

according to their several equitable & legal Primitives. Thirdly, Our Trust, after payment of costs, Commissions of four per cent. on proceeds of sales Money received by Mortgage expenses & all Mortgages Taxes Lises Judgments & incumbrances to pay, all other Just debts due owing or contracted by the said John H. Hillery without priority or preference. And Lastly, upon the further Trust after payment of all costs, Commissions & expenses & all other Just debts of John H. Hillery due owing or contracted to convey the remainder of the real & personal estate remaining unsold, or in case the said Real Estate shall be mortgaged in fee by the said Trustee or the Survivor of them in pursuance of the Provisions of this Deed to convey the Equity redemption thereof to Franklin Waters his heirs & assigns in Trust, to hold such Real & Personal Estate, for the sole Separate & exclusive use of the said Mary E. Hillery wife of the said John H. Hillery during her Coverture and for her use and benefit in case she survives her said husband. So long as she shall remain unmarried & to permit her the said Mary E. Hillery to hold occupy & enjoy the said Real & Personal Estate & to have, hold take & receive to her own sole Separate & exclusive use during Coverture therein its issues & profits thereof. And upon the further Trust, at the death or upon any Marriage which she may contract & solemnize and execute whichever may first happen to convey such real and personal Estate to the children of the said John H. Hillery & Mary E. Hillery his wife their heirs & assigns.

In Testimony whereof, the said John H. Hillery & Mary E. Hillery his wife have hereunto set their hands & seals on the day & year first above written signed sealed & deliv<sup>d</sup> in the presence of

Edw<sup>d</sup> Coghlan  
Henry J. Deaver

John H. Hillery  
Mary E. Hillery

which is thus Endorsed Viz:

State of Maryland Frederick County Sc  
On this 16th day of April 1850 before the Subscribes two Justices of the Peace of the State of Maryland in and for Frederick County personally appeared John H. Hillery & Mary E. Hillery his wife parties grantors in the foregoing Indenture & severally acknowledged the same to be their respective act, and deed, and the said Mary E. Hillery wife of the said John H. Hillery did sign & seal said Indenture before us out of the presence & hearing of her said husband, & being by us privately examined apart from & out of the presence & hearing of her said husband whether she doth, execute & acknowledge the same freely & voluntarily declared & acknowledges that she doth, execute & acknowledge the same freely & voluntarily, & We do further certify that from our personal knowledge we are satisfied that John H. Hillery & Mary E. Hillery his wife the parties grantors who acknowledged as above are the persons who are named & described as & professing to be the parties grantors in the within & foregoing Indenture

In Testimony whereof, I have hereunto set our hands on the day & year above written

Edw<sup>d</sup> Coghlan  
He. J. Deaver