been duly published and the said non resident defendants having failed to appear and answer the bill of Complaint, —

It is thereupon this 19th day of December in the year Eighteen hundred and Sixty four by the Hon. Madison Nelson Circuit Judge of the fourth Judicial Circuit of the State of Maryland, and by the authority of the Circuit Court for Frederick County as a Court of Equity, adjudged, ordered and decreed that the bill of Complaint be and the same is hereby taken pro confesso as against the non resident defendants John P. McClain and Silas W. McClain, And it is further adjudged, ordered and decreed that the property in the proceedings mentioned be sold, — That Hiram McClain 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 of this Court a bond to the State of Maryland executed by himself with a surety or sureties to be approved by the Court or Clerk thereof in the penalty of three 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 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 & such terms shall be as follows, — One third of the purchase money cash to be paid on the day of sale or on ratification thereof by the Court — the residue in two equal annual payments from the day of sale, the purchaser or purchasers giving his, her or their notes with approved security the notes bearing date on the day of sale with interest from date, —

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 ratification of such sale or sales by the Court and on the 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 so him, her or them sold, free, clear and discharged of all claim of the parties to this cause and of any person or persons claiming by from or under them — and the said Trustee shall bring into this Court the money arising on such sale or sales and the bonds or notes 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 the Court shall think proper to allow on consideration of the skill, attention and fidelity wherewith he shall appear to have discharged his trust. —

M. Nelson

The Bond required by the foregoing Decree is recorded in Liber P. G. P. No 9 fols 344, One of the Land Records of Frederick County. —

Exhibit No 2.
H. McC

Sabillasville February 20 - 1865. —

We the undersigned adult heirs of John McClane late of Frederick County decd, covenant and agree that Hiram McClane Trustee for the sale of the real Estate of John McClane decd having failed to sell said real Estate at public sale to advantage, desire the said Hiram McClane to sell the same at private sale, — Witness our hands and seals. —

Lewis Crawford } Peter E. McClain
Jacob Harbaugh } Catharine Ann Harbaugh