

No 3993 Equity

the parties to this suit, and that if said land cannot be divided into as many parts as there are heirs, then that the same be divided into as many parts as the same will admit of, taking into consideration the location of said land.

And to enable this Court to make partition, it is further adjudged, ordered and decreed, that a Commission issue in the usual form to William Matthews, George Reeves, Franklin White, Frederick S Poole and Greenbury Mc Watkins, of Montgomery County, authorizing them or any three of them, to enter upon, walk over and survey the said land, and to divide the same into as many parts as there are heirs, if the same is susceptible of such partition, and if the same cannot be divided into as many parts as there are heirs, then to divide the same into as many parts as it is susceptible of having regard to quantity and quality, and that the said Commissioners make out, or cause to be made out, a plat and certificate of said land, and of the division thereof with the beginning and courses and an accurate description of the said estate, and of the parts thereof, with a valuation on each part, and the to the said Commissioners shall be annexed the usual oath of Office.

Filed March 1, 1866.

Samuel H Berry

The next is a Commission issued from Montgomery County, State of Maryland, to William Matthews, George Reeves, Franklin White, Frederick S Poole and Greenbury Mc Watkins of said County, to divide the lands in the Case referred to; and the following is their return.

To the Honorable, Judge Samuel H Berry

Judge of Montgomery County Court:

Sir:— In virtue of the power vested in us by the annexed Commission, we certify and return that in the execution of said Commission, we in the first place took the oaths annexed thereto, and then gave notice to the parties, we were ready to proceed, and that by agreement, we met on the premises on the 15th day of May 1866, and then and there took into consideration, all the circumstances relative to the situation of said land, and were of the opinion, and did so adjudge and determine that the said land could not be divided among all the parties interested without loss or injury, but that said land could be divided into three parts.

The said land of Mary E Shreve, deceased, consists of the tract on which she resided at her death, containing 646 acres, 1 rood and 9 perches which she inherited from her father's estate Paul Trundle deceased, also she inherited from her father a lot of land some five miles from her residence called "Honey be good in Time", and part of "Hampton's Discovery" containing 70 1/2 acres, all in Montgomery County Md. The said Mary E Shreve, also together with her children, inherited a lot of land in Frederick County, Md. purchased by her husband, Benjamin Shreve deceased, and contains Sixty one acres. Also Benjamin Shreve bought of Horatio Trundle and Hegitiah H Trundle trustees of David Trundle deceased, part of Lot No. 81 lying Frederick County, Md. on the Sugar Loaf Mountain, which contains 43 acres 1 rood and 4 perches of land. The portions of land constitute as far as we could learn, all the real Estate of the said Mary E Shreve, lying in Montgomery County, Md. We certify that we have had due regard in the division of this property, to the public roads and Chesapeake and Ohio Canal, which runs through part of the farm. We return that Lot No 1. consists of two parts, the first part has the dwelling house on it, together with a barn in tolerable order, also a comfortable quarters, and orchard of good fruit.

We estimate that the first part containing 303 1/4 acres of land with the improvements thereon at \$52 1/2 per acre \$10,670.75

3rd Part.— 61 acres of land in a mountain Lot, we value at \$18 per acre 732.00 \$11,402.75

Lot No 3. 1st part contains 318 acres, 2 roods 9 pers valued at \$40 per acre 8,742.25

2nd part of Lot No 3. Contains 43 acres 1 rood and 4 pers 519.30 9,261.55

Valued at \$12 per acre,