


The undersigned Commissioners having previously taken the oath as prescribed by the Court, & Recused in the Clerks Office, did proceed on the 26th day of June 1854, to take the following Testimony to wit. The following named witness examined, under Courts Order.

Joshua Matter witness of lawful age, produced on the part of the Complainant, being duly sworn - answers to the Interrogatories herewith filed & returned, to wit. To 1st Intq. He answers He is acquainted, with the parties to this suit, and has known them for many years.

To 2^d Intq. He answers He was acquainted with John Frazel, named in the proceedings in this case, he is dead, he died about twelve months since, he left a widow & children, the widows name is Sophia, He left four children, to wit. Gephaniah, aged about 12 years. Amos Elyah aged about 11 years. John Francis, aged about 9 years. Oscar Isaiab aged about 7 years. they all reside in Frederick County.

To the 3^d Intq. He answers. He is acquainted with the Real Estate, described in the proceedings in this case & in the paper herewith shown deponent, marked exhibit N^o. 1. That it will be for the Interest, and advantage of all the parties interested. That said Real Estate should be sold, and the proceeds invested for the use and benefit of the Cestue que trust named in said Deed. deponents reasons are. That the property being in a state of decay and not capable of producing as much in the way of rent as the Interest, would amount to.

There being no other Testimony - the Commission was here closed, & Respectfully return. R. Wilson Jr. Com. 

Thereupon the following Decree was passed.

Sophia Froull } N^o. 2536. In the Circuit Court, for Frederick County, sitting as a Court of Equity July Term 1854.
" }
Joshua Matter J. D. } This cause standing ready for hearing, and being submitted to Frazel & others } the Court, without argument, upon the Bill, answers, exhibits & all other proceedings, which were duly read & considered. It is thereupon - this 28th day of February 1855 by me Madison Nelson, Judge of the Circuit Court, for Frederick County sitting as a Court of Equity, and by the authority of the said Court, ordered, adjudged - and decreed - That the Real Estate - specified, and described, in the proceedings in this case be sold, and that Grayson Cichelberger, be and he is hereby appointed Trustee to - make said sale, and the course, and manner of his proceedings shall be as follows. - He shall first file with the Clerk of this Court his Bond with approved Security, payable to the State of Maryland, in the penal sum of four Thous and Dollars, & Conditioned for the faithful discharge of the duties imposed in him by this Decree, or which may be imposed in him by any future Decree, or order in the premises. He shall then make sale of said Real Estate at public sale, having first given at least three weeks, Public notice of the time, place, manner, and Terms of sale, by advertisement in some Newspaper - published in Frederick, and such other notice, as he may deem proper, & having first had said Real Estate duly surveyed, which Terms of sale shall be as follows. One third of the purchase money, to be paid on the day of sale, or the ratification thereof, and the residue in two equal annual payments, the purchaser, or purchasers, giving, his her or their notes, with approved security & bearing Interest from the day of sale for said deferred payments, and on the payment of the whole of the purchase money, and not before, the Trustee shall by a good, and valid Deed of Conveyance, to be executed & acknowledged agreeably to Law, Convey to the purchaser the property, as as aforesaid purchased, by him free clear & discharged from all claim of the parties to this suit, and as soon as may be convenient after said sale, the Trustee shall make a full report of his proceedings to this Court, with an affidavit of the truth thereof, and of the fairness of such sale, and shall bring into Court, the money, the proceeds of sale to be disposed of by the Order of this Court, according to the rights of the parties, after deducting therefrom the costs of this suit, and such Commissions to the Trustee as this Court shall think proper.