

to the heirs of such Survivor in trust to sell and convey the real and personal Estate therein mentioned and out of the proceeds of such Sale to pay all the debts due and owing by said John H. Hillary and after payment of all expenses and debts that the remainder of such real and personal Estate should be conveyed to a Trustee upon the trusts therein prescribed, and did also vest in the said Trustee or the Survivor the power and authority to Mortgage said Real Estate or any part thereof for the purpose of raising a sum of money sufficient to pay all the further trust after payment of all Expenses commissions and debts of said John H. Hillary to convey all the real and personal Estate remaining unsold or in case the Real Estate shall be mortgaged by the said Trustee or the Survivor of them to convey the Equity of Redemption to Franklin Waters in trust to hold said real and personal Estate for the Sale Separate and exclusive use of Mary E. Hillary wife of said John H. Hillary during her Coverture and for her use and benefit in case she Survive her Husband so long as she shall remain unmarried and upon the further trust upon her marriage or death whichever may first happen to convey such real and personal Estate to the children of said John H. Hillary and Mary E. Hillary his wife their heirs and assigns as by reference to said Deed recorded in Liber N. B. T. No. 11 folio 315 &c one of the Land Records of Frederick County will appear and whereas the said William J. Ross and Worthington Ross in pursuance of the powers vested in them by the said Deed did sell and convey all that part of a tract of land situated in Frederick County State of Maryland being part of a tract of land called "Brothers Good Will" and described in said deed of trust by reference to the deed to Thomas Hillary recorded in Liber N. R. No. 20 folios 458 & 459 one of the Land Records of Frederick County and did also sell negroes to the amount of Fifteen Hundred Dollars bearing all interest of the real and personal Estate conveyed by said Deed of Trust and whereas the said William J. Ross and Worthington Ross in pursuance of the powers vested in them by said Deed of Trust did borrow from the Frederick Town Savings Institution the sum of Six Thousand Dollars and to secure the payment of the same did on 13th day of January 1854 convey by Deed of Mortgage Lot No. 6 being part of the tract called Maryland situated in Frederick County State of Maryland containing Three Hundred acres of land more or less to the said Frederick Town Savings Institution being the same land described in said Deed of Trust and which Mortgage is recorded in Liber C. D. No. 4 folios 341 &c one of the Land Records of Frederick County and which Mortgage still remains due owing and unpaid and whereas the said William J. Ross and Worthington Ross Trustees as aforesaid out of the proceeds of the land sold and out of the sale of the negroes sold and out of the proceeds of the money borrowed from the Frederick Town Savings Institution have paid and discharged the debts due owing or