June Term 1818.

Charles Flegle & others
vs.
Lawrence Burkhart
and Mary his wife.

Be it Remembered, That now here on the third monday in June being the eighteenth day of the said month in the year of our Lord one thousand eight hundred and ten the Chancellor of Maryland in pursuance of the act of assembly in such case made and provided transmits to the Court of appeals here the record of proceedings which was lately depending before him in the Court of Chancery between Charles Flegle, Valentine Flegle Jacob Flegle and John Flegle complainants and Lawrence Burkhart and Mary his wife defendant and wherein the said Court of Chancery passed a Decree dismissing the bill of the Complainants and from which said Decree the said Charles, Valentine, Jacob and John appealed unto the court of appeals here the tenor of which said record of proceedings is in form following to wit.

Maryland set.

At a Court of Chancery for the State of Maryland begun and held at the City of Annapolis on the fourth Tuesday of February in the year of our Lord one thousand eight hundred and ten

Present

The Honourable William Kilty Esquire Chancellor
Nich^s Brewer Regr.

among others were the following proceedings

Charles Flegle, Valentine Flegle, Jacob Flegle and John Flegle
agst
Lawrence Burkhart and Mary Burkhart

Be it remembered that heretofore to wit on the eleventh day of January in the year of our Lord one thousand seven hundred and ninety nine came Charles, Valentine, Jacob and John Flegle into the State of Maryland's high Court of Chancery by Arthur Shaaff Esquire his solicitor and exhibited his bill of complaint against Valentine Flegle in the words following to wit.

To the Honorable Alexander Contee Hanson Chancellor.

Humbly complaining sheweth unto your Honor your orators Charles Valentine Jacob and John Flegle of Frederick County.

That Valentine Flegle the father of your orators being seized in fee of parts of the following Tracts viz "Browns Plague" "Spring Garden" and "The resurvey on Molly's industry" and being aged

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and having lost his wife the mother of your orators determined to make a settlement on your orators of the said land.

That your orators said father in pursuance of the said determination had a survey made of the said land and himself marked and set up stones round the different parts assigned to your orators respectively and put your orators in possession thereof, and your orators herewith Exhibit a platt and survey of the said land and the subdivisions thereof as they were respectively assigned to your orators which said survey is marked No 1 and your orators pray that the same may be taken as part of this their bill of complaint.

That this division was not intended by the parties assbly a permission for your orators to have the possession of the said land but was designed as a gift out of natural love and affection that your orators retained the possession of the said land for many years and on the faith of the said gift made valuable improvements thereon.

That your orators father repeatedly assured your orators that he would convey the said land to them but their situation as his children made them forbear to press him on the subject.

Your orator further state that after they had continued for many years to enjoy the said land and live in peace and harmony with their father, by age and infirmity his judgment lost part of its former strength, and he became a fit subject to be practiced upon by the artful and designing and at length a young woman of bad character and fame prevailed on their said Father to marry her - on the happening of which event the said father was by the arts of the said woman induced to quarrel with your orators and has turned your orators out of possession of their said land and is attempting to make him wholly deprive your orators of that land which he had so as before given them.

In tender consideration whereof and for as much as your orators are without remedy except by the aid of this court To the end therefore that the defendant may answer the premises and convey to your orators in fee their respective parts of the said land according to the contract aforesaid, and that your orators may have such other relief in the premises as to your Honor shall seem right May it please your Honor to grant a Subpoena in the usual form commanding the said Valentine Flegle to be and appear in this