

Mary his wife, trustees aforesaid, to compel them to make partition of the said land, and to compel the said Edward Oldham and Mary his wife, trustees aforesaid, to sell all the right, title and interest, of the said Joseph Enfor, deceased, in and to the said tract or parcel of land thus mortgaged as aforesaid, to pay and satisfy the principal sum of money and interest due on the said mortgage, which, by reason of the said land being held in common and undivided, would not produce a sum of money nearly sufficient for that purpose, but that the said Charles Carroll was willing and offered to accept one fourth part of the said land thus held in common, if he could procure a title to hold it in severalty, and be thereby enabled to dispose of it on credit to the best advantage, in lieu of and in full discharge of all right, title and claim, to the residue of the said tract of land, which he had, or might have, in virtue of the mortgage aforesaid; but inasmuch as the process of the courts of this state do not extend to compel a legal partition of the said tract of land thus held in common, (a considerable part thereof lying in the state of Delaware) and there being no person vested with power to consent on the part and behalf of the said idiot to the proposition aforesaid, made by the said Charles Carroll, which the petitioners allege would be to the advantage of all persons interested to accept, and that it is the wish and desire of all persons holding the said tract or parcel of land in common as aforesaid, that a law should pass to enable them to make a legal partition of the same, to hold in severalty their respective parts thereof, and to vest in the said Charles Carroll, and his heirs, an indefeasible estate of inheritance in fee-simple, in severalty, in one fourth part of the said tract of land thus held in common, in lieu of and in full satisfaction and discharge of all right and title that he has, or may have or claim, in virtue of the said mortgage herein before mentioned; therefore,

C H A P.
XVI.

II. *Be it enacted, by the General Assembly of Maryland,* That the chancellor of this state for the time being, shall be and he is hereby invested with full jurisdiction and authority to issue his commission in the cause aforesaid, now depending in the said court of chancery, to two persons residing in this state, who, in conjunction with two other persons residing in the state of Delaware, when a similar law shall pass the legislature of that state duly authorising and appointing two such persons for that purpose, shall be and are hereby declared commissioners to make partition of all that tract or parcel of land called Bohemia Manor, lying and being in Cæcil county, in this state, and in Newcastle county, in the state of Delaware, now in the possession and occupation of Peter Lawson, Joseph Enfor, Edward Oldham and Mary his wife, who hold the same in common and undivided.

Chancellor to
issue his com-
mission, &c.

III. *And be it enacted,* That the said four commissioners so to be appointed as aforesaid, or any three of them, shall have full power and authority to survey, or cause to be surveyed, the said tract or parcel of land, and every part thereof, in the possession of the said Peter Lawson, Joseph Enfor, Edward Oldham and Mary his wife, or their tenants, or other person or persons claiming under them, or either of them, and to make partition of the same in four parts, equal in value to each other; and the said commissioners, or any three of them, are hereby required and directed, after having made partition of the said land as aforesaid, if the said Charles Carroll, Peter Lawson, Edward Oldham and Mary his wife, cannot otherwise agree upon an allotment of the said parts, to designate the several shares or portions of the said Charles Carroll, Peter Lawson, Joseph Enfor, Edward Oldham and Mary his wife, by casting of lots, and to assign two fourth parts thereof so allotted to the said Peter Lawson, to be held by him in severalty, one other fourth part thereof to allot and assign in manner aforesaid to the said Charles Carroll, to be held by him in severalty, and the residue of the said land, so divided, to allot and assign to the said Joseph Enfor, Edward Oldham and Mary his wife, in the following proportions, to wit: As to such part thereof as lieth in this state; to be held by the said Joseph Enfor in severalty, and as to such part thereof as lieth in the state of Delaware, one moiety to be held by the said Joseph Enfor in severalty; and the other moiety to be held by the said Mary and Edward Oldham in right of the said Mary in severalty.

Commission-
ers to survey
a tract of land,
&c.