

and *Charles Rogers Diffenderffer*, as the children and heirs of the late *Catherine*. The bill prays for a partition of the estate ; and for an account of the rents and profits. These prayers will be granted.

*Decreed*, that there be a partition of the lands, in the proceedings mentioned ; and to the end, that this court may be enabled to make a just partition thereof ; it is *Ordered*, that a commission issue to *James Mosher, Benjamin C. Ridgate, Henry Didier, William F. Small, and Joseph Barling*, authorizing them or any three of them to enter upon, walk over and survey the said land ; and to divide the same, if it shall admit of division, according to the rights and interests of the respective parties ; that is to say, two-thirds of the whole of that which was devised to the said late *Ann, Mary and Catherine*, as in the proceedings mentioned, to be laid off as the portion of those who are to take on the death of the said late *Ann and Mary*, without issue ; which two-thirds is to be divided into two equal parts, one of which is to be allotted to the plaintiff *Araminta* ; and the other half of the said two-thirds, together with the said one-third of the whole, as the portion to which the children of the late *Catherine* are entitled, to be divided into three equal parts ; one of which shall be allotted to the said *Amelia Diffenderffer*, one other third part thereof to the said *Michael Diffenderffer* ; and the remaining third part to the said *Charles Rogers Diffenderffer* ; having regard to quantity and quality ; and the said commissioners be directed in the commission to make out a plot and certificate of the said land, and of the divisions thereof, and an accurate description of the same, and of the several parts thereof, and of the value of each ; and to the said commission there shall be annexed, as usual, an oath of office.

And it is further *Decreed*, that the said *John Diffenderffer* render a full and true account of the rents and profits of the property, in the proceedings mentioned, during the whole time the same has been, or may remain in his possession, or under his control. That the auditor state the account relative thereto from the evidence in the cause, and such other evidence as may be taken by either party before the commissioners *Benjamin C. Ridgate and William Magruder* of the city of Baltimore, on giving two days notice as usual ; provided, that the same be taken and filed in this case on or before the fifth day of July next.

---

A commission was issued as directed by this decree ; upon which the commissioners made a return, that they had made a par-