to this fact that they are all adults except Charlotte R Heller, who is an infant, and that they all reside in Frederick County. ~

To the second Int. ~ That Hannah Heller, widow of Daniel Heller, died during July last, leaving the following children, namely Henry, William, Isaac and Daniel Heller, Mary, married to Eli Rouzalm, Catharine, married to Lawson Alexander, Lydia, Malinda and Elizabeth Heller ~ and the following Grand children, namely, Sarah, Thomas C. Amanda C. Mary J married to Washington Biser and Charlotte R Heller. ~

To the 3d Int. ~ That he knows the real estate bought by said Hannah Heller from William and Henry Heller, Trustees, that it is the same of which the said Hannah Heller died, seized and possessed and as described in Exhibit A. now here shewn deponent. ~

To the 4th Int. ~ That said real estate cannot be divided amongst the parties interested without injury and disadvantage to them ~ To the 5th Int. ~ That it would be to the advantage of all the parties interested to have the same sold and the proceeds divided amongst the parties concerned for the reason that it will be impossible to divide the property into so many parts as there are heirs at law, the property consisting of a house and lot and a pasture lot. ~

There being no other witnesses present to be examined and no further time being required by the Complainants for the production of evidences, said Commission was adjourned to the 12th day of January Eighteen hundred and sixty six, at which time and at my office appeared & closed said Commission and herewith return the same under my hand and seal on the said 12th day of January Eighteen hundred and sixty six. ~

Wm B. Nelson Comr. (Seal)

Endorsed ~ The Execution of the within Commission will appear by certain Schedules thereto annexed. ~

Wm B. Nelson Comr (Seal)

Decree

William Heller and others
vs
Charlotte R. Heller

No 3275 Equity. ~

In the Circuit Court for Frederick County sitting as a Court of Equity
February Term 1866. ~

The above cause standing ready for a hearing, and being submitted, the bill, answer, exhibit, and all other proceedings were by the Court read and considered. ~ It is thereupon, this 13th day of February in the year eighteen hundred and sixty six by the Hon. Madison Nelson, Circuit Judge for 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 land and premises mentioned in these proceedings be sold, and that William Heller and Henry Heller of Frederick County, be and they are hereby appointed Trustees to make the said sales, and that the course and manner of their proceeding shall be as follows; They shall first file in the Clerk's office of this Court a bond to the State of Maryland, executed by themselves with a surety or sureties, to be approved by the Court, or the Clerk thereof, in the penalty of four thousand dollars, conditioned for the faithful performance of the trust reposed in them by this decree or which may be reposed in them by any future order, or decree in the premises, They 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 County, and such other notice as they may think proper of the time, place, manner and terms of sale; which terms shall be as follows; One third of the purchase money to be paid on the day of sale, or on the ratification thereof by the Court, the residue in six and twelve months the purchaser or purchasers giving his, her, or their notes with approved security and bearing interest from the day of sale, and as soon as may be convenient after any such sale or sales, the said Trustees 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 Trustees by a good and sufficient deed to be executed and acknowledged, agreeably to law shall convey to the purchaser or purchasers of the said property