this interrogatory, which answer is in substance the knowledge and recollection of this deponent, To the 4th Interrogatory, That he knows nothing of the subject matter of this interrogatory further than the fact that Margaret Ann Jacobs and her husband lived upon the property described in Exhibit No. and that the husband of said Margaret Ann built the house upon the lot – does not think that the property could be advantageously divided amongst the heirs at law of the said Margaret Ann Jacobs. –

To the 5th Interrogatory, That it would be for the benefit and advantage of all the parties interested that the property should be sold and the proceeds thereof divided amongst the parties entitled – the property consists of about one acre of miserable poor land with a log house upon it. – To the 6th Interrogatory, That he knows nothing further,

At the same time Complainants filed with the Commissioner as evidence, Exhibit No. which is herewith returned. – There being no other witnesses present to be examined, and no further time being desired for the production of evidences, the Commissioner closed the said Commission and herewith returned the same under his hand and seal, this thirty first day of July Eighteen hundred and Sixty three,

W. B. Nelson Com.

Costs of Commission – Commissioners fee $4. Sheriffs .80¢ Witnesses attendance 1.50 –

W. B. Nelson Com.

Decree

John Hamilton & others
vs
Ellen & Lucretia Hamilton

No 3098 Equity
in Equity.

In the Circuit Court for Frederick County

This cause standing ready for hearing and being submitted, the Bill and Exhibits, Depositions and all other proceedings were read and considered,

It is thereupon this 18th day of September in the year Eighteen hundred and Sixty three by the Hon Madison Nelson Circuit Judge for the third Judicial District of the State of Maryland and by the authority of the Circuit Court for Frederick County sitting as a Court of Equity adjudged, ordered and decreed, that the real Estate in the proceedings mentioned be sold, –

That Charles W. Rose 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 in the Clerks Office a bond to the State of Maryland executed by himself with a surety or sureties to be approved by the Register or Clerk thereof, in the penalty of Eight 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 the said real Estate 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 cash, to be paid on the day of sale or on ratification thereof by the Court at the Election of the purchaser or purchasers, and as soon as may be convenient after any such sale or sales 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 sale or sales annexed and on the ratification of such sale or sales by the 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 the purchaser or purchasers of said property, and to his, her or their heirs the property to him, her or them sold, free, clear and discharged of all claim of the parties to this cause, and of any person