of the said property were permitted to remain in its present situation without any power in the said parties to divide it into lots and to bring the same into market the present tendency of improvement in that particular direction might divert into other directions and the parties by that means be deprived ultimately, at least in a great measure of the enhanced value of the land. The undersigned therefore caused the said land to be accurately surveyed and run off into streets Alleys and lots which will appear by the plat thereof accompanying this report which they have also signed.

Four of the said lots they assigned to John L Hurst the lots marked in the said plat with the numbers 23. 10. 14. 21 22. 26 30 34 39 40. 43. 47. 51. 55; 56. 62. 63. 73. 74. 75 and 76 adjoining the Race Road. To James S Hurst they assigned lots numbers 4. 7. 8. 12 16 19 24 28 32. 36 37. 45 49 53 65 69 70 77. and the triangular piece of ground shown on the said plat a lying between Hanover st and Michael's Springs lane. To Isaac C Hurst they assigned the lots numbers 3 6 11 15 18. 23 27 31. 35 41. 42 44 48. 52 57 60. 61 72 and a small strip of land as shown on the said plat adjoining the Railroad numbered 78.

To Matilda Jane Davis and her children they assigned the lots numbers 9. 13, 17. 21. 25 29 33. 38. 46 50 54 58 59. 67 68 71. 76 and the House and Lot on Mechanic Street in the town of Cumberland which they valued at the sum of six hundred dollars. The undersigned further report that according to their judgment the partition so as aforesaid made by them is fair and equal and altogether the most advantageous arrangement and division of the said estate that could be made having regard to the interest and welfare of the parties entitled thereto.

All which proceedings with the said plat and the division thereof and the aforesaid commission the undersigned return closed under their hands and seals this 23d day of March in the year of our Lord 1846.

Samuel P Smith (Seal)
Thos Butler (Seal)

J Wright (Seal)
B Mallingly (Seal)
John Hays (Seal)

State of Maryland Allegany County to wit.

On this 3d day of March 1844 before me the subscriber a Justice of the peace of the state of Md in and for Allegany County personally appeared Samuel P Smith Jonathan Duer John Wright Baptist Mallingly and John Hays Commissioners above named and made oath on the Holy Evangelys of Almighty God that the above report is true and that the said partition therein reported was made by them without favor or partiality to or prejudice or ill will against any person whatever interested therein.

Sworn Before John Gephart J.P.

See plat.

On the day and at the time last aforesaid aforesaid the Commissioner named in the first above commission to wit Thomas Perry Esq made return of his commission together with his proceedings under the same in the words following to wit

To the Honorable the Judges of Allegany County sitting as a Court of Equity, The subscriber being the Commissioner named in the annexed Commission hereby certifies that in execution of the powers therein vested in me I on the 25 day of October 1845 proceeded to the dwelling house of Thomas J Davis in the town of Cumberland, where the infant defendants named in said commission then were and caused the said infants to be brought before me and then and there assigned and appointed Hiram B Wolf of Allegany County guardian to said infants and took the answers of said infants by their said guardian and under oath of the said guardian by me administered to the Bill of Complaint in said commission mentioned which said answer with said Commission is herewith returned closed. Witness under my hand and seal this 25th day of October 1845.

Thomas Perry Seal.

The answer of Negiah Allen Davis James R Davis and John E Davis infants under the age of 21 years by Hiram B Wolf their guardian to the bill of complaint of John L Hurst James S Hurst and others in Allegany County Court sitting as a Court of Equity. The