

Bill, Marked Exhibit B. ~ That the said Martin Bartgis intermarried with the said Ann R., by whom he became the father of three children, viz Clara O. Bartgis, Frederick A. Bartgis, & Annie R. Bartgis, and afterwards departed this life, leaving the said Ann R., his widow, and the said children his only heirs at law. That the said Amelia intermarried with the said William Morgan, that the aforesaid parties all reside in said Frederick County, except said William Morgan & Amelia A. his wife, and Daniel A. Bartgis, who live in the State of Pennsylvania, and they are all adults except the said Clara O. Bartgis, Frederick A. Bartgis and Annie R. Bartgis who are under the age of twenty one. ~

Your Complainants further charge, that they cannot agree upon a division or partition of said real estate, as a part of the said heirs at law are infants under the age of twenty one years of age, and if said real estate is not susceptible of partition amongst the parties interested, aforesaid, with advantage to all parties, then your Complainants should have proceedings under the act to direct descents to make partition &c. ~

In tender consideration whereof and for that your Complainants are remediless on the premises by the strict rules of the Common law and relievable only in a Court of Equity, where matters of this nature are properly recognizable.

To the end therefore that the said Frederick S. Bartgis and Maria Bartgis his wife, Veronica A. Bartgis, Clara O. Bartgis, Frederick A. Bartgis and Annie R. Bartgis, the said Defendants may answer the premises. ~

May it please your Honor to order adjudge and decree, that a Commission be issued to five discreet, sensible men, to be Commissioners, authorizing them, and empowering them or a majority of them, to make partition of said Real Estate, and to proceed in all things appertaining to said Estate, according to the provisions of the Forty seventh Article of the Maryland Code of Public General Laws, and the Supplements & Amendments thereto. ~ And may it please your Honor to extend unto your Complainants all such other and further relief in the premises as the nature of the case may require. ~

May it please your Honor to grant unto your Complainants the State of Maryland writ of Subpoena to be directed to the said Frederick S. Bartgis, Maria Bartgis his wife, Veronica A. Bartgis, Clara O. Bartgis, Frederick A. Bartgis and Annie R. Bartgis of Frederick County, commanding them, at a certain day, to be and appear in the Honorable Court before your Honor, then and there to answer all and singular the premises, and abide by and perform such decree or order, as may be passed therein. ~ And your Complainants will ever pray &c. ~

Filed June 18th 1867

John A. Lynch
Solicitor for Complainants

Exhibit A. At the request of John Heffner, Jacob Heffner, George Heffner, Frederick Heffner, Joseph Heffner, Benjamin Heffner, Elizabeth Heffner, Apollonia Heffner, Mary Heffner and Ann Bartgis, the following Deed of Partition is recorded 7th November 1815, to wit: ~

This Indenture, of ten parts made and concluded the twenty eighth day of October in the year of our Lord Eighteen hundred and fifteen by and between John Heffner and Jacob Heffner of Frederick County and State of Maryland of the first and second parts, and George Heffner of Warren County and State of Ohio of the third, and Frederick Heffner of Loudoun County and State of Virginia of the fourth part, and Joseph Heffner, Benjamin Heffner, Elizabeth Heffner, Apollonia Heffner, Mary Heffner and Ann Bartgis of Frederick County and State of Maryland of the fifth, sixth, seventh, eighth