April Term 1866

1846 before me the subscriber a Justice of the peace of the State of Maryland in and for Allegany County personally appeared Patrick O'Neal and makes oath on the Holy Evangels of Almighty God that he is well acquainted with Mrs Matilda Jane Davis the wife of Thomas D Davis who is a daughter of James Hook deceased, He also knows her children. He is furthermore acquainted with the Real estate of which the said James Hook deceased died seized and which by his will was devised to his children This deponent further states that the manner in which the said estate has been divided amongst the said devisees has been explained to him by submitting to his inspection of the plat thereof made by the Commissioners appointed by Allegany County Court as a Court of Equity and also the return and partition thereof made by the said Commissioners This deponent thinks and believes that it would be decidedly for the interest and advantage of the said Matilda Jane Davis and her children that the lots into which the said property has been divided should be sold instead and upon improvement leases rendering rent This deponent is disposed to give the preference to leases of the said property over any other mode of disposing of it inasmuch as he believes a large amount of revenue would be thereby secured to the parties entitled and the security of the property itself for the payment of the said rents would be as safe if not safer than judgments or Mortgages But as there may be instances in which the sale of a lot might be preferable to a lease of the same This deponent would say that the said lots ought to be either sold or leased according as the one disposition or the other could be most advantageously made This deponent further says that he thinks it would be for the interest and advantage of the said Matilda Jane Davis and her children that the said property should be sold or leased for the reason that the said lots now in demand and will bring a high price and it cannot be known how long the demand now existing for the same will continue whereas by if the said property should remain unsold it may fall greatly in value and will be comparatively unproductive

Sworn Before John G Hoffman J.P.

April Term 1866

On the day and year aforesaid at the County aforesaid also appeared before me Jonathan Butler and made oath as aforesaid that he also knows Matilda Jane Davis, and has seen her children Wellington and agrees with Mr O'Neal in all he has declared in his affidavit which this deponent has heard read The said property if not sold will remain unproductive If disposed of judiciously either by sale or upon leases rendering rent it will yield a large revenue to the persons entitled Wellington thinks the lots as a general, had better be leased but believes that there may be instances in which it would be best to sell instead of to lease or let and therefore would say that the said lots ought to be sold or leased Sworn Before John G Hoffman J.P.

Which being read and heard the Court passed the following decree to wit

In the matter of Matilda Jane Davis and her children on the Petition of Thomas D Davis

vs

The Matter

The matter of the above petition being ready for a hearing and being submitted the same together with the affidavits filed therewith and the act of assembly on which the same is founded and which is therein in part recited being the the Court read and considered It is thereupon this 1 Day of May 1866 by the Court pursuant to the provisions of the said act of assembly adjudged ordered and decreed that that portion of the real estate of James Hook deceased which has heretofore been allotted to the said Matilda Jane Davis and her children to be held by her and them in severally and which are more particularly described in the return of the Commissioners in that behalf be sold or let upon long leases reserving rent. That Thomas D Davis be and he is hereby appointed a trustee to sell and let the said real Estate That the course and manner of his proceedings shall be as follows. He shall first give with the Clerk of this Court a Bond to the State of Maryland executed by himself and a surety or sureties to be approved by this Court with penalty of two thousand dollars conditioned for the faithful performance of the trust reposed in him by this decree or to be reposed in him by any future decree or order in the premises He shall then proceed