

- an advantageous division amongst the parties interested, but that it would be to the advantage of all parties interested that said land should be sold and the proceeds distributed amongst the parties entitled thereto - that said real estate consists of one hundred and sixty or seventy acres of land which would have to be divided into eight shares, and such parcels would be too small to admit of advantageous sale, lease or cultivation. -

Samuel G. Oiler, a witness of lawful age produced upon the part of the Complainants & being duly sworn and Examined to interrogatories filed with the Commissioner by the Complainants and herewith returned, deposes and says, -

In the 1st - That he knows all the parties to this suit and has known them for many years. -

In the 2nd - That he knew Joseph Martin - that he died about four years ago, leaving the following children and heirs at law, namely, William, John T. Albert, George, Joseph, Sarah S. Emma and Charles Martin, all infants, except John T. and William, under the age of twenty one years - William and John T. are adults above the age of twenty one years and reside in Frederick County, Maryland; the other children reside in Carroll County Md. -

In the 3rd - That he is acquainted with the real estate of which Joseph Martin died seized and possessed - that it is the same as is described in Exhibits No 1 and 2 now shown him - that said real estate is not susceptible of advantageous division among the heirs at law - but that it would be to the advantage of all parties interested that the same should be sold and the proceeds distributed amongst the parties entitled - if divided, the parcels would be so small that they could not be successfully cultivated - and it would be impracticable to divide so as to give the improvements to any one parcel. -

There being no other witnesses present to be Examined and the Complainants requiring no further time for the production of their Evidences, the Commissioner closed the said Commission and herewith returns the same under his hand and Seal, on this tenth day of September, in the year 1864. -

Wm P Nelson Comr

Endorsed - The Execution of the within Commission will appear by certain schedules thereto annexed. -

Wm P Nelson Comr

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Wm Martin & John T. Martin }
 Samuel A. Martin and others }
 vs }
 No 3154 Equity }
 the Circuit Court for Frederick County sitting as a Court }
 of Equity }
 July Term 1864. -

This case standing ready for hearing and being submitted to the Court upon the bill, answers, Exhibits, testimony and other proceedings, which were read and duly considered, It is thereupon, this 18th day of October, in the year Eighteen hundred and sixty four, by Madison Nelson, Judge of the Circuit Court for Frederick County sitting as a Court of Equity and by the authority of the said Court adjudged, ordered and decreed that the real estate specified and described in the bill of Complaint and Exhibits Nos 1 and 2 be sold as prayed and that William H. Martin be and he is hereby appointed trustee to make such sale and that the course and manner of his proceedings shall be as follows, viz: he shall first file with the Clerk of this Court a bond to be executed by himself with approved security in the penalty of six thousand payable to the State of Maryland and conditioned for the faithful discharge of the trust reposed in him by this decree or which may hereupon in him by any future decree or order in the premises - he shall then sell said real estate at public sale having first given at three weeks notice by advertisement in some newspaper printed in Frederick and such other notice as he may deem proper of the time, place, manner and terms of sale, which terms shall be as follows, to wit: one half of the purchase money