

born of *Lucy* and *Milly*, who are admitted to be the three negroes *Alfred*, *Cuffee* and *Eliza*.

A partition of personal estate can only be obtained in a Court of Equity; and if the partition cannot be made in kind, this court has the power to order a sale for the purpose of converting the individual property into money, so as to make a correct division of the proceeds of the sale. These three negroes are incapable of a partition into moieties; and consequently, the decree of the Court of Appeals can only be carried into effect by a sale, which I shall order accordingly. (e)

DECREED, that the account A, as made and reported by the auditor, on the 20th of September, 1826, be and the same is hereby ratified and confirmed; and the account B, together with all the said exceptions in any manner impeaching the said account A, are hereby rejected and overruled. *Decreed*, that the defendant pay, or bring into this court to be paid to the complainant, the sum of \$824 43, with legal interest on \$779 22, part thereof, from the 19th of December, 1816, until paid or brought in, together with the costs of this court, and the costs in the Court of Appeals, to be taxed by the register. *Decreed*, that the three negroes *Alfred*, *Cuffee* and *Eliza*, in the proceedings mentioned, be sold, &c. That *Thomas S. Alexander* be appointed trustee to make the said sale, &c. That the terms of sale be ready money, &c.

From this decree the defendant appealed, and the case having been carried up, and the solicitors of the parties having been fully heard.

*June term, 1831.—By the Court of Appeals.—*DECREED, that the decree of the Court of Chancery, passed in this suit, on the thirtieth day of January, in the year eighteen hundred and twenty-nine, be, and the same is hereby reversed with costs. That account B, reported by the auditor to the Court of Chancery, on the 20th September, 1826, be, and the same is hereby confirmed, and all other accounts and statements inconsistent therewith, are hereby overruled. And that *Griffith*, the plaintiff in error, pay to *Crapster*, the defendant in error, the sum of six hundred and three dollars ninety-three cents, with interest on four hundred and seventy-five dollars and seventy-one cents from the 19th December, 1825, until paid.