

Culler et al Complainants, and Dixon et al defendants. The Commissioners having met on the 31<sup>st</sup> day of October 1854. pursuant to previous Notice thereof, given to the parties, did proceed then and there to take the following deposition.

Edward Schley, a witness of lawful age, produced on the part of Complainants, being duly sworn, and Examined to Interrogatories filed & herewith returned deposes & says - 1<sup>st</sup> I know James Dixon - he is dead - died in May 1835.

2<sup>d</sup> Know Sophia Dixon his wife. she is dead - died two or three years back.

3<sup>d</sup> Know the children - Wm Henry, James, Ann, Richard, Robert, Sophia, Benjamin & Joseph Dixon - all reside in Frederick County. Henry, James, Ann, Richard, Robert & Sophia are of age. - Dont know the age of Benjamin & Joseph. thinks Ben is over twenty one - Ann is married to Philip Culler, Sophia is married, but dont know to whom.

4<sup>th</sup> Dixon did leave Real Estate, lies near Fleagers Mill, in Frederick County: and is not susceptible of advantageous division. it would be to their Interest of all parties that the same should be sold, because it is but a small House & lot.

There being no other witnesses to be examined, & neither party desiring further time for the production of evidence, the Commissioners closed said Commission, and herewith returns the same, under his hand & seal, this 31<sup>st</sup> day of October 1854.

Frederick J. Nelson Com<sup>r</sup> 

Com<sup>r</sup> fee \$4.00. Cost 66<sup>7</sup>/<sub>8</sub>.

Thereupon the following decree was passed: viz.

Culler et al. } No. 2582. Equity - In the Circuit Court for Frederick County.

" } October Term 1854. - This cause standing ready for hearing & being submitted without argument: The bill and proceedings were read & considered: and it appearing to the Court - That the parties are entitled to the relief prayed - It is thereupon this fourth day of November 1854. Ordered adjudged & decreed that the land of which James Dixon died seized and possessed be sold. That Philip Culler of Frederick County be and he is hereby appointed Trustee to make such sale, & that the Course and manner of his proceedings shall be as follows. He shall first file with the Clerk of this Court a Bond to the State of Maryland, executed by himself with sureties to be approved by this Court, in the penalty of twenty five hundred dollars, Conditioned for the faithful performance of the Trust reposed in him by this decree or which may be reposed in him by any future order or decree in the premises. - He shall then proceed to make sale of said land, and premises, having first given at least three weeks public Notice inserted in some Newspaper published in Frederick Town, and such other Notice as he may think proper of the time, place, manner and Terms of sale, which Terms shall be as follows, One half of the purchase money to be paid on the day of sale, or the ratification thereof, and the residue in Twelve Months from the day of sale, to be secured by the Note of the purchaser, with sureties to be approved by the Trustee, and as soon as may be convenient after any such sale - the said Trustee shall return to this Court, a full, and particular account of the same, with an affidavit of the Truth thereof, and of the fairness of such sales, annexed, and on the ratification of such sale, by this Court, and on the payment of the whole purchase money & not before, the said Trustee by a good, and sufficient deed, to be executed, and acknowledged agreeably to Law, shall convey to the purchaser of said property, and to his or her heirs the property, to him, or her sold, free clear & discharged of all claims of the parties to this cause, and of any person, or persons claiming by firm, or under them, and the said Trustee shall bring into this Court, the money arising on such sale, & the Note of the purchaser, to be disposed of, under the direction of this Court, after deducting