and ten that the judgment of the commissioners and return aforesaid be confirmed.

And whereas afterwards to wit on the twenty fourth day of May eighteen hundred and ten a subpena issued out of the County Court here in manner and form following to wit

The State of Maryland To the sheriff of Harford County Greeting We command you to summon William Mitchell and Parker Mitchell purchasers and representatives of Martin Mitchell Kent Mitchell and Bennett Mitchell heirs of James Mitchell deceased and also Harriet Mitchell one of the children of James Mitchell deceased that all excuses and delays set aside they be and appear before the Judges of Harford County Court at the Court house in the same County on the Saturday after the second monday of august next to shew cause why they or either of them do not take the real estate of the said James Mitchell deceased at the appraisement at the instance of Abraham Jarrett. Hereof they are not to fail and fail not at your peril and have you then and there this writ. Witness the Honourable Joseph Hopper Nicholson Chief Judge of our said Court the 20th day of March 1810. Issued the 24th day of May 1810 Henry Dorsey clk.

(Seal)

At which said mentioned Saturday after the second monday of august in the year of our Lord one thousand eight hundred and ten and the day of the return of the foregoing subpena John Kean gentleman sheriff makes return thereof to the Court here thus endorsed to wit Summoned John Kean Sheriff.

And whereas on this seventeenth day of August in the year of our Lord one thousand eight hundred and ten Harriet Mitchell files in Court here her refusal to take the land at the valuation aforesaid which is as follows to wit.

To Joseph Hopper Nicholson Esquire Chief Judge of Harford County Court and his associates. Whereas I Harriet Mitchell one of the children of James Mitchell late of Harford County deceased have been summoned to appear before the Court to make my election to take the property of the said deceased at the appraisement or give my refusal to take the same. I do therefore refuse to take the property that is the real estate of the said James Mitchell as returned to Harford County Court by the commissioners and do renounce all my right and title of election to the same. Given under my hand this sixteenth day of august 1810 Harriett Mitchell

Witness Gabriel Mitchell

17th August 1810 the subscribing witness to the within instrument of writing made oath in open court that he saw Harriet Mitchell sign her name to the same

Test Henry Dorsey clk.

And whereas on this twenty first day of August in the year of our Lord one thousand eight hundred and ten Parker Mitchell files in Court here his refusal to take the land at the valuation aforesaid which is as follows to wit:

To the Honourable Joseph H Nicholson Chief Justice of Harford County Court and his associates

Whereas I Parker Mitchell of Harford County did purchase of Kent Mitchell all his right and interest in the real estate of James Mitchell deceased and whereas there has been a commission on the lands of the said James Mitchell deceased to divide the same among the heirs and the commissioners have made return that the said land will not divide and have returned their proceedings with the valuation of the said land. And whereas summons has been served on me as representing part of the heirs of James Mitchell to make my election either to take the real estate of the said James Mitchell at the appraisement or enter my refusal so to do. Therefore I do hereby refuse to take the real estate of the said James Mitchell at the appraisement and do renounce all my right title and claim to take the same. Given under my hand this 20th day of august 1810

Parker Mitchell.

William Mitchell proved in open court that he saw the above named Parker Mitchell subscribe his name as above

Test Henry Dorsey clk

Augt 21st 1810

And whereas also on the twenty first day of August in the year of our Lord one thousand eight hundred and ten it is considered by the Court here that William Mitchell being a purchaser under Martin Mitchell the eldest heir may elect to take the said land at the valuation aforesaid Whereupon the said William Mitchell now here being a purchaser under Martin Mitchell the eldest heir elects to take the said land at the valuation aforesaid.

Recorded the twenty first day of august eighteen hundred and ten and examined by

Henry Dorsey clk

And thereupon prayed the Court to direct the jury that the said record and proceedings and the matters contained therein divested the title of the children and heirs of the said James Mitchell in the said land and vested the title thereof in William Mitchell therein named to which the plaintiff by his counsel objected but the Court were of opinion and directed the jury that the matters in the said record and proceedings contained were conclusive evidence of the transfer of the title in the said lands from the children and heirs of the said James Mitchell to William Mitchell aforesaid to which opinion and direction the plaintiff prays leave to except and the Court here to sign and seal this his bill of exceptions which is accordingly done this 13th day of March 1821.

Chas W Hanson (Seal)

Wm H Ward (Seal)