December Term 1846.

shoot the servants of the plaintiff if they came upon or crossed the said land. The said witnesses also proved that the said defendants kept possession of the said house and premises for eight or ten days refusing to suffer or permit the plaintiff or his servants to enter thereon. The defendants then for the purpose of maintaining the issues on their part joined proved to the Jury that the said land and premises was formerly the property of Gustavus Brown the deceased father of Mary E. Brown the present wife of the defendant Hatton. That Gustavus Brown died intestate in the year 1820. seized of the said land leaving Mary E. Brown now the wife of the defendant Hatton his only child and heir at law who intermarried with the said defendant Hatton in the year 1838. The plaintiff then further to maintain the issues on his part joined offered to prove that after the death of the said Gustavus Brown, the said land was sold by a decree of Prince George's County Court sitting as a Court of Equity as the estate and for the benefit of the said Mary E. Brown and offered to prove that the same was at that sale purchased by one Joseph Hatton, who subsequently sold it to the plaintiff, and for that purpose offered to read to the Jury the following Record of a Decree in Prince George's County Court, and all the proceedings therein, which are as follows to wit:

"Mary E. Brown by Gustavus Brown her next friend - for the sale of a part of the real estate of Gustavus R. Brown, decd.

Be it remembered that heretofore, to wit on the twelfth day of December in the year of our Lord one thousand eight hundred and thirty seven the said Maryland E. Brown by Gustavus Brown her next friend by William B. Stone, Esquire her attorney preferred to the Judges of Prince Georges County Court her petition in writing which is in the words following to wit:

To the Honourable the Judges of Prince Georges County Equity Court. The petition of Gustavus Brown, guardian and next friend of Mary E. Brown an infant states that the said Mary E. Brown, as the heir of certain Gustavus R. Brown and Mary Brown is entitled in fee simple to a tract, part of a tract or parcel of land called Boarmans content or other name or names to yr petitioner unknown lying and being in said County containing 75 to 80 acres. That the said land has upon it a dwelling House and other houses which are going to ruin. That there is no timber on said land to repair or enclose it, and that the whole is now waste and ruining and that from the facts alledged as well as the fact that said infant is otherwise without adequate means of support it would be for the advantage and interest of said infant her that the same be sold, he therefore prays your Honours to issue a commission to three discreet disinterested persons to ascertain whether or not it is for the advantage of said infant her that the said land be sold and to ascertain and report its value and that the Court would decree a sale, and take such order in the premises as may be equitable and right.

W. B. Stone, for petitioner.

George T. Brown, Richard L. Jenkins, and William G. Hardy, are named as Commissioners.

On the twenty first day of November in the year of our Lord one thousand eight hundred thirty seven the Court pass the following order:

December Term 1846.

"It is upon the above petition ordered, on this 21st Novr. 1837 that the commission issue as prayed to the commissioners recommended.

Edmund Key.

Thereupon this cause was continued until the second Monday of January next.

At which mentioned second Monday of January being the fifteenth day of the same month in the year of our Lord one thousand eight hundred and thirty eight, and being the day until which this cause was continued come again into the County Court here the said petitioner by her attorney aforesaid.

And afterwards to wit, on the tenth day of February in the year of our Lord one thousand eight hundred and thirty eight George T. Brown Richard L. Jenkins and William G. Haldy Commissioners as aforesaid file in Court here their return as follows to wit:

To the Honorable the Judges of Prince George's County Equity Court. The petition of Gustavus Brown Guardian and next friend to Mary E. Brown, as the heir of certain Gustavus R. Brown, and Mary Brown is entitled in fee simple, to a tract or part of a tract or parcel of land called Boarman's content, or other name or names to yr petitioner unknown lying and being in said County containing about 75 to 80 acres. That the said land has upon it a dwelling house, and other houses which are going to ruin, that there is no timber on said land to repair or inclose it, and that the whole is now waste and ruining, and that from the facts alledged as well as the fact that the said infant is otherwise without adequate means of support it would be for the advantage and interest of said infant her that the same be sold, she therefore prays yr Honours to issue a commission to three discreet and disinterested persons to ascertain whether or not it is for the advantage of said infant her that the said land be sold, and to ascertain and report its value and that the Court would decree a sale, and take such order in the premises as may be equitable and right.

W. B. Stone, for pet.

George T. Brown Richard L. Jenkins and William G. Hardey are named as Commissioners.

It is upon the above petition ordered commission issue as prayed to the Commissioners recommended,

Edmund Key.

Maryland Prince George's County set. I hereby certify that the above is truly taken and copied from the original filed in my office. In Testimony whereof I have hereunto subscribed my name and affixed the seal of Prince Georges County Court this 12th day of Decr. 1837.

(Seal) Ag. Beall, Clk.

Maryland Prince George's County, to wit. On the 24th day of January 1838, appears George T. Brown Richard L. Jenkins and William G. Hardy Commissioners named in the aforenamed commission, and made oath on the Holy Evangelly of Almighty God that they would execute the trust reposed in them by said commission without favour affection or partiality, according to the best of their experience and judgment and will make a true return thereof.

Thos. I. Marshall J.P. for P.G. County.

We the subscribers being Commissions named in the aforementioned