

CHAP. 273. to wit: Peggy, Molly and Elizabeth, that said commissioners, after taking the oath required, proceed at the time appointed, in the presence of all parties interested, to make said division, by first allotting to the widow a portion of said lands, and then dividing the residue of said lands between said three daughters; that in making said division, said commissioners were unable to make them all of equal value, and to make up the difference in the value of said lots, did adjudge and determine, that one of the parties who had the lot of the greatest value, should pay to the others the several sums ascertained by said commissioners, to be the difference in the several allotments, and made a report of their judgment and proceedings under said commission to said court at the May term thereof, eighteen hundred and twenty-eight; that said report was at the return thereof, ordered to be subject to objections until the second day of the next term; that no objections have ever been made to said report; that the parties were all present at the time of said division, and assented to the same, as made by said commissioners, and afterwards severally took possession of the several shares allotted to them, that some of said parties have sold the lands allotted to them, others have lessened the value of the shares allotted to them, by selling part and cutting the timber off the other part, and the others have made considerable improvements, by building, clearing and ditching, and otherwise; that two of said daughters, to wit: Peggy and Molly, have died, leaving several children, that more than twenty-three years have elapsed since said division was made, that said report has never been finally ratified by said court, and doubts are entertained whether said commissioners did not exceed their authority in adjudging that one of said parties should pay to the others the difference, in money of the value of said several allotments, and also, whether said court, or the Circuit court, is now authorised under the existing laws to ratify and confirm said report; *And whereas*, it is also represented, that the several sums of money adjudged by said commissioners to be paid, to make said division equal, have all been paid to the parties entitled to receive the same, and the possession of said several allotments has been held, and the exclusive title therein claimed by said parties to whom they were allotted, and those claiming under them, for upwards of twenty years since said division was made; it is but just and equitable that the titles of said parties, and those claiming under them, should not, after such a long lapse of time, be disturbed; Therefore,