County dwelling situate and possessed lying and being in Baltimore County aforesaid and to divide the same into five equal parts having regard to quantity and quality and to allot two contiguous parts thereof to the Complainant Sarah Turner for her life and after her death to her children or descendants as directed two other contiguous parts thereof to the defendant Charlotte Withers for her life and after her death to her children or descendants or heirs as directed and the remaining one fifth part to again divide into two parts having regard to quantity and quality and to allot one of said third parts to the Complainant Sarah Turner in fee simple, one other third part thereof to the defendant Charlotte Withers in fee simple, and the remaining third part of the said one fifth to again divide into six equal parts and allot the same amongst the defendants, children and grand children of Mary Little deceased as follows, to wit, one of said six parts shall be allotted to George Little son of John Little deceased in fee simple.

2 one of said six parts shall be allotted to Rebecca Lewis in fee simple.

3 one of said six parts shall be allotted to George Little in fee simple.

4 one of said six parts shall be allotted to Ann Anderson in fee simple.

5 one of said six parts shall be allotted to Margaret Leib in fee simple

and the remaining sixth part you or the Majority of you also shall act and again to divide into two equal parts and to set one equal part thereof to William Little son of Charles Little deceased in fee simple, and the other of said two parts to John Little also son of Charles Little deceased in fee simple, and that you make out or cause to be made out a plat of said land with a certificate of the beginning and courses and an accurate description thereof and of each part according to the directions you make, and that you call upon the parties all such deeds writings and monuments relating to the said estate as may be in their power, and that you examine and take the depositions of witnesses relating to the matters in question as you may think fit, and when you shall have so done, you or any four or three of you shall act are to certify and return into our Circuit Court here without delay, your acts and proceedings in the premises, together with the plats and descriptions, and documentary or other evidence made produced to or taken by you, by your certificate distinctly and plainly written closed up and under your several seals, or the seals on such four or three of you as shall act, provided nevertheless that before you or any of you shall act in the premises you shall or each of you as are to act, shall each take the oath hereunto annexed, and we do give full power and authority to any two or more of you jointly or severally to administer such oath as the Holy Evangels.

Witness the Honorable John H Price Judge of our said Circuit Court the third day of March in the year 1862.

George H Carman
Clerk

Issued the 29th day of April 1862.

Commissioners Oath.

You shall according to the best of your skill and judgment make the partition as directed by the Judging Commissioners, and in all things truly

and faithfully execute the powers given and perform the duties required of you by the said Commission without fear or partiality to or prejudice or ill will against any person whatever interested therein

And afterwards to wit on the 8 day of May in the year last aforesaid the said parties Complainants and defendants by their solicitors aforesaid filed in Court here the following prayer of appeal to wit

Turner wife and others
vs
Withers and others

In Circuit Court for Baltimore County.

The undersigned hereby respectfully appeal from the Decree in the above cause dated the 29th day of April 1862 in so far as the same decides adversely to their pretensions as set forth in the Bill and Answers respectively, and to secure an early decision of the Court of Appeals and to avoid the expense of a Commission for partition which may be rendered useless we hereby voluntarily waive all objections to the fact that further proceedings might be taken before the appeal

Wm S Waters Solr for Complt
Benj Brune for Defendants
Mary Little.
R J Gettings for Mrs Withers her descendants are representatives

Which was granted and the Court hereupon directed a transcript of the record of proceedings of said cause to be transmitted to the next Court of appeals of the State of Maryland and the same is transmitted accordingly

Geo H Carman Clk

State of Maryland Baltimore County to wit

I George H Carman Clerk of the Circuit Court for Baltimore County in the State of Maryland hereby certify that the foregoing is a true and true transcript to be from the record of proceedings of the said Court in the cause therein mentioned,

In testimony whereof I hereto set my hand and affix the seal of the said Court aforesaid this 28 day of May in the year of our Lord 1862.

(Seal)

Geo H Carman
Clerk of the Circuit Court for Baltimore County

And now came into the Court of Appeals here, as well the said James Turner and wife and others by Wm S Waters and A W Machen Esquires their Attorneys as the said Charlotte Withers and others by George W Brune and A W Brune Esquires their Attorneys and thereupon on motion of the said Charlotte Withers and others by their Attorneys aforesaid it is ordered by the Court here that the said James Turner and wife and others assigns the Errors in the Record of proceedings aforesaid, or in the giving the Decree aforesaid as aforesaid brought before the Court of Appeals here for correcting the errors supposed to be therein a Decree by the Court of Appeals here will be entered against them in default thereof and the said James Turner and wife and others by their Attorney aforesaid say that in the Record of proceedings aforesaid and also in the giving of Decree aforesaid there is manifest error in this to wit that by the Record aforesaid it appears that the Decree aforesaid in the Court aforesaid