

... since he paid in equal portions by the three heirs at law of the said James Smith to whom the said lands were allotted by the said Commissioners.

Dec 29, 1848.

And was accordingly recorded by.

V. N. Gordon Clk.
V. N. Gordon Clk.

Petition for a Division of the Real Estate of Annista Frazier dec'd.

At a County Court house and held in the 4th Judicial District of the State of Maryland on the 3rd Monday of

18 in and for Kent County among others the following proceedings were had &c:

To the Honorable the Judges of Kent County Court.

The petition of Thomas C. Yearley, John F. Yearley, Harriett Anne Parker formerly Harriett Anne Yearley, Samuel P. Yearley, John Slagle and Sarah E. Slagle his wife formerly Sarah E. Yearley, Amanda S. Yearley, Isaac M. Yearley, and Annista Yearley, of the City of Baltimore and George S. Yearley of the State of Mississippi respectfully sheweth that Annista Frazier late of Kent County departed this life intestate and without issue in the year eighteen hundred and forty seven seized in fee of certain lands and premises lying and being in Kent County aforesaid which were devised to her in fee by the last Will and Testament of her Father John Frazier deceased bearing date as or about the twenty third day of April in the year eighteen hundred and eighteen and recorded in the office of Register of Wills of said County supposed to contain about two hundred and twelve acres and called "Fairlee" "Lalloways Ferry" and "The Wood Neck" or by whatever name the same may be called, leaving a brother named John Frazier, a sister named Harriett Welch formerly Harriett Frazier and the following persons the children of Anne Yearley formerly Anne Frazier a sister to the said Annista Frazier to wit: Thomas C. Yearley, John F. Yearley, Harriett Anne Parker, Sarah E. Slagle wife of the said John Slagle, Samuel P. Yearley, Amanda S. Yearley, Isaac M. Yearley, Annista Yearley and George S. Yearley her heirs at law to whom the said real estate descended: That shortly after the death of the said Annista Frazier the said Harriett Welch departed this life intestate and without issue leaving the said John Frazier her brother and the said Thomas C. Yearley, John F. Yearley, Harriett Anne Parker, Sarah E. Slagle wife of the said John Slagle, Samuel P. Yearley, Amanda S. Yearley, Isaac M. Yearley, Annista Yearley and George S. Yearley the children and heirs at law of Anne Yearley deceased a sister of the said Harriett Welch deceased, that the heirs and persons entitled cannot agree upon a Division of the said real estate although the heirs are of full age. Your petitioners therefore pray that a Commission may issue agreeably to the provisions of the act of Assembly in such Cases made and provided to give discreet and sensible men to be Commissioners authorizing and empowering them to proceed in the premises according to law and divide and make partitions of the said estate fairly and equally in- make between all the parties interested and entitled to their just portions. And as in duty bound your petitioners will ever pray.

Sept 20. 1847.

George Pickens Atty for Petitioners.

Whereupon a Commission issues set:

The State of Maryland to Thomas Stephens, James P. Stone, John R. Dixon, Richard Smith and Emory Dooder of Kent County Circuit:

Whereas Thomas C. Yearley, John F. Yearley, Harriett Ann Parker formerly Harriett Ann Yearley, Samuel S. Yearley, John Slagle and Sarah E. Slagle his wife formerly Sarah E. Yearley, Amanda S. Yearley, Isaac M. Yearley, and Annanta Yearley, of the City of Baltimore and George S. Yearley of the State of Mississippi by their petition to the Judges of Kent County Court hath set forth that Annanta Frazier late of Kent County departed this life intestate and without issue in the year 1847 seized in fee of certain lands and premises lying and being in Kent County aforesaid which were devised to her in fee by the last will and Testament of her Father John Frazier deceased bearing date on or about the twenty third day of April in the year 1818 and recorded in the Office of Register of Wills of said County supposed to contain about two hundred and twelve acres and called "Fairlee" "Fullways Faney" and "Richard Meek" or by whatsoever name the same may be called, leaving a brother named John Frazier, a sister named Harriett Welch formerly Harriett Frazier and the following persons the children of Mrs Yearley formerly Ann Frazier a sister to the said Annanta Frazier to wit: Thomas C. Yearley, John F. Yearley, Harriett Ann Parker, Sarah E. Slagle wife of said John Slagle, Samuel S. Yearley, Amanda S. Yearley, Isaac M. Yearley, Annanta Yearley, and George S. Yearley her heirs at law to whom the said real estate descended, that after the death of the said Annanta Frazier, the said Harriett Welch departed this life intestate and without issue leaving the said John Frazier her brother and the said Thomas C. Yearley, John F. Yearley, Harriett Ann Parker, Sarah E. Slagle wife of the said John Slagle, Samuel S. Yearley, Amanda S. Yearley, Isaac M. Yearley, Annanta Yearley and George S. Yearley the children and heirs at law of said Ann Frazier deceased sister of the said Harriett Welch deceased, that the heirs and persons entitled cannot agree upon a division of the said real estate although the heirs are of full age, they have therefore prayed that partition of the said estate may be made between the aforesaid heirs according to their several last professions, agreeably to the act of assembly in such cases made and provided, which said prayer hath been granted, and it being suggested to the said Court that you are discreet and sensible men, within the said County, and the said Court having great confidence in your prudence and integrity, have therefore assigned Commissioned and appointed and do hereby assign Commission and appoint you or a majority of you (having first taken the oath hereto annexed) to adjudge and determine whether the said estate will admit of being divided without loss or injury to all the parties entitled; and to ascertain the value of said estate in current money taking into consideration any incumbrances thereon; and to ascertain the value of said estate subject to the incumbrances; and if the said estate can in your opinion and judgment or in the opinion and judgment of a majority of you be divided without loss or injury to all the parties entitled, then

To divide and make partition of the same fairly and equally in value, between all the parties interested, according to their several best propositions, or if the said estate cannot be divided between all the parties interested according to their several best propositions, then you or a majority of you shall divide the said estate into as many parts as it is susceptible of, without loss or injury to all the parties entitled, and ascertain the value of each part of such estate in current money subject to any incumbrances thereon, and if in your opinion and judgment it is the opinion and judgment of a majority of you, the said estate cannot be divided without loss or injury to all the parties, then you or a majority of you shall make return to the said Court, of your judgment and the reasons upon which the same was formed, and the real value of the said estate in current money, subject to the incumbrances if any thereon, and if you or a majority of you shall determine that the said estate can be divided in either of the ways above mentioned without loss and injury to all the parties, then you shall cause the land to be surveyed and laid out by the County Surveyor or such other persons as you may think qualified in case the estate consists of land, and if the said estate shall be equally divided between all the parties interested according to their several best propositions, then you or a majority of you shall allot to the several parties their respective shares of the said land. And in case the said estate shall consist of horses you or a majority of you shall make allotment and partition between the said parties; and you or a majority of you shall cause notice to be given to all parties concerned by advertisement set up at the Court House and in such other public places in the said County as you may direct, at least thirty days previous to your proceeding to execute this Commission, and you or a majority of you are appointed Commissioners to proceed in the premises according to the act of Assembly passed at December Session 1820 Chapter 191. Entitled an act to reduce into one system the law to direct descent: and you or a majority of you having made partition or allotment in manner aforesaid shall make return of your proceedings to the next Court to happen thereafter. Witness the Honorable E. F. Chandler Chief Judge of the said Court the 29th day of September A.D. 1847.

J. N. Gordon Ck.

Commissioners Oath.

Be it remembered that on this 30th day of October A.D. 1847. Personally appeared Thomas Stephens, James P. Pomm, John R. Stead, Richard Smith before the undersigned one of the State of Maryland Justices of the Peace in and for Kent County and severally made Oath on the Holy Evangelists of Almighty God, that they would well and faithfully perform the duties required of them by the annexed Commission, and all duties assigned them under the act of Assembly therein referred to, and that they would proceed to the execution and completion of the said Commission without favour partiality or prejudice and according to the best of their judgment and understanding.

Done before E. D. Duder J. P.
 on this 30th October 1847. Emory P. Duder of Kent County and one of the Commissioners

named appeared before me the undersigned a Justice of the Peace of Kent County and took the above oath as one of the Commissioners in due form.
John N. Whitton

Afterwards &c: On this 22nd March 1848 the following return of the Commissioners was filed &c:

To the Honorable The Judges of Kent County Court.

The undersigned Commissioners appointed by the Commission hereto accepted to adjudge and determine in regard to the Division and value of the real Estate of Annanta Thayer late of Kent County deceased, and to perform the duties required in and by the said Commission, hereby respectfully report and return to this Honorable Court, that having first taken the Oath annexed to the said Commission, as in the same certified, and having caused due and legal notice according to law, to be given to all the parties concerned, and interested, of our intention to proceed to execute the said Commission at the late dwelling of the said Annanta Thayer and the premises, by advertisement inserted published in the Kent News a newspaper published and printed in Chester Town once a week for two months, at the Court House door in the said County, at each of the Taverns in Chester Town and at such other public places in the said County, as we considered advisable to direct, at least two months previous to our proceeding to execute the said Commission, we proceeded accordingly to such notice to meet at the time and place therein appointed to meet on the 7th day of January 1848, and there and there caused the lands composing the real estate of the said Annanta Thayer to be surveyed and laid out by George Hale a Surveyor by us thought qualified, and which will fully appear by Certificate and Plat of the said Surveyor made out and signed by him marked exhibit A. and which are hereto annexed as part of this return. And we the said Commissioners after having the said lands carefully surveyed and after examining the said lands and real estate of the said Annanta Thayer deceased, which consists of one farm or plantation containing two hundred and nine acres and three fourths of an acre according to the survey, lying on Thayer's Creek in Kent County, and after due consideration did adjudge and determine, that the said real estate cannot be equally and fairly divided between all the parties interested according to several best propositions for the following reasons.

- 1st. That the number of persons entitled to a proportion of the said estate would necessarily make the proportions of each too small to be useful.
- 2nd. That there being but one set of Buildings, which would from their location and contiguity to each other, be allotted to one person, the proportions of the other, and the value of their proportions, would be too small to justify the expense of erecting necessary buildings on their respective parts.
- 3rd. That there is not a sufficiency of wood and timber for each proportion in case of a Division.

And we the said Commissioners did also then and there decide, that the said real estate is not susceptible of division into two or more parts, without loss and injury to all the parties interested, for the reasons above stated. And we the said Commissioners having so decided, proceeded to estimate the real value of the said real estate in current money, and did make the

same at fifteen dollars per acre making an aggregate valuation of three thousand one hundred and forty six dollars and twenty five cents. The Commissioners were not advised of any incumbrances on the estate. All which proceedings we hereby respectfully return and certify. Given under our hands and seals this twenty second day of February 1848.

Thomas Stephens.
 James Proome.
 John R. Stodd.
 Richard Smythe.
 G. Duder.



Plot and certificate mentioned in and filed with the foregoing return as follows to wit:

Directed for the Commissioners to value or divide the real estate of Araminta Hoagies late of Kent County deceased that part of a tract called "Fairlee" lying and situate in Kent County Maryland and on the waters of Fairlee Creek. Beginning at a stone on the South side of the public landing on said creek and running into the public road the two following Courses viz:

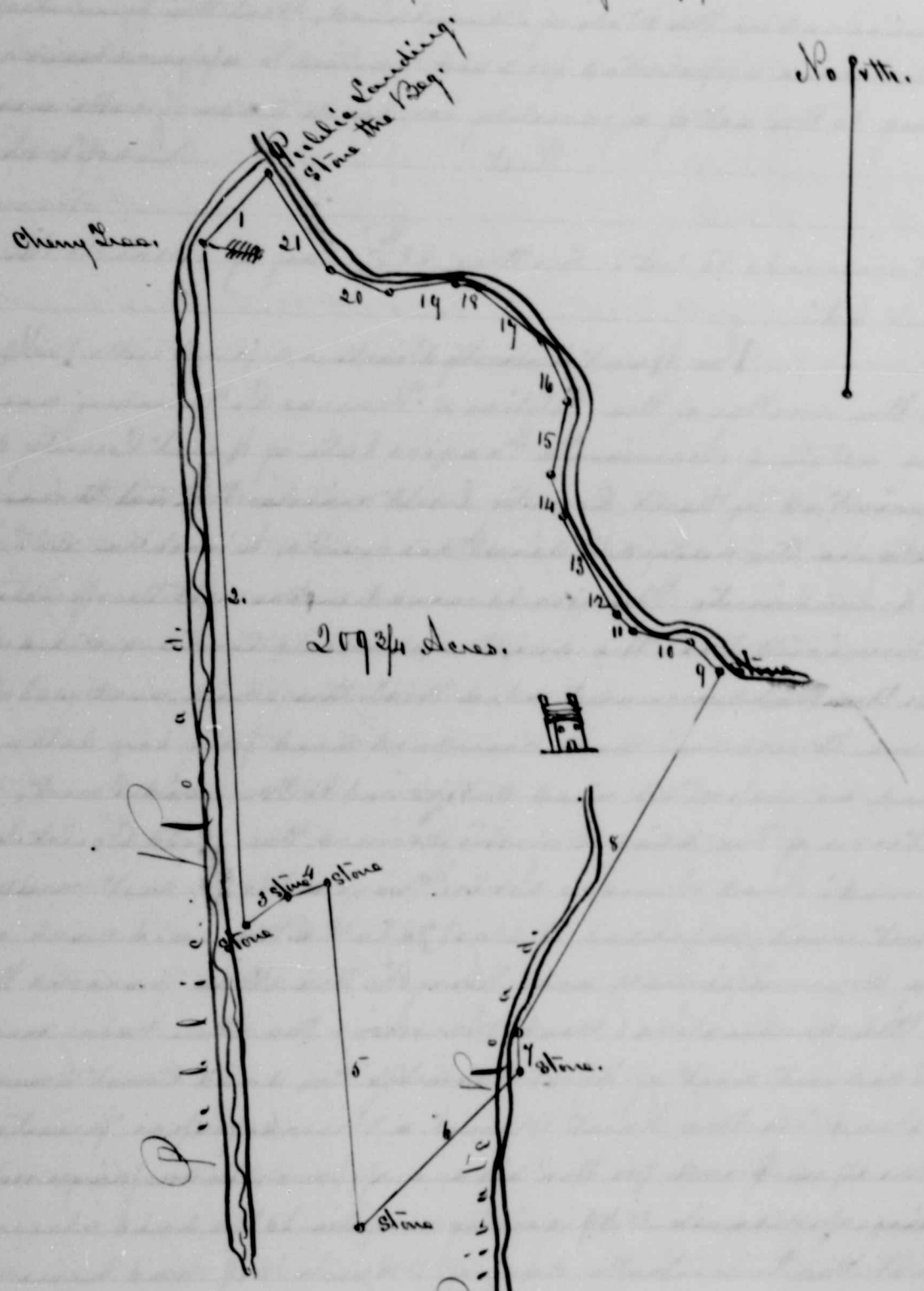
S. 43 1/2 ⁺	W. 30 Perches	
S. 3 1/2 ⁺	E. 231	" then
N. 58 1/4 ⁺	E. 15	" to a stone
N. 75 ⁺	E. 14	" " "
S. 6 ⁺	E. 118 1/2	" " "
N. 46 1/2 ⁺	E. 75	" " "
N. 1 1/2 ⁺	W. 13	" " "
N. 27 ⁺	E. 130	" " "

then run by and with the waters of said creek to the Bay containing two hundred and nine acres and three rods of land.

Table of Courses and Distances.

No 1.	S. 43 1/2 ⁺	W. 30 Perches.	
2.	S. 3 1/2 ⁺	E. 231	" to a stone
3.	N. 58 1/4 ⁺	E. 15	" " "
4.	N. 75 ⁺	E. 14	" " "
5.	S. 6 ⁺	E. 118 1/2	" " "
6.	N. 46 1/2 ⁺	E. 75	" " "
7.	N. 1 1/2 ⁺	W. 13	" " "
8.	N. 27 ⁺	E. 130	" " "
9.	N. 21 ⁺	W. 13	" " "
10.	N. 81 1/4 ⁺	W. 21	" " "
11.	N. 39 3/4 ⁺	W. 8	" " "
12.	N. 21 ⁺	W. 20	" " "
13.	N. 33 1/4 ⁺	W. 20	" " "
14.	N. 17 ⁺	W. 14	" " "
15.	N. 14 ⁺	E. 26	" " "
16.	N. 27 1/2 ⁺	W. 22	" " "

- No 17. N. 47 1/2° W. 29 Perches
- 18. N. 86 1/2° W. 7 "
- 19. S. 84 1/2° W. 23 "
- 20. N. 67 1/4° W. 21 "
- 21. To the Bag containing 209 3/4 acres.



Survey 1848.

Platted by a scale of 50 perches to an inch.
Geo. Gale.

In Kent County Court:

September Term 1848.

In the matter of the petition of Thomas C. Yearley, John F. Yearley, Marietta Anne Parker, and others for the division of the real estate, whereof Annisetta Yearley died seized.

The Commissioners heretofore appointed for the purpose of making division of said estate, having made return that the same was not susceptible of division without loss and injury to all the parties, and the said return having been confirmed by the Court. It is therefore this ninth day of December, in the year eighteen hundred and forty eight ordered by the said Court that notice be given to Thomas C. Yearley, John F. Yearley, Marietta Anne Parker, John Slagle and Sarah E. Slagle his wife, Samuel V. Yearley, Annisetta Yearley

Leave Mr. Yearley, Marinda Yearley, and George S. Yearley some of the parties entitled to said estate all absent and resident out of Kent County, and the said George S. Yearley absent and resident beyond the limits of the State of Maryland, by causing a copy of this order to be published for at least four successive weeks before the day herein after mentioned in some newspaper published in the State of Maryland; that the twentieth day of March next hath been appointed for said parties to appear and make their election according to the act of assembly in such case made and provided.

Test
Joseph P. Gordon Clk.

Afterwards to wit: On this 20th day of March 1849. The following order of Court set:

In Kent County Court. March Term 1849.

In the matter of the Petition of Thomas C. Yearley and others for a division of the real estate of Marinda Thaxier late of Kent County deceased. The Commissioners appointed by Kent County Court under the act to assess and reduce into one system the laws to direct descents, to make division of the real estate of the said Marinda Thaxier deceased amongst the parties entitled thereto having determined that the said real estate could not be divided without loss to all the parties concerned and that the said real estate was of the value of three thousand one hundred and forty six dollars and twenty five cents and so reported and returned to the said Court, which said report and return of the said Commissioners the said Court have ratified and confirmed: And whereas John Thaxier the eldest male heir appeared in open Court and refused to elect to take the said real estate at the valuation of the Commissioners and pay to the other persons their respective proportions of the valuation; And whereas the other heirs and persons entitled being resident out of Kent County, the said Court caused a notice to be published in the Kent News a newspaper printed and published in Chester Town for the space of four successive weeks before the twentieth day of March 1849 giving notice to the said absent heirs and persons entitled that the twentieth day of March 1849 had been appointed by the Court for them to appear and make their election according to the act of assembly in such case made and provided: And whereas Thomas C. Yearley one of the non residents appeared in the Court this day, he having entitled to elect to take the said real estate, and did thereupon elect to take the said real estate at the valuation of the Commissioners and pay to the other persons entitled to the said estate their respective proportions of the same, from the valuation of the same, the Court direct the sum of one hundred and six dollars and twenty five cents Cost and expenses to be deducted as follows:

From the valuation of	\$ 3146.25
Deduct Cost and expenses	106.25
	\$ 3040.00

The Court further order and direct that the said sum be apportioned as follows, among the several legal representatives to wit:

To John Frazier	1/2	.	.	\$ 1520.00	\$ 3040.00
Geo. Mearley	1/9 of 1/2	.	.	168.88 2/3	
Thos C. Mearley	1/9 of 1/2	.	.	168.88 2/3	
Geo F. Mearley	1/9 of 1/2	.	.	168.88 2/3	
Mariett Ann Barker	1/9 of 1/2	.	.	168.88 2/3	
Samuel S. Mearley	1/9 of 1/2	.	.	168.88 2/3	
David E. Slagle	1/9 of 1/2	.	.	168.88 2/3	
Annanda W. Mearley	1/9 of 1/2	.	.	168.88 2/3	
Lease M. Mearley	1/9 of 1/2	.	.	168.88 2/3	
Annanda Mearley	1/9 of 1/2	.	.	168.88 2/3	\$ 3040.00

The Court direct and order that the said Thos C. Mearley retain his proportion of the said real estate. . . . \$ 168.88 2/3

And that he enter into Bond to the State of Maryland with two securities to be approved by the Court in the penalty of \$ 6080.00 conditioned to pay to all the other legal representatives above named, their respective proportions of the said estate as above stated, with interest from the 20th of March 1849, such representatives first to be paid in three equal instalments, in six twelve and eighteen months, the interest on the whole being due to each representative to be paid as the respective instalments fall due.
 Test
 Jos N. Gordon Clk.

And therefore the said Thos C. Mearley appears in open Court and enters into Bond to the State of Maryland according to the above order of the Court, with John F. Mearley and Charles Welch securities, which Bond is approved by the Court, and ordered to be filed and the whole proceedings to be recorded.
 Test:
 Jos N. Gordon Clk.
 And was accordingly recorded. By
 Jos N. Gordon Clk.

State of Maryland. Set: At a County Court begun and held in the 7th Judicial District of the State of Maryland on the third Monday of March in and for Kent County, among other the following proceedings were had Set:

Petition for a Division of the Real Estate of Mariett Welch dec'd: To the Honorable the Judges of Kent County Court.

The petition of Thos C. Mearley, John F. Mearley, Mariett Ann Barker formerly Mariett Ann Mearley, Samuel S. Mearley, John Slagle and David E. Slagle his wife formerly David E. Mearley, Annanda W. Mearley, Lease M. Mearley and Annanda Mearley of the City of Baltimore and George S. Mearley of the State of Mississippi, respectfully sheweth that Mariett Welch late of Kent County formerly Mariett Frazier departed this life intestate and without issue in the year 1847 seized in fee of certain lands and premises, lying and being in Kent County aforesaid which were devised to her in fee by the last will and testament of her father John Frazier deceased, bearing date about the twenty third day of April in the year 1818. Called "Fairlee" "Lalloyes" "Honey" and "Oakland Meads" or by whatsoever name they may be called supposed