer deceased, he electing to take the Home Farm of said deceased, at the valuation as returned by the Commissioners, in N^o 3306. Equity. ~

Valuation of the Home Farm being Division No. 1. and Division No. 2. of the real estate of Daniel Smeltzer deceased, as returned by the Commissioners appointed by the Court, less the dower of the widow ~

	\$	\$20752.50
To Joseph W. Carty. Clerk's fees	25	62
" Sheriff Tabler	3	30
" Robert S. W. Pherson Com ^r . to take testimony	4	00
" Solicitors for Complainant Appearance fee	10	00
" " Defendant " "	10	00
" Jonathan Routzahn Commissioner	16	00
" John Routzahn "	16	00
Amount Carried forward -	\$	84.42
	\$	84.42
	\$	20668.08

Order N^o

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