forty acres of land worth about fifty dollars per acre. To the 6th Int: That said real estate is not susceptible of an advantageous division among the parties interested and that it would be to the benefit and advantage of all parties concerned that the same should be sold and the proceeds thereof distributed amongst the parties entitled according to their respective interests; that said real estate binds the road but a short distance and is of great depth, in fact, narrow and long and if divided, there would be no egress from any but the front parcel, and the several parcels would be too narrow to admit of opening roads so as to get to the public road and besides the parcels or portions would not admit of cultivation to any advantage and would not sell for any thing approaching their real value.

And there being no other witnesses present to be examined and the complainants requiring no further time for the production of their evidences, the said Commission was adjourned to the twelfth day of January Eighteen hundred and sixty five at which time and at my office aforesaid I closed the said Commission and hereunto return the same under my hand and seal, on this twelfth day of January in the year 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)

Answer of Gustavus Barnes & al

The joint and several answer of Gustavus Barnes and Lavinia Barnes his wife, Sarah V. Hartsock, and Jesse Lambert and Mary A. Lambert his wife, to the bill of Complaint of John R. T. Sellman and wife, filed against these defendants and others in the Circuit Court for Frederick County sitting as a Court of Equity.

These defendants say for answer that they admit the facts stated in the bill that Henry Hartsock died intestate in the fall of 1864, that he left Lydia A. Hartsock as his widow who had a life estate in the real estate described in the bill, of which also the said Henry Hartsock died, seized and possessed, that said Lydia A. Hartsock died in the latter part of 1865; that said real estate will not admit of advantageous division among all the children of said Henry Hartsock, but that it would be to the interest and advantage of all, infants as well as adults, for said real estate to be sold and the proceeds distributed, and these defendants are willing a decree shall pass as prayed.

Witness
Joshua W. Sellman

Gustavus Barnes — Lavinia E. Barnes
Jesse R. Lambert — Mollie A. Lambert
Sarah V Hartsock

Decree

John R. T. Sellman & wife
vs
Gustavus Barnes et al

No 3271 Equity

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

This case being duly submitted to the Court upon the bill answers, exhibits, testimony and other proceedings which were read and duly considered. It is thereupon this 13th day of February 1866 by me 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 mentioned and specified in the bill, exhibits and other proceedings in this case be sold as therein prayed and that John R. T. Sellman be and he is hereby appointed Trustee to make such sale, and that the course and manner of this proceedings shall be as follows, he shall first file with the Clerk of this Court a bond to be executed by himself with security to be approved by this Court or the Clerk thereof payable to the State of Maryland in the penal sum of Eight thousand dollars conditioned for the faithful discharge of the trust reposed in him by this decree or which may be reposed in him by any future decree or order in the premises. He shall then make sale of said real Estate at public sale having first given at least three weeks public notice by advertisement in