

Mary Smith wife of Ezra Smith state fully in regard hereto.

Int. 5th. State whether, or not, in your opinion said Real Estate is susceptible of division amongst the parties entitled & whether it would be for the Interest & advantage of all the parties concerned, in infants as well as adults that said Real Estate be sold & the proceeds distributed, or invested. State fully your reasons for your opinion.

Inty. 6. Do you know anything further which is material to be provided by the Complainants? If yes state fully.

Geo. K. Shellman.
Soll. for Com.

"Endorsed" The execution of the within Commission will appear by the papers herewith annexed
Bradley J. Johnson, Commissioner.

Thereupon the following Decree was passed:
Smith v. Smith, No. 2665. Equity. In the Circuit Court, for Frederick County, sitting as a Court of Equity, February Term 1856.

This cause standing ready for hearing, and being submitted without argument. The Bill, Testimony, and other proceedings, were by the Court read & considered - and it appearing to the Court that the parties are entitled to the relief prayed, it is by the Court prayed this 27th day of May, A.D. 1856, adjudged, Ordered, and Decreed that the Real Estate mentioned in the proceedings be sold, and that Geo. Smith of Frederick County, be and he is hereby appointed Trustee to make such sale, and that the Cause & 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 this Court, or by the Clerk thereof, in the penalty of eight 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 said Real Estate, having first given at least four weeks notice in some Newspaper printed 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. Viz. One third of the purchase money to be paid in Cash, on the day of sale, or in the ratification thereof by this Court, and the residue to be paid in two equal annual payments from the day of sale, the first payment to bear interest from the day of sale, and to be secured by the notes of the purchaser, or purchasers, with sureties to be approved by the Trustee, and so soon as may be convenient after 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, or sales annexed, and on the ratification of such sale, or sales, by this Court, and the payment of the whole purchase money & not before, the said Trustee by a good & sufficient deed, to be executed & acknowledged agreeably to law, shall convey to the purchaser, or purchasers of said property, and to his her, or their heirs, & assigns the property, to him, her, or them sold free, clear, & discharged of all claims of the parties to this cause, and any person or persons claiming by from, or under them, and the said Trustee shall bring into this Court the monies arising from such sale, or sales, 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, and such Commission to the said Trustee as this Court shall think proper to allow, in consideration of the Skill, attention & fidelity, whereunto he shall appear, to have discharged his Trust

M. Nelson.