

CHAP. 40.

others, and by certain documents accompanying the same, that on or about the 25th day of January 1820, Thomas Hawkins, Esquire, late of Frederick county, departed this life intestate, seized and possessed, at the time of his death, of a large real estate lying and being in Frederick county aforesaid, and which descended equally upon his two daughters Julia Clagett, then the wife of the said Henry Clagett, and Elizabeth Whitaker Duvall, then the wife of said Grafton Duvall; that partition was afterwards made of said descended estate by the voluntary act of the parties, and separate portions thereof allotted in severalty to said Henry Clagett, and said Julia Clagett his wife, in right of said Julia; and to the said Grafton Duvall, and said Elizabeth Whitaker Duvall his wife, in right of the said Elizabeth Whitaker respectively; and that a deed of partition was accordingly prepared and executed, in conformity with said partition and allotment, bearing date the twenty fifth day of June, in the year eighteen hundred and twenty one, and which was duly signed and sealed by the said Henry Clagett and said Julia Clagett, his wife, of the one part, and said Grafton Duvall, and said Elizabeth Whitaker Duvall, his wife, of the other part, in the presence of two Justices of the Peace of the State of Maryland in and for Frederick county, and before whom the same was acknowledged by the said parties, as appears by the certificate of the said Justices thereon indorsed, but without any private examination of the said Julia Clagett and said Elizabeth Whitaker Duvall by the said justices of the peace apart from and out of the presence and hearing of their said respective husbands, as required by law, and under the erroneous impression of the said justices, and the parties, that the same was not necessary to the validity of said deed: *and whereas* it further satisfactorily appears that the said parties entered upon their said several allotted parts of the said descended estate, agreeably to the said partition, and that said allotted parts have thenceforth been held and possessed in severalty; that said Julia Clagett departed this life, intestate, on or about the sixteenth day of December in the year of our Lord eighteen hundred and thirty, leaving the said Henry Clagett, her husband, surviving, and leaving four children her heirs at law, to wit: Thomas Hawkins Clagett, Henry Clagett, the younger, Elizabeth Clagett, and Olivia Clagett; and that said Elizabeth Whitaker Duvall departed this life, intestate, on or about the thirteenth day of April, eighteen hundred and thirty one, leaving the said Grafton Duvall, her husband surviving, and leaving seven children her heirs at law, to wit: