

his heirs and against all and every person or persons whatsoever claiming or to claim any right title or interest in and to the same or any part thereof shall and will hereafter warrant and forever defend by these presents In witness whereof the said Whitson Cauby hath hereunto subscribed his name and affixed his seal the day and year aforesaid signed sealed and delivered in presence of Jon<sup>r</sup>. Duley M<sup>r</sup>. Thomas 3<sup>rd</sup>. Whitson Cauby

Maryland. Montgomery County to wit. On the twelfth day of September 1823 personally appeared Whitson Cauby before the subscribers two Justices of the peace in the county aforesaid and acknowledged the within instrument of writing to be his act and deed and the land and premises to be the right and estate of the within named Richard Butts his heirs and assigns forever according to the true intent and meaning thereof and the act of assembly in such case made and provided At the same time appeared Mary Cauby wife of the said Whitson Cauby and acknowledges the said deed or instrument of writing to be her act and deed and the land and premises therein mentioned to be the right and estate of the within named Richard Butts his heirs and assigns forever and the said Mary being by us privately examined apart from and out of the hearing of her said husband whether she doth make her acknowledgment of the same willingly and freely and without being induced thereto by fear or threats of or ill usage by her husband or fear of his displeasure acknowledges that she makes her acknowledgment of the same willingly and freely and without being induced thereto by fear or threats of or ill usage by her husband or fear of his displeasure Jon<sup>r</sup>. Duley M<sup>r</sup>. Thomas 3<sup>rd</sup>.

At the request of Eliza P. Thomas Pothers the following Deed of Partition was recorded Nov<sup>r</sup> 1823  
1820  
This deed of four parts, made and concluded the twenty fourth day of September Anno Domini one thousand eight hundred and twenty three by and between Eliza P. Thomas of Montgomery county in the state of Maryland of one part Sarah B. Thomas of the same county and state aforesaid of another part Margaret B. Garrigue of the same county and state of another part and Roger B. Thomas of the same county and state aforesaid of the other part Witnesseth that whereas they the said Eliza P. Thomas Sarah B. Thomas Margaret B. Garrigue and Roger B. Thomas were seized in fee simple and have and hold as tenants in common in equal shares part of a tract of land called The addition to Brooke Green containing about two hundred and fifteen and five eights acres it being a part of that part of said tract which was formerly allotted to Deborah Thomas their deceased mother in the division of her fathers lands for about two hundred and forty eight acres also sundry houses and lots in the town of Brookville all lying and being in the county aforesaid. And whereas the said parties have concluded to hold and enjoy their respective parts thereof in severalty it is therefore covenanted granted and agreed by and between all and every of the said parties for himself and herself and for his, her and their heirs executors and administrators and they do hereby severally and respectively covenant grant and agree to and with the others their several and respective heirs and assigns that a partition of the same shall be and is hereby made and determined in manner following that is to say first that she the said Eliza P. Thomas her heirs and assigns shall and may from

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henceforth have had possess and enjoy in normally the following described part of the aforesaid tract of land called the addition to Brooke Grove beginning for said part at the south west corner of the lot numbered twenty six in the plan of the town of Brookville and running thence bounding on North Street North forty three and a quarter degrees West twelve and a half perches to the North East corner of lot numbered twenty three in the plan of said town then North forty six and three quarter degrees East three perches to the North West corner of the lot numbered thirty in the plan of said town then bounding on the out line of said town side North forty six and three quarter degrees East twenty eight and a quarter perches ending six feet from the Mill Race on the South West side thereof then running up said race on the South West side within six feet thereof the four following courses and distances North sixty nine and a quarter degrees West eight and three quarter perches North twenty three and a half degrees West twelve perches North fifty five and a half degrees West eight perches North sixty five degrees West twelve perches to high water mark of the mill dam then running up said dam with the high water mark thereof North eighty nine degrees West three and three quarter perches South forty seven and a quarter degrees West fourteen perches South thirty seven degrees West six perches South one degree East six perches South five and a quarter degrees West eighteen perches South twenty eight and a quarter degrees West nine and three quarter perches to a line of the part of the addition to Brooke Grove formerly sold by Thomas Moore to William H. Dorey then bounding with said line South twenty two and a half degrees East thirty one and three quarter perches to the North West corner of lot number eighteen in the plan of the town of Brookville then with a straight line to the beginning containing thirteen acres and five eighths of an acre of land be the same more or less. also part of the aforesaid tract of land called the addition to Brooke Grove beginning at the South West corner of the lot numbered fifty three in the plan of the town of Brookville and running thence North sixty nine degrees East fourteen and a half perches North eight degrees West fourteen and three quarter perches North forty seven and a half degrees East thirty eight and three quarter perches to a stone planted South sixty seven and a half degrees East fifteen and three quarter perches to a stone planted near the North East corner of the Orchard then South three degrees West twenty nine and three quarter perches to a stone planted then North eighty six and three quarter degrees West forty three and a quarter perches to the middle of the main road leading to Brookville then running up in said road North nine and a half degrees East twelve perches North twenty and three quarter degrees West twenty two and a quarter perches to the South West corner of the lot numbered fifty three aforesaid containing eighteen acres and three quarters of an acre of land be the same more or less. also another parcel of lands being part of the aforesaid tract of land called the addition to Brooke Grove beginning for said part at the end of one hundred and forty eight and a half perches on the north line of a tract of land called James Brookes reserve as run with an allowance of two and a half degrees for variation and running thence with said line reversed with said allowance North seventy four and a half degrees East thirty seven and a quarter perches then North fifteen and a half degrees West seven and

MONTGOMERY COUNTY COURT (Land Records) X p. 0121, MSA. C6. 48. 25 Date Available: 10/05/2016. Filed: 01/02/2015

three quarter perches to a stone South seventy four and three quarter degrees West forty two and a half perches to intersect a line drawn North fifty and a half degrees West from the end of one hundred and forty eight and a half perches on the ninth line of James Brookes reserve aforesaid at the end of nine and a quarter perches then South fifty and a half degrees East nine and a quarter perches to the beginning containing one acre and three quarters of an acre of land be the same more or less. Also the following describe lots in the town of Brookville to wit Lots numbered thirty six thirty eight thirty nine forty and fifty three in the plan of said town with the improvements thereon <sup>and</sup> ~~privileges~~ thereunto belonging and the said Sarah B. Thomas Margaret G. Garrigue and Roger B. Thomas for themselves their heirs executors and administrators do by these presents grant release and confirm the same to the said Eliza P. Thomas her heirs and assigns forever as and for the said Eliza P. Thomas full share part and proportion of in and to the aforesaid land houses and lots to have and to hold the same with all the privileges and appurtenances thereof to her the said Eliza P. Thomas her heirs and assigns forever in severally as aforesaid and to her and their only use and behoof forever and the said Sarah B. Thomas Margaret G. Garrigue and Roger B. Thomas do severally by these presents for themselves and their heirs executors and administrators covenant and grant to and with the said Eliza P. Thomas her heirs executors administrators and assigns that she and they shall and may from henceforth forever peaceably and quietly have hold use occupy possess and enjoy the same free and discharged of all right title interest claims and demands whatsoever of the said Sarah B. Thomas Margaret G. Garrigue and Roger B. Thomas or either of them or of their heirs or assigns or of any person or persons claiming from by or under them or any of them. Second that the said Sarah B. Thomas her heirs and assigns shall and may from henceforth have hold possess and enjoy in severally the following describe part of the aforesaid tract of lands called the addition to Brooke Grove Beginning at the beginning tree of said tract and running thence South forty seven degrees East twenty five perches to the end of the eighth line of a tract of land called James Brookes Reserve then with the ninth line of said tract with an allowance of two and a half degrees for variation South seventy four and a half degrees West one hundred and eleven and a quarter perches then North fifteen and a half degrees West seven and three quarter perches to a stone South seventy four and three quarter degrees West forty two and a half perches to intersect a line drawn North fifty and a half degrees West from the end of one hundred and forty eight and a half perches on the ninth line of James Brookes reserve aforesaid at the end of nine and a quarter perches then North fifty and a half degrees West seventy one and a quarter perches to the middle of the main road leading to Brookville then North thirty five and a quarter degrees West fifty one perches to a stone North nine and a half degrees East fifty two perches to the south West corner of the lot numbered eighteen in the plan of the town of Brookville then South forty three and a quarter degrees East twenty one and three quarter perches to the South West corner of the lot numbered fifty two in the plan of said town then North sixty nine degrees East eleven perches to the south West

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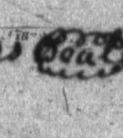

corner of the lot numbered fifty three in the plan of said town then bounding on the main road leading to Brookville south twenty and three quarter degrees East twenty two and a quarter perches south nine and a half degrees West twelve perches then south eighty six and three quarter degrees East forty three and a quarter perches to a stone planted then south three degrees West eighteen perches to a stone planted then north eighty one degrees East eighty nine perches to a stone north fifty three degrees East forty six and a quarter perches to the fourth line of a tract of land called Pondley Choice then with said line reversed with two and a half degrees allowance for variation south twelve and a half degrees East fifty one and a quarter perches to the end of the third line of said tract then with a straight line to the beginning containing ninety two acres and three quarters of an acre of land be the same more or less. Also the following described lot in the town of Brookville namely the lot numbered fifty one in the plan of said town with the privileges and appurtenances therunto belonging and the said Eliza P. Thomas Margaret E. Garrigues and Roger B. Thomas for themselves their heirs executors and administrators do by these presents grant release and confirm the same to the said Sarah B. Thomas her heirs and assigns forever as and for the said Sarah B. Thomas full share part and proportion of in and to the aforesaid land houses and lots to have and to hold the same with all the privileges and appurtenances thereof to her the said Sarah B. Thomas her heirs and assigns forever in severally as aforesaid and to her and their only use and behoof forever and the said Eliza P. Thomas Margaret E. Garrigues and Roger B. Thomas do severally by these presents for themselves and their heirs executors and administrators covenant and grant to and with the said Sarah B. Thomas her heirs executors administrators and assigns that she and they shall and may from henceforth forever peaceably and quietly have hold use occupy possess and enjoy the same free and discharged of all right title interest claim and demand whatsoever of the said Eliza P. Thomas Margaret E. Garrigues and Roger B. Thomas or either of them or of their heirs or assigns or of any person or persons claiming from by or under them or any of them. Third, that the said Margaret E. Garrigues her heirs and assigns shall and may from henceforth have hold possess and enjoy in severally the following described part of the aforesaid tract of land called the Addition to Brookville Green beginning at the end of the south line of a tract of land called Pondley Choice run with an allowance of two and a half degrees for variation and running thence south thirty nine and a half degrees East thirty three perches to a stone planted near the south east corner of the orchard then south three degrees West seventy nine and three quarter perches to a stone planted still south three degrees West eighteen perches to a stone planted then north eighty one degrees East eighty nine perches to a stone north fifty three degrees East forty six and a quarter perches to the fourth line of Pondley Choice then with said line with two and a half degrees allowance for variation North twelve and a half degrees West twenty two and three quarter perches to the end of said line still with said tract with said allowance North twelve and a half degrees East thirty two and a quarter perches then North sixty six and a quarter degrees West thirty five and three quarter perches to the seventh line of said tract then with it with the aforesaid allowance south thirty two and a half degrees West fifty six and three

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MONTGOMERY COUNTY COURT (and Records) X, 0123 MSA, CE 48, 25 Date available 10/05/2008. Printed 11/10/2008

124 quarter perches to the end thereof Mill with said tract with said allowance  
North seventeen and a half degrees West thirty two perches North sixty seven and a half degrees  
West fifty six perches South eighty seven and a half degrees West twenty perches to the first  
beginning containing seventy acres of land by the same more or less. Also the following described  
lots in the Town of Brookville namely the lots numbered one, thirty five, and fifty in the  
plan of said Town with the improvements thereon and privileges thereunto belonging and the  
said Eliza P. Thomas Sarah B. Thomas and Roger B. Thomas for themselves their heirs executors and  
administrators do by these presents grant release and confirm the same to the said Margaret  
E. Garrigue her heirs and assigns forever as and for the said Margaret E. Garrigue full share  
part and proportion of in and to the aforesaid lands Houses and Lots to have and to hold  
the same with all the privileges and appurtenances thereof to her the said Margaret E. Garrigue  
her heirs and assigns forever in severally as aforesaid and to her and their only use and behoof  
forever and the said Eliza P. Thomas Sarah B. Thomas and Roger B. Thomas do severally by these  
presents for themselves and their heirs executors and administrators covenant and grant to  
and with the said Margaret E. Garrigue her heirs executors administrators and assigns that  
she and they shall and may from henceforth forever peaceably and quietly have hold use  
occupy possess and enjoy the same free and discharged of all right title interest claims  
and demand whatsoever of the said Eliza P. Thomas Sarah B. Thomas and Roger B. Thomas or  
either of them or of their heirs or assigns or of any person or persons claiming from by or under  
them or any of them. Fourth, that the said Roger B. Thomas his heirs and assigns shall and may  
from henceforth have hold possess and enjoy in severally the following described part of the aforesaid  
tract of land called the Addition to Brooke Grove beginning at the end of the tenth line  
of a tract of land called Bondleys Choice as run with an allowance of two and a half degrees  
for variation and running thence South thirty nine and a half degrees East thirty three perches  
to a stone planted near the North East corner of the orchard then North sixty seven and  
a half degrees West fifteen and three quarter perches to a stone planted then North seventy  
five degrees West fourteen and a half perches then running up on the West and South West  
side of the Mill race within six feet thereof the eight following courses and distances North  
fifteen and a quarter degrees West ten perches North fifty three and a quarter degrees West ten perches  
North seventy three and three quarter degrees West six and three quarter perches North fifty  
six and a quarter degrees West seven perches North sixty nine and a quarter degrees West eight  
and three quarter perches North twenty three and a half degrees West twelve perches North fifty  
five and a half degrees West eight perches North sixty five degrees West twelve perches to high  
water mark of the Mill dam then running up said dam with the high water mark thereof  
North eighty nine degrees West three and three quarter perches South forty seven and a quarter de-  
grees West fourteen perches South thirty seven degrees West six perches South one degree East six perches  
South five and a quarter degrees West eighteen perches South twenty eight and a quarter degrees  
West nine and three quarter perches to a line of the part of the Addition to Brooke Grove for-  
merly sold by Thomas Moore to William P. Dorsey then bounding on said land North twenty two  
and a half degrees West fifteen and three quarter perches to a stone planted by the Steady branch

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then North forty nine degrees West sixteen perches to a marked dog wood then North one degree West ten perches to a marked hickory. South twenty five degrees East seven and a quarter perches to a marked hickory North fifty two degrees East eight and a quarter perches to a marked hickory North thirty three degrees East fourteen perches to a marked black oak North fifty two degrees East eighteen perches to the end of eighty seven perches on the eleventh line of Bordleys Choice then with it reversed to the beginning containing fifteen acres and three quarters of an acre of land be the same more or less. Also another piece or parcel of land being also part of the Addition to Brookes Groove beginning at the end of thirty two and a quarter perches on the fifth line of Bordleys Choice as run with an allowance of two and a half degrees for variations and running thence North sixty six and a quarter degrees West thirty five and three quarter perches to the seventh line of said tract then with it reversed with said allowance North thirty two and a half degrees East twenty one and a quarter perches to the end of the sixth line of said tract reversed with the aforesaid allowance still with said tract reversed with the aforesaid allowance South forty two and a half degrees East thirty four perches South twelve and a half degrees West seven and three quarter perches to the beginning containing three acres of land be the same more or less. Also the following described lot in the Town of Brookville namely the lot numbered thirty seven in the plan of said Town with the improvements thereon and the said Eliza P. Thomas Sarah B. Thomas and Margaret C. Garrigue for themselves their heirs executors and administrators do by these presents grant release and confirm the same to the said Roger B. Thomas his heirs and assigns forever as and for the said Roger B. Thomas full share part and proportion of in and to the said lands houses and Lots to have and to hold the same with all the privileges and appurtenances thereof to him the said Roger B. Thomas his heirs and assigns forever in severally as aforesaid and to his and their only use and behoof forever; and the said Eliza P. Thomas Sarah B. Thomas and Margaret C. Garrigue do severally by these presents for themselves and their heirs executors and administrators covenant and grant to and with the said Roger B. Thomas his heirs executors administrators and assigns that he and they shall and may from henceforth forever peacefully and quietly have hold use occupy possess and enjoy the same free and discharged of all right title interest claim and demand whatsoever of the said Eliza P. Thomas Sarah B. Thomas and Margaret C. Garrigue or either of them or of their heirs or assigns or of any person or persons claiming from by or under them or any of them. In witness whereof the said Eliza P. Thomas, Sarah B. Thomas Margaret C. Garrigue and Roger B. Thomas have herunto interchangeably set their hands and seals the day and year above written signed and sealed in the presence of us Don<sup>o</sup> Duley M<sup>r</sup> Thomas s<sup>r</sup> } Eliza P. Thomas  Sarah B. Thomas  Margaret C. Garrigue  Roger B. Thomas  Maryland to wit on this twenty fourth day of September in the year of our Lord eight hundred and twenty three personally appears Eliza P. Thomas, Sarah B. Thomas Margaret C. Garrigue and Roger B. Thomas before us the subscribers two of the Justices of the peace for Montgomery County in the state aforesaid and acknowledges the foregoing instrument of writing to be their act and deed for the purposes therein declared according to the purport

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MONTGOMERY COUNTY COURT (Montgomery County, Maryland) v. p. 0123, MSA-CE148-25. Date available: 10/26/2008. Digitized by: 10/26/2008