the property is immediately on the Baltimore and Ohio Rail Road. — There being no other witnesses present to be examined and the petitioner requiring no further time for the production of his evidence the Commissioner closed the said Commission and herewith returns the same under his hand and seal, on this 29th day of February 1864 —

Wm P. Nelson Comr (Seal)

Endorsed — The execution of the within Commission and affidavit by certain Schedules therein mentioned. —

Wm P Nelson Comr (Seal)

Exhibit No. 3. State of Maryland Frederick County Sct —

I, F. L. McLean, Register of Wills for Frederick County do hereby certify and attest, that on the 21st day of October 1863 Letters of administration were granted by the Orphans Court for Frederick County to Samuel B Preston and M M Fout on the Estate of James W. Hamilton late of Frederick County, decd the said Samuel B Preston and M M Fout having given Bond with Hanson Marlow and H T Deaver sureties in the sum of ten thousand dollars current money for the due performance of their said administration. — In testimony whereof I have hereunto set my hand and affix the seal of Office this 16th day of February 1864 — Test — F. L. McLean

Reg of Wills for Frederick Co

Decree

No 3144 Equity —

The petition of Michl. W. Fout next friend of Eli J. Hamilton et al

vs

Eli Jacob Hamilton et al

In the Circuit Court for Frederick County in Equity

This cause standing ready for hearing and being submitted, the bill, exhibits, answers, depositions and all other proceedings being read and considered — It is thereupon this 31st day of March in the year Eighteen hundred and sixty four by the Hon. Madison Nelson Circuit Judge for the third Judicial Circuit of the State of Maryland and by the authority of the Circuit Court for Frederick County adjudged, ordered and decreed, that the real Estate in the proceedings mentioned be sold. — That Michael W Fout and Samuel B Preston of Frederick County be and they are hereby appointed Trustees to make such sales, and that the course and manner of their proceeding shall be as follows — They shall first file in the Clerks 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 five 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 or order or decree in the premises. — They shall then proceed to make sale of the said real estate having given at least three weeks previous notice of the time, place, manner and terms of sale inserted in some newspaper printed at Frederick County and such other notice as they may think proper, which terms shall be as follows, one third of the purchase money cash to be paid on the day of sale or on the ratification thereof by the Court the residue in two Equal annual payments, the purchaser or purchasers giving his her or their notes with approved security 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 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 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 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 or persons claiming by from or under them. — And the said Trustees 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