

patent in the county of Osage being the north half of the remainder of said lot after laying off forty acres from the south end thereof by a line running parallel with the south line of said lot sufficient to contain forty eight acres be the same more or less and whereas the said Lucy Griffin has his day book on the 15th day of September appeared in a Court before the said Surrogate held in the said County and made satisfactory proof of lawful service of a copy of the said petition and notice of her intended application in the premises on Lemman Auston's guardian ad litem to Wilfred Sweatland minor heir of the said Samuel Sweatland deceased and present owner of the lands in said petition specified also that the said Lucy Griffin was lawfully married to the said Samuel Sweatland and that the said Samuel Sweatland was during said marriage seized of an estate of inheritance in the said lands and that the said Samuel Sweatland departed this life on the fourth day of October 1838 being seized at the time of his death of the said lands and that the said lands are situated in the said County, which said proofs were taken in the presence of the said Lucy Griffin and the said Lemman Auston guardian ad litem to Wilfred Sweatland the present owner of said lands. Whereupon the Surrogate aforesaid after having heard the proofs & allegations to him made in the premises did thereupon make an order for measurement of the corner of the said Lucy Griffin's made of the lands of the said Samuel Sweatland her late husband deceased set forth in her said petition and herein described being the one third part thereof, and that Simon Power, Abel Keith and William R. Burt three reputable and disinterested freeholders be appointed Commissioners for the purpose of making such measurement. I therefore, the surrogate aforesaid in pursuance of the power in me vested by the revised Statutes of this State in such case made & provided do hereby appoint you the said Simon Power Jr. Abel Keith and William R. Burt Commissioners to measure and lay off as speedily as may be the one third part of the said lands above mentioned and described to the said Lucy Griffin for her share and in making such measurement not your own to take in view any improve-

ment improvements made upon the said lands and premises by any owner since the death of the said Samuel Sweatland and if practicable award such improvements within that part not allotted to the said Lucy Griffin & if not practicable so to award the same as to make a deduction from the said lands and premises allotted to her proportionate to the benefit she will derive from such parts of the said improvements as shall be included in the portion assigned to her hereby requiring you to make a full and ample report of your proceedings with the quantity course and distances of the said land and premises allotted to the said Lucy Griffin with a description of the posts stones and other permanent monuments thereof and the items of your charges to my Court on the 15th day of September instant.

Given under my hand and Seal of office at the Court House in the said County of Osage this 15th day of September 1846
 O. H. Whitney
 First Judge and acting Surrogate

I do swear that I will honestly & impartially discharge the duty and execute the trust imposed on me by the within appointment
 Sworn before me this 15th day of Sept. 1846
 O. H. Whitney
 First Judge and acting Surrogate
 Wm R. Burt

I do swear that I will honestly & impartially discharge the duty and execute the trust imposed on me by the within appointment
 Sworn before me this 15th day of Sept. 1846
 O. H. Whitney
 First Judge and acting Surrogate
 Simon Power Jr.