

among the heirs at law and tenants in common, and that it would be for the advantage of all the parties interested, that said Real Estate - should be sold, and the proceeds thereof distributed amongst them - according to their respective rights, his reasons for thinking so are, that the number of heirs is such, and the quantity, and situation of the land - are such that the same, cannot be divided, without great injury - and loss as the law would thereby be divided into too many small parcels. To 4th Interrogatory That the said Joseph Smith, did leave a widow, her name is Mary Smith that her age is between 50 & 55 yrs, and that her general health is good There being no other witnesses to be examined, and neither party desiring further time, for the production of his evidences the Commissioners closed the said Commission and hereunto returns the same, under his hand & seal this 14th day of June 1852.

J. Nelson Comr. 

Enclosed The execution of the within Commission will appear - by reference to certain papers herewith filed

Decree Joseph Smith Jr } No. 2396 Equity In the Circuit Court, for
 John Smith } Frederick County. July Term 1852
 Thomas Smith } This Cause standing ready for hearing & being -
 " } submitted to the Court, upon the Bill in this
 John W. Wilhise } and all other proceedings, which were read
 Mary E. Wilhise } and considered. It is thereupon this 19th day of
 J. N. P. } July 1852, by the said Circuit Court for Frederick
 County sitting as a Court of Equity, and by the authority of said Court
 ordered adjudged and decreed that the Real Estate of the said -
 Joseph Smith deceased, in the bill and proceedings in this case spe-
 cified, be sold by a Trustee or Trustees to be appointed for that
 purpose, as prayed, and that Reuben S. R. Sewell & Ephraim Ste-
 ner, be and they are hereby appointed Trustees for the purpose of -
 making said sale, and that the course, and manner of their proce-
 dings, shall be as follows Viz They shall first file with the Clerk of
 the Circuit Court, for Frederick County, their Bond payable to the State -
 of Maryland, to be executed by themselves & a good security in the penalty
 of Twenty thousand dollars, to be approved by this Court, or the Clerk thereof
 conditioned for the faithful performance of the Trust reposed -
 in them by the said decree, or which may be reposed in them by any -
 other decree, or order in the premises, they shall then proceed
 to make sale of said Real Estate, having first given four weeks
 public notice, in some or two papers, or newspapers printed in
 Frederick City of the time place, and terms of sale, which terms -
 shall be as follows Viz One third of the purchase money to be paid
 to the Trustees, on the day of sale, or the ratification thereof and the
 other two thirds, in two equal annual payments, from the day -
 of sale, with Interest, for which last two payments the
 purchasers, or purchasers, shall give to the Trustees, hereunto
 a their Bonds, or Interest, with approved security and on the
 ratification of the sale, and the payment of all the purchase -
 money, and not before, the Trustee shall, by a good & sufficient
 deed of conveyance, to be executed, acknowledged, agreeable to -