and divided between and among the following named grandchildren of said Jane Burger, to wit, Nathaniel B. Hendry, Isaac S. Hendry, Mary Ellen England, Ann Rebecca Smith, Martha C. Addison, Sarah A. Linthicum and Emily Hendry, according to the terms and provisions of the last will and testament of said Jane Burger, and that Jane E. Williams shall be excluded, by the agreement of the parties filed in this case, from any participation in the division of said real estate, and that the farm, land and premises conveyed by said Jane Burger to said Jane E. Williams, by deed dated on the first day of August, in the year eighteen hundred and sixty two, and filed in this case as Exhibit No. 2. shall be excluded from such valuation and appraisement and division, and that said Jane E. Williams shall hold in severalty in fee the real estate specified and described in said deed of conveyance, marked "Exhibit No. 2," according to the terms and provisions thereof.

It is hereby further adjudged, ordered and decreed, that Singleton King, John J. Jamison and Rufus Magruder, shall be and they are hereby appointed commissioners to make said valuation, appraisement and division, and that they shall so divide said lands by farms as will be most convenient and useful for farming purposes, and as will not injure or detract from the value of the same.

And it is hereby further ordered, adjudged and decreed, that John T. Williams and Eleanor Hendry, as executor and executrix of the last will and testament of said Jesse Burger, shall render a full account of their said trust, exhibiting a full and perfect statement of their receipts and disbursements, and that the Auditor of this Court shall state an account herein between said estate and said executors,



and shall distribute the balance of the trust funds in their hands, after allowing to said executors their disbursements, and a commission of — per cent., among the grandchildren of said Jane Burger, first hereinbefore named, excluding said Jane E. Williams from said distribution as aforesaid, and the said commissioners and Auditor shall report to this Court their proceeding for the further action of this Court.

John A. Lynch,
W. Veirs Bond,
Judges of the Circuit Court.

State of Maryland,
Frederick County, to wit:

I hereby certify, that the foregoing is a true copy of the original agreement of counsel and parties in No. 3373, Equity, and Court's decree passed thereon, as filed in the office of the Clerk of the Circuit Court for Frederick county.

In testimony whereof, I hereunto subscribe my (Place of Seal.) name and affix the seal of the Circuit Court for Frederick county this first day of February, A.D. 1881.

Adolphus Fearhake. Jr.,
Clerk.

Exhibit No. 5.
(Filed with Bill.)

Will of Charles Hendry, Deceased.

In the name of God Amen! I, Charles Hendry, of Frederick county, in the State of Maryland, being of sound and disposing mind, memory and understanding, in order to settle to my satisfaction my worldly affairs, before it shall please Almighty God to call me hence, do make and publish this my last will and testament, in man-