and the said James Somervell returns with the said commission and the thereto annexed certificate the following answers of the Infants Defendants made by their Guardian aforesaid to the Bill of complaint aforesaid to wit: The joint answer of Susannah Brayerofft and John P Brayerofft infants under the age of twenty one years by Theodore Demar their Guardian to the Bill of complaint of Clement Brayerofft and George Brayerofft. The said Susannah Brayerofft and John P. Brayerofft by their Guardian aforesaid in answering the said Bill admit the facts in the said Bill stated but deny the operation of the law as contended for by the complainants thereon and submit themselves to the Honourable Court to such decree as they may think proper Hoping that as they are minors this Honourable Court will regard and protect their rights and interest

Prince George's County Set on this 16th day of April Eighteen hundred and nineteen personally appeared before me the Commissioner to appoint a Guardian to Susannah Brayerofft and John P Brayerofft Theodore Demar the guardian appointed by me and made oath on the Holy Evangely of Almighty God that the matters and things in this answer contained as stated are just and true to the best of his knowledge and belief Sworn before

James Somervell

Whereapon this cause having been submitted to the Court the Bill answer and exhibit were read and considered on the 16th of December 1813 Bladen Brayerofft by will gave to his three sons John P Brayerofft, Clement Brayerofft and George Brayerofft the land in question in fee after the date of the will, and before the testators death. John P. Brayerofft died intestate leaving the Defendants his children and heirs at law and the question is whether they have any and what interest in the land so devised By the fourth section of the act of assembly passed in the year 1810 chapter 54 it is expressly enacted that no devise, legacy or bequest, shall lapse or fail of taking effect by reason of the death of any devisee or legatee but every such devise or legacy or bequest shall have the same effect and operation in law to transfer the right estate and interest in the property mentioned in such

devise or bequest, as if such legatee had survived the Testator language more strong can be hardly conceived that would more effectually have secured the interest of the Defendants It is therefore this 17th day of April 1819 adjudged ordered and decreed that the complainants are entitled to one equal third part of the land devised and that the defendants the heirs of the Deceased devisee are entitled equally to the remaining third part but in as much as it dont appear to the Court whether the interest of the parties will be advanced by a partition or sale It is therefore farther adjudged that Thomas J. Somervell Joshua Naylor James Naylor of Joshua George Morton and John J. Wall or any three of them be and they are hereby appointed commissioners to go and examine the premises and report to the Court their opinions having first taken the oath prescribed by the act to regulate descents that is there directed to be taken by the commissioners appointed under that act and if they shall be of opinion that it is advantageous that the same be divided they shall proceed to divide the same and return a plot of the partition to the Court if they are of opinion that the same dont admit of a partition the shall value the same and report the valuation with their reasons why it could not be divided The Commissioners if they are of opinion that the land will not admit of a partition are yet directed to divide the same into two parts This last direction is given with the assent of the parties

Jno Johnson
Edmund Key

From which opinion and decree of the Court here the said Clement Brayerofft and George Brayerofft pray an appeal to the Court of Appeals for the Western shore which is granted and in pursuance thereof a transcript of the Record of proceedings in the premises aforesaid is hereby transmitted to the said Court of Appeals

Test Aquila Beall Clk
P. G. Cty Court

Maryland Prince Georges County Set
I hereby certify that the aforegoing is truly taken from the Record of proceedings of Prince Georges County Court acting as a Court of Equity and In Testimony thereof I do hereunto subscribe my name and affix the seal of the said County Court this sixth day of June in the year of our Lord one thousand eight hundred and twenty one

(Seal) place

Aquila Beall clk
P. G. Cty Ct