

sitting as a Court of Equity, setting forth, that a certain Ann Steffer in her lifetime was possessed of certain real Estate in said County, and being so seized and possessed in fee, intermarried with a certain Benjamin F. Bartgis, by whom she had six children; viz: Frederick F. Bartgis, Veronica A. Bartgis, Martin Bartgis, Daniel A. Bartgis, and two of the Complamants, Titus F. Bartgis, and Amelia A. Morgan.

The said Ann Bartgis departed this life intestate, many years ago, leaving her said children her heirs at law, and her said husband surviving, and that the said Benjamin F. Bartgis died in the month of May A.D. 1867, and thereupon the aforesaid children and their heirs became seized in fee of said Land. That said Daniel A. Bartgis has conveyed all his interest in said Land to said Nathan O. Nighthouse, by deed dated April 20th 1865 that the said Martin Bartgis intermarried with the said Ann B. by whom he became the father of three children viz: Clara V. Bartgis, Frederick A. Bartgis and Anne R. Bartgis, and afterwards departed this life leaving the said Ann B. his widow, and the said children his only heirs at law, that the said Amelia A. intermarried with the said William Morgan. That the aforesaid parties all reside in Frederick County, except the said William Morgan and Amelia A. his wife, and Daniel A. who lived in the State of Pennsylvania and they are all adults except the said Clara V. Bartgis, Frederick A. Bartgis and Anne R. Bartgis, who are under the age of twenty one.

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

The Bill further states that the Complamants are reminded by the strict rules of the Common Law, and relievable only in Equity, and have therefore prayed the Court that partition of the said estate may be made between the aforesaid parties, according to their several just proportions, Agreeably to the Statute in the Article of the Maryland Code of Public General Laws, in such case made and provided, which said prayer hath been granted, and it being suggested to the said Court that you are discreet and sensible men within said County, and the Court having great confidence in your prudence and integrity, have therefore assigned, commissioned and appointed, and do hereby assign, commission and appoint you, or a majority of you (having first taken the oath hereto annexed) to adjudge and determine, whether the said Estate will admit of being divided without loss or injury to all the parties entitled. And if in your opinion said Estate will admit of such division as aforesaid, you are hereby authorized, commissioned and appointed to enter upon, walk over and survey the said real estate, and value the same subject to all incumbrances, if any thereon, and to divide the same into six equal parts, having regard to quantity & quality, and to allot one of such divisions to each of the heirs at law of the said Ann Bartgis deceased, And if in your opinion the said 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 quantity and quality. 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 is formed, with the real value of said real estate, subject to any incumbrances thereon, and that you make out or cause to be made a plat and certificate of the said Real Estate, and of the divisions thereof, with the beginning and courses,

Commission
Report