

No 4790 Equity

with. without great loss and injury for the reason that the amount of land is so small to be divided into so many parts. Besides there is but one set of buildings on the real estate which would render a fair division impossible. It would be to the interest and advantage of all the parties interested and especially to the infants to have the real estate sold and the proceeds distributed among the parties interested as the property would diminish in value for want of suitable repairs &c. before the infants would arrive at the age of twenty one years.

Whereupon there being no other witnesses to be examined and no further time being required for the production of evidence the Commission closed the said Commission and herewith returned the same under his hand and Seal this twenty fourth (24th) day of May A. D. 1853

Clayton O'Keedy Seal
Commissioner

Costs of Forgoing Commission

Filed May 24. 1853.

C. O'Keedy, Commissioner's fee

\$ 2.00

John A. Hamilton and others

No 4790 Equity

vs

In the Circuit Court for Frederick County

Wm J Hamilton & Katy C Hamilton

Sitting as a Court of Equity

Form 157

The above Cause standing ready for a hearing, and being submitted, the Bill, answer, exhibits testimony and all other proceedings were by the Court read and considered. It is thereupon, this 5th day of July in the year Eighteen hundred and Eighty two by the Circuit Court for Frederick County, as a Court of Equity, and by the authority of said Court, as judges ordered, and decreed, that the land and premises mentioned in these proceedings be sold, and that Charles D. Levy and John C. Hester of Frederick County, be and they are hereby appointed Trustees to make the said sales, and that the course and manner of their proceedings 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 them with a surety, or sureties, to be approved by the Court, or the Clerk thereof in the penalty of Twenty four hundred 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 half of the purchase money to be paid in Cash on the day of sale or on the ratification thereof by the Court, the residue in one year from the date of sale, 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 aforesaid, 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, and to his, her or their heirs, the property to him, her or them sold, free clear and discharged of all claims 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, and such commission to the said trustees as the Court shall think proper to allow, on consideration of the skill, attention, and fidelity wherewith they shall appear to have discharged their trust

Decree

Filed July 5. 1853.

John A. Lynch
Judge of the Cir Court