

and having values said Real estate upon determining - that it was not susceptible of division, and the said return having been finally ratified, upon the filing in this cause the approval of the parties thereto of said return, and Edward S. Motter, and John C. Motter, who are entitled respectively to take said Real Estate, at the valuation aforesaid, having filed in this cause their refusal so to do. It is thereupon this 14<sup>th</sup> day of November 1854, by the Circuit Court for Frederick County, sitting as a Court of Equity, adjudged, ordered and decreed by the authority of the said Court, that the Real Estate, in the proceedings mentioned be sold, for the purpose of partition - between the parties. That John S. Motter of Frederick County, be, and he is hereby appointed - Trustee to make such sale, and 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 a surety, or sureties to be approved by said Clerk, in the penalty of seven thousand 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 the premises & Real Estate, before mentioned - having first given - at least three weeks previous notice, inserted in some Newspaper, printed in Frederick, and such other notice, as he may think proper of the time, place, manner, and terms of sale, which terms shall be as follows, the purchase money to be paid, one third cash, on day of sale, or ratification of Trustee's Report, and the other two thirds, in three equal annual installments, from the day of sale, the whole to bear interest, from the day of sale the payment thereof to be secured by the Bonds of the purchaser, with surety to be approved by the Trustee. Provided however that the said Trustee, may in his discretion dispose of and sell said Real Estate, at any time, at private sale, if in his judgment such sale be for the benefit of all the parties - Concerned in this cause, as soon as may be convenient, after any such sale, the said Trustee shall return to this Court, a full & particular account of the same, with an affidavit of the truth thereof, and of the fairness of such sale, annexed, and on the ratification of such sale by this Court, and on payment of the whole purchase money, and not before the said Trustee by a good, and sufficient deed, to be executed, and acknowledged agreeably to Law, shall convey to said purchaser, and to his & her heirs, the property to him or her sold, free clear, and discharged of all claim of the parties to this cause - and of any person claiming, by through, or under them, and the said Trustee shall bring into this Court, the money arising from such sale, and the Bonds, which may be taken for the same, to be disposed of, under the direction of this Court after deducting therefrom the costs of this suit, & such Commission to said Trustee as this Court shall think proper to allow, on consideration of the skill, attention, and fidelity - wherewith he shall appear to have discharged his Trust.

W. Nelson.

Thereupon the following Bond was filed Nov. 14. 1854.

Maryland Stamp. 3 1/2 Dols. Know all men by these presents, that we George Smith, and John S. Motter, of Frederick County, in the State of Maryland, are held and firmly bound to the State of Maryland, in the full, and just sum of seven thousand Dollars, current money, to be paid to the said State of Maryland or its certain attorney, to which payment, well, and truly to be made & done, we, and each of us, to our and each of our heirs, executors & administrators jointly, and severally, firmly by these presents, sealed with our seals, -