or parcells of land mentioned in said Commission to be carefully surveyed by which there appears to be contained in the several tracts and parts of tracts or parcells of land aforesaid the quantity of Four hundred & fifty nine acres, and as the quantity of the lands and the improvements thereon as as nearly equal as possible we have caused the land to be equally divided, hereby assigning to James Mapsey that part lying to the Northward of the division line as being contiguous to his other lands & the part lying to the Southward of said line of division unto Joshua Mapsey as will more fully appear on the plat of the whole premises annexed. Given under our hands & seals this 29th day of November 1797.

Benj.n Roberts (Seal) Tho.s Seegar (Seal) Samuel Rochester (Seal) Sa.s Roxberry (Seal)

A Plat of the lands of James Mapsey late of Queen Ann's County deceased being composed of the following tracts and part of tracts or parcels of land to wit, part of a tract called Friendship, part of a tract called Spry's Friendship, part of a tract called Mapsey's part of Friendship corrected, a tract called Spry's Chance, & part of a tract called Hazard, containing by measurement 459 acres of land. (Here follows the plat as laid down by the Commissioners & the several notes of explanation) together with the endorsements made by the late Clerk of Queen Ann's County on said Commission which are as follows viz.t Commission & Return on the Division of James Mapsey's lands. Received May 17th 1798. and the same day was with the endorsements thereon recorded in Liber R.T. No. 2. one of the Record Books for Queen Ann's County.

Sam.l T. Wright Clk.

It being objected that the Commission was irregular and defective, inasmuch as there was no oath of the Commissioners annexed to it, and that the Commission did not appear to be regular. The plaintiff for the purpose of shewing the correctness of the Commission - and of the return thereon and the practice of the Clerk's Office of Queen Ann's County, produced the record of the said Commission from the record Book which is as follows viz.t Queen Ann's County to wit. At another time, to wit, the 29th day of October Anno Domini Seventeen hundred and ninety seven, the State's Commission for the examination of Witnesses to prove and perpetuate the memory of the Bounds of a tract of land part of a tract of land called Friendship, part of a tract called Spry's Friendship, part of a tract called Mapsey's part of Friendship corrected, a tract called Spry's Chance, a part of a tract called Hazard was issued out of Queen Ann's County Court to Mess.rs Benjamin Roberts, Thomas Seegar, George Jackson, Samuel Rochester & James Roxberry of Queen Ann's County, Gentlemen, directed, according to the form of the Act of Assembly in such case made & provided the aforesaid Benjamin Roberts, Thomas Seegar, George Jackson, Samuel Rochester & James Roxberry to the Court here make return of the same Commission with their proper hands thereunto subscribed and seals affixed in manner & form following, to wit. Queen Ann's County, to wit.

The State of Maryland. To Mess.rs Benjamin Roberts, Thomas Seegar, George Jackson, Samuel Rochester & James Roxberry of Queen Ann's County, Gentlemen Greeting Whereas James Mapsey by his petition to the Justices of Queen Ann's County Court setting forth that your petitioner, together with a certain Joshua Mapsey of the County aforesaid a Minor under the age of twenty one years are seized of the following parcels of land lying and being in Queen Ann's County, to wit part of a tract of land called Friendship part of a tract called Spry's Friendship, part of a tract called Mapsey's part of Friendship corrected, a tract called Spry's Chance & part of a tract called Hazard which descended to your petitioner & the said Joshua Mapsey by the death of James Mapsey the father of your petitioner & the said Joshua Mapsey who died intestate in Queen Ann's County. Your petition therefore prays that a Commission may issue to five discreet sensible men to divide the lands aforesaid agreeable to the Act of Assembly in such case made & provided. Now know ye that we have therefore appointed you the said Benjamin Roberts, Thomas Seegar, George Jackson, Samuel Rochester & James Roxberry Citizens of Queen Ann's County Commissioners & do hereby authorise & empower you & a majority of you to Act in & upon the premises agreeably to & to do perform and execute therein the lawful duties required of and appointed for Commissioners in such cases under and in virtue of the said Act of Assembly, and also that you shall return a Certificate of such notice given & of all your acting & proceedings in & about the premises fairly and distinctly written and closed up together with this Commission under

your hands and seals, without delay before before the Justices of our County Court to be recorded in perpetual memory. Witness James Tilghman Esquire Chief Justice of our said Court the 29th day of October Anno Domini 1797. Issued November 5. 1797.

Sam.l T. Wright Clk.

Benjamin Roberts, Thomas Seegar, Samuel Rochester & James Roxberry four of the Commissioners appointed in the foregoing Commission to the Court here make return of the same Commission with the following endorsements, to wit. This is humbly to certify to the honorable the Justices of Queen Ann's County Court that pursuant to the annexed Commission to us directed we have given notice of our intention of meeting on the land mentioned in said Commission to all the parties interested & have taken the Oath by law directed and having appointed & qualified Cornelius Comegys Surveyor & John Comegys & David Spry Chain Carriers on the occasion we have caused the several tracts or parcels of land mentioned in said Commission to be carefully surveyed by which there appeared to be included in said several tracts and parts of tracts or parcels of land aforesaid the quantity of Four hundred and fifty nine acres and as the quality of the lands and the improvements thereon are as nearly equal as possible, we have caused the same to be equally divided hereby assigning to James Mapsey that part lying to the Northward of the division line as being contiguous to his other lands and the part lying to the Southward of said line of division unto Joshua Mapsey - as will more fully appear on the plat of the whole hereunto annexed - Given under our hands and seals this 29th day of November 1797.

Benj.n Roberts (Seal) Tho.s Seegar (Seal) Samuel Rochester (Seal) James Roxberry (Seal)

A Plat of the lands of James Mapsey late of Queen Ann's County, deceased being composed of the following tracts or part of tracts or parcels of land to wit. part of a tract called Friendship, part of a tract called Spry's Friendship, part of a tract called Mapsey's part of Friendship corrected, a tract called Spry's Chance, and part of a tract called Hazard, containing by measurement 459 acres of land (Here follows the plat with explanation) - And for the purpose of accounting for inequality and want of form in the Record of the Commission referred to the records of Commissions in like cases in the same Record Books, many of which appeared in like form - And in order to support the Commission itself and to shew that it was good without having the oath annexed by the first to the Commission referred to Commissions of like kind issued from this Court all of which down to the same year appeared in like form and many of which were proved to be ratified by the Court by actual entries made by the Clerk on his minutes, and by the Judgment of the Court confirmed endorsed on the Commission in the hand writing of the Clerk. And for the purpose of furnishing evidence that this Commission was ratified by the Court they produced sundry Commissions of like nature which had been recorded on the Records altho' no other evidence was furnished from the minutes or other entries of the said late Clerk of Queen Ann's County, that the same had been ratified by the Court. But the Court being of opinion that the Commission was defective inasmuch as the oath of the Commissioners was not annexed to the same & that the said Commission & return thereon did not appear by evidence to have been ratified by the Court, refused to suffer the plaintiff to record the said Commission and the return of the Commissioners thereon in evidence to the Jury to which opinion the plaintiff by his Counsel prayed leave to except and that the Court would sign and seal this Bill of Exceptions which is accordingly done this second day of November in the year of our Lord 1816. Rem. Tennant (Seal)

Memorandum. Before the Jurors aforesaid withdrew from the Bar of the Court here, the said Elizabeth Mapsey by her Attorney aforesaid filed in Court here the following Bills of Exceptions to wit.

Joshua Mapsey Lessor } Ejectment. At the trial of this cause the plaintiff to support the
vs. } issue on his part, produced a paper purporting to be the last Will and
Elizabeth Mapsey } Testament of Hemsley Mapsey which follows in the words & figures hereafter inserted. In the name of God Amen I Hemsley Mapsey of Queen Ann's County & State of Maryland being of sound and disposing mind memory and understanding do make & publish this my last Will and Testament. I give the legacies unto my Sister Amelia Petty the sum of One hundred pounds current money to be paid by my executor hereinafter named in such manner as they shall deem meet for her advantage, and in case she does not receive