subject to the remarks made by him in reference thereto, but that no proof has been adduced in their support. He further reports that from report and the accompanying accounts were prepared the Trustees have paid into Court to the Credit of the Estate of the deceased, the sum of Eight thousand Dollars hundred and forty four dollars and Eighteen cents of which the sum of Three thousand eight hundred and twenty eight dollars and forty eight cents was received from the sale of the Cannock farm and the sum of Two thousand three hundred and forty seven dollars and forty cents from the sales of the other real Estate. No distribution has been made thereof however, because the Auditor has considered an account further proceedings unnecessary in the present condition of the case. A claim number 153 has also been filed in behalf of James T. Pond which has not been found according to the act of Assembly. Although presented too late to be filed in the accompanying accounts it is intended that if properly authenticated it should form part of the future audit.

The Auditor reports the Executor has failed to make his report under oath and submits whether this omission should not be satisfied before the ratification of account A and B.

All which is respectfully submitted.

Nicholas Hammond Auditor.

Shoemaker and others
vs
Pond and others

In Chancery. December Term 1854

This case being ready for hearing and being submitted the proceedings were read and considered, Whereupon this 29 day of January 1854 by John Johnson Chancellor and by the authority of this Court adjudged ordered and decreed that the Real Estate of the said Robert N. Pond deceased or so much thereof as may be necessary be sold for the payment of the claims of the complainant and of the other creditors of said deceased. That Nathan H. Jack and Thomas J. Pond and they are hereby appointed Trustees to make sale of so much of the said Real Estate as was devised by

his Last Will and testament to be sold for the payment of his debts and that the time and manner of their proceedings shall be as follows. They shall first file in Chancery office at Pond to the State of Maryland executed by themselves with a surety or sureties to be approved by the said Chancellor in the penalty of Thirty thousand 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 decree or order in the premises they shall then proceed to make sale of the said part of the said Real Estate having first given at least three weeks from the day of sale the which to bear interest from the day of sale and the said instalments with interest on the whole payable as they respectively fall due to be secured by the Notes of the purchaser with a surety or sureties to be approved by the Trustees. And it is further adjudged ordered and decreed that William H. Jack and C. C. Magruder be and they are hereby appointed Trustees to make sale of residue of the said Real Estate and that time and manner of their proceedings shall be as follows. They shall first file in the Chancery office at Pond to the State of Maryland executed by themselves with a surety or sureties to be approved by the Chancellor in the penalty of Forty thousand dollars conditioned for the faithful performance of the trust reposed in them by any future order or decree in the premises. They shall then proceed to make sale of the said residue of the said Real Estate having first given at least three weeks previous public notice in some Newspaper printed in Prince George 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 twenty per centum of the purchase money to be paid in cash on the day of sale or on the ratification thereof by the Court and the balance in equal annual instalments of one two and three years from the day of sale the whole to bear interest from the day of sale and the said instalments with interest on the whole payable as they respectively fall due to be secured by the Notes of the purchaser