No 5306 Equity

4. That as said Maggie Howard Funk, the cestuique trust under said Will is entitled to the income to arise from said Trust funds, and as it has been considered since her marriage that it would be more advantageous to her that said funds should be so invested as to enable her to realize the largest income therefrom, which could best be accomplished by selling to her the said land and taking from her and her husband a mortgage for the said purchase money: the said sale was accordingly made to her;

5. The said Trustee is convinced that such a disposition of the property is the very best that could be made under the circumstances;

6. That in addition to mortgaging said land so sold to her purchase to include in such Mortgage other land consisting of a farm conveyed to her by James H. Simmons worth some thousands of dollars, whereby the investment of said funds will be certainly safe and secure;

7. That Your Petitioner prays that Your Honors may pass an order authorizing him to take a mortgage from the said Maggie Funk and Hamilton Funk, her husband, upon the said land so sold to her and upon the other land so owned by her, for the amount of said purchase money due by her for said land so sold to her by said Executor, which Mortgage shall be an investment of that much of said trust funds under said last Will and Testament for the Purposes and trusts expressed in said will;

And Your Petitioner will ever pray &c

J. M. Cherry — Solicitor —

Court's Order —

The aforegoing Report and Petition and the accompanying exhibits having been read and considered by the Court here it is thereupon this twenty-seventh day of May in the Year eighteen hundred and eighty-seven, adjudged, ordered and decreed by the Circuit Court for Frederick County sitting as a Court of Equity, that the consent of the Court is hereby given for William G. Baker, Trustee under the will of said James H. Simmons to take a mortgage from Maggie Howard Funk and her husband for the amount of eleven thousand five hundred and sixty dollars upon the land sold by him to said Maggie H. Funk and upon other land owned by her consisting of a farm in said County conveyed to her by James H. Simmons as an investment of that much of the trust funds held by said William G. Baker as Trustee under said will of said James Simmons, for the purposes mentioned in said will

Jno. Roche —

Copy of Will

I, James H. Simmons, of Frederick County, State of Maryland, do hereby make, publish and declare this as and for my last Will and Testament in manner and form following, to-wit: After the payment of all my just debts and funeral expenses, I give and bequeath, as follows:—

I give and bequeath to my adopted daughter Maggie Howard Simmons all my household and Kitchen furniture, I give and bequeath to my nephew Glenville H. Simmons the sum of Five Hundred Dollars, I give and bequeath to my brother in law Samuel S. Simmons the sum of