

Nov. Sess.
1810.

APPENDIX.—RESOLUTIONS.

of the legislature he must lose a considerable tract of land, for which his ancestors, or those under whom he claims, have regularly paid the state the full value as prescribed by law. The petitioner represents, that his maternal grandfather, the late Edward Johnson, by his last will, dated on the fourth day of October, in the year seventeen hundred and sixty, devised all his lands to his three daughters, Sarah, Anne and Rebecca; that a division thereof was made pursuant to the said devise, and there was assigned to Sarah, the mother of this petitioner, all that tract of land situate on the west side of Elk river, in Cecil county, being part of two larger tracts of land, the one called New Amster, and the other called Purchase, as was then supposed; that the said Sarah died, leaving the petitioner her sole heir, and that he hath made very considerable improvements on the tract of land to which he thus derived a title. And the said Edward Wingate further states, that upon a survey lately made by certain commissioners, appointed by Cecil county court to mark and bound part of the lands of the said late Edward Johnson, it hath been discovered, that a great part of the tract of land called New Amster is not included within the lines of that tract, as corrected and truly laid down, and that the whole of the said tract of land called Purchase was laid, according to the true calls of the survey, upon an elder tract of land called Brereton, and consequently must be lost to the petitioner; but that it has been also discovered, that there is a vacancy between the lines of a tract of land called New Amster on the north, Elk river on the east, St. John's Manor on the south, and Johnson's Addition on the west, containing about one hundred and seven acres, the whole of which the petitioner, and those under whom he claims, always, until the present time, held and quietly enjoyed, as supposing the same to be really and truly included under the surveys of New Amster and Purchase; therefore **RESOLVED**, That the chancellor, on the application of Edward Wingate, of Cecil county, to be made to him as judge of the land-office, be authorised to inquire into the circumstances relating to the piece or parcel of land alleged to be vacant in manner before mentioned, and if the chancellor shall be of opinion, from the evidence offered to him, that the said alleged vacancy hath been paid for and held by the said Edward Wingate, and those under whom he claims, under a belief that the same was really included under the surveys of New Amster and Purchase as aforesaid, that then the right of the state to the said alleged vacancy shall be granted and released unto the said Edward Wingate, his heirs and assigns, and the chancellor shall thereupon order a patent to be issued to the said Edward Wingate for the said alleged vacancy, according to the metes and bounds thereof, so that the same do not contain more land than what the said Edward Wingate has lost by the erroneous surveys before mentioned, provided nothing herein contained shall be construed to affect the existing rights of any person or persons in and to the said lands.

Chancellor to inquire relating to piece of land alleged to be vacant &c

No. 2.

WHEREAS it appears to this general assembly, that Mountjoy Bayly, a captain in the late revolutionary war, and who served to its termination, did not receive the commutation money of five years pay in lieu of the half pay for life promised to the officers