

their answer by guardian *ad litem* on the same day, to the same effect.

Some time after the bill had been filed, but when does not appear, Harriet Mitchell, by her petition, found among the papers, but not marked filed, stated that she had been informed that a bill had been filed by her two brothers, James and Aquila, as heirs of James Mitchell, deceased, for the sale of the real estate of the said James, as taken by William Mitchell at the appraisalment, to satisfy their proportions of the valuation; that she was also one of the children and heirs of James Mitchell, deceased, and that she had received no satisfaction for her proportion of the valuation. Whereupon she prayed that the said estate might be sold, &c.

KILTY, C., 10th March, 1812.—This case standing ready for decision, and being submitted, the proceedings were read and considered. Whereupon it is Decreed, that such part of the property in the proceedings mentioned, as may be sufficient to pay the sums due from William Mitchell to the heirs of James Mitchell be sold; that James Wallace be, and he is hereby appointed trustee for making the said sale, &c. The terms of which sale shall be, that the purchaser shall give bond for the payment of the purchase money, with interest, within twelve months from the day of sale, &c. Provided, that the said trustee shall, in the first place, sell the part of the estate clear of and excluding the fishery called Cooley's Fishery, mentioned in the answer of Parker * Mitchell, until the further order or decree of this Court in **588** the premises.

On the 29th of April, 1812, an agreement in writing was made and signed by all these defendants, except the infant defendant Ann Mitchell, and filed, which, after referring to this decree, proceeds, in these words: "Therefore we, the subscribers, heirs of William Mitchell, being desirous that the whole of the property mentioned in the proceedings aforesaid should be sold in the same manner and on the same terms as is mentioned in the said decree; do hereby authorize and request the said James Wallace, trustee aforesaid, to sell the whole of the property mentioned in the said proceedings, on the same terms as is mentioned in said decree; and we do hereby further authorize and request the honorable the Chancellor of Maryland, to ratify and confirm the said sale, when so, as aforesaid, made by the said trustee."

On the 22d of July, 1812, the trustee Wallace reported that, after having given notice of the time, place, manner and terms of sale, as required, "he caused the said property to be laid off in lots, and sold as follows, viz: Lots Nos. 1, 2, 3, 4 and 5, containing ten acres each, and lot No. 6, containing six acres, the said six lots being the whole of the tract called Convenience. Lot