

On the 21st of December, 1811, the defendant *Parker Mitchell* put in his answer, in which he admits the proceedings in Harford county court, for a partition of the intestate *James'* estate among his six children, the election of *William*, and also the fact of his having purchased the share of *Martin Mitchell*, as stated in the bill; and then says that his father, the intestate *William*, had moreover purchased one-half of the share of *Bennett*, the other half of which was purchased by this defendant, who had also bought the share of *Kent Mitchell*, another of the heirs of the intestate *James*; and that there was a very valuable fishery upon the land called *Cooley's Fishery*, for which an action of ejectment had been brought, and was then depending. Upon all which this defendant submitted, that if a decree should pass for a sale, that the fishery should be retained, or not sold until necessary, &c.

The other adult defendants, by their answer, filed on the 22d of December, 1811, say that they have no general knowledge of the matters set forth in the bill; but do not deny the truth of its allegations, and recommend a sale. The infant defendants put in 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 appraisement, 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.

10th March, 1812.—KILTY, Chancellor.—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 *Par-*