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Maryland Frederick County to wit
At a County Court sitting as a Court of Equity Begun
and Held at the Court House in Frederick Town in
and for said County on the first Monday of February
in the year of our Lord 1827.
Present the Honourable John Buchanan Esquire Chief Judge.
Abraham Shriver } Esquires and
Thomas Buchanan } Judges.
Thomas Barton Esq^r Sheriff
and John Ashley Clerk.

In the mind of proceedings of the same Court amongst
Bill others are the following viz^t
To the Honourable the Judges of Frederick County Court
Sitting as a Court of Chancery Humbly Complaining
sheweth unto your Honours, your orator Thomas
Edmondson, of Frederick County in the State of Mary-
land, that Heretofore to wit, on the Sixth day of
March in the year Eighteen Hundred and twenty
one he bought and purchased from a certain Moses
B. Farquhar, then of the County aforesaid, But now
an inhabitant of County, in Ohio, a certain piece or
parcel of land, part of a tract called Forest in
Need, as will appear upon reference to certain articles
of agreement, mutually signed and Sealed by the said
Moses B. and your orator, bearing date the day and
year aforesaid and Hereunto exhibited, marked Exhibit
A and which with all other exhibits Hereafter to be
produced your orator prays may be taken and
considered as a part of this his Bill of Complaint
that the piece or parcel of land, as bought and
purchased by your orator, is properly described in
said articles of agreement, as being the place
whereon the said Moses B Farquhar was then residing
with the exception of not more than half an acre in
the South west corner thereof, it being the understanding
of all parties, that the said Farquhar had sold and that
your orator had bought his entire place, with this
said single exception, which he had then in possession
in Frederick County, but your orator States that in
said articles of agreement there is a misdescription
and error in the following part of said articles,
when the said property is bought and sold, is descri-
bed as being the part or parcel of land willed by
William Farquhar Dec^d to his said son Moses Farquhar
designated by N^o one and containing thirty four acres &
three fourths of land, and that said misdescription

And your Orator sheweth unto this, to wit, that whereas the said Moses B Farquhar had theretofore previously conveyed to a certain Lydia Hatton, forty square perches of land part of said Lot No 1 (as appears by an extract from said Conveyance Herewith shewn as a part of this Bill, marked Exhibit B) and had received in exchange therefor, a Conveyance from a certain Robert Hatton and the said Lydia Hatton, for other forty square perches part of said tract called "Forest in Nova Scotia but not part of said Lot No One (as appears by an extract from said Conveyance Herewith shewn as a part of this Bill, marked Exhibit C) yet that no reference is made to said exchange in said articles of agreement but the whole is erroneously and by mistake described, as Lot No One aforesaid, which said description would include the part then previously Conveyed to said Lydia, and would not include the part received in exchange, notwithstanding that the part so received from the said Robert and Lydia Hatton was then an integral part of the said Place, whereon the said Moses B Farquhar was then living and formed no part of the emptied half acre of land on the South west Corner of the same your orator further States to your Honours that afterwards, on the Seventh day of April Eighteen Hundred and twenty two; the said Moses B Farquhar by his certain deed of Bargain and Sale in which a certain William B Farquhar for more Conformity was made a party granted in order to the perfection of the legal title bearing date the day and year aforesaid in pursuance of his Covenant to Convey and with intent to convey to your orator the Place whereon he had then been living as aforesaid, and which had been bought and sold as aforesaid by accident and mistake, Conveyed to your orator by Course and distance the original Lot No One with the exception only of the emptied Half acre on the Southwest Corner thereof, so as to include the said part previously Sold to Lydia Hatton and so as to exclude the forty perches which had been received in exchange as will appear upon reference to said deed herewith shewn as a part of this Bill, marked Exhibit D, and to the Plot and explanations also herewith shewn as a part of this bill and marked Exhibit E. whereas your orator charges that the said Courses and distances ought to have been so expressed and stated as to have excluded the part previously Sold and to included the part acquired in exchange that it was the intention of the parties to said deed that it should be so drawn, and that it was otherwise expressed in the deed by accident & mistake and that the said mistake has been but recently

Discovered. And your orator States more particularly wherein the said mistake consists that is to say. that whereas in the fifth line in the courses stated in the deed to wit. the line running North Eighteen Degrees East. the distance is stated as being forty three and one Half perches it ought to have been stated as being eight and a Half perches, so as to include the Dotted line 77 as shewn by Exhibit 6. of five perches in length to bring the last line in the said Grant the said Robert and Lyrid Hatton to the said Elias B Farquhar and again that although the Fourth Course is Correct. as stated in the deed yet that it ought to run twelve perches. instead of eight perches and not from the point 7. as the said Courses plates but from the point 4. so as to run the line 4 3. and not the line 7 8 and again, that although the eighth Course as given in the deed, is Correct. yet the distance is incorrect. and ought to be ten and not fifteen perches, and ought to start from the point 3 and not from the point 8 so as to run the line 3 b, and not the line 89. And your orator states that he has been in the undisturbed and quiet enjoyment of said land 5
since the period of his said purchase. according to the location now claimed and not according to the erroneous calls of the said deed, that is to say. your orator has hitherto had and still has, in quiet and full possession all the land and premises lying within the lines 12. 23. 34. 45. 56. 61. 14 3. 3 b, and b 1, so as to include the parallelogram 78 a y and excluding the parallelogram a y b y. That the error in said deed being a clear mistake, your orator has no apprehensions of being disturbed in his possession, but inasmuch as the existence of said error might form a reasonable objection in the mind of an offer of the said land for Sale, he has determined to make humble application to your Honours. Sitting as a Court of Chancery for a rectification in said deed. by whom alone matters of this kind are properly cognizable, and without whose interposition your orator would be utterly remediless in the premises To the end therefore that the said deed may be so altered as to conform in its calls to the actual location of the said land, as herein before stated. and that the mistake aforementioned may be duly rectified and cured, as it ought to be. may it please your Honours to grant unto your orator the writ of the State of Maryland of Subpoena in the usual form to be

Directed to the said William B Farquhar of Frederick County
Commanding him against a day therein to be named
and under a paine therein to be expressed to be & appear
in your Honourable Court and then and there upon his
Corporal Oath to answer this Bill and the several matters
and things therein Contained and stated, and to shew
Cause, if any he can, why a decree should not pass
as prayed and forasmuch as the said Moses B. Farquhar
does not reside within this State, but is in the State of
Ohio beyond the Jurisdiction of your Honourable Court
may it please your Honours to grant unto your Com
plainants an order of publication in the usual form
to be directed to the said Moses B Farquhar, informing
him of the nature and object of this Bill, and warning him
against a day therein to be limited, to be and appear in
your Honourable Court, in person or by Solicitor, and
then and there, upon his Corporal Oath, to answer this Bill
and the several matters therein Contained and to shew
Cause if any he can why a Decree should not be passed
as prayed, and may it please your Honours to grant
to your Complainants such other and further relief in
the premises, as the nature of the case may require, and
as may be consistent with Equity and good Conscience
and as in duty Bound will ever pray &c forth,

(Mr Schley) Sol^{r} for Complainants

Exhibit (A)

Exhibit (A) referred to in the within and aforegoing
Bill of Complaint Contained in the following words viz
Six Articles of an agreement made and fully agreed
upon and Confirmed this Sixth day of the third Month
1821. Between Moses B Farquhar of Frederick County and
State of Maryland of the one part & Thomas Edmundson
of County and State aforesaid of the other part Witnesseth
that the said Moses B Farquhar, for and in Consider
ation of the Sum of three Thousand Dollars to be paid
by the said Thomas Edmundson, in manner following
to wit Fifteen Hundred Dollars at or upon the tenth
day of the fourth Month next and the residue in
three equal annual Payments that is to say Five hundred
Dollars on the tenth day of the fourth Month one thousand
Eight Hundred and twenty two Five Hundred Dollars
on the tenth day of the fourth Month one Thousand
Eight Hundred and Twenty three and Five Hundred
Dollars on the tenth day of the fourth Month one Thou
sand Eight Hundred and twenty four with lawfull
Interest if demanded at the time of the several Payme
nts if not Called for at the several times of Payment
and Interest from the time they become due doth bind

Himself his Heirs and apigns to make and Convey unto the said Thomas Edmundson his Heirs or apigns All that parcel of a tract of land called the Forest in Need & being the place whereon the said Moses B Farquhar now Liveth with an exception of not more than Half an acre on the South West corner whereon is erected a Brick House and Store Shop being a part or parcel of land willed by William Farquhar Sen.r to his said son Moses Farquhar designated by No 1 Containing Thirty four acres and three fourths of Land together with a Lot designated No 1. Containing four acres a clear Deed clear of all incumbrances with all the improvements and appurtinances thereunto belonging to the true performance of the above article we bind ourselves our Heirs and representatives in the penal sum of six thousand Dollars as Witness our Hands and Seals the Day and year above written.

Witness present
William Plummer, } Moses B Farquhar (Seal)
Mary Plummer, } Thomas Edmundson (Seal)

Exhibit B1

Exhibit (B1

Moses Farquhar to Lydia Hatton } Deed dated June 12th 1811 For the consideration of Twenty Dollars doth grant bargain and Sell unto Lydia Hatton part of a tract or parcel of Land Conveyed to the said Moses Farquhar by his Father William Farquhar Deceased Will and designated by the name of Lot No 1. part of the resurvey on Forest in Need and Beginning at the end of the sixth line of said Lot Number One, reversing said line and running South Seventeen & three quarters degrees West ten perches South Seventy two and a quarter Degrees East four perches North Seventeen and three quarters Degrees East ten perches then by a Straight line to the place of Beginning Containing Forty square perches of Land

Test John Schley Clerk.

Exhibit (B)

Exhibit (B)

Robert Hatton & Lydia Hatton to Moses B Farquhar. } Deed Dated 12th June 1811 For the Following property to wit. part of a tract or parcel of land Conveyed to Lydia Farquhar (now Lydia Hatton) by a Certain Joseph Edgar, to being part of a tract of Land called the resurvey on Forest in Need and Beginning at the end of the fourth line of said Moses Farquhar's Land and running with it South 72¼ Degrees East 8 perches North 17¾ degrees East 5 perches North 72¼ Degrees West 8 perches South 17¾ Degrees

West 6 perches to the place of Beginning containing forty square perches of Land. True extract from Liber WHD No 40. folio 502 &c
John Ashby Clerk Fred.k County Court.

Exhibit (D)

(Exhibit D)

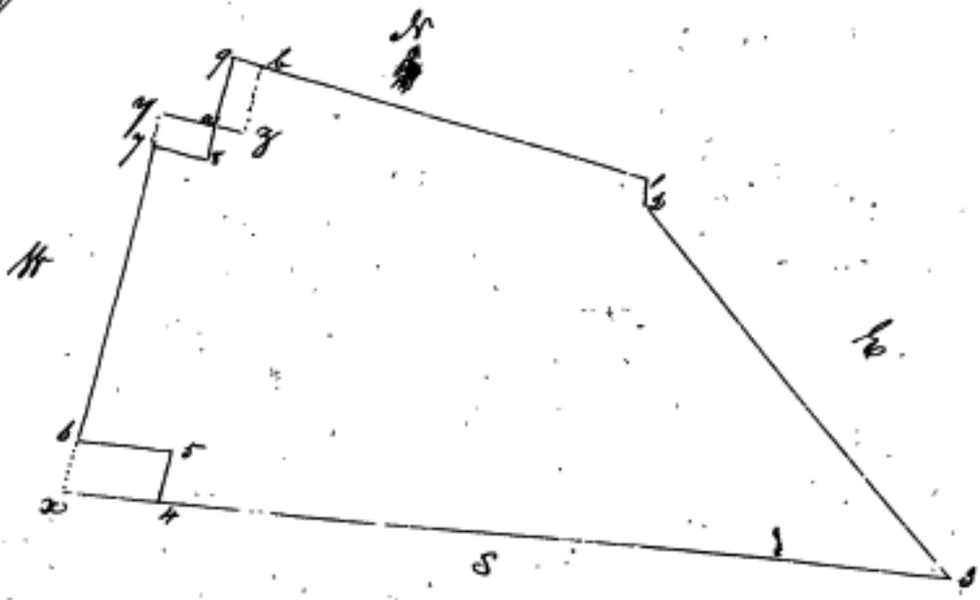
This Deed made this twenty seventh day of the fourth Month in the year Eighteen Hundred and twenty two) Between Moses B Farquhar and William B Farquhar Heir at law of Moris Farquhar Deceased all of Frederick County in the State of Maryland of the one part and Thomas Edmondson of the same place of the other part Witnesseth that the said Moses B Farquhar and William B Farquhar for and in Consideration of the sum of Three Thousand Dollars to them in hand paid by the said Thomas Edmondson the receipt whereof they do Hereby acknowledge Hath granted, bargained and sold and by these presents doth grant Bargain Sell and confirm unto the said Thomas Edmondson his Heirs and Assigns all the following described part of a tract of land willed by William Farquhar Senior to his son Moses Farquhar being a part of the resurvey on Forrest in Need being Lot Numbered one Beginning for the first part at a Stone planted at the end of the first line of a part of the resurvey on Forest in Need Deeded from Benjamin Farquhar to William Farquhar Senior on the nineteenth day of September Eighteen Hundred for forty Square perches and running with the first line of said part reversed South Seven and a Half degrees West three and a half perches to a Stone at the end of the Second line of the whole Resurvey on Forest in need as the same is bounded by agreement then South thirty five Degrees East seventy and a quarter perches to a Stone by two white oak trees marked with six notches each then North Eighty Degrees West one Hundred and fifteen perches to a Stone then North Eighteen Degrees East Seven perches and a Half then North Eighty Degrees West thirteen perches to a Stone at the end of the Shop on the line drawn South Sixty and a half perches from the Beginning of the whole resurvey called Forest in Need and with said line reversed North Eighteen Degrees East forty three and a Half perches to the end of the first line of Joseph Edgars Lot part of the above said land and with the two lines of his lot South Seventy two and a quarter degrees East eight perches North Seventeen and three quarter degrees East fifteen perches to intersect a line drawn North Sixty nine Degrees West from the place of Beginning then reversing said line to the Beginning Containing thirty four acres & twenty

Perches Beginning for the Second of Number one to
include Meadow Land to a Stone planted by a marked
Spanish Oak at the end of a line drawn North
Seventy one and a Half Degrees East thirty five perches
from the end of one Hundred and forty perches on
the fifth line of Hazel Valley run by 24° allowance
and running North Eleven Degrees East forty Seven
and a quarter perches to a Stone South Eighty
Six degrees East Eleven perches to a Stone South
thirty Eight perches to a Stone South Eighty eight &
a Half degrees West nine perches to a Stone South Sixty
three Degrees West twelve perches to the Beginning
Containing four acres together with all and Singular
the advantages and appurtenances thereunto Belong
ging To Have and to Hold the said parcels of land
with all its appurtenances unto him the said Thomas
Edmundson his Heirs and Assigns forever Secondly
warranted and defended against them the said Moses
B Farquhar and William B Farquhar and against
any person claiming or to claim any right title or
Interest of in and to the same by from or under
them In Witness Whereof the said Moses B Farquhar &
William B Farquhar Hath Hereunto Subscribed their
names and affixed their Seals the day and year above
written. Signed Sealed &
Delivered in presence of } Moses B Farquhar (Seal)
John Brown, Benjn Yingling. } Wm B Farquhar (Seal)

State of Maryland Frederick County to wit on the day
of the date of the foregoing or within deed or instrument
of writing Before me the Subscribers Justices of the Peace
for the County aforesaid appears Moses B Farquhar and
William B Farquhar, and acknowledge the foregoing
deed to be their act and deed, and the lands and
premises therein mentioned to be the right and estate
of the within named Thomas Edmundson his Heirs and
Assigns forever and at the same time also personally
appears Mapsy Farquhar wife of Moses B Farquhar, and
Mary Farquhar wife of William B Farquhar and Lydia
Hatton widow of William Farquhar deceased before
us and Severally acknowledge the foregoing deed to be
their act and deed and the lands and premises therein
mentioned to be the right and estate of Thomas Edmundson
his heirs and Assigns forever and the said Mapsy Farquhar
Mary Farquhar and Lydia Hatton being by us privately
examined apart from and out of the hearing of their
Husbands whether they do make their acknowledgement
of the same willingly and freely & without being

Indueed thereto by fear or threats of or ill usage of or by their Husband or fear of their displeasure "acknowledge that the make this acknowledgment of the same willingly & freely and without being indueed thereto by fear or threats of or ill usage by their Husband or fear of gaining their Displeasure Taken & Certified By. us } John Brown / Benj^a Yingling

Exhibit 6 Exhibit 6 / NB The Several black lines show the courses and distances as they are expressed in the Deed the Several lines, viz, the black line 4-5 and 5-6, and the two dotted lines 6-a. and a-4. contain the reserved half acre. mentioned in the articles of agreement. Exhibit A; being at the South West corner the line 7. y. y-a. a-8 and 8-7 contain the 40 perches conveyed by Robert & Lydia Hatton to Moses B Farquhar. see Exhibit B the lines a. z. z-b. b-9- and 9- a contain the 40 perches Conveyed to Lydia Hatton by Moses B. Farquhar - see Exhibit C.



order of Publication Whereupon the Court Passed the following order of Publication viz

Thomas Edmondson vs Moses B. Farquhar & William P. Farquhar } In Frederick County Court Sitting as a Court of Chancery August Term 1827. The object of the Bill in this case, is the rectification of an alleged mistake, in the Sales of certain land from the defendants to the complainant, bearing date the Seventh day of April 1822. The Bill states that the defendant Moses B Farquhar, for a certain valuable Consideration, sold to the complainant his land in Frederick County, whereof he was then a resident by the name and description of the place whereon he lived. that it was further described, in the memorandum of said Sale as Lot No. one, part of Forrest in Ned, which had been willed to the said Moses B by his Father William Farquhar Dec^d The Bill further states that the

Said Moses R. previous to the sale to the complainants had conveyed to one Lydia Hatton forty square perches of land part of said Lot No one and had received in exchange therefor, and held in right & possession at the time of the sale to the complainants as part of the plaid whereon he then lived, other forty square perches part of Forest in Need, but not a part of said Lot No one that in drawing the same from the said defendants to the complainants (the defendant William B Farquhar having merely joined for conformity, as a necessary party to a perfect legal title the bounds and distances were erroneously inserted according to the calls of said Lot No one so as thereby to include the part previously sold to Lydia Hatton and to exclude the part which had been received in exchange that such error was the effect of accident and mistake and has been but recently discovered The Bill further States that the said Moses B Farquhar resides in the State of Ohio beyond the Jurisdiction of this Court, and prays for an order of publication in the usual form, giving notice to the said absent defendants of the nature and object of this Bill and warning him against a certain day to be limited to appear in Court and so forth &c as is thereupon the 30th day of April 1827 by Frederick County Court, Sitting as a Court of Chancery adjudged ordered and decreed that the said Complainants by Causing a Copy of this order to be inserted for three successive weeks before the first day of June next in some one of the newspapers printed in Fredericktown, give notice to the said Moses B Farquhar to appear in Court hire in person or by Solicitor on or before the tenth day of September next and then and there upon his corporal oath to answer the said Bill and the several matters and things therein contained, and to shew cause if he can why a decree should not be passed as prayed otherwise the Bill will be taken pro confesso against him, Adam Shriner.

Whereupon the following Certificate of the printed together with a printed Copy of the above order therein mentioned was filed viz

Printers Certificate

I Hereby Certify that the annexed notice was inserted in the Citizen for three successive weeks Before the first day of June 1827. G W Sharp.

Whereupon the following Answer was filed viz

answer of Wm B Farquhar

The Separate answer of William B Farquhar one of the Defendants to the suit of Thomas Edmondson in Frederick County Court as a Court of Chancery

Exhibited This Defendant in answering the said Complainants said Bill of Complaint admits the truth of the several matters and things therein stated, and is willing to the hapoag of such decree as in and by the said Bill of Complaint is sought and he disclaims all interest in said land and prays hence to be Dismissed with his reasonable Costs & charges in this behalf wrongfully sustained, Wm. D Farquhar.

I agree to accept the above answer without oath,

Aff't of non residents

Wm. Schley Sol'r. for Compl'ts

And the said cause is standing Continued to August Term 1827, the following Affidavit was filed viz

State of Maryland, Frederick County to wit on this 4th day of October in the year 1827 personally appeared William Moreau, before the Subscriber one of the Justices of the peace in and for Frederick County, and Solemnly Sincerely and truly affirmed and declared that he is acquainted with Moses B Farquhar, one of the Defendants in the Bill of Complaint of Thomas Edmondson in Frederick County Court as a Court of Chancery and that he has been informed and verily believes that the said Moses B Farquhar is a nonresident of this State being an inhabitant of the State of Ohio,

affirmed Before Patrick Orrill.

Decree

Whereupon the Court passed the following Decree viz

Thomas Edmondson vs Moses B Farquhar & William D Farquhar, } No. 797 Equity In Frederick County Court sitting as a Court of Chancery August Term 1827. The above Cause being ready for Hearing and being submitted, the Bill & Exhibits the answer of the Defendant William D and the order of Publication against the Defendant Moses B. with the hunters Certificate of its due insertion, were by the Court here read and Considered & it is Thereupon this Fourth day of October in the year of our Lord 1827. by Frederick County Court, sitting as a Court of Chancery, adjudged, ordered and decreed, that the said Complainants said Bill of Complaint be and the same is hereby taken Pro Confesso against Moses B Farquhar, the said absent defendant and whereas there is a manifest mistake in the Courses and distances as expressed in the said and, marked Exhibit D, and Exhibited by the said Complainants as a part of said Bill, inasmuch as the said Courses and distances actually included the parcel of ground, heretofore sold by the Defendant Moses B to the said Lydia Hatton named in said Bill and excluded the Piece or parcel of land acquired

be exchanged therefore by the said Moses R and whereas it is reasonable that the said mistakes should be rectified, and that a good and sufficient deed should be executed by the said defendants to the complainant for the identical land which was the subject of their contract. It is therefore further adjudged ordered and decreed by the Court aforesaid sitting as aforesaid, that the said Defendants William B. Farquhar and Moses R Farquhar by a good sufficient deed of bargain and sale, to be executed acknowledged and recorded in all respects according to law or in before the thirtieth day of the present month of October, convey to the said Complainant Thomas Edmondson his heirs and assigns forever, the said piece or parcel of land, part of the resurvey on Forest in Newcastle with the several specified alterations in the lines and distances as particularly set forth in the said Plat and shewn on the plat marked B, that is to say Beginning for the first part at the end of the first line of a part of the resurvey on Forrest in Newcastle Conveyed by Benjamin Farquhar to William Farquhar Senior on the nineteenth day of September Eighteen Hundred for forty Square perches, and running with the first line of said part reversed South seven and one half degrees West three and one Half perches to a Stone at the end of the Second line of the whole Resurvey on Forest in Newcastle as the same is bounded by agreement, then South thirty five degrees East Seventy and a quarter perches to a Stone by two white Oak trees marked with six notches each, then North Eighty degrees West one Hundred and fifteen perches to a Stone then North Eighteen Degrees East seven and a Half perches, then North Eighty Degrees West thirteen perches to a Stone, at the end of the Shop on the line drawn South Sixty and one half perches from the Beginning of the whole resurvey called Forrest in Need and with said line reversed North Eighteen Degrees East forty eight and a half perches then South Seventy two and a quarter degrees East twelve perches, North Seventeen and one third quarter Degrees East two perches to intersect a line drawn North sixty nine Degrees West from the place of Beginning, then reversing said line to the Beginning containing thirty four acres and twenty perches of Land more or less. It is further adjudged ordered and decreed that the said plat marked Exhibit D be and remain, in all respects, good

And operative in Law, except in so far and no further, as the same is erroneous, in consequence of the occurrence of the mistake which is the effect of the Complainants Bill and this Decree to rectify. Abm. Shriver.

Test John Bakley Clerk

Maryland Frederick County to wit
At a County Court Sitting as a Court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the first Monday of July 1827.
Present The Honourable Abraham Shriver Esq. Associate Judge
Thomas Carlton Esquire Sheriff
and John Bakley Clerk

In the record of proceedings of the same Court amongst others are the following viz

Bill

To the Honourable, the Judges of Frederick County Court Sitting as a Court of Equity Humbly Complaining sheweth unto your Honours your orator Joseph Jamison of Frederick County and State of Maryland, that Ignatius Jamison, late of the County and State aforesaid deceased during his life time was seized and possessed of a considerable real Estate, lying and being in the County and State aforesaid to wit all that part of a parcel or tract of Land called "The resurvey on Daniels Small Tract" Containing four hundred and forty eight acres of land more or less and which is the said tract of land, which was Conveyed to the said Ignatius Jamison, by James Gibson and Elizabeth Gibson his wife, late Elizabeth Boardley Surviving Executrix of John B. Boardley, of the City of Philadelphia, in the State of Pennsylvania, by deed bearing date, the Twenty first day of June in the year of our Lord Eighteen Hundred and Twenty two, and recorded in Liber I.S. No 16 Folios 33, 34 and 35, one of the Land records of Frederick County, and which said deed is herewith Exhibited marked Exhibit A, which together with all other Exhibits hereinafter referred to, your orator prays may be taken as a part of this his Bill of Complaint your orator further represents to your Honours, that the said Ignatius Jamison, on or about the Eleventh day of March, in the year of our Lord, Eighteen Hundred and Twenty three, died intestate leaving nine Children his Heirs at Law to wit Catharine Jamison who intermarried with James Hooks, Joseph Jamison your orator William Jamison, Benedict Jamison, Alexander Jamison Emily Jamison, Henrietta Jamison, Ignatius Jamison and Elizabeth Jamison, that on or about the Twenty

Seventh day of June in the year of our Lord eighteen Hundred and Twenty Seven Benedict Jamison James Hook and Catharine Hook his wife Conveyed by good and sufficient deed all their Interest right title and Estate both at Law and Equity of in and to all the real estate of Ignatius Jamison Deceased to your orator Joseph Jamison that on or about the fourteenth day of July in the year of our Lord Eighteen Hundred and Twenty seven William Jamison by a good and sufficient deed Conveyed all his right title Interest and Estate both at Law and Equity of in and to all the real estate of Ignatius Jamison aforesaid to your orator Joseph Jamison, Copies of which deeds are Herewith Exhibited marked Exhibits B C and D. So that your orator Joseph Jamison is now vested and possessed of four ninths of the whole real Estate of Ignatius Jamison Deceased; your orator further represents to your Honours that the five remaining Heirs of Ignatius Jamison to wit Alexander Jamison, Emily Jamison, Henrietta Jamison, Ignatius Jamison and Elizabeth Jamison are all minors, under the age of Twenty one years Your orator further represents to your Honours that the said land is not susceptible of a division to advantage he therefore prays your Honours, to pass a decree for the Sale of the real Estate of Ignatius aforesaid, as Hereinbefore described and set forth, that for the purpose of making said Sale, some suitable person be appointed Trustee who shall proceed in such manner as your Honours may direct, on tender Considerations whereof, and for as much as your orator is remediless in the premises by the Strict rules of the Common law, and relievable only in a Court of Equity, where matters of this nature are properly Cognizable, to the end therefore that the said defendants to wit Alexander Jamison, Emily Jamison Henrietta Jamison Ignatius Jamison, and Elizabeth Jamison may respectively full true direct and perfect answers make to the Several matters and things in the within bill Contained may so please your Honours to grant unto your orator the States most gracious writ of Subpoena, to be directed to the said Alexander Jamison, Emily Jamison, Henrietta Jamison, Ignatius Jamison and Elizabeth Jamison Commanding them to answer said Bill of complaints of your orator Joseph Jamison and may so please your Honours to grant to your orator, such other

and further relief as is consistent with Justice and the principles of Equity. John A McColpin Solicitor for Complainants.

Exhibit (A)

Exhibit A, referred to in the within and aforegoing Bill of Complaint Contained in the following Words viz.

This Indenture made this Twenty first day of June in the year of our Lord Eighteen Hundred and twenty two Between James Gibson, John B Bradley of the City of Philadelphia in the State of Pennsylvania Deceased of the one part and Ignatius Jamison of Frederick County in the State of Maryland of the other part Witnesseth that the said James Gibson and Elizabeth Gibson his wife for and in Consideration of the sum of ten thousand Dollars Current money of the United States to them in Hand paid before the Sealing & delivery of these presents, the receipt whereof is hereby acknowledged and the said Ignatius Jamison therefrom forever acquitted and discharged the said James Gibson and Elizabeth Gibson his wife have granted bargained and sold aliened released enfeoffed and Confirmed and by these presents they do bargain grant and sell alien release enfeoff and confirm unto the said Ignatius Jamison and his Heirs all that part of a tract or parcel of Land situate and lying in Frederick County in the State of Maryland, Called The Resurvey on Daniels Small Tracts, which is Contained within the descriptions following that is to say Beginning for the said part at the end of the forty eighth line of the said Resurvey and running thence with the several following Courses to wit with the forty ninth fiftieth, fifty first, fifty second fifty third fifty fourth, fifty fifth, fifty Sixth, fifty Seventh fifty eighth, fifty ninth, Sixtieth, Sixty first Sixty Second, Sixty third, Sixty fourth, Sixty fifth, Sixty Sixth, Sixty Seventh to the end of the said Sixty Seventh line and then with a Straight line across the said Resurvey to the Beginning Land and for and said to Contain four Hundred and forty eight acres of Land, be the same more or less. it being the same part of a tract piece or parcel of Land which was by Indenture bearing date the twenty Second day of March Eighteen Hundred and thirteen, and recorded in Liber W.D. No 44 Folios 34, 35 & 36 one of the land records of Frederick County conveyed to a certain Lawson Alexander by Henry Alexander trustee appointed by the Chancellor for making Sale thereof as is recited in and by the said Indenture and by reference thereto will more fully appear, and by and dated afterwards the twenty third of March Eighteen Hundred & thirteen by the said Lawson Alexander was conveyed to the said Elizabeth Gibson by the name of Elizabeth Bradley before her intermarriage with the said James

Gibson and John F Mifflin their heirs and apigns as Joint tenants forever for the purpose expressed in the will of the said John B Bordley as by reference to said deed recorded in Liber WSC No 44 Folios 37 and 38 one of the Land records of Frederick County aforesaid will also be fully shewn and which the said Elizabeth Gibson as Survivor of the said John F Mifflin who is since Deceased, together with her husband James Gibson Hereby Have and do fully and Clear of all incumbrances bargain Sell and Convey unto the said Ignatius Jamison and his Heirs forever together with all and every the rights liberties privileges and appurtenances and advantages to the same belonging or in anywise appertaining To Have and to Hold the part of a tract or parcel of Land above described with the buildings advantages and appurtenances unto the said Ignatius Jamison his Heirs and apigns forever to the only use and behoof of the said Ignatius Jamison his Heirs and apigns forever free clear and discharged of all incumbrances whatsoever In Witness Whereof the said James Gibson and Elizabeth Gibson his wife have Hereunto subscribed their names and affixed their seals the day and year first Herein before written,

Signed Sealed & Delivered in the presence of Louisa Gibson, John Read.

James Gibson (Seal)
Elizabeth B Gibson (Seal)

State of Pennsylvania Philadelphia to wit Be it remembered that on this Twenty Second day of June in the year of our Lord Eighteen Hundred and twenty two personally appeared James Gibson and Elizabeth Gibson his Wife whose names are subscribed to the annexed and within deed or Instrument of writing as Grantors therein, before me the subscribed Mayor of the City of Philadelphia and severally acknowledged the same to be their act and deed, and the lands therein mentioned and thereby intended to be Conveyed, to be the right and estate of the within named Ignatius Jamison his Heirs and apigns forever, according to the true intent and meaning of said deed and the acts of assembly of the State of Maryland in such case made and provided. And the said Elizabeth wife of the said James Gibson being by me privately examined apart from and out of the hearing & presence of her husband whether she doth make her acknowledgment of the same voluntarily, willingly and freely and without being induced thereto by fear or threats of or ill usage by her Husband or fear of his

Dispheamire acknowledges that she doth. In Witness Whereof I Hand Hermite Set my Hand and affixed the Seal of Mayoralty of the City of Philadelphia this Twenty Second day of June Eighteen Hundred and twenty two, —

(Seal)

Robert Wharton Mayor,

Exhibit (B)

(Exhibit B)

This Indenture made this Twenty Seventh day of June in the year one thousand eight Hundred and Twenty Seven Between James Hook and Catherine Hook his wife both of Frederick County and State of Maryland of the one part and Joseph Jamison of the County and State aforesaid of the other part Whereas Ignatius Jamison late of Frederick County and State of Maryland, was seized and possessed of a Tract of Land lying and being in the County and State aforesaid containing four Hundred and forty eight acres of Land more or less which was conveyed to the said Ignatius Jamison by James Gibbon and Elizabeth Gibbon his wife of the City of Philadelphia in the State of Pennsylvania by deed bearing date the twenty first day of June in the year of our Lord Eighteen Hundred and twenty two and recorded in Liber I S No 16 Folios 33.34 and 35 one of the Land more of Frederick County and Whereas the said Ignatius Jamison on or about the eleventh day of March in the year of our Lord eighteen Hundred and twenty three died intestate, leaving nine Children his Heirs at law, among Whom Catherine Hook wife of James Hook above mentioned is one, Now this Indenture witnesseth that the said James Hook and Catherine Hook his wife for and in consideration of the sum of eight Hundred and Seventy five Dollars, Current Money to them in Hand paid, before the Sealing and delivery of these presents the receipt Where of the said James Hook and Catherine Hook do Hereby acknowledge Have granted bargained, Sold aliened released enfeoffed and confirmed and by these presents do grant bargain, Sell alien release enfeoff and confirm unto said Joseph Jamison his Heirs and assigns forever, all that the said James Hooks and Catherine Hooks his wife right title Interest and estate, both at Law and Equity of in & to one undivided ninth part of the tract of Land aforesaid and of in and to the whole real estate of Ignatius Jamison aforesaid Together with the rights members and appurtenances thereunto Belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents issues & profits thereof and all the estate, right title, interest property claim and demand whatsoever, legal & equitable

of them the said James Hook and Katherine Hook his wife in and to the said Land and premises. Hereby bargained and sold with the rights members and appurtenances. and every or any part and parcel thereof. To Have and to Hold the said tract of land and premises Hereby bargained and sold or meant mentioned or intended Hereby so to be and every or any part and parcel thereof, with the rights members and appurtenances unto the said Joseph Jamison his Heirs and assigns forever to the only proper use and Benefit and behoof of him the said Joseph Jamison his Heirs and assigns forever. and to no for no other use intent or purpose whatever. and the said James Hook and Katherine Hook his wife for themselves their Heirs Executors and administrators do Covenant grant promise and agree to and with the said Joseph Jamison his Heirs Executors. and administrators and assigns. that they the said James Hook and Katherine Hook his wife and their Heirs. the said Land and premises Hereby bargained and Sold. and every part and parcel thereof with the rights members and appurtenances to him the said Jos Jamison his Heirs and assigns against them the said James Hook and Katherine Hook his wife and their Heirs & against every person and all persons whatever now claiming or who Hereafter may claim any right title or interest in or to the same or any part thereof by from or under him or them shall and will Hereafter warrant and forever defend by these presents and the said James Hook and Katherine Hook his wife for themselves their Heirs Executors and administrators do Covenant. grant. promise and agree to and with the said Joseph Jamison his Heirs Executors, administrators, and assigns. that they the said James Hook and Katherine Hook his wife and their Heirs. shall and will at any time and at all times Hereafter make Execute & acknowledge any other deed or deeds or any other instrument or Instruments of writing. for the better assuring and more certain and effectual Conveyance of the said Land and premises Hereby bargained and sold. and every part and parcel thereof, with the rights members and appurtenances to the said Joseph Jamison his Heirs and assigns In Witness Whereof the said James Hook and Katherine Hook his wife have hereunto set their hand and seals the day and year first Herein before Written, Signed Sealed and delivered

James Hooke (Seal)

In the presence of
Daniel Dowell, Gloyd Luckett, & Catherine Hooke (Seal)

Maryland Frederick County to wit Be it remembered that on this day the 27th day of June in the year one thousand Eight Hundred and twenty Seven personally appear James Hooke the Grantor named in the foregoing and on instrument of writing and and acknowledges the same to be his act and deed and the land and premises therein mentioned and every part and parcel thereof, with the rights, members and appurtenances to be the right title and estate of Joseph Jamison the grantee also therein named his Heirs and assigns forever according to the true intent and meaning thereof and the act of assembly in such cases made and provided and the same time personally appears Catherine Hooke wife of the said James Hooke and acknowledge the aforegoing deed or instrument of writing to be her act and deed and the land and premises therein mentioned and every part and parcel thereof with the rights, members and appurtenances, to be the right, title and estate of Joseph Jamison the grantee also therein named his Heirs and assigns forever and the said Catherine Hooke being by us privately examined apart from and out of the hearing of her Husband "whether she doth make her acknowledgment of the same willingly and freely and without being induced thereto by fear or threats of, or ill usage by her Husband or fear of his Displeasure" acknowledges and declares, that she doth make her acknowledgment of the same willingly and freely, & without being induced thereto by fear or threats of, or ill usage by her Husband or fear of his Displeasure,
Before Two Justices of the Peace in and for Frederick County and State of Maryland,

Daniel Dowell, Gloyd Luckett.

(Seal) True Copy Test John Bakley Clerk

(Exhibit 6)

Exhibit (6)

This Indenture, made this Twenty Seventh day of June in the year One thousand eight Hundred & twenty Seven Between Benedict Jamison of Frederick County and State of Maryland of the one part and Joseph Jamison of the County and State aforesaid of the other part. Whereas Joseph Jamison late of Frederick County and State of Maryland was seized and possessed of a Tract of land Lying and being in the County and State aforesaid containing four Hundred & forty eight acres of land more or less which was conveyed

To the said Ignatius Jamison by James Gibson & Elizabeth Gibson his wife of the City of Philadelphia in the State of Pennsylvania by deed bearing date the twenty first day of June in the year of our Lord Eighteen Hundred and twenty two and recorded in Liber I S No 16 folios 33.34 & 35 one of the Land records of Frederick County & Whereas the said Ignatius Jamison on or about the Eleventh day of March in the year of our Lord Eighteen Hundred and twenty three died intestate leaving nine children his heirs at law among Benedict Jamison aforesaid is and Now This Indenture Witnesseth that the said Benedict Jamison for and in Consideration of the sum of Eight Hundred Twenty five Dollars Current Money to him in hand paid Before the Sealing and delivery of these presents, the receipt whereof he the said Benedict Jamison doth Hereby acknowledge Hath granted, bargained, Sold aliened released enfeoffed and Confirmed, and by these presents doth grant bargain, Sell aliene release enfeoff and Confirm unto him the said Joseph Jamison his Heirs and assigns forever all his the said Benedict Jamison's right title interest and Estate claim & demand both at Law and Equity of in and to and undivided ninth part of the tract of land aforesaid and of in and to the whole real estate of Ignatius Jamison aforesaid together with the rights, members & appurtenances thereunto Belonging or in any wise appertaining and the reversion and reversions remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claim & demand whatever legal and equitable of him the said Benedict Jamison in and to the said land and premises Hereby bargained and Sold, with the rights members and appurtenances, and every or any part and parcel thereof, To Have and to Hold the said Land and premises Hereby bargained and Sold or meant mentioned or intended Hereby or to be & every or any part and parcel thereof, with the rights members and appurtenances unto the said Joseph Jamison his Heirs and assigns forever to the only proper use and Benefit and Behoof of him the said Joseph Jamison his Heirs and assigns forever and to or for no other use intent or purpose whatever and the said Benedict Jamison for himself his Heirs Executors and administrators doth Covenant, grant promise and agree to and with the said Joseph Jamison his Heirs Executors and administrators and assigns that

He the said Benedict Jamison and his Heirs the said Land and premises Hereby bargained and Sold, and every part and parcel thereof with the rights members and appurtenances to him the said Joseph Jamison his Heirs and assigns against him the said Benedict Jamison and his Heirs and against every person and persons whatever now claiming or who hereafter may claim any right, title or interest in or to the same or any part thereof by from or under him or them shall and will Hereafter warrant and forever defend by these presents and the said Benedict Jamison for himself his Heirs Executors and administrators doth Covenant grant, promise and agree to and with the said Joseph Jamison his Heirs Executors administrators & assigns that he the said Benedict Jamison and his Heirs shall and will at any time and all times Hereafter make Execute and acknowledge any other deed or deeds or any other instrument or instruments of writing for the better assuring and more certain and effectual Conveyance of the said Land and premises hereby bargained and Sold, and every part and parcel thereof with the rights members and appurtenances to the said Joseph Jamison his Heirs and assigns In Witness whereof the said Benedict Jamison Hath Hereunto set his Hand & Seal the day and year first Herein before written.

Signed, Sealed & Delivered
in the presence of
Daniel Demaree, Lloyd Lucketts.

Benedict Jamison (Seal)

Maryland Frederick County to wit Be it remembered that on this day the 27th day of June in the year one thousand eight Hundred and twenty seven personally appears Benedict Jamison the grantor named in the foregoing Deed or Instrument of writing and acknowledges the same to be his act and deed and the land & premises therein mentioned, and every part and parcel thereof with the rights members and appurtenances, to be the right, title and estate of Joseph Jamison the grantee also therein named his Heirs and assigns forever, according to the true intent and meaning thereof and the acts of assembly in such Cases made and provided. Before two Justices of the Peace in and for Frederick County and State of Maryland. True Copy Test John Ashley Clerk

(Exhibit D)

Exhibit D

This Indenture made this fourteenth day of July in the year one thousand eight Hundred and twenty seven Between William Jamison of Frederick County and State of Maryland of the one part and Joseph Jamison of the County and State aforesaid of the other part Whereas

Ignatius Jamison late of Frederick County and State of Maryland was seized and possessed of a tract of land lying and being in this County and State aforesaid containing four Hundred and forty eight acres of land more or less which was conveyed to the said Ignatius Jamison by James Gibson & Elizabeth Gibson his wife of the City of Philadelphia in the State of Pennsylvania by deed bearing date the twenty first day of June in the year of our Lord Eighteen Hundred and twenty two and recorded in Liber I. S. No 16 Folios 31. 34 & 35 one of the land records of Frederick County and whereas the said Ignatius Jamison on or about the eleventh day of March in the year of our Lord Eighteen Hundred and twenty three died intestate leaving issue Children his Heirs at Law among whom William Jamison aforesaid is and Now this Indenture Witnesseth that the said William Jamison for and in consideration of the sum of Eight Hundred and Seventy five Dollars lawful money to him in Hand paid before the Sealing and delivery of these presents the receipt whereof he the said William Jamison doth Hereby acknowledge Hath granted bargained sold aliened released enoffed and confirmed and by these presents doth grant bargain sell alien release enfeoff and confirm unto him the said Joseph James or his Heirs and assigns forever all his the said William Jamison's right title interest and estate claim and demand both at law and equity of in and to and undivided ninth part of the tract of land aforesaid and of in and to the whole real estate of Ignatius Jamison aforesaid together with the rights members and appurtenances thereunto Belonging or in any wise appertaining, and the reversion & reversions remainder and remainders; rents issues and profits thereof and all the estate right title interest property claim and demand whatsoever, legal and equitable of him the said William Jamison in and to the said land and premises Hereby bargained and sold with the rights members & appurtenances and every or any part and parcel thereof To Have and to Hold the said land and premises Hereby bargained and sold or meant mentioned or intended Hereby so to be and every or any part and parcel thereof with the rights members and appurtenances unto the said Joseph Jamison his

and assigns forever to the only proper use and benefit and behoof of him the said Joseph Jamison his Heirs and assigns forever and to & for no other use intent or purpose whatsoever and the said William Jamison for himself his Heirs Executors and administrators doth covenant grant promise and agree to and with the said Joseph Jamison his Heirs Executors and administrators and assigns that he the said William Jamison and his Heirs the said land & premises hereby bargained and sold, and every part and parcel thereof with the rights members and appurtenances to him the said Joseph Jamison his Heirs and assigns against him the said William Jamison and his Heirs and against every person and all persons whatever now claiming or who hereafter may claim any right, title or interest in or to the same or any part thereof by from or under him or them shall and will hereafter warrant and forever defend by these presents and the said William Jamison for himself his Heirs Executors and administrators doth covenant, grant, promise and agree to and with the said Joseph Jamison his Heirs, Executors administrators and assigns; that he the said William Jamison and his Heirs shall and will at any time and at all times hereafter make, Execute & acknowledge any other deed or Deeds or any other instrument or Instruments of writing, for the better assuring and more certain and effectual conveyance of the said land and premises Hereby bargained and sold, and every part and parcel thereof with the rights, members and appurtenances to the said Joseph Jamison his Heirs and assigns In Witness Whereof the said William Jamison hath Hereunto set his Hand and Seal the day & year first herein before written,

Signed Sealed and Delivered
in the presence of
George Rohr, Daniel Richardson } William Jamison (Seal)

Maryland Frederick County to wit Be it remembered that on this day the Fourteenth of July in the year one thousand Eight Hundred and Twenty Seven personally appears William Jamison the grantor named in the foregoing deed or instrument of writing and acknowledges the same to be his act and deed and the land and premises therein mentioned and every part and parcel thereof with the rights members and appurtenances to be the right, title & Estate of Joseph Jamison the grantee also therein named his Heirs and assigns forever according to the true intent and meaning thereof and the acts of assembly

In such cases made and provided. Before Two Justices of the Peace in and for Frederick County and State of Maryland. George Rohr. Davis Richardson, and the said Cause as standing continued to August Term 1827 the Court passed the following order for Commission to issue viz:

order for Comm^{n}

Joseph Jamison
vs
Alexander Jamison and others

In Frederick County Court Sitting as a Court of Equity August Term 1827. upon application by the Complainants Solicitor, ordered that a Commission to appoint a guardian, to answer for Alexander Jamison, Emily Jamison, Ignatius Jamison Henrietta Jamison and Elizabeth Jamison, infant Defendants in the above Cause, issue to Dennis Dorsey the said Defendants appearing to have been summoned

Abm Shriver Aug 6th 1827.

Whereupon, In pursuance of the above order the following

Comm^{n}

Commission issued viz

Maryland, to The State of Maryland. To Dennis Dorsey of Frederick County Greeting Whereas Joseph Jamison hath lately exhibited his Bill of Complaint before us in our County Court as a Court of Chancery against Alexander Jamison Emily Jamison, Ignatius Jamison, Henrietta Jamison, and Elizabeth Jamison Defendants and whereas we have, by our writ, lately Commanded the said Defendants to appear before us, in our said Court as a Court of Chancery, at a certain day now past to answer the said Bill but for as much as the said Defendants are infants under age, and cannot answer the said Bill nor defend this suit without having a guardian assigned in that Behalf. Know ye therefore that we have given unto you full power and authority in pursuance of the special order in our said Court, to assign and appoint a Guardian for the aforesaid infants, and to take the answer of the said infants, by such guardian to the said Bill and therefore we Command you, that at such certain day and place as you shall think fit, you go to the said Defendants if they cannot conveniently come to you, and assign and appoint a guardian for the aforesaid infants, and take the answers of the said infants, by such Guardian to the said Bill on such guardian's Corporal Oath upon the Holy Evangely, to be administered by you the said answers being distinctly and plainly writ and when you shall have so taken the said answers

You are to send the same, closed up under your seal, together with your Certificate of your having assigned & appointed such Guardian as aforesaid and this writ unto us, in our said Court. Witness the Honourable John Buchanan Esquire Chief Judge of our said Court, the 6th day of August Anno Domini 1827. Issued the 6th day of August 1827.

Jh McElfresh, John Ashley Clerk.

Whereupon the following Certificate and answer of the Infant Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz. To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity The Subscriber named in a Commission from Frederick County Court Sitting as a Court of Equity, in a Cause in the said Court depending, wherein Joseph Jamison is Complainant and Alexander Jamison and others defendants Hereby Certifies, that by virtue of said Commission hereunto annexed I have assigned and appointed John H Worthington, guardian for Alexander Jamison, Emily Jamison, Henrietta Jamison, Elizabeth Jamison & Ignatius Jamison, the infant defendants named in said bill of Complaint, and have taken the answers of the said Defendants, by their said guardian, in writing, upon his Corporal Oath, to the Bill in the said Commission recited, which I Herewith send enclosed. In Witness Whereof I have Hereunto set my hand and affixed my Seal this Seventh day of August in the year of our Lord Eighteen Hundred and Twenty Seven, Dennis Dorsey (Seal)

Infants answer

The Joint and Several answers of Alexander Jamison Emily Jamison, Henrietta Jamison, Ignatius Jamison and Elizabeth Jamison infants, under the age of Twenty one years by John Worthington their guardian to the Bill of Complaint of Joseph Jamison, in Frederick County Court as a Court of Equity Exhibited The said Alexander Jamison, Emily Jamison, Henrietta Jamison, Elizabeth Jamison and Ignatius Jamison, by their said guardian in answering said bill, admit the several matters and things therein set forth, and that it will be for the mutual benefit & advantage of all the parties Concerned that defendants & others that the real Estate of Ignatius Jamison Deceased mentioned in the proceedings should be Sold, by some Suitable person to be appointed Trustee for that purpose Thus defendants are willing that a Decree for the Sale of the real estate of Ignatius Jamison aforesaid should be passed by your Honours and such other order taken therein as may be Consistent

with Equity. Hoping that as they are infants. this Honourable Court will protect their Interest.

John H Worthington Guardian to said infants Defendts, Frederick County to wit Be it remembered. that on this twenty sixth day of August in the year of our Lord Eighteen Hundred and twenty seven. personally appears John H Worthington. before the Subscriber Commissioner named in the Commission. for that purpose issued from Frederick County Court. Sitting as a Court of Equity. and made Oath. that the several matters Stated in the foregoing answers are true as stated. to the best of his knowledge information and belief.

Dennis Dorsey.

Decree Whereupon the Court passed the following Decree viz

Joseph Jamison
vs
Alexander Jamison and others

No 822 Equity In Frederick County Court Sitting as a Court of Chancery August Term 1827.

The said Cause Standing ready for hearing and being submitted. The bill. Exhibits orders. and all other proceedings. used by the Court read and Considered and the Court being Satisfied that the relief prayed is reasonable and ought to be granted. it is thereupon this Twentieth day of August 1827. by Frederick County Court Sitting as a Court of Equity aforesaid ordered and decreed that the property mentioned in the said bill of Complaint be sold that for the purpose of making Sale of said property John H McElfresh. be and he is hereby appointed a Trustee to make the said Sale and that the terms and manner of his proceedings shall be as following to wit. He shall first file his Bond with the Clerk of this Court in the penalty of Twenty Thousand Dollars Current money Condition. ed for the faithful performance of the Trust reposed in him by this Decree, or which shall or may be reposed in him by any future Decree or Order in the premises He shall then proceed to make said Sale he shall then proceed to make said Sale either Publick or Private as shall be deemed most Expedient and advantageous to the Infants if Publick to be at least four Weeks notice previously given of the time place and terms of Sale, by advertisement in some newspaper printed in Frederick and otherwise. as may be deemed most Expedient that the terms of Sale shall be Cash to be paid on the ratification of the Sale that as soon as Convenient after making said Sale

The said Trustee shall report to this Court here upon oath a full and particular account of his proceedings under this Decree, with the name or names of the purchaser or purchasers and the amounts of purchase money by him received He shall bring into Court here to be distributed under the order of this Court, according to the rights of the parties, retaining only the costs in this case and such commission as may be allowed him in consideration of the skill and fidelity wherewith he shall appear to have discharged his trust and upon payment of all the purchase money and not before the said Trustee shall convey to the said purchaser or purchasers the property by him or them purchased by a good and sufficient deed, to be executed, acknowledged and recorded according to Law. Abm Shriner.

Trustees Bond

Whereupon the Trustee filed the following Bond Endorsed Approved Abm Shriner viz

Know all men by these presents that we John H McElfresh, and Casper Mantz of Frederick County and State of Maryland, are held and firmly bound unto said State in the just and full sum of Twenty Thousand Dollars current money, to be paid to the said State or its certain attorney, to which payment well and truly to be made and done we bind ourselves and each of us our and each of our Heirs Executors and administrators, we and for the whole Jointly and Severally firmly by these presents Sealed with our Seals and dated this Twenty first day of August in the year of our Lord one thousand eight Hundred and Twenty Seven, Whereas the above named John H McElfresh by decree of Frederick County Court, Sitting as a Court of Equity hath been appointed to make Sale of the real estate of Ignatius Jamison deceased for the purpose of distribution amongst the legal representatives of the Deceased. Now the condition of the above obligation is such, that if the above bound John H McElfresh do & shall well and truly discharge the trust reposed in him by said decree as Trustee aforesaid, or that may be reposed in him by any future order or decree in the premises, then the foregoing obligation to be void and of no effect, else to be and remain in full force and virtue in Law

Signed Sealed and Delivered in presence of Henry Kuhn

John H McElfresh (Seal)
Casper Mantz (Seal)

Trustees Report.

Whereupon the Trustee made the following Report viz to

Joseph Jamison
vs
Alexander Jamison & others

No 832 Equity In Frederick County Court Sitting as a Court

of Equity August Term 1827. The Subscriber trustee appointed by your Honours to make sale of the real estate of the late Ignatius Jamison Deceased. begs leave to report to this Honourable the Judges of Frederick County Court Sitting as a Court of Equity that Having first filed his Bond. with approved security as by the decree of your Honourable Court was enjoined and directed in the penalty of Twenty Thousand Dollars. I proceeded to sell said property on the Twenty first day of August in the year of our Lord. Eighteen Hundred and Twenty seven at private sale when & there Catharine Jamison became the purchaser at and for the sum of Seventeen Dollars and fifteen Cents her said making the aggregate sum of 7683 $20 cts for the land by her purchased I further respectfully state. that in making said Sale I procured the highest price. which I could obtain & that. the said purchaser has entered into an agreement to comply with the Terms of said Decree all of which is respectfully submitted to your Honours and I pray an allowance for the expenses in this case but not for any Commission.

John K McElfresh Trustee.

Maryland to wit On this thirtieth day of August 1827. personally appeared John K McElfresh. Before the Subscriber one of the Justices of the Peace in and for Frederick County and made Oath on the Holy Evangelists of Almighty God. that the facts set forth in the within report are true as therein stated to the best of his Knowledge information & belief.

Sworn Before John Ebert,

order of Publication

Whereupon the Court passed the following order of Publication viz:6

By Frederick County Court Sitting as a Court of Equity August Term 1827. Ordered that the Sale of the real estate of the late Ignatius Jamison Deceased made and reported. by John K McElfresh. Trustee be ratified and confirmed unless Cause shall be shown to the Contrary on or before the Twentieth day of September next Provided a Copy of this order be inserted in some newspaper printed in Frederick for three successive weeks before the twentieth day of September 1827. The report states the amount of Sales to be 7683 $20 — Test Thos Shriner Reg Cur 30th 1827.

Whereupon the following Certificate of the printer together with a printed Copy of the above order

Printers Certificate

Thereto annexed was filed viz^t

I Hereby Certify that the annexed notice was Published in the Citizen for three weeks in Succession before the 20th day of September Inst. G Wolhaupt.

Whereupon the Court passed the following order of ratification viz. By Frederick County Court Sitting as a Court of Equity, ordered that the Sale of the real estate of the late Ignatius Jamison Deceased, made and reported by John H McElfresh Trustee be ratified and confirmed no Cause to the Contrary appearing, although notice has been given in Conformity with the order of this Court Heretofore in this Case passed and made. The Trustee charges no Commission, but is allowed for all Expenses, One Dollar The Auditor is directed to State an account in this Case according to the practice of this Court

Abm Shriner Sept^r 20th 1827.

Whereupon the Auditor filed the following Report viz

Dr The Estate of Ignatius Jamison Deceased in ac with

Trustees Report

John H McElfresh Acquird Trustee

		Cr
		$ 1.00
To the Trustee for his Commission & Expenses		
. the attorney for his fee	$ 3.33⅓	
. the Clerk for his fees	15.07	
. the Sheriff for his fees	1.91⅔	20.32
To the Auditor for his fee in stating account reporting to Court, and so forth		6.00
To Alexander Jamison, a Son and one of the Heirs of said Ignatius Jamison Deceased one ninth of Balance of proceeds of Sale, under the Bill and proceedings Composing this Cause		850.32
To Emily Jamison a Daughter and one of the heirs of said Ignatius Jamison Deceased one ninth of Balance of proceeds of Sale, under the Bill and proceedings Composing this Cause		850.32
To Henrietta Jamison a Daughter, and one of the Heirs of said Ignatius Jamison Deceased, one ninth of Balance of proceeds of Sale, under the Bill and proceedings Composing this Cause		850.32
To Ignatius Jamison a Son, and one of the Heirs of said Ignatius Jamison Deceased one ninth of Balance of proceeds of Sale under the Bill & proceedings Composing this Cause		850.32
To Elizabeth Jamison a Daughter and one of the Heirs of said Ignatius Jamison Deceased one ninth of Balance of proceeds of Sale under the Bill and proceedings Composing this Cause		850.32
Am^t Forwarded		$ 4251.92

Amount brot forward		$ 4281.92
To Joseph Jamieson, a Son, and one of the Heirs of said Ignatius Jamieson Deceased one ninth of Balance of proceeds of Sale, under the Bill and proceedings Composing this Cause	850.32	
To Joseph Jamieson, assignee of James Hook & Catherine his wife, the Daughter of said Ignatius Jamieson Deceased, also an heir one ninth of Balance of proceeds of Sale under the Bill and Proceedings Composing this Cause	850.32	
To Joseph Jamieson, assignee of William Jamieson a Son and Heir of said Ignatius Jamieson Deceased one ninth of Balance of proceeds of Sale under the Bill and proceedings Composing this Cause	850.32	
To Joseph Jamieson, assignee of Reverdito Jamieson, a Son and Heir of said Ignatius Jamieson Deceased one ninth of Balance of proceeds of Sale, under the Bill and proceedings Composing this Cause	850.32	
		$ 7680.20
By Amount of Sales made the 21st day of August 1827 as per report filed in this Cause		$ 7680.20
		$ 7680.20

Joseph Jamieson
vs
Alexander Jamieson and others

In Frederick County Court as a Court of Equity August Term 1827 The Report of the auditor to the Honourable the Judges of Frederick County Court sitting as a Court of Equity respectfully Sheweth That in compliance with the order of the Honourable the Judges aforesaid, the auditor after having duly examined the proceedings Composing this Cause proceeded to state the aforegoing account, In which he has allowed to the Trustee for his Expences as Commissioner being Examined by the Trustee, and also allowed the Costs of the Court and the then Balance of proceeds of Sale he has divided amongst the Heirs and proper representatives of the said Ignatius Jamieson Deceased allowing to Joseph Jamieson in his own right and by assignment four Shares, and off none, according to the rights of the parties interested as set forth in the Bill and proceedings Composing this Cause, all which is Respectfully Submitted to the Honourable the Judges aforesaid for Confirmation

Henry Sakley auditor Sept^r 24^th 1827.

order of Ratifica^{n}

(Whereupon the Court passed the following order of Ratification viz^{t} August Term 1827. Ordered by the Court that the aforegoing account, as stated and reported by the auditor, be & the Same is Hereby ratified and confirmed, and that the Trustee pay over the proceeds of Sale, as the Same has, or may be received to the parties respectively entitled to the same, according to the distributions in said audit made.

Abm^{m} Shriver Sept^{r} 27th 1827.

Test John Schley Clerk

Maryland Sct

At a County Court Sitting as a Court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the first Monday of January, in the year of our Lord Eighteen Hundred and Twenty four,

Present The Honourable Abraham Shriver Esq^{r} Associate Judge

Thomas Carlton Esquire Sheriff

and John Schley Clerk

In the record of proceedings of the said Court amongst others are the following to wit.

Bill

To The Honourable The Judges of Frederick County Court Sitting as a Court of Equity Humbly Complaining sheweth unto your Honours your orator John Ritchie of Frederick County Executor of the last will and testament of Thomas Beatty late of said County Deceased that the said Thomas Beatty in his life time being seized of a Considerable estate, made and Executed his last will and Testament, a true Copy whereof is Herewith Exhibited marked (No 1) and which your orator prays may together with all other Exhibits Hereafter to be made by him be taken and considered by your Honours as a part of this his Bill of Complaint and then read without having noticed or altered the same, that your orator as Executor and by virtue of said will on the 21st day of April in the year 1819 sold to a certain John Freyz one Hundred and Seven acres and Seven Eighths of an acre of Land part of the real estate of said Thomas Beatty deceased and which is Comprised in the notes and bounds particularly specified in the paper Herewith exhibited marked (No 2) That the said Freyz together with a certain Matthias Shrup as his Security, Executed and delivered to your orator their five Joint and Several notes under Seal for the payment of the purchase Money for said land Copies of four of which said notes are Herewith Exhibited marked No 3. No 4. No 5. & No 6 the originals being filed in Frederick County Court, and the fifth original note Herewith

Exhibited marked No 7 That the said notes not having been paid as they became due your orator instituted suits on them and recvd No 7 and obtained Judgments thereon in Frederick County Court Short Copies of which said Judgments accompany the Copies of said notes already Exhibited That your orator has had writs of fieri facias issued on some of said Judgments against said Freed to collect if practicable the amount thereof from him but he has been unable to do so the said writs being returned by the Sheriff Nulla Bona and the said Freed having no other property than the said land sold to him by your orator to satisfy said Judgments and which said land has never been conveyed to him by your orator the legal title thereto still remaining in your orator as aforesaid. your orator further represents unto your Honours that the said Matthias Shrup has lately died intestate leaving but a small personal estate greatly insufficient for the payment of his debts That letters of administration have been granted by the orphans Court of said County to Henry Shrup who died before he had fully administered and that letters of administration de bonis non are now granted to John P Curtis that the said Mathias at the time of his death was seized and possessed in fee of a considerable real estate as will appear by reference to the title papers of said Mathias Shrup. with exhibited marked No 8 No 9 No 10. your orator would here remark that although the deed No 9 purports to convey 340 acres the said Mathias sold off during his life time as much thereof as to reduce the quantity held by him to about forty acres That the said Mathias Shrup at the time of his death left as his children and to wit Henry Shrup, Barbara Shriver wife of Philip Shriver, Mary Freed wife of the said John Freed, Catherine Deberry wife of John Deberry, Elizabeth Shrup & Mary Magdalene Bateman wife of George Bateman, That since the death of said Mathias the said Henry Shrup has died intestate leaving a widow named Caroline and one child an infant named William Mathias Shrup, That the said Catherine Deberry has recently died leaving her said Husband and four infant children named Miranda, Mary Ann, William & Catherine the said Freed and wife and Bateman and wife reside out of the State of Maryland. your orator further represents unto

your Honours that the whole of said purchase money being due and unpaid, and the legal title to said land sold to said Freed not having yet been conveyed to him by your orator the said claims of your orator for the purchase money are liens on the same and it is liable to be sold by the order of this Court to pay said purchase money in preference to all other claims against said Freed. But notwithstanding the said preference of your orator he has been informed and believes and so states to your Honours that from the greatly reduced price of land throughout the country at this time, the said land will not sell for near as much as is due to your orator and that the only way in which your orator can get his said claims paid is by selling the said land, as also the real estate of said Matthias Shrub or so much thereof as may be sufficient to make up the deficiency. To the end therefore that the said land sold to said Freed as also the real estate of which said Matthias Shrub died seized and possessed may be sold under a Decree of this Honourable Court by a suitable Trustee to be appointed for that purpose and the proceeds of such Sale or Sales to be applied to the payment of your orators said claims and that your orator may have such other and further relief in the premises as the nature of his case may require may it please your Honours to grant to your orator an order of Publication against the said absent defendants notifying and requiring them to appear in this Honourable Court by a certain day to answer this Bill and to stand to and abide by such Decree as order in the premises as the Court shall deem and may it please your Honours to grant to your orator the States writ of Subpoena in the usual form to be directed to the said Philip Shriver and wife, Elizabeth Shriver, William Matthias Shrub Miranda Deberry, Mary Ann Deberry, William Deberry, Catherine Deberry, John Deberry and John R Curtis all of Frederick County, Commanding them to be and appear in your Honourable Court to answer this Bill on their oaths and to stand to and abide by such Decree as shall be passed in the premises and your orator will ever &c

Fred.k A Schley & Jn.o Nelson Sol.rs for Complainants

order of Publication

Whereupon the Court passed the following order of Publication viz

John Ritchie Exr of Roma Realty Deceased
vs
Philip Shriver & wife George Eckman & wife John Freed & wife & others

In Frederick County Court Sitting as a Court of Equity January Term 1845 The object of the Bill in this case is to obtain a Decree for the Sale of certain land which the Complainants sold to him as also a Sale of the real estate of Matthias Shrub late of

Frederick County Deceased the Bill states that John Frush one of the Defendants purchased from the Complainant 107 acres 1/8 of an acre of land and gave his five notes under hand with said Matthias Shrup as his Security for the payment of the purchase money that all the purchase money is still due that John Frush is unable to pay it. that Matthias Shrup is Dead intestate and his personal estate insufficient to pay it that it will be necessary to sell his real estate together with said 107 1/8 acres to pay said Debt for the purchase money that the said Eckman and wife and John Frush and wife are two of the heirs of said Matthias the said Wives being Children of said Matthias and that they both reside out of the State of Maryland It is therefore this 21st day of January 1825 by the Court ordered that the Complainant by Causing a Copy of this order to be inserted in the Citizen Publisher in Frederick for three successive weeks before the 20th day of February next give notice to the said absent Defendants to be and appear in this Court in person or by a Solicitor on or before the first day of June next to answer this Bill and to shew cause if any they have why a Decree should not be taken as prayed Attest Shriver Clerk 21st 1825.

Exhibit No 1 Exhibit No 1 referred to in the within Bill of Complaint Contained in the following Words viz

Thomas Beatty Deceased Extract from Deceased will whereas in order to the due fulfilment of my desire in the above Request it is necessary that my Executor should have the power given to sell all my estate, as well real as personal, It is therefore my will and desire that my Executor hereinafter named shall sell and dispose of all my estate both real and personal as well that which is situate in this State as elsewhere in the United States at such time or times, place or places and in such way and manner either for Cash or Credit as in his Judgment shall appear most advantageous having an as touching the personal property the Sales thereof shall take place within one year after the same shall have Come into his hands and the credit thereof not to exceed one year from such Sales and as to the Sales of the real property the Sales thereof shall be accomplished within five years from my Decease and the credit thereof not to exceed five years from the date of such Sale and then upon annual divisions thereof according

To the discretion of my said Executors and for which purpose as aforesaid I Hereby grant to my Executors Hereinafter named the power to make and or Conveyances grant acquittances and releases and all other matters and things touching the Sale or Sales of my Land Hereditaments Houses and appurtenances and all other of my property necessary to be sold, to collect all my debts and settle all my accounts, to the compleat Settlement of my Estate in as full and ample a manner as I myself could or might do or Have done and I alone and personally present and lastly I do Hereby Constitute and appoint my friend and Son in Law John Ritchie of Frederick County to be Sole Executor of this my last will and Testament, revoking and annulling all former wills by me Heretofore made ratifying and Confirming this and none other to be my last will and Testament. In Testimony Whereof I Have Hereunto set my hand and affixed my seal this Twenty eight day of December in the year of our Lord Eighteen Hundred & ten.

Thos Beatty (Seal)

State of Maryland Frederick County to wit I do Hereby Certify that the foregoing is a true Extract taken from the last will and Testament of Thomas Beatty late of Frederick County Deceased recorded in Liber A S No 1 Folios 150. 151. 152. 153. & 154. In Testimony Whereof I Have Hereunto set my Hand and affixed the Seal of office this 12th day of July 1824. Henry Steiner Regr of Wills for Frederick County Maryland

(Seal)

Exhibit No 2

(Exhibit No 2)

John Ritchie as Executor of Thomas Beatty Deceased upon Condition of a Compliance with the Terms of Sale thereof sold to John Frost on 21st April 1819 all that Part of a Tract of Land Belonging to the Estate of said Deceased Conformable to a Certificate of Survey made thereof by John Woodward Esqr Surveyor of Frederick County dated 20th May 1818 being Situate in Frederick County in the State of Maryland Called Town Tract and which is bounded within the following metes and bounds viz Beginning for the same at the end of the Eleventh line of a Tract of Land called Fountain Rock which is also the end of the Twenty Eight line of Town Tract and running thence with the Twenty ninth line of Town Tract North fifteen Degrees East one Hundred Perches thence with the given line of Town Tract North Seventy five Degrees East ninety four and one Half Perches to a Stone planted in the great road leading from Creagers Town through Harmans Gap thence leaving said given line South fifty two degrees East one Hundred & twenty nine Perches to a Stone planted in the middle

of said road, at the end of the fourth line of that part of said Land called Town Tract which was laid off therefrom as a Seperate Lot then with the old lines thereof runing then following Courses and distances viz South Seventy four Degrees fifty six minutes West One Hundred and Ninety two perches and two tenths of a perch to a Stone planted, South thirty seven and three quarter Degrees East fourteen perches and four tenths of a perch to a Stone planted South fifty seven Degrees West thirty perches and two tenths of a perch to a Stone planted at the end of forty perches on the Eleventh line of the aforesaid Tract of Land called Fountain Low, then with the twelfth line thereof runing North twenty five degrees West forty perches to the aforesaid head of Beginning containing One Hundred and seven acres and seven eighths of an acre of Land.

Exhibit No 3

(Exhibit No 31

£489.49. Frederick County ss On or before the first day of December next meaning the date hereof we or either of us promise to pay to John Ritchie Executor of Thomas Beatty Deceased or order his Heirs or assigns, the sum of four Hundred and Eighty nine Dollars and forty nine cents Current money with Interest from the date for Value received Witness our Hands and Seals the twenty first day of June Eighteen Hundred and nineteen

Witness John Head. John Frey [Seal] Matthias Schrupp [Seal]

John Ritchie vs John Frey & Matthias Schrupp.

No 931 Trials in Frederick County Court October Term 1821. 24th October 1821 Judgt for 489 49 cts No Dr and 1000 Costs Dr the Release the Dr on pay Interest on Debt from 21st June 1819 until said Costs be paid 23 cts 1 61 cts

Test John Oakley Clerk.

Subpoenaed. Issued ss to lie in the office 2d Issued to lie in the office no 373 June 1824

Exhibit No 4

(Exhibit No 41

£489.47 Frederick County ss On or Before the Twenty first day of April Eighteen Hundred and Twenty we or either of us promise to pay to John Ritchie Executor of Thomas Beatty Deceased or order his Heirs or Assigns the sum of four Hundred and Eighty nine Dollars and forty seven cents Current money with Interest from the Twenty first day of April Eighteen Hundred and nineteen said Interest to be paid annually for Value Received Witness our Hands and Seals the twenty first day of June Eighteen Hundred and nineteen.

Witnesses Inchead
John Ritchie
vs
John Freese and
Mathias Shrupp

No 1099 Trials in Frederick County County Court October Term 1822. M Shrupp death Sugd 30 October 1822 Judy vs I Freese for $489.47 Current Money debt and 2000$ Cu Money Damages Hearts release the Damages but to Interest on Debt from 21 April 1819 until said Costs of 13⅞ ats 1$.

Cont. agt Shrupp
assm. Henry Shrupp
app. to MC 1823 and
his death Sugd. ao 06
1823 and Cont. I R
Curtis assm. D R St
app. MC 1824 & Cont. to
MC 1824 & Cont. to FC 1825

John Freese (Seal)
Mattijah Young (Seal)

Exhibit No 5

(Exhibit No 5)

$489.47 Frederick County ss We or Either of us Promise to pay to John Ritchie Executor of Thomas Beatty Deceased or order His Heirs or Assigns the sum of four Hundred and Eighty nine Dollars and forty seven Cents Current Money with Interest from the twenty first day of April last past the Interest to be paid annually for Value received Witness our Hand and Seals the twenty first day of June Eighteen Hundred and nineteen.

Witness John Read

John Freese (Seal)
Mattijah Young (Seal)

John Ritchie
vs
John Freese &
Matthias Schrupp

No 1100 Trials in Frederick County Court October Term 1822 M Schrupps death Sugd 30 October 1822 Judy vs I Freese for 489$47 Current Money debt and 2000$ Cu Money Damages Hearts released the Damages but to pay Interest on Debt from 21 April 1819 till said Costs of 13⅞ ats 1$.

Cont. agt Schrupp & Sub
for assm. Henry Schrupp
assm. app. MC 1823 his
death Sugd. ao 06 1823 and John R Curtis assm. D R St app. to MC 1824 and Cont. to MC 1824 and to FC 1825.

Test John Schley Clerk

Exhibit No 6

(Exhibit No 6)

$489.47 Frederick County ss We or Either of us Promise to pay to John Ritchie Ex. of Thomas Beatty Deceased or order his Heirs or Assigns the sum of four Hundred and Eighty nine Dollars and forty seven Cents Current Money with Interest from the twenty first day of April Eighteen Hundred and nineteen said Interest to be paid annually for Value Received Witness our Hands and Seals the twenty first day of June Eighteen Hundred and nineteen.

Witness
Inchead

John Freese (Seal)
Mattijah Young (Seal)

John Ritchie
vs
John Fraus Surv.
oblig. Mathias Schrupp

No. 1165 Trials in Frederick County
Court October Term 1823. 29 Oct
1823 Jury for 489.47 Currt
money Debt & 1000 £ Currt money
Damages & Costs. The Damages to be released on pay
Interest on Debt from 21 April 1819 until paid Costs
7 £ 2/6 & 1/2 Sheff returned sealed Rule to Sh, 1824. Nov 2nd.
Issue. Test John Talley Clerk.

Exhibit No 7

Exhibited No 7

£489.47 Currt on or before the Twenty first day of April
Eighteen Hundred and Twenty three we or either of us
promise to pay to John Ritchie Executor of Thomas
Beatty Deceased or order his Heirs or Assigns the
sum of four Hundred and Eighty nine Dollars and
forty four cents. Currt money with Interest from
the twenty first day of April last past, the Interest
to be paid annually for Value Received, as Witness
our Hands and Seals this twenty first day of June
Eighteen Hundred and nineteen.

Witness In Head

John Fraus (Seal)
Mathias Schrupp (Seal)

Exhibit No 8

Exhibited No 8

This Indenture made the fourth day of May Seventeen
Hundred and ninety seven Between Thomas Beatty of
Frederick County and State of Maryland of the
one part and Mathias Schrupp of the County and State
aforesaid of the other part Witnesseth that the said
Thomas Beatty for and in consideration of one
Hundred and Two acres of Land called the third
addition to the meeting on Fountain Low as will
appear by deed from said Schrupp to said Beatty
recorded in the Record of Frederick County aforesaid
Bearing date on or about the thirty first day of
December last past as also sixty seven acres of land
that he bought of Henry Griffith of Montgomery
County and State aforesaid being parts of Two tracts
of Land called Lucks Friendship and the fourth
Dividend which was Deeded by the Executors of
the said Henry Griffith named Philemon & Joshua
Griffith and recorded in the record aforesaid the
deed bearing date about the thirty first day of
December Last past as also for and in Consideration
of one Hundred pounds Currt money to him in hand
paid which the said Thomas Beatty paid for said
Mathias Schrupp to the aforesaid Philemon & Joshua
Griffith and to Henry Griffith in his life from said
Schrupp and the above one Hundred pounds Currt

Money being since said Thomas Beatty by the aforesaid Mathias Schrup the receipt Whereof the said Thomas Beatty doth hereby acknowledge Hath granted Bargained and Sold aliened and confirmed and by these presents doth grant Bargain and sell alien and confirm unto the said Mathias Schrup his Heirs and assigns forever part of a Tract of land called The Reserve on Joseph Friendship part of the fourth Dividend part of the third addition to the Reserve on Fountain Low and part of a tract of land called The Lower Tract Beginning for the out lines of the whole of said parts of Tract of Land as aforesaid at a Stone planted at the end of one Hundred perches on the twelfth line of a tract of Land called Friendship Belonging to Thomas Fleming and others and running thence North Sixty five and a half Degrees East ninety Eight perches to a Stone South Twenty four Degrees East Sixty four perches to a Stone South Two Degrees East thirty seven perches to a Stone South Twenty nine Degrees East Sixty perches to a Stone North Sixty two and a Half Degrees East thirty perches to a Stone South fifty Eight Degrees East forty one and a Half perches to a Stone South Twenty five and three quarters Degrees West forty three perches to a Stone South Sixteen Degrees East thirteen perches to a Stone South fifty Degrees West one Hundred perches South seven and a Half Degrees East forty two perches to a Stone planted at the end of three Hundred and thirty four perches on the aforesaid Twelfth line of Friendship and with said line reversed to the first Beginning containing one Hundred and Sixty acres of Land more or less as also one other tract of Land called Extension Beginning for said Land at a Stone planted at the end of the fifth line of a Tract of land called The fourth Dividend and running from thence South thirty nine Degrees East four perches to a Stone standing at the end of Five Hundred and Seventy four perches on the Eleventh line of a tract of Land called The Reserve on Lilly's Low then North fifty Degrees East ninety Seven and a Half perches to the Twelfth line of a tract of Land called The Reserve on Joseph Friendship then North Sixteen Degrees West four perches then with a Straight line to the Beginning containing five and three quarters acres of Land more or less the whole amount of the above mentioned Lands being one Hundred and Sixty five and three quarters acres more or Less all Lying in Frederick County and State aforesaid with the appurtenances to the said Lands Belonging or in any wise appertaining and all the Estate right title Interest claim & demand

whatsoever of him the said Thomas Beatty of in and to the said Lands and premises and every part thereof To Have and to Hold the said Lands and premises with the appurtenances unto the said Mathias Schrup his Heirs and assigns and to the only proper use and behoof of the said Mathias Schrup his Heirs and assigns forever and the said Thomas Beatty for himself and his Heirs the said Lands and premises and every part and parcel thereof against him and his Heirs and against all and every other person or persons claiming by from or under him shall and will warrant & forever defend by these presents and lastly that he the said Thomas Beatty and his Heirs shall and will at any time hereafter execute any other Deed or Deeds conveyance or conveyances assurance or assurances in the law whatsoever for the more perfect granting conveying and assuring the lands and premises aforesaid with the appurtenances unto the said Mathias Schrup his Heirs and assigns forever as by the said Thomas Beatty his Heirs and assigns or his or their Council Learned in the law shall be Reasonably advised and required provided the same be at the proper costs and charges of the said Mathias Schrup his Heirs and assigns. In Witness whereof the said Thomas Beatty hath hereunto set his hand and affixed his seal the Day and year first above written.

Signed Sealed & Delivered
in the presence of
W Winchester, Mich'l Royer.

Tho Beatty Seal

Frederick County State of Maryland May fourth Seventeen Hundred and ninety Seven Came the within named Thomas Beatty Before us two of the Justices of the peace for the County aforesaid and acknowledged the within Instrument of writing to be his act and deed and the Lands and premises within mentioned to be the right and estate of the within named Mathias Schrup his Heirs and assigns forever according to the acts of assembly in Such case made and provided at the same time came Jane Beatty wife of the said Thomas Beatty and being privately Examined out of the hearing of her said Husband Relinquished her right of Dower of in and to the within mentioned Lands unto Mathias Shrup his Heirs and assigns and acknowledged she did the same freely and willingly and that she was not

Compelled thereto by reason of her said Husband or for fear of his displeasure.

acknowledged Before { R. Winchester,
Mich[l] Bayer,

Exhibit No 9.

Exhibit No 9.

This Indenture made this Twenty first day of March in the year of our Lord one thousand eight Hundred Between George Calvert Esquire of Prince Georges County and State of Maryland of the one part and Matthias Shrope of Frederick County of the other part Witnesseth. that the said George Calvert for and in consideration of the sum of two Hundred and fifty five pounds Current money. to him in Hand paid. by the said Matthias Shrope, the receipt whereof the said George Calvert doth Hereby acknowledge. He the said George Calvert doth granted. bargained and sold. aliened and confirmed and by these presents doth grant bargain and sell, alien Confirm unto the said Matthias Shrope his Heirs and assigns forever all that tract or parcel of Land lying and being in Frederick County aforesaid, being part of the Mountain Tract, and distinguished by Lot. Number Two "Beginning for said part at the end of four Hundred and thirty perches on the Twenty eighth line of said land and running thence South thirty Degrees West one Hundred perches to a locust post at the Beginning of Lot Number 6. part of said Mountain Tract laid off for the Representatives of John Davidson, and sold to James Johnson, then with the Sixth line of said Lot reversed South Eighty two Degrees East four Hundred and seven perches to a Locust post then North twenty two Degrees West fifty perches to a marked Chesnut Oak Sapling, at a corner of Henry Fraley's part of said land and with said part two courses. North forty one Degrees East thirty two perches South forty Seven Degrees East two Hundred & Seventy six perches to the end of the Sixth line of Isaac Wellers part of said land and with it reversed two courses North Eighteen Degrees East thirty perches, North thirty five Degrees East one Hundred and fifty Eight perches then North Eighty three Degrees West forty three perches to the end of forty seven perches on the fifteenth line of that tract of land called Vine garden and with said line South twenty Eight Degrees West fifty perches to the end thereof then with the seven line North twenty eight and a Half Degrees West twelve perches to the end of the South Seventy five Degrees East two Hundred and forty Eight perch line as run by William Ballinger as the dividing line of Henry Beamers part of the Mountain Tract aforesaid and with it reversed North Seventy five degrees West two Hundred and forty Eight perches to a Spanish Oak tree marked with nine notches

And two Hogs Head South thirty degrees West forty perches
thence by a Straight Line to the first Beginning containing
three hundred and forty acres of Land more or less
Together with the appurtenances to the Lands above
mentioned. Belonging or any ways appertaining and
all the Estate, right title interest, Claime and demand
whatsoever of him the said George Calvert of in and
to the said Land and premises and every part thereof
To Have and to Hold the said Land and premises with
the appurtenances unto the said Matthias Sharpe his Heirs
and Assigns to the only proper use and Behoof of the said
Matthias Sharpe his Heirs and Assigns forever. And the said
George Calvert for him and his Heirs, the said Land
and premises and every part and parcel thereof against
him and his Heirs and against all and every other
Person or Persons Claiming by from or under him
shall and will warrant and forever defend by these
presents and lastly that he the said George Calvert and
his Heirs, shall and will, at any time hereafter Execute
any other Deed or Deeds, Conveyance or Conveyances,
Assurance or Assurances in the Law whatsoever, for
the more perfect granting, Conveying and assuring
the Land and premises above mentioned, with the
appurtenances unto the said Matthias Sharpe his Heirs
and Assigns forever, as by the said Matthias Sharpe
his Heirs or Assigns or his or their Counsel, learned
in the Law, shall be reasonably advised and required
Provided the same be at the proper Costs and charges
of the said Matthias Sharpe his Heirs or Assigns. In
Witness Whereof the said George Calvert Hath Hereunto
Set his Hand and affixed his Seal the day and year
first above written,

Signed Sealed & Delivered
in presence of
Daniel Dorsey, Francis B Sappington,

Geo Calvert Seal

Frederick County to wit On the 31st day of March 1700
came George Calvert Esquire before us the Subscribers
Two of the Justices of the Peace for the County aforesaid
and acknowledged the within Instrument of writing
to be his act and Deed and the Land and premises
therein described to be the right Interest and Estate
of the within Named Matthias Sharpe his Heirs and
Assigns forever according to the true intent and
meaning thereof and the act of Assembly in such case
made and provided.

acknowledged Before Daniel Dorsey
Francis B Sappington,

(Exhibit No 9)

Exhibit No 10

The State of Maryland To all persons to whom these presents shall come Greeting. Know ye that whereas Thomas Beatty of Frederick County had Surveyed and laid out for him a tract or parcel of land called Addition to Expensive lying in the County aforesaid and containing three acres by virtue of a certain Part of a Special Warrant for fifty acres obtained by him out of the Western Shore Land office the twelfth day of December Seventeen Hundred and ninety six as appears, That the said Thomas Beatty by and assignment dated the ninth day of May Seventeen Hundred and ninety seven transferred and made over all his right Title claim and Interest of in and to the said Land unto Matthias Schnupp of Frederick County who hath since paid to the Treasurer of the Western Shore the Sum of six Shillings Current money according to Law The State of Maryland doth therefore Hereby grant unto him the said Matthias Schnupp the said tract or parcel of Land called Addition to Expensive lying and being in Frederick County aforesaid Beginning at the end of the fifth line of a tract of land called The fourth dividend and running thence with said land North fifty Degrees East one hundred and four and a quarter perches to the twelfth line of a Tract of land called The Resurvey on Lophi Friendship and with it reversed South Sixteen degrees East nine and a Half perches to the end of the third line of a tract of land called Expensive then with a Straight line to the first Beginning containing three acres of land according to the Certificate of Survey thereof taken and returned into the Land office bearing date the Sixteenth day of January Seventeen Hundred and ninety seven and third remaining together with all rights profits, Benefits and privileges thereunto Belonging To Have and to Hold the said unto him the said Matthias Schnupp his Heirs and assigns forever. Given under the great Seal of the State of Maryland this Twenty ninth day of November Seventeen Hundred and ninety seven. Witness The Honourable Alexander Contee Hanson. Esquire Chancellor

(Seal)

Order for Commission

Whereupon the Court hoped the following order for Commission viz.

John Ritchie Exr of Thomas Beatty Deceased
vs
Philip Shriver & wife and others

In Frederick County Court Sitting as a Court of Equity January Term 1825 Ordered, by this Court

A Commission be issued to Jacob Frizo to appoint a proper person to take the answers of the infants in the above case Mary Shriner Feby 5th 1825.

Whereupon in pursuance of the above order the following Commission issued viz.

Comm.n

Maryland ss The State of Maryland. To Jacob Frizo of Frederick County greeting Whereas John Ritchie Executor of Thomas Neatly Deceased Hath lately exhibited his Bill of Complaint before us in our County Court as a Court of Chancery against Philip Shriner & Wife George Eakman & Wife & John Frazer & Wife and others Defendants and whereas we Have, by our writ, lately commanded the said Defendants to appear Before us in our said Court as a Court of Chancery, at a certain day now last to answer the said Bill but for as much as the said William Mathias Shriner, Miranda Dubarry, Mary Ann Dubarry William Dubarry & Catharine Dubarry are infants under age and cannot answer the said Bill nor defend this suit, without having a Guardian assigned in that behalf. Know ye therefore, that we have given unto you full power and authority in pursuance of the Statute in our said Court, to assign and appoint a guardian for the aforesaid Infants, and to take the answer of the said Infants by such Guardian to the said Bill and therefore we command you, that at such certain day and place as you shall think fit you go to the said Defendants if they cannot conveniently come to you, and assign and appoint a guardian for the aforesaid infants, and take the answers of the said Infants by such Guardian, to the said Bill on such Guardian's corporal oath upon the Holy Evangely to be administered by you, the said answers, being distinctly and plainly writ and when you shall have so taken the said answers you are to enclose the same closed up under your Seal together with your certificate of your having assigned and appointed such guardian as aforesaid and this writ, unto us, in our said Court Witness the Honorable John Buchanan Esquire Chief Judge of our said Court the 2d day of August Anno Domini 1824 Test John Schley Clerk.

Whereupon the following Answer and Certificate of the Infant Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz.

Infants answer

The Joint and Separate answer of William Mathias

Shupp, Miranda Dubarry, Mary Ann Dubarry, William Dubarry and Catherine Dubarry, Infants under the age of twenty one years, by Geo. Hale their guardian to the Bill of Complaint of John Ritchie Executor of Thomas Beatty Deceased the said infants by their guardian, admits the several matters and things set forth in said Bill of Complaint and pray that such decree may be made in this cause as may be consistent with equity and a good conscience. Hoping that as they are infants this Honorable Court will regard their Interests Geo. Hale. Guardian to the above named Infants. Frederick County State of Maryland to wit On this 2d day of March in the year Eighteen Hundred and Twenty four personally appears Geo. Hale before me the Commissioner named in the Commission for that purpose issued from Frederick County Court Sitting as a Court of Chancery and makes Oath on the Holy Evangely of Almighty God that the several matters stated in the above answer are true as stated to the best of his knowledge.

Jacob Frick Commissioner

To the Honorable the Judge of Frederick County Court Sitting as a Court of Chancery I the Commissioner named in a Commission issued from said Court Sitting as a Court of Chancery in a Cause in the said Court depending Between John Ritchie Complainant and Philip Shriver & wife, Geo. Coleman and wife, John Frick and wife & others, defendants, do Hereby Certify that by virtue of the said Commission Herewith enclosed. I Have appointed and appointed Geo. Hale guardian for the said infants therein named and Have taken the answer of said Infants, by their said guardian in writing, upon his corporal Oath, to the Bill in said Commission recited which I Herewith send enclosed. In Witness whereof I Have Hereunto Subscribed my name and affixed my Seal. this 2d day of March 1825. Jacob Frick (Seal)

Answer of Philip Shriver & others

Thereupon the following Answer was filed viz

The Joint and Seperate answer of Philip Shriver & Wife, Elizabeth Shupp, John Dubarry and John R Cuttis, Defendants to a Bill of Complaint, filed in Frederick County Court Sitting as a Court of Equity, by John Ritchie Complainant. These Defendants in answering said Bill of Complaint so as much as they are advised it is material for them to answer, in answering say that they admit the several matters and things therein stated to be true, as stated and these Defendants are willing a Decree should pass giving to the Complainant the relief prayed by said Bill and these defendants pray to be Hence Dismissed with their Costs in this behalf Sustained & Philip Shriver.

Mary Barbara Shriner, John Delaney John R Curtis Elizabeth Shrupp, Maryland Frederick County to wit on the 19th day of February last appeared Philip Shriner and Mary Barbara his wife on 25th of said Month John Delaney on the 26th John R Curtis and this day appeared Elizabeth Shrupp Before me the Subscriber a Justice of the Peace for the County aforesaid and made oath on the Holy Evangely of Almighty God that the several matters stated in the above answer are true to the best of their knowledge and information Given under my Hand this 2d day of March 1825. Sworn Before Jacob Fiery.

Answer of John Freed & Mary Freed

Whereupon the following answer was filed viz The Joint and Separate answer of John Freed & Mary his Wife Defendants to a Bill of Complaint filed in Frederick County Court. Sitting as a Court of Equity by John Ritchie Executor of Thomas Beatty Complainant these Defendants in answering said Bill of Complaint or as much as they are advised it is material and hoped for them to answer, say that they admit the several matters and things therein stated to be true as stated and these defendants are willing & Desire shall have giving to the Complainant the relief prayed by said Bill these defendants pray to be hence dismissed with their costs in this behalf sustained &c. John Freed, Mary Freed

Executed County ohio to wit on this 12th day of March in the year Eighteen Hundred and twenty five personally appears Before me the Subscriber a Justice of the Peace for said County. John Freed and Mary his wife and makes oath on the Holy Evangely of Almighty God, that they several matters stated in the above answer are true as stated to the best of their Knowledge and belief.

Sworn to Before Sam[uel] Clarke Justice of the Peace

Answer of Geo Eckman and wife

Whereupon the following answer was filed viz The Joint and Separate answer of George Eckman & Mary Magdalena Eckman, his wife, Defendants to a Bill of Complaint filed in Frederick County Court. Sitting as a Court of Equity. by John Ritchie Executor of Thomas Beatty. Complainant These Defendants in answering said Bill of Complaint or as much as they are advised it is material and hoped for them to answer, say that they admit the several matters and things therein stated to be true as stated and these defendants are willing & Desired shall have giving to the Complainant the relief prayed by

Said Bill and these Defendants pray to be hence dismissed with their Costs in this Behalf Sustained &c
Test W.H. Bishop. George Eckman Junr. Mary her + Magdalena Eckman mark
I agree that the within answer shall be received and acted upon in the same manner as if it had been regularly sworn to and waives all objections to the same. Fredk. A. Talley
Solr. for Complt.

Decree Whereupon the Court pass the following Decree viz
John Ritchie Esqr. } In Frederick County Court Sitting as
Thomas Beatty decd. } a Court of Equity February Term 1845
vs } This cause standing ready for a hearing
Philip Shines & Wife } and being submitted, the bill answer
George Eckman & Wife } Exhibits and all other proceedings
John Fries & Wife } here by the Court read & Considered
and it appearing reasonable that the relief prayed should be granted It is therefore this fourteenth day of April in the year Eighteen Hundred and twenty five by the Court as a Court of Equity, adjudged, ordered and decreed that the real property mentioned in said Bill, be sold, that Jacob Fries be and he is hereby appointed the Trustee to make said Sale and the bond and manner of his proceedings therein, shall be, as follows He shall first give his bond with the Clerk of this Court Executed by himself and Sufficient Sureties to be approved by this Court, in the penalty of ten thousand Dollars and conditioned for the faithful performance of the Trust reposed in him by this decree, or which may be hereafter be reposed in him by any future decree or order in the premises. He shall then proceed to sell the said land at Public Sale after having given at least three weeks notice in some newspaper printed in Frederick Town of the time, place and terms of Sale, which shall be, that the purchaser pay one half of the purchase money in hand or at the ratification of the Sale, and give his note with Security for the payment of the residue in twelve months thereafter, with interest from the day of Sale The Trustee as soon as convenient after the Sale shall return to this Court an account of his proceedings, with an affidavit of the truth thereof & of the fairness of the Sale annexed. He shall also hold the money when collected subject to the further order of this Court and on obtaining this Courts ratification of the Sale, and on the receipt of the whole purchase money and not before the Trustee shall by a good and Sufficient Deed to be executed, acknowledged and recorded, according to law, convey to the purchaser or purchasers, and his, her, or their Heirs the land to him, her or them, sold free, clear and discharged from

All claims of the Defendants and Complainants in this behalf and the money when collected by said Trustee to be applied under the direction of this Court after deducting therefrom the costs of this suit, and such Commission to the Trustee as this Court shall think proper to allow. Attest Abm. Shriver.

Trustees Bond

Whereupon the following Bond was filed Endorsed Approved Abm. Shriver" viz

Know all men by these presents that we Jacob Fries, Daniel Rouzer Senr, and Jacob Wilson Rl of Frederick County and State of Maryland are held and firmly bound unto the State of Maryland in the just and just sum of Four Thousand Dollars Current money to be paid to the said State or its certain Attorney to which payment well and truly to be made and we we Bind ourselves our Heirs Executors and administrators Jointly and severally firmly by these presents Sealed with our Seals and dated this Second day of May 1825 Whereas Jacob Fries by virtue of a Decree of Frederick County Court Sitting as a Court of Equity has been appointed Trustee to Sell the real Estate of Mathias Shrupp Deceased, and John Freese for the payment of their debts and other purposes mentioned in said Decree Now the condition of the above obligation is such that if the above Bounden Jacob Fries do and shall well and faithfully perform the Trust reposed in him as Trustee, aforesaid by the said decree or that may be reposed in him by any future Decree or order in the premises then the above obligation to be void otherwise to be and remain in full force and virtue in law &

Signed Sealed & Delivered in the presence of Martin Rouzer

Jacob Fries (Seal)
Daniel Rouzer (Seal)
Jacob Wilson Rl (Seal)

And the said Cause is standing Continued from Term to Term until August Term 1825 the Trustee made the following Report viz

Trustees Report

To the Honorable the Judges of Frederick County Court Sitting as a Court of Equity In pursuance of a Decree of your Honorable Court bearing date 14th April 1825 I was appointed Trustee to sell certain real Estate of Mathias Schrupp deceased and a certain John Freese, in said decree mentioned first filing with the Clerk of your Honorable Court a Bond with approved Securities which was accordingly done I report that I have complied with the order Contained in said decree with the exception of

The payments which you rated thought advisable in order to effect more advantageous Sales of said real Estates to change / instead of one Half of the purchase money in Hand on an' ratification of the Sale, and the other in twelve Months from said day of Sale with Interest / to the one third in Hand on the ratification of the Sale and the residue in two equal annual payments from the day of Sale, that I caused all the said real Estates to be duly advertised for Sale at public auction in one of the news. papers printed in Frederick Town. that agreeable to said advertisement I did attend on the fourth day of August last at Sangers Town, and did then sell the real Estate of John Frey. Consisting of one Hundred and Seven 6/8 acres. of land to John Ritchie agent for Wm. Parkinson who was the highest bidder and became the purchaser of the same at the price of Five Hundred Dollars for the said Tract of 107 6/8 acres I also sold on said day at the place a part of the real Estate of Mathias Schrupp Deceased being the Mountain land of said Shrupp Deceased containing Thirty three and an Half acres of land, to a Certain Joseph Eichelberger who was the Highest bidder and Became the purchaser thereof at the price of Five Dollars & acre and not being able at that time to effect a Sale of the residue of the real Estate of said Deceased advantageously, I caused the Sale to be postponed until the 13 th day of the same Month / August 1825 / at which Said day I attended as aforesaid & effected a Sale thereof Consisting of one Hundred and Sixty eight and 3/4 acres of land, to John Ritchie agent for Amos Simmons. John D Scott. Abraham Simmons and John Beatty at the rate of Five Dollars and ninety Cents & acre I further report that for all of the aforementioned Sales. I have taken notes with approved Security for the same the whole amount of Sales I Report at 1663 / 12/ all which is with respect submitted to this Honourable Court by Jacob Frey Trustee.

Maryland Frederick County to wit on this 24 day of October 1825 came Jacob Frey the within named Trustee Before me the Subscriber one of the Justices of the Peace for said County and makes Oath on the Holy Evangely of Almighty God that the several matters and things therein Stated by him in the aforegoing report are true to the best of his knowledge and belief.

Sworn Before George Rohr.

order of publication

Whereupon the Court passed the following order of Publication viz. October 26 th 1825.

John Ritchie Exr
Thomas Reatty Deceased
vs
Philip Shriver & wife
and others

In Frederick County Court as a Court of Equity August Term 1825 ordered that the Sales made and reported by Jacob Fries Trustee for the Exr of the real Estate of Mathias Schrupp late of Frederick County Deceased and a certain John Fries be ratified and confirmed unless Cause be shewn to the Contrary on or Before the thirtieth day of November next provided a Copy of this order be inserted in the Republican & Citizen once in each of three successive Weeks Before the said thirtieth day of November next. The Report States the amount of Sales to be one Thousand Six Hundred and Sixty three Dollars and twelve and a half cents.

Abm Shriver. Th Buchanan.

Whereupon the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz

Printers Certificate

I Hereby Certify that the annexed advertisement was published in the Citizen for three successive Weeks Before the 30th day of November 1825. Gyl Sharp.

Whereupon the Court passed the following order of Ratification viz

order of Ratification

In Frederick County Court as a Court of Chancery August Term 1825 ordered that the Sale made and reported by the Trustee of the Estate of Mathias Schrupp Deceased and a certain John Fries be ratified and confirmed, no Cause to the Contrary having been shown altho, notice thereof appears to have been given according to a former order of this Court The Trustee is allowed for his Commission and Expenses Ninety dollars and Twenty Cents The Auditor is directed to State and account Returned said estate and Trustee and report the Same. Abm Shriver. Dec 14th 1825.

And the said Cause is standing Continued to January Term 1826 the following Petition was filed viz

Petition of John Ritchie

John Ritchie Exr.
Thomas Reatty Deceased
vs
Philip Shriver & wife
George Eckman & wife
John Fries and others

No 604 in Frederick County Court Sitting as a Court of Equity The Petition of John Ritchie the Complainant in the above Case respectfully sheweth to the Honorable the Judges of Frederick County Court Sitting as a Court of Equity that the Land Decreed to be sold in the above Case to Satisfy the Claims of the

Complainant has been sold by the Trustee appointed for that purpose and has produced a sum greatly insufficient to pay the same as will appear by reference to the trustees Report filed among the proceedings in said case and to which your Honours are respectfully referred and of which proceedings your Petitioner prays that this his petition and all the proceedings thereon may be taken and considered by your Honours as a part. your Petitioner further states to your Honours that in addition to the land mentioned in said proceedings your petitioner sold to said John Frey, at the same time he sold said land to him, fifteen lots of ground lying in Bruners Town in Frederick County to wit Lots Nos 103, 104 & 105 on the east side & fronting the main street in said Town Nos 102, 113, 114 & 115 on the South Side and fronting on Second Street and Nos 116, 117, 118 119, 120, 121, 132 & 133 on the West side and fronting on North Street with the buildings and improvements thereon for the sum of Six Hundred Dollars and which said sum of Six Hundred Dollars formed a part of the consideration of the notes marked Exhibits Nos 3, 4, 5, 6 & 7 in your petitioners said original Bill your petitioner further states to your Honours that he has never yet Conveyed said lots of land to said John Frey and states retains his lien as vendor on the same for said purchase money your petitioner therefore prays your Honours to pass an order directing said Trustee to sell the said lots and to bring the purchase money into your Honourable Court to be applied to the payment of the said claims of your petitioner as set forth in his said original Bill & the proceedings thereon and he prays that an order of publication in the usual form against non residents may be granted against said John Frey living at this time in the State of Ohio Commanding him to be and appear in your Honourable Court by a certain day to be therein named to shew cause if any he has why a Decree should not pass as prayed & may it please your Honours to grant to your petitioner such other and further relief in the premises as the nature of his case and Justice and Equity may require

Fred^k A Schley. Jn^o Nelson Sol^r for Pet^r

And the said cause as standing continued to February Term 1826 the Court passed the following Decree viz^t

Decree

John Ritchie Ex^r
Thomas Beatty Ex^r &c } vs } John Frey

In Frederick County Court Sitting as a Court of Equity February Term 1826

The aforegoing petition and with the Exhibits. The same to the cause by Frey and all the proceedings referred to being submitted

To the bond and the same being read by the Court and it appearing reasonable that the relief prayed should be granted It is thereupon this 19th day of April 1826 by the Court adjudged ordered and decreed that the property mentioned in said petitions be sold by said Prior the Trustee heretofore appointed to and the property mentioned in the proceedings referred to in said petition and the said Trustee should give the like notice and in all respects proceed in making said Sale in like manner and on the same Terms specified in the Decree passed by this Court on the 14th day of April 1825 in the said No. 604 referred to by said Petition and after making said Sale he shall report the same under Oath to this Court for ratification and shall hold the money arising from such Sale subject to the further order of this Court and after the ratification of said Sale and payment of all the purchase money and not before the Trustee shall by a deed to be executed by him and recorded according to law convey to the purchaser or purchasers of said property purchased by him her or them free clear and discharged from all claim of the petitioner & the defendants and those claiming by from or under them or either of them. Adm. Shriver.

Answer of Jno. Frey

Whereupon the following Answer was filed viz
The answer of John Frey to the Bill of Complaint of John Ritchie Complainant Filed in Frederick County Court Sitting as a Court of Equity. The said Defendants for answer to said Bill of Complaint admits the several matters and things therein set forth to be true as stated and is willing & Desires that he may be decreed to pay for the sale of the lots of land therein mentioned and that the proceeds shall be applied to the payment of the Complainants claim under the order of this Honorable Court and this defendant prays to be hence dismissed with his reasonable costs and charges.
Witness William Ruckle, } John Frey
I agree that the within answer may be filed in the cause and acted upon and considered in all respects as if the same had been regularly sworn to by the Defendant. Fred. A Schley for Complt
March 17th 1826.

Petition of Ann Simmons

Whereupon the following Petition was filed viz
To the Honorable the Judges of Frederick County Court Sitting as a Court of Equity The petition of Ann Simmons John D Scott, Alexander Simmons & John Beatty respectfully

Sheweth that your petitioners have been returned and confirmed as the purchasers of one hundred and sixty eight and ¾ acres of Land Sold by Jacob Fries as the Trustee for that purpose under a decree of your Honourable Court passed on the 14th day of April 1825 in case No. 604 on the docketts of your Honourable Court, in which John Ritchie as the Exr of Thomas Beatty is the complainant and Philip Shriver and wife, George Eckman & Wife, Elizabeth Shrupp, John Doherry and others are the Defendants and to which said case and the proceedings thereon your Honours are respectfully referred and of which your petitioners pray that this their petition may be taken and considered as a part your petitioners further show that they have complied fully with the terms of said Sale and are entitled to receive the possession of the land so purchased by them. That for this purpose they called on the said Elizabeth Shrupp, John Doherry and Christian John Gilbert and Caroline his wife who are in possession of the said and required possession thereof. That the said Shrupp, Doherry and Gilbert & Wife refused and still refuse to let your petitioners have possession of said land your petitioners therefore pray your Honours to pass an order on said Shrupp, Doherry & Gilbert and wife commanding them forthwith to deliver possession of said land to your petitioners and may it please your Honours to grant to your petitioners such other & further relief in the premises as the nature of this case and Justice and Equity may require. Fredk A Schley for Petrs

Courts order

Whereupon the Court passed the following order viz: On reading and considering the aforegoing petition it is ordered by the Court that an injunction be issued to said Elizabeth Shrupp, John Doherry and John Gilbert and wife to be served by the Sheriff of Frederick County commanding them without delay to deliver up to the said Ann Semmes, John D Scott, Alexander Semmes and John Beatty the land purchased by them as mentioned and described in the proceedings in this case No. 604 on the Docketts of this Court and referred to in said petition such served accompanied with a duplicate of the said injunction and a refusal thereof. the petitioners may apply for further process according to the course of this Court in such cases. Abm Shriver

March 16th 1826.

Trustees Report

Whereupon the Trustee made the following Report viz: To the Honourable the Judges of the Frederick County Court Sitting as a Court of Equity Jacob Fries being appointed by your Honours Trustee for the sale of the real estate of John Fries, Specified in the decree, begs leave to report

Report That he did on the 27th day of May 1826 offer for Sale the remaining part of the real estate of said Jones not heretofore Sold under a former Decree to public Sale first giving three Weeks notice thereof by Hand Bills and an advertisement inserted in the Political examiner a Copy of which is herewith Exhibited marked A and that Michael Rainish became the highest bidder and purchaser of said land and premises for the sum of Four Hundred and thirty Dollars and executed his notes with approved security by the Trustee payable the one Half in twenty days and the remainder in twelve months with Interest from the day of Sale and which said Sale was a fair Sale. Jacob Frick Trustee.

Maryland Frederick County to wit on this 31st day of May 1826 appears Jacob Frick Report named the Subscriber a Justice of the Peace for said County and makes Oath on the Holy Evangely of Almighty God that the facts stated in the above report are true to the best of his knowledge and Belief.

Sworn Report Before Me Barty[illegible].

order of publication

Whereupon the Court passed the following order of Publication viz[illegible]

In Frederick County Court as a Court of Chancery February Term 1826 Ordered that the Sale made and reported by the Trustee of a Lot of ground of John Jones. be ratified and confirmed unless Cause be shown to the Contrary on or before the first Monday in July next. provided a Copy of this order be inserted in the Republican & Citizen a newspaper printed in Frederick for three successive Weeks on or before said first Monday in July next. The Report States the amount of Sale at $430.

Abm Shriver Clerk 1st 1826.

And the said Cause is standing Continued to July Term 1826 The following Certificate of the printer together with a printed Copy of the above order thereto annexed was filed viz[illegible]

Printers Certificate

I Hereby Certify that the annexed notice was inserted in the Citizen for three Weeks successively Before the first Monday of July 1826 Gid Sharp.

And the said Cause is standing Continued to August Term 1826 the Court passed the following order of Ratification viz[illegible]

order of Ratifn

Ordered that the Sale within Reported be ratified and Confirmed no Cause to the Contrary being shown although notice has been given according to a former

order of this court the Trustee is allowed for his commission and all expenses thirty two Dollars the auditor is directed to state an account Returning the Estate and said Trustee and report the same to this court. Abm Shriver aug 30th 1827.
And the said cause is standing Continued from Term to Term until July Term 1827. the following Petition was filed viz

Petition of Nicholas Hotty

To the Honorable the Judges of Frederick county court Sitting as a court of Equity Humbly Complaining sheweth unto your Honours your orator and Petitioner Nicholas Hotty is a Judgment Creditor of a certain Matthias Shrupp late of Frederick county Deceased That a certain John Ritchie Executor of Thomas Beatty instituted suit in your Honorable court against Philip Shriver & others for certain purpose set forth in his Bill of Complaint which together with an Exhibits and proofs filed in said suit he prays may be received as part of this his petition That a Decree passed for the Sale of the real property therein specified and that the auditor of this court has returned his report in said cause, to which your Petitioner prays the particular attention of your Honors That in the said report, the sum arising on the Sale of the real Estate of Matthias Shrupp are all appropriated to the extinguishment of certain liens therein named, which are not all in fact Liens. In tender Consideration whereof your orator prays that the said report of the auditor in the suit aforesaid may not be ratified but be set aside & recommitted to him & after ascertaining and the proceeds of the Sale of the real Estate of said Shrupp all the Liens, the monies may be equally distributed among all the Creditors & your orator will ever pray &c. L P W Balch Solr for Petitioner

Courts order

Whereupon the court passed the following order viz In Frederick county court as a court of Chancery July Term 1827 ordered by the court that the within petition and the report upon which it is founded be referred to the Consideration of the auditor and that he make such report thereupon as the Justice and Equity of the case may require after having given three weeks notice to be inserted in some newspaper printed in Frederick to Creditors to exhibit their Claims. Abm Shriver Aug 30th 1827.
And the said Cause is standing Continued to August Term 1827. The Auditor filed the following Report viz
2d The Estates of John Frey & Matthias Shrupp Deceased in Acct with Jacob Fiery Esquire Trustee Cr

To the Trustee for his Commission & all Expenses Amt Carried forward	$ 32.20

Amt. brot forward			£	142. 20
To the Attorney for his fee		3. 33⅓		
" the Clerk for his fees. in 1st & 2d Audits		23. 05⅓		
" the Sheriff for his fees		3. 45	29.	84
To the Auditor for his fees as in 1st Audit	£	6. —		
" the Auditor for his fees. in Stating & reporting to Court. giving notice to Creditors &c in this 2d Audit		13. —	19.	—
To John Ritchie Complainant & Creditor of the said Frey & Schrupp. the nett amount of the proceeds of the Sale of the real Estate of the said John Frey Deceased (deducting proportion of Commission, & Costs) in part payment of his Judgments as liens &c. papers marked No 4 & 5			856.	81
To John Ritchie. Complainant & Auditor of the said Frey & Schrupp the full amt. of his Judgments Interest & Costs as liens as &c. papers filed & marked No 3			743.	36
To John Ritchie. Complainant and Creditor of the said Schrupp the full Amount of his Judgment. Interest and Costs. as liens as &c. papers No 8			194.	—
To John Ritchie Complainant & Creditor his proportion of Balance of proceeds of Sale when the Balance of his Claims Int. & Costs unsatisfied by the proceeds of the Sale of the real Estate of the said John Frey Dec'd as &c. the said Claims as filed & marked No 5. No 4	636.	69.	21.	57
To John Ritchie. Complainant and Creditor, his proportion of Balance of proceeds of Sale. in part of his Claim. with Interest and Costs. as &c. the Claim filed & marked No 6	745.	65.	25.	18
To John Ritchie. Complainant and Creditor, his proportion of Balance of proceeds of Sale. in part of his Claim. with Interest as &c. the note filed & marked No 7	737.	36.	24.	91
To John Ritchie. Complainant & Creditor his proportion of Balance of proceeds of Sale in part of his Claim. with Interest as &c. the Claim filed				
Amt. Carr'd forward			£	

Amount brot forward				£
Am marked	No10	132.	6¢	4 16
To John Ritchie Complainant & Creditor his proportion of Balance of proceeds of Sale in part of his claim with Interest as p^r the paper filed and marked	No11	325.	01	10. 98
To John Ritchie, Complainant & Creditor his proportion of Balance of proceeds of Sale, in part of his claim with Interest as p^r the note filed marked	No12	20.	97	—— 72
To John Ritchie Complainant & Creditor his proportion of Balance of proceeds of Sale, in part of his claim with Interest as p^r the note filed marked	No13	20.	97	—— 72
To John Ritchie Complainant and Creditor his proportion of Balance of proceeds of Sale, in part of his claim with Interest as per the note filed marked	No14	20.	97	—— 72
To Nicholas Hatty, a Creditor, his proportion of Balance of proceeds of Sale in part of his claim with Interest as per the claim filed and marked	No15	544.	71	18. 40
To Daniel Ronyer, a Creditor his proportion of Balance of proceeds of Sale in part of his claim, with Interest as p^r the claim filed marked	No16	87.	88	2. 99½
To the Fredericton County Bank, its proportion of Balance of proceeds of Sale, in part of the claim with Interest as per the Statement filed marked	No17	482.	84	16. 31
To Thomas Maxwell, his proportion of Balance of proceeds of Sale, in part of his claim, with Interest as per the note, files marked	No18	58.	06.	1. 97
To John Cottiflower assigned, his proportion of Balance of proceeds of Sale in part of his claim, with Interest as per the account filed marked	No19	24.	65	—— 85
				£ 2093. 12½
By Amount of Sales made the 4th August 1825 as per report of Trustee of the real Estate of John Freeze dec^d (in part)				£ 500 —
By Amount of Sales made 27th day May 1826. as per report of Trustee of the real Estate of John Freeze dec^d (in part)				£ 430. —
Am^t Cast forward				£

Amt. brot forward	$
By Amount of Sales made the 4th August 1825 as per report of Trustee of the real Estate (in part of Mathias Shrupp dec'd	167.50
Amount of Sales made the 13th August 1825 as per report of Trustee of the real Estate (in part) of Mathias Shrupp deceased	995.63¼
	3093.13¼

John Ritchie
vs
Philip Shriner & wife & al

In Frederick County Court as a Court of Equity August Term 1827. To Auditor to Frederick County Court Sitting as a Court of Equity. I Beg leave to report to the Honorable the Judges thereof, that in compliance with their order annexed to the petition marked No 4 and filed in this Cause. I made a review of the proceedings Combining this Cause first Having given to Creditors the notice by said order directed and upon said notice stated the foregoing account in this, as in the former account I have allowed the Trustee for his Commission and all Expenses and also allowed the Costs of this Court, I have then allowed the Claimants with Interest to 1st October 1827, and Costs as liens against the two Estates, Sold as reported and within Specifies the then Balance of proceeds of Sales I have divided amongst the Creditors of the said Mathias Shrupp Deceased upon the amount of the Claims filed with me for that purpose — I find the dividend to the Creditors, to be a fraction more than three Cents and three Eighths in the Dollar. I Respectfully Submit the Same to the Honorable the Judges aforesaid for ratification.

Henry Schley Auditor October 1st 1827.

Whereupon the Court passed the following order of Ratification viz August Term 1827. Ordered by the Court that the foregoing account as stated and reported by the Auditor, be and the same is hereby ratified and confirmed, and that the Trustee pay over the proceeds of Sale, as the same has or may be received to the parties respectively entitled to the same according to the distributions in said Report made

Abm Shriner Cler'k 4th 1827.

Test John Schley Clerk

Maryland Frederick County Sct

At a County Court Sitting as a Court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the first Monday

January in the year of our Lord 1825.
Present the Honourable Abm. Shriver Esquire a special Judge
Thomas Carlton Esquire Sheriff
and John Ashley Clerk

In the record of proceedings of the said Court amongst others are the following to wit.

Bill

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity Humbly Complaining sheweth unto your Honours, your oratrix Elizabeth Hoover of Frederick County for herself and other Creditors of Cornelius Ridge late of said County Deceased That the said Cornelius Ridge died intestate some time in the year Eighteen Hundred and twenty three and that Ephraim Ridge and Lynneberry Ridge were duly appointed his administrators and returned to the Orphans Court of Frederick County an Inventory of his personal Estate amounting to three thousand and one hundred Dollars and and and three fourth Cents and also a List of debts due to the said Cornelius Ridge all of which are returned desperate and are actually as considered, which said Inventory and List are now produced and Exhibited marked A, which this Oratrix prays together with all other Exhibits hereafter produced may be taken as part of this her Bill of Complaint your oratrix further states the said Cornelius Ridge at the time of his death, was indebted to your oratrix in the several Single Bills Herewith exhibited marked B. which said Sums of Money together with the Interest thereon are still due and unsatisfied and that the said Cornelius Ridge died indebted to several other persons in large sums of money, which the personal Estate of the said Cornelius is totally insufficient to pay your oratrix further states that the said Cornelius died seized and possessed of three Lots of ground situated lying and being in Bruners Town in the County of Frederick, as will fully appear by the deed Herewith Exhibited marked C and that the said Cornelius Ridge died leaving no other heirs than a Brother and Sister and the Descendants of a Deceased Brother that his Brother Ephraim and his Sister Rebecca Ridge, are both living in Frederick County and that the children of his Deceased Brother William Ridge, to wit Charles, Benjamin, Cornelius, Levy, Ephraim, Catherine, Elizabeth and Susan live out of the State of Maryland. your oratrix further states that it is necessary, that the three Lots aforesaid should all be sold for the payment of the debts of the said Cornelius Ridge. In tender Consideration Whereof and for as much as your oratrix is without remedy except by the aid of a Court of Chancery

To the end therefore that the Defendants may answer the premises and that due proofs may be ordered against the absent defendants and that your orator may have such relief in the premises as shall be consistent with Equity, may it please your Honours to grant to your orator a Writ of Subpoena commanding Ephraim Ridgely and Greenbury Ridgely the administrators of the said Cornelius Ridgely, and Ephraim Ridgely, and Rebecca Ridgely the Brother and Sister of the said Cornelius Ridgely in the usual form to appear in this Court and there answer the premises and abide by the order of the Court therein and that proper process may issue against the absent defendants and that your orator may have all proper Relief.

W. Roß Solicitor for orator.

Exhibit A

Exhibit A, referred to in the within and aforegoing Bill of Complaint, contained in the following Words viz. Maryland & Frederick County to wit

I Hereby Certify that a List of Debts due to the Estate of Cornelius Ridgely Deceased, was returned to my Office on the 1st day of July 1823 which aforesaid List of Debts is Considered Desperate.

In Testimony Whereof I have Hereunto Set my Hand and affixed the Seal of my Office this 13th January 1825.

Seal

Henry Steiner Regr Wills for Frederick County Maryland

Maryland Frederick County to wit. I Hereby Certify that on the 24th December 1823 an inventory of personal property amounting to $312.01¼ was returned to my office and Stands recorded in Liber H S No 8 Folio 41 &c one of the record Books of Inventories in the Office of the Register of Wills for the County aforesaid.

Test Henry Steiner Regr

In the name of God Amen I Rebecca Ridgely of Frederick County in the State of Maryland being Weak in Body but of Sound and disposing mind memory and understanding. Considering the Certainty of death and the uncertainty of the time thereof; and being desirous to settle my Worldly affairs, and thereby be the better prepared to leave this world when it shall please God to Call me Hence, do therefore make and publish this my last will & Testament in the manner and form following that is to say. First and principally I Commit

My Soul into the Hands of Almighty God and my body to the earth to be decently buried at the discretion of my executor Hereinafter named and after my Just debts and funeral Charges are paid, I devise and bequeath as follows, Item I give and devise unto my two nephews Lynneberry Ridgely and Cornelius Ridgely all my undivided fourth part of the land whereof my father Benjamin Ridgely died possessed of, in fee simple to them and their Heirs or assigns, and also my Cow and sheep and Ten Plates Stool and one Chest. Item I give and Bequeath to my Sister in law Catharine Ridgely my mulatto girl Elleanor until she shall be at the age of twenty three years and then and thereafter to be free & manumitted and is hereby manumitted at the age of Twenty three years. Item I give and bequeath unto Elizabeth Hood Rebecca Shriver, Christena Ridgely, Susanna Ridgely, Ally Hammond, Daughters of my brother Ephraim Ridgely Deceased. all my personal property (not Heretofore bequeathed by this my last will & Testament) to be equally divided among them share & share alike And lastly I do Hereby Constitute and appoint my Nephews Lynneberry Ridgely and Cornelius Ridgely to be my Sole Executors of this my last will & Testament revoking and annulling all former Wills by me Heretofore made ratifying and confirming this and none other to be my last will and Testament In Testimony whereof I have Hereunto set my Hand and affixed my Seal this 27th day of September 1825.

Rebecca her X mark Ridgely (Seal)

Signed Sealed published and declared by Rebecca Ridgely the above named Testatrix as and for her last will and Testament in the presence of us who at her request in her presence and in the presence of each other have subscribed our names as Witnesses thereto. Jacob Cramer, Upper Wiedwright, Daniel his X mark Wiedwright Frederick County to wit on the 8th day of November 1825 then came Lynneberry Ridgely and Cornelius Ridgely & made Oath on the Holy Evangely of Almighty God, that the foregoing instrument of writing is the true whole will and Testament of Rebecca Ridgely, late of Frederick County, Deceased, that Oath came to their Hands & possession, and that they do not know of any other

Test G. M. Eichelberger Regr

Frederick County to wit on the 14th day of November

1825 Before me three Subscribers. George Wildanger and Daniel Wildanger the three Subscribers being Witnesses to the foregoing last will and Testament of Rebecca Ridgely late of Frederick County Deceased and made Oath on the Holy Evangely of Almighty God that they did see the Testatrix therein named sign and Seal said will that they heard Her publish pronounce and declare the same to be her last will and Testament that at the time of her so doing she was to the best of their apprehensions of a sound & disposing mind, memory and understanding and that they respectively subscribed their names as Witnesses thereto in the presence and at the request of the Testatrix and each in the presence of each other.

Test Lyde Eichelberger Regr

Frederick County to wit. I do hereby Certify that the foregoing is a true Copy of the original filed November 5th 1825 in the office of Register of Wills for County aforesaid In Testimony Whereof I Have Hereunto set my Hand and affixed the Seal of Office this 21st day of March 1826

(Seal)

Test Lyde Eichelberger Regr of Wills for Frederick County Maryland.

(Exhibit B)

Exhibit B

One day after date I promise to pay or cause to be paid unto Elizabeth Hoover the Just and full sum of Sixty four Dollars and thirty Seven Cents Maryland Currency or value Received for Value Received of her as Witness my Hand and Seal this 28th day of May 1824. Cornelius Ridgely (Seal)

Test Ephraim Ridgely.

Maryland Frederick County to wit On this 2d day of December 1824 being since the Death of Cornelius Ridgely, Before the Subscriber one of the Justices of the Peace in and for said County appears Elizabeth Hoover and makes Oath on the Holy Evangely of Almighty God that the within note is Just and true and that she Hath received no part of the money therein mentioned to be due or any security or Satisfaction to the best of Her knowledge and Belief, &c

Sworn Before John D Curtis.

$200 Frederick County August 12th 1824 Twelve Months after date we or either of us promise to pay Elizabeth Hoover, or order Two Hundred Dollars

Value received with legal interest from date.
Witness 10th March 1824. Cornelius Ridgely (Seal)
Saml. Ogle (Seal)

Maryland Frederick County to wit on this 2d day of December 1824. being since the Death of Cornelius Ridgely. Before the Subscribed one of the Justices of the peace for said County appears Elizabeth Hoover and makes Oath on the Holy Evangely of Almighty God that the within note is just and true and that she Hath not Received any part of the money therein mentioned to be due or any Satisfaction to the same of her Knowledge and belief.
Sworn Before John B Burtis

Exhibit B

(Exhibit B)

This Indenture made this Twentieth day of February Eighteen Hundred and Seventeen Between Christian Kuhn of Frederick County and State of Maryland of the one part and Cornelius Ridgely of the said State of the other part Witnesseth that the said Christian Kuhn for and in Consideration of the sum of Eleven Hundred Dollars Current money to him in Hand paid before the ensealing and delivery of these presents the receipt Whereof is Hereby acknowledged Hath given granted Bargained and Sold and by these presents doth give grant Bargain and Sell unto the said Cornelius Ridgely his Heirs and assigns forever all those two Lots or portions of Ground Situate in Bridgetown in Frederick County aforesaid Known and Distinguished on the Plan of the said Town as Lot Number one and Lot Number Two together with the Houses Buildings and Improvements thereon and the appurtenances Thereunto Belonging To Have and to Hold the same and every part and parcel thereof with the appurtenances to him the said Cornelius Ridgely his Heirs and assigns to his and their only proper use and behoof and to and for no other use Intent or purpose whatsoever Subject nevertheless to the Ground rents reserved by the proprietor of the said Town and the said Christian Kuhn for himself his Heirs Executors or administrators doth Covenant Grant and agree to and with the said Cornelius Ridgely his Heirs Executors or administrators or assigns the aforesaid Lots or parcel of Land and premises with the appurtenances to warrant and forever defend unto him

the said Cornelius Ridge his Heirs or assigns forever against all persons whatsoever claiming by from or under him the said Christian Kuhn his Heirs or assigns In Witness Whereof the said Christian Kuhn hath hereunto set his hand and seal the day and year first herein before written.

Signed Sealed & Delivered
in the presence of
Wm. R Head, Wm. Hart.

Christian Kuhn (Seal)

Frederick County to wit On the Twentieth day of February Eighteen Hundred and Seventeen came Christian Kuhn party to the within Deed before us two of the Justices of the peace for the County aforesaid and acknowledged the within Instrument of writing to be his act and Deed and the Two lots of Land and premises therein described to be the right and estate of the within named Cornelius Ridge his Heirs and assigns forever according to the act of assembly in such case made and provided.

Wm. R Head
Wm. Hart

Acknowledged Before me

This Indenture made this Ninth day of November in the year of our Lord One Thousand Eight Hundred and fifteen Between Christopher Stone and Sara his Wife of Pickaway County in the State of Ohio of the one part and Cornelius Ridge, of Frederick County and State of Maryland of the other part Witnesseth that the said Christopher Stone and Sara his wife for and in consideration of the Sum of Fifteen Dollars Current Money of the United States to him in Hand paid by the said Cornelius Ridge Before the Sealing and delivery of these presents the receipt whereof he the said Christopher Stone and Sara his wife doth Hereby acknowledge and from every part and parcel thereof doth Hereby acquit Discharge and discharge the said Cornelius Ridge his Heirs Executors and administrators He the said Christopher Stone and Said his Wife hath granted bargained and sold aliened enfeoffed and Confirmed and by these presents doth grant bargain Sell alien enfeoff and Confirm unto the said Cornelius Ridge his Heirs and assigns forever all that Lott or portion of Ground lying and being in Bruins Town in the County and State aforesaid known and Distinguished by its Number Ninety Together with the Buildings Houses, Edifices and

Appurtenances to the said Lott belonging or in any ways appertaining To Have and to Hold the said Lott or portion of ground with its appurtenances unto the said Cornelius Ridgely his Heirs and Assigns forever yielding and paying the rents and Covenants agreed upon Returned John Krieger of Frederick County and State aforesaid. Gentleman and the said Christopher Stover and Sara his wife the legal Heir of Henry Hottzman as by Deed they have entered into which Deed of Henry Hottzman is recorded among the Land Records in Frederick County reference being thereto had may more fully and at large appear and the said Christopher Stover and Sara his wife for themselves their Heirs Executors and administrators doth Hereby Covenant Grant and agree to and with the said Cornelius Ridgely his Heirs and Assigns in manner and form following that is to say that the said Christopher Stover and Sara his wife and their Heirs shall and will from time to time and at all times Hereafter at the reasonable request and at the proper Cost and charges in the Law of him the said Cornelius Ridgely his Heirs and Assigns make do Execute acknowledge and suffer or cause or procure to be made and done Executed acknowledged and suffer all & every such further and other reasonable act and acts thing or things Device or Devises assurance and assurances Conveyance and Conveyances in the Law whatsoever for the better and more proper assuring Surety Surmaking Conveying and Confirming of the said Lott or portion of ground as is before said described and every part and parcel thereof Hereby granted bargained and sold with all and singular its rites members and appurtenances unto him the said Cornelius Ridgely his Heirs and Assigns as by him or his or any of them or by his or their Counsel learned in the Law shall be reasonable Devised advised and required In Witness Whereof the said Christopher Stover and Sara his wife Hath Hereunto set their Hands and affixed their Seals the day and year within written,

Signed Sealed and Delivered in presents of Wm P Head, Lowr Hart

Christopher his X Stover mark (Seal)

Sarah her X Stover mark (Seal)

Frederick County to wit on this Ninth day of November in the year of our Lord one Thousand Eight Hundred & fifteen personally appears Christopher Stover and Sara his wife of Pickaway County State of Ohio being the party Grantor above named before us the Subscribers Justices of the Peace and acknowledges the within deed or Instrument

of writing to be their act and Deed and the Lotts and premises therein mentioned and thereby bargained and sold to be the right and Estate of the within named Cornelius Ridgely party granted also therein named his Heirs and assigns forever according to the purport, true intent and meaning of the said Deed or instrument of writing and the acts of assembly in such case made and provided and now at the same time also personally appears Sarah Stones wife of the said Christopher Stones before us the subscribers Justices of the Peace as aforesaid and acknowledges the said and in Instrument of writing to be Her act and deed and the Lotts and premises therein mentioned to be the right and Estate of the within named Cornelius Ridgely, his Heirs and assigns forever, and the said Sarah Stones being by us privately examined apart from and out of the Hearing of Her Husband whether she doth make Her acknowledgement of the same willingly and freely and without being induced thereto by fear or threats of or ill usage by Her Husband, or fear of his Displeasure acknowledges that she doth make Her acknowledgement of the same willingly and freely and without being induced thereto by fear or threats of, or ill usage by Her Husband or fear of his Displeasure Taken and Certified the Day and year above written

acknowledged Before { Wm B Head
Wm Hart;

And the said Cause as standing Continued to February Term 1825 the Court passed the following

order of publication

Elizabeth Hoover
vs
Ephraim Ridgely
Greenbury Ridgely
Rebecca Ridgely, Charles Ridgely, Benjamin Ridgely Cornelius Ridgely, Levy Ridgely Ephraim Ridgely Junr, Catherine Ridgely, Elizabeth Ridgely, Susan Ridgely.

In Frederick County Court Sitting as a Court of Equity the object of the Bill filed in this Cause is for the sale of the Real Estate of Cornelius Ridgely late of Frederick County upon the allegation that his personal Estate is insufficient for the payment of his debts,

The Bill states that Charles, Benjamin, Cornelius, Levy, Ephraim Junr, Catherine, Elizabeth & Susan Ridgely, reside out of the State of Maryland. It is thereupon on Motion of the Complainants ordered

Anne expunged that she cause a Copy of this order to be publi
shed once a Week for four Successive Weeks in the Republican
Citizen of Frederick Before the first day of August next, to
the Intent that the absent Defendants may have notice
of the hirsent application, and of the object of the Bill
and may be warned to appear in this Court in person
or by Solicitor on or Before the first Monday of November
next and then and there shew Cause if any they have
why a Decree should not pass as prayed.

Abm Shriner May 19th 1825.

And the said Cause is standing Continued from Term
to Term until August Term 1825. the following Certifi
cate of the Printer Together with a Printed Copy of the
above order thereto annexed was filed viz.

Printers certificate

I Hereby Certify that the annexed advertisement was publis
hed in the Citizen for three Successive Weeks before the
1st day of August 1825. G. W. Sharp.

And the said Cause is standing Continued to January
Term 1826 the following Answer was filed viz.

answer of Jacob Shriner & others

The answer of Jacob Shriner, and Rebecca his wife,
Mathias Hammersly and Mary his wife, Catherine Ridgely
Widow Lynnsberry Ridgely, Cornelius Ridgely, Christian Ridgely
Susana Ridgely, and Elizabeth Hoover to the Bill of Com-
plaint of Elizabeth Hoover filed in Frederick County
Court Sitting as a Court of Equity against Ephraim
Ridgely and others. These Defendants admit as the facts
as stated in the said Bill of Complaint and agree
that the property therein mentioned may be sold for
the purposes therein stated these defendants further
State that Rebecca Ridgely one of the Defendants
mentioned in the original bill of Complaint died
since the filing of the same and that before her
death she made her last will and Testament and
died without revoking the same whereby she made
these defendants her devisees of all her property as by
Her will Here Produced and marked A will more
fully appear, which said bill these defendants pray
may be taken as part of this their answer & these
Defendants also say that the said Ephraim Ridgely
the other Defendant mentioned in the said original
Bill is Dead and died intestate leaving a Widow
named Catherine and these Defendants his legal heirs
and representatives, and Lynnsberry Ridgely for himself
says both as Heir and devisee of the said Ephraim
and Rebecca Ridgely and as administrators of the said
Cornelius Ridgely, that the facts contained in the

Said Rid he admits to be true as therein Stated.

Jacob Shriver,
Rebecca by X Shriver mark
Mathias Hammersly
Alex Hammersly
Catharine by X Ridge mark
Grumberry Ridge
Cornelius Ridge.

Christena X Ridge. her mark
Susanna X Ridge. her mark
Elizabeth X Hoover. her mark

Frederick County Sc Be it remembered that on this 28th day of January AD 1826 personally appeared Before me a Justice of the peace in and for the county aforesaid the above named Defendants and upon their Solemn Oaths taken according to Law do depose and say that the matters and things stated in the above answer are true as therein Stated. Before Jacob Grauel.

Affidavit of the New residents

Whereupon the following Affidavit was filed viz
State of Maryland Sc Frederick County Sc Be it remembered that on this 2d day of February AD 1826 personally appears Before me the Subscriber one of the Justices of the peace in and for the County aforesaid Grumberry Ridge and upon his Solemn Oath taken according to Law doth depose and say that Charles Benjamin, Cornelius, Levy, Ephraim Junr, Catharine Elizabeth and Susan Ridge the representatives of William Ridge, Defendants in the Bill of Complaint Filed in Frederick County, by Elizabeth Hoover against Ephraim Ridge and others No 610. at the time of filing the said Bill and Still live and reside out of the State of Maryland.

Sworn Before me George Rohr,

Whereupon the following Suggestion was filed viz
Elizabeth Hoover vs Ephraim and Grumberry Ridge and others } Frederick County Court Sitting as a Court of Equity Rebecca Shriver and Jacob Shriver her Husband, Mathias Hammersly and Mary his wife Catherine Ridge widow Grumberry Ridge, Cornelius Ridge, Christina Ridge, Susana Ridge and Elizabeth Hoover pray to be made parties to the above Case instead of Ephraim Ridge and Rebecca Ridge, two of the Defendants in the above Cause both of whom died since the filing of the said Bill of Complaint, and their petitioners further say that they are the children and the only representatives of the said Ephraim Ridge Deceased by descent, and that they are the devisees of the said Rebecca Ridge,
Jacob Shriver, Rebecca by X Shriver, Mathias Hammersly,
mark

Alla Hammerica, Gunnbering Ridge, Cornelius Ridge, Catherine her + mark Ridge; Christena her + mark Ridge, Susanna her + mark Ridge, Elizabeth her + mark Hoover And the said Cause as standing continued to February Term 1826

Interlocutory Decree

the Court passed the following Interlocutory Decree viz

Elizabeth Hoover
vs
Ephraim Ridge & others

In Frederick County Court Sitting as a Court of Equity February Term 1826. to

appearing to the Satisfaction of this Court, that the order for publication in this Cause passed by this Court, on the nineteenth day of May Eighteen Hundred and twenty five hath been fully complied with by the Complainant and that the publication hath been duly made according to the said order and the above mentioned Charles, Benjamin, Cornelius, Levy, Ephraim and Catharine, Elizabeth and Susan Ridge, Having omitted and neglected to appear It is thereupon this 27th day of March AD 1826, ordered and adjudged by the Court that the Bill of Complaint filed in this Cause, be as to the said absent defendants taken pro Confesso. Adm Shriver.

Decree

whereupon the Court passed the following decree viz to

Elizabeth Hoover
vs
Ephraim Ridge and others

In Frederick County Court Sitting as a Court of Equity February Term 1826. The said Cause standing ready for Hearing and being submitted the Bill Exhibits, order of publication and all the other proceedings had in the Cause, were by the Court, read and Considered It is thereupon this 27th day of March Eighteen Hundred and twenty six by the Court ordered adjudged and decreed that the Bill against the absent defendants be and the same is Hereby taken pro confesso, and it is further ordered, adjudged and decreed that the real Estate of Cornelius Ridge Deceased mentioned in the said Bill lying in Frederick County, shall be sold for the payment of his debts. That William Roy be and he is Hereby appointed Trustee for making said Sale and that the terms and manner of his Bonding be as follows, He shall Enter into the Bonds of this Court & Route to the State of Maryland approved by this Court & executed by himself and a Surety or Sureties in the penalty of Five Thousand Dollars Current money and conditioned for the faithful performance of the Trusts reposed in him by this Decree or any further order or Decree in the premises. He shall then after duly advertising in some Convenient newspaper or papers the time, place, manner and Terms of Sale proceed to sell the real Estate of the said Cornelius Ridge Deceased to pay the debts and from the said Deceased. The Sale to be upon the following Terms. the one third to be paid in Hand, the residue in two equal annual payments with interest from the day of Sale. The purchaser or

Purchasers to give Bonds with two good Securities to
Secure the payment of the purchase Money not paid
in Hand, and the Sale in Virtue of this Decree to be
Subject to the ratification of this Court as soon as
Conveniently may be after the Sale made, the
Trustee shall return to this Court a fair and particular
account of his proceedings under this Decree with an
affidavit annexed of the Truth thereof, and of the
fairness of the Sale and on obtaining the Confirmation
by this Court and on receipt of the purchase money
(and not before) He shall by a good and Convey the
Interest and Title of the Land sold to the purchaser or
purchasers in as full and ample a manner as the said
Cornelius Ridgely Deceased held the same, to Hold the
Same free from all Claims of the Heirs of the said
Deceased. The Trustee shall bring into this Court the
money arising from the Sale to be applied under
the direction of this Court to the payment of the Debts
of the said Deceased and shall be allowed for his
Trouble and Expenses such Commissions as to this
Court may seem best to be fixed as is usual in
such Cases in Consideration of the attention skill &
fidelity wherewith he shall appear to have discharged
his Trust. Abqd Shriver,

Trustees Bond

Whereupon the Trustee filed the following Bond
Endorsed "Approved Abqd Shriver" viz.
Know all men by these presents that we Wm Ross &
Frederick A Sahley of Frederick County in the State
of Maryland, are held and firmly bound unto the
State of Maryland in the full and just sum of
five thousand Dollars Current money to be paid
to the said State or its certain attorney to which
payment well and Truely to be made and done
we bind ourselves and each and every of us, our
and each and every of our Heirs Executors and
administrators, Jointly and Severally firmly by
these presents Sealed with our Seals and dated this
Twenty Seventh day of March in the year of our Lord
One thousand Eight Hundred and Twenty Six. Whereas
William Ross by virtue of a Decree of Frederick
County Court Sitting as a Court of Chancery Has
been appointed a Trustee to sell the real Estate of
Cornelius Ridgely of Frederick County Deceased for the
payment of his Debts Now the Condition of the above
obligation is such that if the above bounden Wm
Ross shall well and faithfully perform the Trust

Rebecca in Him as the Trustee as aforesaid, by the said Decree or that may be reposed in Him by any future Decree or Order in the premises then the above obligation to be void otherwise to be and remain in full force and virtue in Law.

Wm Ross (Seal)
Fredk A Ashley (Seal)

Witness Present:
Wm Finn.

Trustees Report.

Whereupon the Trustee made the following Report viz:

Elizabeth Moore
vs
Ephraim Ridge & others

In Frederick County Court Sitting as a Court of Equity. To the Honorable the Judges of Frederick County Court Sitting as a Court of Equity in pursuance of a Decree of the above Court, in the above Cause, dated the 27th March 1826, to me addressed, directed and Decreed that the real estate of the late Cornelius Ridge mentioned in the Complainants bill of Complaint consisting of three Lots or portions of Ground Situate in Bragers Town and known on the Plan of said Town as Lots No 1 2 & 90 with the Houses and improvements thereon, should be sold, I the Subscriber the Trustee appointed to make Sale of the said premises do hereby report that the said three Lots or portions of Ground were by me duly advertised and notified for Sale on the 28th June AD 1826 that being and on the day of Sale aforesaid, I was advised by the Complainants and the other Creditors of the said Cornelius Ridge, not to sell on that day, that a postponement of the Sale until sometime in January following would be more advantageous for all Concerned, in pursuance of this advice and request I did adjourn the Sale until Saturday the 27 January 1827 and duly advertised the premises for Sale on that day as will appear by Exhibit No 1, that on the said day of Sale I sold Lot No 90 on which there was no improvements and but a small piece of a fence to John B Bentz for the sum of twelve Dollars and fifty Cents he being the highest and best bidder, that for Lots No 1 & 2 on which were erected a two story brick House I was offered Six Hundred and ninety nine Dollars, which sum several of the Creditors of the said Cornelius Ridge requested me not to take for the said property and that they would, agree to run the risk of another Sale who at some other time in pursuance of their advice and request and as they were the persons chiefly interested in the Sale of the said property I adjourned the Sale of the said two Lots No 1 & 2 until Saturday the 24 March 1827, and duly advertised the premises for Sale on that day as will appear by Exhibits No 2 and I do further report that

on the said Twenty fourth of March Eighteen Hundred and Twenty Seven the day on which the said premises were so advertised to be sold as aforesaid I attended at the place of Sale and that the said Lots No 1 & 2. with the Houses and improvements thereon were duly Sold to Cornelius Riggs and fairly Struck off to Him for Five Hundred and twenty three Dollars, he being the highest and best bidder, which money is now in my Hands as the proceeds of the Sale of the said three Lots or portions of ground according to the Terms of Sale as directed in the said Decree all which I respectfully Submit to this Honourable Court,

Wm Ross Trustee.

Frederick County Sc Personally appeared before me the Subscriber one of the Justices of this peace in and for the County aforesaid the above named William Ross and upon his Solemn Oath taken according to Law, deposeth and saith that the facts as stated in the aforegoing report of Sales are true and that the Sales as therein Stated were bona fide & fairly made. Sworn before me this 30th day of March AD 1827.

Jno Thomas.

Order of Publication

Whereupon the Court passed the following order of Publication viz:

Elizabeth Howard
vs
Ephraim Riggs &
others

Frederick County Court Sitting as a Court of Equity ordered that the Sales made and reported by William Ross Trustee for the Sale of the Real Estate of Cornelius Riggs late of Frederick County Deceased be ratified and confirmed unless Cause be shewn to the Contrary Before the first Monday of June next, provided a Copy of this Order be inserted in some newspaper in Frederick County three weeks in Succession before the said first Monday of June next the Report States the amount of Sales of Lot No 1 at $12.50 and of Lots No 1 and 2 at $520.

Attest John Thomas April 12th 1827.

Printers Certificate

Whereupon the following Certificate of the Printer together with a printed Copy of the above order thereunto annexed was filed viz:

Frederick June 10th 1827 I Hereby Certify that the annexed order for Sale of the real estate of Cornelius Riggs Deceased was published in the Herald for four Successive Weeks previous to the first Monday in the present Month. John P Thomas.

Whereupon the Court passed the following order of Ratification viz:

Order of Ratifyt

Elizabeth Hoover
vs
Ephraim Ridge & others.

Frederick County Court Sitting as a Court of Equity ordered by this Court that the Sales made by William Ross the Trustee in this Cause as reported by him be and is hereby ratified and confirmed. The Trustee is allowed for his Commission and all Expenses the sum of thirty four Dollars and fifty three Cents. It is further ordered that the Auditor of this Court State an account between the said Trustee and the Complainants and the other Creditors of the said Cornelius Ridge Deceased and the other parties interested shewing if there be a Surplus after the payment of the debts of the said Deceased shewing the sums to which each of the parties shall be entitled out of the proceeds of the said Sales. It is further ordered that the Auditor give the usual notice to Creditors to Exhibit their Claims.

Adm Shriver June 7th 1827.

Auditors Report

Now the said Cause is standing. Continued from Term to Term until August Term 1827 the Auditor filed the following Report viz

20th The Estate of Cornelius Ridge Deceased in Acct with William Ross Esquire Trustee

			Cr
To the Trustee for his Commission and all Expenses			34. 53
" the attorney for his fee	3.	33⅓	
" the Clerk for his fees	17.	42⅔	
" the Sheriff for his fees	1.	53⅓	22. 29
To the Auditor for his fees in Stating account reporting to Court giving notice to Creditors &c			7. 00
To Elizabeth Hoover, Complainant in this Cause. Her proportion of Balance of proceeds of Sale, upon the amount of her Claim with Interest added to 30th July 1827, & Claim filed marked No 1	80.	53⅓	33. 12
To Elizabeth Hoover, Complainant, her proportion of Balance of proceeds of Sale upon the amount of her 2d Claim with Interest added to 30th July 1827, & Claim filed and marked No 2	283.	60.	116. 64¾
To Frederick Eichelberger, a Creditor, his proportion of Balance of proceeds of Sale upon the amount of his Claim, with Interest added to 30th July 1827, & the Claim filed & marked No 3	101.	80.	41. 88
To Elias Gronhow of John a Creditor, his proportion of Balance of proceeds of Sale, upon the amt of his Claim, with Amt Forwd			

Amount brot forwd			
Interest added to 30th July 1827. pr the claim filed marked No 4	21.	55½	8. 8½
To Daniel Smith Surr as creditor, his proportion of Balance of proceeds of Sale. upon the amount of his claim with Interest added to 30th July 1827. pr the claim filed marked as No 5	450.	90.	185. 43¾
To Daniel Smith Surr as creditor his proportion of Balance. of proceeds of Sale. upon the amount of his claim / 2d claim / with Interest added to 30th July 1827. pr the claim filed and marked No 6	9.	14.	3. 76¼
To John Selby. his proportion of Balance of proceeds of Sale upon the amount of his claim. as filed marked No 7	—	99	— 40¾
To Richard H Marshall admr DBN of Thomas Beatty Deceased as creditor his proportion of Balance. of proceeds of Sale, upon the amount of his claim with Interest added to 30th July 1827. pr the claim filed marked No 8	88.	16	36. 36
To Richard H Marshall admr DBN. of Thos Beatty Decd, as creditor. his proportion of Balance of proceeds of Sale. upon the amount of his 2d claim with Interest added to 30th July 1827. pr the claim filed & marked No 9	110.	16	45. 30
			£ 535. 50
Amount of Debts. with Interest to 30th July 1827. £1146.84			
By Amount of Sales made the 27th day of January 1827. as per report of Trustee filed			£ 535. 50

Eliza Beth Hoover
vs
Ephraim Ridge & others

In Frederick County Court as a Court of Equity August Term 1827 As auditor to Frederick County Court Sitting as a Court of Equity

I beg leave to report to the Honorable the Judges thereof, that in Compliance with their order I gave notice to the creditors of Cornelius Ridge Deceased to file with me their claims for audit, and as the said notice has Expired I have after duly examined the proceedings Comprising this cause, stated thereupon the aforegoing account, In this, as in like Cases, I have allowed the Trustee for his Commission and

All Expenses, and also allowed the Costs of the Court and the Balance of proceeds of Sale. I have divided amongst the Creditors of the said Cornelius Ridgs Deceased, upon the Claims filed in this Cause, with Interest added thereto to 30th July 1827. in Conformity with the directions Contained in the Will and proceedings Composing this Cause, the dividend to Creditors is 44 Cents 1 mill & a fraction in the Dollar I Respectfully Submit the Same to the Honourable the Judges aforesaid for Confirmation. Henry Sehley, Auditor

September 12th 1827.

order of Ratifyn

Whereupon the Court passed the following order of Ratification viz. August Term 1827. Ordered by the Court that the aforegoing account as stated and reported by the Auditor be and the same is Hereby ratified & Confirmed and that the Trustee pay over the proceeds of Sale, as the Same has or may be received to the parties respectively entitled to the same according to the distributions in said Audit made. Abm Shriver. September 15th 1827.

Test John Sehley Clerk.

Maryland Frederick County to wit

At a County Court Sitting as a Court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the First Monday of August in the year of our Lord Eighteen Hundred & Twenty Seven.

Present The Honourable John Buchanan Esquire Chief Judge
Abraham Shriver & } Esquires and
Thomas Buchanan } Judges
Thomas Carlton Esquire Sheriff
& John Sehley Clerk.

Be it Remembered that on the Second day of proceedings of the said Court among others are the following to wit.

Bill

To The Honourable The Judges of Frederick County Court Sitting as a Court of Equity Humbly Complaining Sheweth unto your Honours your orator John Reich of said County that being indebted to a certain Christian Schell, also of said County, in Several Sums of money, and the said Schell being also the Security of your orator for the payment of other sums of money, and by your orator to other persons, your orator for the purpose of more effectually Securing to the said Schell the money due to him, and also to indemnify him for his liability for your orator did on the ninth day of December in the year one thousand Eight Hundred and Twenty four Execute and deliver to said Schell his deed of Mortgage Herewith Exhibited marked No 1. and which together with all other Exhibits Hereafter to be made by him he prays may be taken

and Conveyance by your Honours as a part of this his Bill of Complaint and to which said deed of Mortgage your orator refers your Honours to shew the property Conveyed to said Scholl and the debts and by your orator to Secure the payment of which the said deed of Mortgage was Executed, your orator further represents unto your Honours that he purchased of a Certain William Ross the Trustee appointed by your Honours to sell the real estate of Benjamin Hersh Deceased. Forty acres of Land being a part of said real Estate and paid said said Trustee for the same and was entitled to receive a deed or Conveyance of said Forty acres to himself as the purchaser thereof But that the said Scholl being desirous to be further Secured for the said debts and to him by your orator and for his said liabilities for your orator requested your orator to let the said land be Conveyed to him for that purpose by said Trustee. to which your orator apointed and joined in a petition to your Honourable Court for that purpose and then the same accordingly done and the said Trustee Conveyed said Forty acres of land to said Scholl by his deed of bargain and Sale Executed on the 14th day of December in the year 1824 and which said deed is herewith Exhibited marked No 2 That the said Scholl at the time said deed was made to him agreed to execute and deliver to your orator in Writing his obligation and undertaking in relation to said deed to shew the purpose for which the same was Executed to him that it was only to operate by way of Mortgage as aforesaid & to be reconveyed to your orator by said Scholl as soon as the debts specified in the aforesaid original Mortgage were paid by your orator That the said Scholl soon after to wit on the tenth day of January in the year 1825 Executed in pursuance of his said agreement the paper herewith Exhibited marked No 3 by which he Bound himself on the payment of said Debts Specified in said Mortgage marked No 1 by your orator to Convey to your orator in fee the said forty acres of Land Conveyed to him by said Ross as aforesaid all which will more fully appear by reference to said paper marked No 3 your orator further represents unto your Honours that since the Execution of said Mortgage he has paid to said Nicholas Motz the full amount of the debt and interest due

to him as specified in said Mortgage. That he has also paid to said Eleanor Potts the full amount of principal & interest of the first bond specified in said Mortgage as due in the year 1819, and all the interest due on the two remaining Bonds up to the month of November in the year 1827 that he has paid to the said School a part of the interest due to him on his two said notes, and that your orator is ready and willing to pay to said Potts and School the said money due to them under said Mortgage, on doing which your orator is advised he is entitled to a good conveyance of all the said Mortgaged property that which is specified in the deed of Mortgage No 1 as also in the deed No 2 and your orator has no doubt that the said School, if now living, and applied to by your orator for that purpose would convey to him in fee all the said property But none as it is may it please your Honours that the said Christian School, a short time since died intestate leaving the following children, his Heirs at law to wit, Daniel, Catherine who is married to Thos Hedges, Charlotte who is married to George Gittings, Elias Rebecca, Lewis N. Dennis, and Mary Elizabeth, That the said Rebecca, Lewis N. Dennis & Mary Elizabeth are under Twenty one years of age That letters of administration on the personal estate of said Christian School Deceased were by the orphans Court of Frederick County in due form of law granted to the said Daniel School That in consequence of the minority of a part of the Heirs of said Christian School dec^d the said Mortgaged property cannot be conveyed to your orator during their minority and that your orator is remediless in the premises except by the aid of this Honourable Court Sitting as a Court of Chancery where matters of this sort are properly Cognizable & relievable To the end therefore that on the payment of the said money due to said School and to said Potts by your orator, the amount thereof to be ascertained by this Court by an account to be stated for that purpose the Heirs & representatives of said Christian School dec^d may be compelled to reconvey and reassign and transfer to your orator in fee by a deed or deeds to be duly executed, acknowledged and recorded according to law all the said lands lots of land and real estate particularly specified and described in the said deed of Mortgage Hereunto with Exhibited marked No 1 and No 2 free and clear of all incumbrances done by him the said Christian School in his life time or his Heirs or any of them

&

since his death, or any claiming by from or under him in them and that your orator may have such other and further relief in the premises as the nature of this his case may require and to your Honours may seem right and consistent with Equity and good Conscience may it please your Honours to grant unto your orator the States writ of subpoena in the usual form to be directed to the said Daniel Scholl, Evan Hedges and Catherine his wife, George Gettinger, and Charlotte his wife, Elias Scholl, Rebecca Schow, Lewis V Schell, Dennis Scholl, Mary Elizabeth Schell and Eleanor Potts all of Frederick County Commanding them to be and appear in your Honourable Court by a day and under a penalty to be therein named to answer this Bill of Complaint and to stand to and abide by such Decree or order in the premises as this Honourable Court shall hap and as in duty Bound your orator will ever pray &c. Frederick A Schley Solicitor for Complainants.

Exhibit No 1.

Exhibit No 1 referred to in the within & aforegoing Bill of Complaint Contained in the following words viz This Indenture made this ninth day of December, in the year of our Lord, one thousand, Eight Hundred and Twenty four, Between John Reich of Frederick County and State of Maryland of the other part, Whereas the said John Reich owes and stands justly indebted to the said Christian Schow in the sum of One thousand nine Hundred and thirteen Dollars, for which the said Christian Schell holds two notes of said John Reich payable to him, both signed Sealed and delivered by said Reich, the one for the payment of Eight Hundred and thirteen Dollars Sixty days after its date, dated on the Twenty second day of November Eighteen Hundred and twenty four and bearing interest from the date thereof, the other for the payment of eleven Hundred dollars Sixty days after its date, with interest thereon, from the date thereof and dated on the Seventh day of December Eighteen Hundred and twenty four and both which said notes or single bills are now in the possession of said Schow and Whereas also the said Christian Schell stands bound as the security of said Reich in three several Bonds to Eleanor Potts, Executrix of Richard Potts Deceased, for the payment of six Hundred Dollars each, the first payable in the year Eighteen Hundred & nineteen

the second in the year Eighteen Hundred and twenty; and the third in the year eighteen Hundred and twenty one and all dated on the sixth day of December Eighteen Hundred and Seventeen, and bearing interest, and the said Christian Scholl is also the security of said Reich and jointly bound with him for the payment of one Hundred Dollars to a certain Nicholas Motty who holds the obligation of said Reich and Scholl to that effect, and whereas the said Reich is desirous to secure more certainly, the payment of the said notes to said Scholl and his Heirs, Executors or administrators as also to indemnify said Scholl on account and for his liability as security as aforesaid for said Reich to said Eleanor Potts and said Nicholas Motty, and for that purpose doth agree to execute these presents Now this Indenture Witnesseth that the said John Reich, for and in Consideration of the premises aforesaid, as also, for and in Consideration of the sum of five Dollars Current money to him, the said John Reich, by the said Christian Scholl, in Hand paid Before the sealing and delivery of these presents the receipt whereof is Hereby acknowledged, Hath given granted bargained and sold, and by these presents doth give grant, bargain and sell unto the said Christian Scholl his Heirs and assigns all those parts of three lots or portions of ground laid out, as additional lots to Frederick Town, in the County and State aforesaid which were conveyed to said John Reich & his Heirs by a certain Jacob Boyer Junr. by his deed of Bargain and Sale duly Executed and acknowledged on the twelfth day of January 1796 and recorded in Liber No R No 14 Folios 277 & 278 one of the land records of Frederick County, as by reference to the same will more fully appear as also all that part, piece or parcel of land which is part of a tract of land called "Level to Level lying in Frederick County aforesaid which was conveyed by a certain William Crum (Senior) to the said John Reich and his Heirs by a deed of Bargain and Sale duly Executed and acknowledged on the fifteenth day of December in the year Eighteen Hundred and one and recorded in Liber No R No 22 Folios 134, & 135 one of the land records of Frederick County as by reference thereto will more fully and satisfactorily appear and likewise all that lot or portion of land, lying in Frederick County and distinguished by lot No 10. part of the resurvey on "Level to Level" formerly the property of Daniel Delany Esqr., which said land was conveyed to the said John Reich by John Hoffman and Elizabeth

his wife, by their deed duly executed and acknowledged by them on the twentieth day of November in the year of our Lord Eighteen Hundred and twenty and recorded in Liber I S No 12 Folios 375, 376, & 377 one of the land records of Frederick County aforesaid, as by a reference to said deed will more fully appear also all the lot or portion of ground lying & being in Frederick Town, Frederick County aforesaid heretofore conveyed by Barbara Haller, Ezra Haller and Jonathan Haller to the said John Reich and his Heirs, by their deed of Indenture bearing date the fourteenth day of April in the year Eighteen Hundred and twenty three and recorded in Liber I S No 17 folios 556 & 557 one of the land records of Frederick County aforesaid by reference to which, to said deed more fully & satisfactorily appear also all that lot piece or parcel of ground situated lying and being in Frederick Town in Frederick County aforesaid, which was conveyed by William Clemmitt to the said John Reich by his deed of Bargain and Sale duly executed & acknowledged by him, on the twenty fifth day of November in the year Eighteen Hundred & Six & recorded in Liber WBB No 30 folios 140, 141 and 142 one of the land records of Frederick County aforesaid, as by reference to the same will more fully appear also all that lot or parcel of land being part of Lot Number Three, which is part of a tract of land called "the Resurvey on Jacobs" lying in Frederick County aforesaid which was conveyed by a certain Elizabeth & Potts and Richard Potts Executors of William Potts Deceased to the said John Reich & his Heirs, by their deed of Indenture duly executed and acknowledged on the Eighteenth day of October, in the year Eighteen Hundred and twenty and recorded in Liber I S No 12 folios 374 and 375 one of the land records of the County aforesaid, as if reference is had to the same will more fully appear To Have and To Hold the said described Lots, pieces, portions and parcels of land together with all and singular the buildings, improvements and appurtenances thereof to him the said Christian Scholl, his Heirs and Assigns provided always, and it is the true intent and meaning of these presents and of the parties hereunto that if the said John Reich shall on or before the tenth day of February next pay and satisfy unto the said Christian Scholl, the said sum of one Thousand nine Hundred

And Thirteen Dollars with all the interest which may be due thereon and shall pay and satisfy the said claims of said Eleanor Potts executrid of Richard Potts and the said Nicholas Hobby, and shall save Harmless and keep indemnified the said Christian Schell and his Heirs, as the security of said Reich, as aforesaid, from the payment of the same or any part thereof then and from thenceforth these presents and every matter and thing therein contained shall cease and be utterly null and void In Witness whereof the said John Reich hath hereunto subscribed his name & affixed his Seal the day and year first herein before written,

Signed Sealed & Delivered
in the presence of
Abm Shriner,

John Reich (Seal)

State of Maryland Frederick County to wit Be it remembered, that on this ninth day of December in the year of our Lord Eighteen Hundred and twenty four, personally appears John Reich party grantor, mentioned in the within deed before me the Subscriber, one of the Judges of the fifth Judicial district for the State of Maryland, and acknowledges the said deed, to be his act and deed and the land and premises therein mentioned, and thereby bargained and sold to be the right and estate of Christian Schell aforesaid the party grantee also therein mentioned, his Heirs and assigns according to the true act, true intent and meaning of said deed and the acts of assembly in such case made & provided,

Abm Shriner,

(Exhibit No 2)

Exhibit No 2

This Indenture made this 14th day of December in the year of our Lord Eighteen Hundred and twenty four Between William Ross of Frederick County and State of Maryland of the one part and Christian Shull of the County and State aforesaid of the other part Whereas by a Decree of Frederick County Court Sitting as a Court of Equity bearing date the twenty eighth day of August Eighteen Hundred and twenty two the above named William Ross was appointed a Trustee and authorised & empowered to sell and dispose of the real Estate of Benjamin Hersh for the payment of his debts, as will fully appear by the said Decree and the proceedings had in the same Cause that in pursuance of the said Decree the said William Ross on the third of October Eighteen Hundred and twenty two did sell & dispose of, to a Certain Samuel Hauer part of a tract of land Situate lying and being in Frederick County aforesaid being and the Necessary adjoining the Baltimore Turnpike Stone Bridge, Containing about fifty acres

Be the same more or less and for the sum of Three thousand three Hundred Dollars Current money and whereas the said Samuel Haupt not being able to pay the purchase money agreed to be paid for the said Land, and the said Christian Shull, a certain John Reich, and the Heirs of Levi Hughes, having purchased the equitable Interest of the said Samuel Haupt the said John Reich, for himself and the Heirs of the said Levi Hughes having by his petition applied to the Judges of Frederick County Court sitting as a Court of Equity praying the said Court to order and direct the said William Ross Trustee as aforesaid to convey to the said Christian Shull and to the Heirs of Levi Hughes a legal Title to them according to their respective Interests in the said fifty acres of land whereupon the Court on the ninth of December Eighteen Hundred and twenty four ordered and directed the said William Ross to convey to the said Christian Shull and to the Heirs of the said Levi Hughes according to the prayer of the said Petitioner all which will fully appear by the proceedings had in the said Petition and whereas the purchase money for Forty acres of the said Land having been fully paid by the said Christian Shull and the said William Ross being authorized by the said last order to execute a Conveyance for the said forty acres to the said Christian Shull and to Comply with the terms of the said order and Decree, the said William Ross hath agreed to execute these presents Now this Indenture Witnesseth that the said William Ross in Consideration of the above recited premises and also of one Dollar to him in hand paid by the said Christian Shull the receipt whereof is Hereby acknowledged and himself therewith to be paid. Hath granted, bargained sold released aliened enfeoffed & confirmed and by these presents doth grant bargain and release alien enfeoff and confirm unto the said Christian Shull his Heirs and assigns forever all that piece of Land lying in the Mountain adjoining the Baltimore Turnpike Stone Bridge situated lying and being in Frederick County aforesaid containing forty acres be the same more or less. it being the same part of the said tract on which the said Benjamin Shrub and his family lives To Have and to Hold the said piece of Land with the dwelling House & other Houses with every of the appurtenances thereunto

Belonging unto the said Christian Shull his Heirs and Asigns forever to his and their only proper use and behoof and to and for no other use Intent or Purpose whatsoever In Witness Whereof I Have Hereunto set my Hand and Seal this day and year first above written.

Signed Sealed & Delivered
in the presence of Mr. Shriver. } Wm Rose (Seal)

State of Maryland to Frederick County to Be it remembered that on this 16th day of December in the year Eighteen Hundred and Twenty four personally appears William Rose of the County and State aforesaid, the party Grantor within named, before me the Subscriber one of the Associate Judges of the fifth Judicial District of Maryland and acknowledges the within Instrument of writing as his act and deed and the Land and premises therein mentioned to be the right and Estate of the within named Christian Shull party grantee and therein his Heirs and Asigns forever according to the purport true intent and meaning thereof, and the act of Assembly in such case made and provided. Mr. Shriver.

Exhibit No 3

Exhibit No 3

Whereas William Rose by deed of bargain & Sale, Executed & acknowledged by Him on the 14th day of December 1824 Conveyed to me certain land which as Trustee he was directed by Frederick County Court Sitting as a Court of Equity to Convey as by reference to said deed will more fully appear and whereas John Reich by his deed of Mortgage duly Executed and acknowledged on the Ninth day of December in the year 1824 Has Conveyed to me certain lands particularly specified in said Mortgage to Secure the Payment of certain debts due to me from said Reich as also to indemnify me for certain liabilities of mine as Security for said Reich and which said debts and liabilities are particularly set forth in said deed of Mortgage as by reference to the same will more fully appear and whereas the said land Conveyed to me by said Rose was Conveyed as a further Security for the debts due to me by said Reich and my said liabilities as his Security Now Know all men by these presents that I Christian Shull of Frederick County do Hereby bind and obligate myself to the said John Reich and his Heirs and Asigns to Convey to Him and them the said land Conveyed to me by said Rose on said Reich's paying to me the Money due to me by him as set forth in said Mortgage and also paying the different debts of his, for the

Payment of which I axis his Security as also Specifies in said Deed of Mortgage and provided the said debts due by said Reich are fully paid and Satisfied on or before the tenth day of January 1830 In Witness whereof I Have Hereunto Subscribed my name and affixed my Seal this tenth day of January 1825.

Witness Philip Reich. Christian Schold (Seal)

order for Commn. Whereupon the Court Passed the following order viz

John Reich vs Daniel Schold and Ann Hedges wife and others. In Frederick County Court as a Court of Equity August Term 1824 ordered that a Commission to appoint a Guardian to answer for the Infant Defendants above named upon the

James M Sherman Esquire. — Now Shewed, Whereupon in pursuance of the above order the following

Commn. Commission Issued viz

State of Maryland, To. The State of Maryland. To James M Sherman Esquire of Frederick County Greeting

(Seal) Whereas John Reich, Hath lately exhibited his Bill before us in our County Court as a Court of Chancery, against Daniel Schold, Rebecca Schold, Lewis A Schold, Dennis Schold Mary Elizabeth Schold, Defendants and Whereas we Have, by our writ lately Commanded the said Defendants to appear before us, in our said Court as a Court of Chancery on a Certain day now past, to answer the said Bill so far as much as the said Rebecca, Lewis A, Dennis and Mary Elizabeth are infants under age, & cannot answer the said Bill nor defend this suit, without having a guardian appointed in that behalf. Know ye therefore that we Have given unto you full power and authority in pursuance of the special order in our said Court, to appoint and appoint a Guardian for the aforesaid infants, and to take the answer of the said infants by such Guardian to the said Bill and therefore we Command you, that at such Certain day and place as you shall think fit, you go to the said Defendants if they cannot conveniently come to you and assign and appoint a Guardian for the aforesaid infants and take the answers of the said infants, by such Guardian, to the said Bill on such Guardian's Corporal Oath upon the Holy Evangely, to be administered by you, the said answers being distinctly and plainly wrote and when you shall have so taken the said answers you are to send the same, closed up under your Seal, together

with your Certificate of your having signed and appointed such Guardian as aforesaid, and this writ, unto us, in our said Court sitting the Honourable John Buchanan Esquire Chief Judge of our said Court the 6th day of August Anno Domini 1827. Issued the 18th day of December 1827.

F. A. Bakley Solr. — John Bakley Clerk.

Whereupon the following Answer and Certificate of the Infant Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz. The Joint and Separate answer of Richard Schoed, Lewis V Schoed, Dennis Schoed and Mary Elizabeth Schoed infant Defendants by Philip Reich their guardian to the Bill of Complaint of John Reich filed in Frederick County Court sitting as a Court of Equity The said Infant Defendants by their said guardian for answer to said Bill or to so much thereof as they are advised it is material or necessary for them to make answer unto they answer and say that they admit the several matters and things contained in said Bill of Complaint to be true as therein set forth and they are willing that a decree shall pass in favour of said Complainant on his paying the fund amount due by him under said Mortgage as set forth in said Bill to said Christian Schoed Deceased representatives & said Cleared Debts and they pray to be Hence Dismissed &c.

Infants answer

Philip Reich Guardian to said Infants Defendants

On this 21st day of December 1827. Philip Reich the above named guardian appeared before the Subscriber the Commissioner appointed by Frederick County Court sitting as a Court of Equity to take the answer of said Infants, and made Oath on the Holy Evangely of Almighty God that the several matters stated in the aforegoing answer are true to the best of his knowledge information and belief.

Sworn Before Jas. Shellman Commissioner

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity In pursuance of the authority vested in me by the annexed Commission I have signed and appointed Philip Reich Guardian to the infant Defendants therein named, and have taken the answer of said infants by their said Guardian in Writing on his Corporal Oath to said Bill of Complaint, also recited in said Bill and which said answer together with the said Commission I Herewith and enclosed In Witness whereof I Have Hereunto set my hand and

And Seal this 21st day of December in the year 1827.
Saml Sheleman (Seal)

Answer of Daniel Scholl

Whereupon the following Answer was filed viz
The Separate answer of Daniel Scholl the administrator and one of the Heirs at Law of Christian Scholl deceased to the Bill of Complaint of John Reich. This Defendant for answer to said Bill of Complaint as to so much as he is advised it is material for him to answer unto, answers and says that he admits the several matters and things stated in said Bill to be true as therein set forth. That the full amount due by said Reich to the said Christian Scholl, and now to this respondent as administrator of said Christian under said Mortgage is shown by the said notes Specified in said Mortgage and now Exhibited as a part of this answer marked note No 1 & No 2 except the sum of forty six Dollars and thirty cents which is indorsed on note No 1 as a Credit on the same. And this defendant is willing on the full payment of said notes to release and reconvey as prayed for by Complainants. and he prays to be hence dismissed with his reasonable Costs & Charges, in this behalf sustained.
Daniel Scholl sworn
on this 13th day of December 1827 Daniel Scholl made Oath before the Subscriber a Justice of the Peace for Frederick County that the Same facts Stated in the within answer are true to the best of his knowledge & belief. M Baltzly

Exhibit No 1

Exhibit No 1 referred to in the above answer Contained in the following Words viz
$1100 Sixty days after date I promise to pay Christian Scholl or order eleven Hundred Dollars with interest thereon from the date hereof for Value received Witness my Hand and Seal this 7th day of December 1824 Witness Fa Stup @ Sahley, John Reich (Seal)
January 17th 1827. Recd on the within note forty six Dollars & thirty cents for Interest.

Exhibit No 2

Exhibit No 2

Sixty days after date I promise to pay or cause to be paid unto Christian Scholl or order the sum of eight Hundred & thirteen Dollars Current money of Maryland with Interest from date for Value received this 22d day of November 1824.
Test John Reich Junr John Reich

Answer of Eleanor Potts

Whereupon the following Answer was filed viz
The Separate answer of Eleanor Potts one of the Defendants to the Bill of Complaint of John Reich in

Frederick County Court as a Court of Equity This defendant answers to as much of said bill as concerns her to answer and says that is true as stated that there are two Bonds of John Reich's remaining unsatisfied in which Christian Schaeb is security each for Six Hundred Dollars & interest paid thereon to the first of November last the amount of her claim upon said Reichs. Bonds in which said Schaeb was security is the sum of Twelve Hundred dollars with interest from the first of November last for which she has a Judgment in Frederick County Court which will be satisfied on payment of the aforesaid amount this defendant having answered all that part of the bill which relates to her, prays to be hence dismissed &c

R Potts Solicitor for this Defendant.

I agree that the above answer shall be received without being sworn to. Fred^k & Talley for Complt.

Answer of Charlotte Gittinger & others

Whereupon the following Answer was filed viz

The Joint and Seperate answer of Enos Hedges & Catherine his wife, George Gittinger & Charlotte his wife four of the Defendants to the Bill of Complaint of John Reich filed in Frederick County Court Sitting as a Court of Equity These defendants for answer to said Bill of Complaint or as much thereof as they are advised it is material or necessary for them to make answer unto answer and say that they admit the several matters and things therein stated to be true and are willing a Decree shall pass as prayed on said Complainants paying up the said full amount due to said Christian Schaeb Deceased and to said Eleanor Potts and they pray to be hence dismissed with their reasonable Costs and Charges in this behalf sustained. Charles Gittinger, George Gittinger,

Enos Hedges Catherine Hedges

On this 19th day of December 1827, the above named Enos & Catherine Hedges, George & Charlotte Gittinger made Oath before the Subscriber a Justice of the Peace for Frederick County that the several facts stated in the above answer are true to the best of their knowledge & belief — Sworn Before. Jacob Reed,

Answer of Elias Schaeb

Whereupon the following answer was filed viz

The Seperate answer of Elias Schaeb one of the defendants to the Bill of Complaint of John Reich filed in Frederick County Court Sitting as a Court of Equity This defendant for answer to said bill of complaint says that he admits the several matters & things therein contained to be true as therein stated and is willing a Decree shall pass as prayed in said Complainants paying up the said full amount due to said Christian Schaeb Deceased and to

Said Eleanor Potts. and he prays to be hence dismissed with their reasonable costs & charges &c Elias Schoch,
On this 21st day of December 1827. Elias Schoch appeared
before the subscribed a Justice of the peace for Frederick
County and made oath before the Holy Evangely of
Almighty God that the several matters and things
Stated in the above answer are true to the best
of his knowledge & Belief

Sworn Before. me E. Bartgis

Decree

John Reich
vs
Daniel Schoch
Exrs Madge wife
Georg Gittinger wife
Elias Schoch. Rebecca
Schoch. Lewis V Schoch
Dennis Schoch. Mary
Elizabeth Schoch & Eleanor Potts

Whereupon the Court passed the following Decree viz
In Frederick County Court Sitting as
a Court of Chancery August Term 1827.
This Cause Standing ready for a
Hearing. and being Submitted
the Bill answers Exhibits and
all other proceedings read by
the Court and Considered
and no appearing reason.
able to the Court that
the relief sought should be granted it is thereupon
this Twenty first day of December in the year 1827 by
the Court aforesaid ordered and decreed. that the
Complainant pay to Daniel Schoch as the adminis-
trator of Christian Schoch, Deceased on or Before the
twenty Second day of December 1827 the sum of two
thousand two Hundred and Seventeen dollars and
Eighty five Cents and that the Complainant on
or before last said day also pay to Eleanor Potts
the sum of twelve Hundred & two Dollars fifty
Cents that upon the payment of said sums of
money the said Daniel Schoch. Exrs Madge & Catherine
his wife. Georg Gittinger and Charlotte his wife
and Elias Schoch die of said Defendants shall by a
good and sufficient deed to be Executed and
acknowledged by them according to law Convey. re
assign and transfer to the said John Reich the Com-
plainant in fee all the right title and estate which
was vested in the said Christian Schoch (and which
descended to the last named six Defendants from
the said Christian Schoch deceased) by virtue of the
Mortgage Executed by the Complainant to the said
Christian Schoch. as also by virtue of the deed Executed
by William Ross as Trustee. to the said Christian Schoch
which said deed of Mortgage and deed of Conveyance
are filed in the proceedings in this Cause as the
Complainants Exhibits marked No 1 and No 2. to and

In all the said land, lots, liens and parcels of land and premises hattienlarly described and Specified in the said Deed And it is further adjudged ordered and decreed that Philip Reich of Frederick be and he is Hereby appointed Guardian for Rebecca Schoer, Lewis N Schoer, Dennis Schoer and Mary Elizabeth Schoer the infant Heirs of the said Christian Schoer Deceased named in the proceedings, for the purpose of executing and he is Hereby empowered and directed after the payment as aforesaid, to execute a deed to be duely acknowledged and recorded conveying, assigning and transferring to the said John Reich the complainant and his Heirs in fee the legal title to all the said Land, Tracts, liens, lots, and parcels of land and premises which was vested in the said Christiana Schoer Deceased by virtue of the said deed of Mortgage No 1 and the said deed of Conveyance No 2 and which descended after his death to the said infant Heirs provided that liberty be reserved to the said infant defendants according to the act of Assembly of November Sepion 1778 Chapter 7 —

Absm Shriver.

Test John Schley Clerk

Maryland Frederick County to wit

At a County Court Sitting as a Court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the fourth Monday of October in the year of our Lord Eighteen Hundred & twenty two.

Present The Honourable John Buchanan Esqr Chief Judge
Abraham Shriver & Esquires
Thomas Buchanan } Assd Judges
Thomas W Morgan Esqr Sheriff
and John Schley Clerk

In the record of proceedings of the said Court amongst others are the following viz

Bill

To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery The Bill of Complaint of Ely Dorsey, Henry C Gaither, John W Dorsey, Sabritt Sellman Ignatius Waters and Elizabeth Waters his wife & the Spriggs and Anne Spriggs his wife, Richard Johnson and Juliana Johnson, his wife & Thomas W Dorsey Humbly sheweth that on or about the year Seventeen Hundred and Eighty nine a Certain Ely Dorsey, late of Frederick County since Deceased purchased of a Certain Charles Ridgely then of Baltimore County and who is also since Deceased, part of a tract of land called Pleasant Field situate and lying in Frederick County That the said Charles Ridgely at the time

of the said Sale was vested in fee Simple of the parcel of land as also by him as aforesaid which contained one Hundred and fifty nine acres of land and was Sold by the said Charles Ridgely to the said Ely Dorsey for the Sum of two hundred Shillings per acre and which parcel of land is truly described and the Contract thereof truly Set forth in the paper Hereunto Exhibited marked A to which the Complt. Claimants refer and pray that the same together with the other Exhibits Herein after referred to may be taken as a part of this their Bill of Complaint The Complainants State that afterwards in the Month of March in the year Seventeen Hundred and ninety the said Ely Dorsey paid the full amount of the purchase money for the said land to William Goodwin the authorized agent of the said Charles Ridgely as fully appears by the letters and receipts enclosed in the envelope marked B & indorsed letters & receipts. The Complainants further State that after the said purchase money was paid the said Charles Ridgely died without having Conveyed the said land to the said Ely Dorsey & that the said Charles Ridgely died intestate as to the lands Herein before mentioned to have been sold to Ely Dorsey after the death of the said Charles Ridgely the said Ely Dorsey being desirous of obtaining a Complete Legal title for the land bought and paid for by him as herein before stated, and having learned as he supposed the names of the Heirs at Law of the said Charles Ridgely in the year 1805 procured the paper herein before Exhibited marked A to be prepared in order that the persons therein named as grantors might Execute the same as the law requires and thereby convey to the said Ely Dorsey the aforesaid parcel of land. when the said paper was prepared the said Ely Dorsey had been informed that the persons named therein as grantors were the only Heirs at law of the said Charles Ridgely. But upon further inquiry he discovered that there were many others some of whom were under the age of twenty one years and that the Execution of the said paper would be of no avail to him and he therefore declined the trouble of presenting it for Execution to the different persons named as grantors therein. The said Ely Dorsey died in the year 1821 Having first duly made and Executed his last will and Testament an attested Copy whereof is Herewith

Exhibited marked 6. to which the complainants refer. The said Ely Dorsey under and by virtue of the contract herein before mentioned in the year 1789 entered into possession of the parcel of Land described in the paper marked A. Herein before referred to and continued in the actual and peaceable possession of the said parcel of land from the year 1789 to the time of his death. The complainants further State that the said Ely Dorsey had issue John H Dorsey, Elizabeth who intermarried with Ignatius Waters, Anne who intermarried with Otho Sprigg, Juliana who intermarried with Richard Johnson and Thomas H Dorsey all of whom are now living and are complainants in this Case The said Ely Dorsey also had two other Daughters Mary and Susan. The said Mary married Sabritt Sellers, who is one of the complainants in this Bill, and died after the making of the will of said Ely Dorsey herein before Exhibited but Before the said testator who survived Her. The said Mary left issue Thomas Ely Sellers, Sarah Dorsey Sellers, Mary Dorsey Sellers, and Anna Sellers, Susan Sellers & Margaret Dorsey Sellers her children and Heirs at Law who are all infants under the age of twenty one years. The aforesaid Susan Daughter of the said Ely intermarried, with Samuel Howard and died before the making of the will aforesaid by the said Ely Dorsey, she left issue Sarah R Howard, Lydia M Howard, Ely D Howard, Deborah R Howard, Elizabeth R Howard and Joshua Howard her children and Heirs at Law. The said Ely Dorsey one of the Complainants since the death of his father has Conveyed all his interest in the said parcel of land to Henry C Gaither as will appear by an attested Copy of the said and hereunto Exhibited marked D, The Complainants further State that by the aforesaid will of Ely Dorsey, the said Ely Dorsey and Ignatius Waters two of the complainants are appointed Executors of the said will and are as such authorized and empowered to sell the parcel of land aforesaid for the purposes therein mentioned as by reference thereto will more fully and at large appear, The Compl. Ignatius Waters renounced the appointment of Executor Conferred on him by the said will and thereupon Letters Testamentary were granted by the Orphans Court of Frederick County to the complainant Ely Dorsey, The Complainants further State that by an act of the General Assembly of Maryland passed 20 December Session in the year 1820 Chapter 79. entitled an act for the benefit of Ely Dorsey (of Ely) of Frederick

County the said Ely Dorsey his Heirs and assigns are authorized to file their Bill in this Honourable Court against the legal representatives of the said Charles Ridgely without naming them to obtain a conveyance of the legal title in the parcel of land herein before mentioned and this Honourable Court upon the filing of such bill is authorized instead of issuing subpoenas in the usual form to cause the object and substance of the said Bill to be published once a week for six successive weeks in some news paper printed in the City of Baltimore to warn the said representatives of the said Charles Ridgely upon a certain day to be limitted to appear in this Court to shew cause if any they have why a Decree should not pass as prayed, as by the said act of assembly to which this Complainants refer will among other things more fully and at large appear To the end therefore that the said Ely Dorsey the Complainant may as assignee of the said Ely Dorsey Deceased under the will aforesaid obtain a conveyance for all that part of 'Pleasant Fields' described in the paper marked A, herein before exhibited in order to enable the said Ely Dorsey the Complainant to comply with the directions of the will of the said Ely Dorsey Deceased may it please your Honours to grant to the Complainants the writ of Subpoena in the usual form commanding the said Thomas C Sellers, Sarah D Sellers, Mary D Sellers, and Anna Sellers, Susan Sellers & Margaret D Sellers Children of the said Mary Sellers Deceased, and also Sarah P Howard, Lydia M Howard, Ely D Howard, Deborah M Howard Elizabeth P Howard and Rachel Howard Children of the said Susan Howard Deceased all of whom are infants under the age of twenty one years to be and appear in this Honourable Court on a certain day therein to be named then to answer on their Corporal oaths the several matters and things set forth in this Bill & to abide such order and Decree in the premises as this Honourable Court may deem right, and may it please your Honours also to grant to the Complainants an order of publication against the legal representatives of the said Charles Ridgely Deceased, according to the act of assembly herein before referred to, and may it please your Honours also to grant to your orators such other and further relief in the premises as this Court

May seem just and equitable and your orators as in duty bound will pray and &c. R B Taney Sol.r for Compl.ts.

Exhibit A

Exhibit A / referred to in the within and aforegoing Bill of Complaint Contained in the following words viz.

This Indenture made this day of in the year of our Lord Eighteen hundred and five Between Charles Ridgely (of Hampton) Henry Dorsey Gough and Prudence his wife Thomas B Onion and Elizabeth his wife all of Baltimore County of one part and Ely Dorsey of Frederick County of the other part Whereas Charles Ridgely Esquire of Baltimore County Deceased did heretofore in his Life time authorize and empower William Goodwin the elder to sell and dispose of the Tract or parcel of Land hereafter described and whereas the said William Goodwin in pursuance of each power did agree with the above named Ely Dorsey, for the sale of the said parcel of land at the rate of two pounds ten shillings Current money per acre and the purchase Money hath been paid according to Contract but before any Conveyance was made and Executed by the said Charles Ridgely to the said Ely Dorsey for the said Land and premises he the said Charles Ridgely departed this life, whereby the Legal Estate in said Land and premises vested in the above named Grantors together with some others and sundry Minors under the age of twenty one years who are incapable of making and executing a Conveyance without the aid and directions of the Honorable Court of Chancery and in order that the said Ely Dorsey may be vested with a Legal Estate in Fee in the said land and premises these presents are executed Now this Indenture Witnesseth that the said Charles Ridgely of Hampton Henry Dorsey Gough and Prudence his wife, Thomas B Onion and Elizabeth his wife in Consideration of the above recited premises and also of five Shillings Current Money to them in hand paid by the said Ely Dorsey the receipt whereof is hereby acknowledged and themselves therewith to be fully satisfied and paid have granted bargained sold aliened and confirmed and by these presents do each of them doth grant bargain sell alien and confirm unto the said Ely Dorsey his Heirs and Assigns forever All that part of a Tract or parcel of Land Situate & lying in Frederick County Beginning at the end of the Second line of a Tract of land called Justices Delight being the end of the twenty fifth line of Pleasant Field and allowing four and one Half Degrees variation on the twenty sixth line and running with it South Seventeen and one Half Degrees West two Hundred and forty three perches then by a line drawn through the original Tract South Twenty two and one Half Degrees East one Hundred and ninety and perches

on the tenth line of Ely Dorsey part and with it runned North Eight Degrees East One Hundred and ninety one perches to the end of ninety nine perches on the twenty fourth line of the whole Tract then North five Degrees West fifty one perches thence to the Beginning Containing one Hundred and fifty nine acres of Land being part of a Tract of Land called Pleasant Fields Together with all the said Grantors right Title and Interest of in and to the same and the reversion and reversions remainder and remainders Rents issues and profits thereof and every part thereof To Have and to Hold the said part of a Tract or parcel of Land above described and hereby with every the appurtenances unto the said Ely Dorsey his Heirs and assigns forever. In Witness Whereof the parties Hereto have hereunto set their Hands and Seals the day and year first above written.
Signed Sealed & Delivered. E
In presence of

Baltimore County to wit
Be it remembered that on the day of 180 personally appeared before us the Subscribers two Justices of the Peace for the County aforesaid Charles Ridgely of Hamilton. Henry Dorsey Gough and Prudence his wife Thomas Bowen and Elizabeth his wife and severally acknowledged the aforegoing Instrument of writing as their respective act and deed according to the true intent and meaning thereof. And the said Prudence Gough, and Elizabeth Bowen, were privately examined apart from and out of the Hearing of their said Husbands when they did severally declare that they executed and acknowledged the aforesaid deed willingly and freely without being induced thereto by fear or threats of or ill usage by their husband or fear of their displeasure.
acknowledged before.

Exhibit B

Exhibit B

Sir I know the disposed of four Lots of Land purchased from Col Thomas Dorsey and have been informed you are desirous of purchasing part of them. if so is, should be glad to see you as soon as possible, as I may otherwise offer them to some other person. I am Yr
Yr Most Hble Servt Wm Goodwin. Frdy 26th 1789.
Baltimore 5th March 1790 Recd this day rec'd of Mr Ely Dorsey Junr Two Hundred and Eighty four pounds current Money in part of one Hundred & fifty nine acres of Land being part of Pleasant Fields lying in Frederick County

Numbered on a plat thereof No 1, the whole purchase money is Three Hundred & Ninety Seven pounds ten Shillings & Showed the remaining Balance of one Hundred & thirteen Pounds ten Shillings not be paid on or before the Tenth day of this present Month the Sale to be void & the money already paid forfeited.

Wm Goodwin.

Rec.d March 10th 1790 of Mr Ely Dorsey of Ely One Hundred and thirteen Pounds ten Shillings Current Money for the Balance due for a Lot of Land in Frederick County whereon Joseph Ryles lately lives containing one Hundred & fifty nine acres,

Wm Goodwin.

Exhibit (6)

(Exhibit 6)

In the name of God amen I Ely Dorsey (of Ely) of Frederick County and State of Maryland being Weak in Body but of sound and disposing mind memory and understanding, Considering the Certainty of death and the uncertainty of the time thereof and being desirous to settle my worldly affairs, do therefore make & publish this my last will and Testament in manner and form following that is to say, First and principally I Commit my soul into the Hands of Almighty God and my body to the earth to be decently buried at the discretion of my Executors hereinafter named Item I give and Bequeath to my Beloved wife Araminta Dorsey my four wheel Carriage and Harness and my large chair, Item It is my will and desire that all my negroes shall be free & set at free Liberty in the following manner to wit James (known by the name of big Jim) Betty, Fanny and Her two children (Julian and Sophia), Philemon, Charles and Sarah shall be free at my death and so it is my will and desire that my Executors Hereafter named shall retain in their hands the sum of one thousand Dollars of my Estate the Interest of which shall be paid by my Executors to the aforesaid James, Betty and Fanny during their natural lives for their support and divided between them at the discretion of my Executors and after the death of the said James, Betty & Fanny the aforesaid sum of one thousand Dollars shall be equally divided Between my Sons children to wit John Worthington Dorsey, Mary Sophia, Elizabeth Waters, Ely Dorsey Smith, Alfred Spragg, Julian Johnson, Thomas Worthington Dorsey and my Grand children who are the Children of my late daughter Susan Howard, that is to say, my said Grand children shall receive one Eighth part of the aforesaid one thousand Dollars to be equally divided between them — Nathan aged about Twenty four years shall be free on the first day of November 1825, Joseph aged about Eighteen years shall be free on the first day of November 1831, Owen, aged

about Eighteen years shall be free on the first day of November 1831. Little James, aged about Nineteen years shall be free on the first day of November 1830. Mariah, aged about Eleven years shall be free on the first day of November 1829. Henry aged about Eight years, shall be free on the first day of November 1840, Moses aged about five years shall be free on the first day of November 1843, Mariah, Known by the name of Pigg Mariah aged about thirty years shall be free on the first day of November 1829, William son of Mariah, aged about twelve years shall be free, on the first day of November 1840 Mary Daughter of Mariah, aged about two years shall be free on the first day of November 1829, Nancy aged about twenty Eight years shall be free on the first day of November 1829, Martha, Daughter of Nancy aged about Eight years shall be free on the first day of November 1832, Jungo son of Dave, aged fifteen Months, shall be free on the first day of November 1847. The aforesaid Negroes who have a term of years to serve, their time of servitude shall be appraised and returned in the Inventory of my personal Estate and divided among all my children at their appraised Value, as a part of their respective Shares of my estate, or their time of Servitude of the aforesaid Negroes may be sold or disposed of at the discretion of my Executors Hereafter to be named, and it is further my will and desire and I Hereby direct my Executors hereafter to be named, to sell at Public Sale the whole of my real Estate and the Balance of my personal Estate, viz. Hertford beqeathed or Devised and the sale of said real and personal Estate shall be at such time and on such terms as my said Executors may think proper, and the said Executors are Hereby fully authorized and empowered to convey by good and sufficient Deed or Deed of Conveyance of all my Right to the purchaser or purchasers thereof and the money arising from the Sale of my real & personal Estate aforesaid shall be divided among my Children in the following manner to wit. Item I give and bequeath to my Son John Worthington Denny, the sum of three thousand Dollars. Item I give & bequeath to my Daughter Mary Sellers the sum of Five thousand Dollars, Item I give and bequeath to my daughter Elizabeth Waters the sum of Five thousand Dollars Item I give and bequeath to my Daughter Anne Pigg the sum of Five thousand Dollars. Item I give and bequeath to my daughter Eulian Johnson the sum of Five thousand

Dollars. Item I give and bequeath to my son Thomas Worthington Dorsey, the sum of six thousand Dollars Item I give and bequeath to my Grand Daughter Sally Rebecca Howard the sum of six Hundred and Sixty seven Dollars Item I give and bequeath to my Grand Daughter Lydia Hood Howard the sum of six Hundred and Sixty seven Dollars, Item. I give and bequeath to my Grandson Ely Dorsey Howard the sum of six Hundred and Sixty seven Dollars Item I give and bequeath to my Grand Daughter, Deborah Ridgely Howard, the sum of six Hundred and Sixty seven Dollars Item I give and Bequeath to my Grand Daughter Elizabeth Ridgely Howard, the sum of six Hundred and Sixty seven Dollars Item. I give and bequeath to my Grandson Joshua Howard the sum of six Hundred & Sixty seven Dollars, and it is further my will and desire that the rest and residue of my Estate after my lawful Debts and funeral Expenses are paid shall be equally divided between all my children and my late daughter Susan Howards Children who are to stand in the Eighth part of the said rest and residue of my estate as aforesaid, that is to say the said rest and residue as stated aforesaid shall be equally divided between John Worthington Dorsey, Mary Sellers, Elizabeth Waters, Ely Dorsey Junr, Anne Quigg, Julian Johnson, Thomas Worthington Dorsey & my six grand children named above being the children of my late daughter Susan Howard aforesaid. and further it is my will and desire, that in case any of the within named Female negroes should have any Issue before their period of Emancipation should take the said Issue shall be free in the following manner to wit the male children shall be free and at free Liberty at the age of Twenty five years and female children shall be free at the age of twenty one years and it is further my will and desire and I Hereby order and direct that in case any of my late Daughters Susan Howards children should die before they arrive at proper age according to Law to receive their respective Legacies or dividends of my Estate then and in that case, the said deceased child or children part or portion of my Estate shall be equally divided between the survivors survivors of said Susan Howards children, and in case the whole of the said Susan Howards children should die before they arrive at proper age as aforesaid then and in that case their part or portions shall be equally divided between my seven children before named and Lastly. I do Hereby Constitute and appoint my Son Ely Dorsey Junior, and my son in law Ignatius Waters to be my Executors of this my last will and testament revoking all Wills by me heretofore made. declaring this and this only to be my last will and Testament. In

Testimony where of I Have Hereunto set my Hand and affixed my Seal this fifth day of May in the year of our Lord Eighteen Hundred and Nineteen.

Signed Sealed Published and Declared by Ely Dorsey of Ely the above named Testator as and for his last will and Testament in the presence of us, who at his request in his presence and in the presence of each other have subscribed our names as Witnesses thereto.

William Duddera, David Duddera

Ferdinand Ewald, Alex. Warfield.

Ely Dorsey (of Ely) Seal

Whereas I Ely Dorsey (of Ely) of Frederick County Have made and duly Executed my last Will and Testament in writing bearing date the fifth day of May one thousand Eight Hundred and Nineteen which said last will and Testament and my Clause Bequeath and devise therein Contained I do Hereby ratify and confirm Saving and Excepting such Clauses Bequests and devises therein mentioned as are by me hereinafter revoked and therein made void, and being desirous to alter such parts thereof and of making additions thereto do therefore Hereby make this my Codicil which I will and direct shall be taken and Held as part of my said will and Testament in manner and form following (that is to say) and whereas by my said will I did give and Bequeath unto Anne Spriggs wife of Othe Spriggs of said County the sum of five thousand Dollars now I do Hereby revoke the said Legacy to Anne Spriggs and an equal dividend with the rest of Children as aforesaid but in the place thereof do Hereby Constitute and appoint Ignatius Waters and Jabez Sellers my sons in law Trustees in Trust to receive the aforesaid sum of five thousand Dollars and the equal dividend as aforesaid with the rest of my Children to be applied for the use Anne Spriggs wife of Othe Spriggs as aforesaid and her Children. and whereas by my said Will I did give and Bequeath unto my Son Thomas Worthington Dorsey the sum of six thousand Dollars and an equal share with the rest of my Children as aforesaid now I do Hereby revoke the aforesaid Legacy of six thousand Dollars and the equal Share with the rest of my Children as aforesaid, but in the place thereof do Hereby Constitute and appoint my respected friends Alexander

Warfield, John Dudderer, and Joshua Jones, Trustees in trust to receive the aforesaid sum of Six thousand Dollars and the Equal dividend of my Estate as aforesaid to be applyed to the discretion of the Trustees as aforesaid, for the use and benefit of my Son Thomas Worthington Dorsey, his Heirs and Assigns forever and whereas I have left in my said Will Julian and Sophia two negro female children to be free at my death. I hereby revoke the aforepart of my will and order and direct my Executors after their times are up with Them and Ouown that they shall then serve five years each and the money arising therefrom shall be applyed for the Benefit or maintainance of their Mother known by the name of Fanny In Testimony whereof I have set my Hand and Seal this ninth day of January one thousand Eight Hundred and twenty One — Signed, Sealed

published and declared by Ely Dorsey (of Ely) the above named Testator, as and for a Codicil to his last will and testament in the presence of us who at his request in his presence and in the presence of each other have subscribed our names as Witnesses thereto, William Dudderer, David Dudderer Ferdinand Oneale,

Ely Dorsey his + mark (Seal)

Frederick County to wit On the 8th day of September 1821. then came Ignatius Waters, and made Oath on the Holy Evangely of Almighty God that the foregoing Instrument of writing is the true whole will and testament and Codicil of Ely Dorsey of Ely, late of Frederick County deceased, that Oath came to his Knowledge and Perception and that he doth not know of any other. Test Henry Haines Reg^{r}

Frederick County to wit On the 8th day of September 1821 then came William Dudderer, David Dudderer and Ferdinand Oneale, three of the Subscribing Witnesses to the foregoing Last will and Testament and Codicil of Ely Dorsey of Ely late of Frederick County Deceased and made Oath on the Holy Evangely of Almighty God that they did see the testator therein named sign & Seal this will and Codicil that they Heard him publish pronounce and declare the same to be his last will & testament and Codicil, that at the time of his so doing he was to the best of their apprehensions of a sound and disposing mind memory and understanding, that they respectively Subscribed their names as Witnesses to this will and Codicil in the presence and at the request of the testator, and that they did also see Alexander Warfield sign his name as a Witness to this

Will in the presence and at the request of the testator
and all in the presence of each other —
Test Henry Steiner Regr

Maryland Frederick County to wit I Hereby Certify
that the foregoing is a true copy taken from the
Original filed in the office of the Register of Wills for
Frederick County. In Testimony whereof I have
hereunto set my Hand and affixed the
Seal of office this 18th day of December
1821. Henry Steiner Regr

Exhibits D. referred to in the within Bill of Complaint
was now filed in the above & within cause.

order of publication

Whereupon the Court passed the following order of publication
viz. Ely Dorsey & others
vs
The Legal representatives of
Charles Ridgely & others.
In Frederick County Court as
a Court of Chancery. The Bill
in this case States that Ely
Dorsey late of Frederick County
Deceased in the year 1789 purchased of Charles Ridgely
late of Baltimore County Deceased part of a Tract of
Land called "Pleasant Field" containing one Hundred
and fifty nine acres of land. Situate and lying in
Frederick County at and for the price of two pounds
ten Shillings pr acre. and that the purchase Money
was paid in March 1790. That the said Charles Ridgely
died intestate as to this parcel of land and without
having conveyed the same to the said Ely Dorsey. that
the said Ely Dorsey under the Contract aforesaid
entered into possession of the said Land in the year
1789 & continued to Hold and possess the same until
his death which happened in 1821. The object of the Bill
is to procure a Conveyance of the legal title from the
Legal representatives of the said Charles Ridgely to Ely
Dorsey according to the last will and testament of the
said Ely Dorsey Deceased. and these proceedings are had
under the act of the General Assembly of Maryland
entitled "an act for the Benefit of Ely Dorsey (of Ely) of
Frederick County passed at December Session 1820. chapter
79. It is thereupon this 14th day of December in the year 1822.
ordered by Frederick County Court as a Court of Chancery
that a copy of this order be published once a week for
Six Successive Weeks in some news paper printed in the
City of Baltimore to warn the legal representatives of
the said Charles Ridgely Deceased to appear in Frederick
County Court Sitting as a Court of Chancery on the first
Monday in March next in person or by Solicitor to
shew Cause if any they have why a Decree should
not pass as prayed according to the provisions of the

Act of assembly herein before referred to. Abm. Shriver.
And the said cause so standing continued from Term to Term until January Term 1823 the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz.

Printers Certificate

This is to certify that an order of Frederick County Court in the case of Ely Dorsey and others, a Copy of which is annexed was published in the Federal Gazette newspaper, printed in the City of Baltimore, once a week for six successive Weeks commencing December 21st 1822. For Wm. Grayson.
W Eichelberger.

Order for Commn.

Whereupon the Court heard the following order for Commission viz. Ely Dorsey & others vs The Legal representatives of Charles Ridgely & others In Frederick County Court as a Court of Equity ordered that Commission issue to John Luther in the usual form to take the answers of the Infant Defendants in this case who have been returned Summoned. Abm. Shriver. Feby 5th 1823.

Commn.

Whereupon in pursuance of the above order the following Commission issued viz.

Maryland ss. The State of Maryland. To John Duvall of Frederick County. Greeting. Whereas Ely Dorsey & others have lately exhibited their Bill before us in our County Court as a Court of Chancery, against Thomas C Sellers, Sarah D Sellers, Mary D Sellers, Anna Sellers, Susan Sellers, Margaret D Sellers, Sarah R Howard Lydia M Howard, Ely D Howard, Deborah R Howard, Elizabeth R Howard and Joshua Howard Defendants and whereas we have, by our writ, lately commanded the said Defendants to appear before us in our said Court as a Court of Chancery, at a certain day, now last, to answer the said Bill but for as much as the said Defendants are infants under age, and cannot answer the said Bill nor defend this suit, without having a Guardian assigned in that behalf. Know ye therefore, that we have given unto you five, four and authority in pursuance of the aforesaid order in our said Court, to assign and appoint a Guardian for the aforesaid infants, and to take the answer of the said infants, by such Guardians to the said Bill and therefore we command you, that at such certain day and place as you shall think fit, you go to the said Defendants if they cannot conveniently come to you, and assign and appoint a Guardian for the aforesaid infants, and take the answers of the said infants by such Guardians, to the said Bill and such Guardian's Corporal oath upon the Holy Evangely, to be administered by you, the said answers being distinctly

And plainly wrote, and when you shall have so taken
the said answers you are to send the same, closed up
under your seal together with your certificate of your
having assigned and appointed such Guardian as
aforesaid, and this writ, unto us, in our said Court
Witness the Honorable John Buchanan Esq^r Chief
Judge of our said Court this 28^th day of October Anno
Domini 1822. Issued by order 5^th day of February 1823.
John Sibley Clerk.
(R B Taney Sol^r)

Whereupon the following Certificate and Answers of
the Infants Defendants by their Guardian regularly
appointed together with the above Commission thereto
annexed was filed viz^t

To the Honorable the Judges of Frederick County Court
Sitting as a Court of Chancery I the Subscriber named in
the Commission Hereunto annexed, do Hereby Certify that
by virtue of the said Commission I have assigned and
appointed Thomas Sappington Guardian for all the Infants
named in the said Commission and taken the answers
of the said Infants by their said Guardian in Writing
upon his Corporal oath, to the Bill in the said Commis-
sion recited which I Herewith send enclosed - In
Witness whereof I have Hereunto set my Hand and Seal
this 22^d day of February in the year Eighteen Hundred
and twenty three.
John Duddera[illegible] (Seal)

The Joint and Separate answers of Thomas B Sellers, Sarah B
Sellers, Mary D Sellers, and Anna Sellers, Susan Sellers
Margaret D Sellers, Sarah R Howard Lydia M Howard,
Ely D Howard, Deborah R Howard Elizabeth R Howard
and Joshua Howard Defendants to the Bill of
Complaint of Ely Dorsey, Henry B Gaither, John W
Dorsey, Sabrett Sellers, Ignatius Waters & Elizabeth
Waters his Wife, otho Spriggs & Anna Spriggs his wife
Richard Johnson & Juliana Johnson his wife & Thomas
W Dorsey filed in Frederick County Court Sitting as a
Court of Chancery The above named Defendants being
infants under the age of twenty one years by their
Guardian Thomas Sappington in answer to the said
Bill Severally say that they admit the several matters
and things therein set forth, and are willing that
a Decree should pass as prayed by the Complainants.
Thomas Sappington Guardian to the above named Defendts

Frederick County to wit Be it remembered that on this
22^d day of February in the year of our Lord Eighteen
Hundred and twenty three personally appears Thomas
Sappington the Guardian above named, before me
the Subscriber the Commissioner named in the

Commission hereunto annexed and makes oath on the Holy Evangely of Almighty God that the several matters stated in the aforegoing answer are true as stated to the best of his knowledge. Sworn before John Anderson Commissioner. And the said cause is standing continued from Term to Term until August Term 1827. The Court hoped the following

Decree

Decree viz. Ely Dorsey & others vs The Legal representatives of Charles Ridgely & others } In Frederick County Court Sitting as a Court of Equity August Term 1827. This cause standing ready for a Hearing & being submitted, the Bill, Subpoena, Order for notice, exhibits and answers read by the Court and Considered. It is thereupon this fourth day of October in the year of our Lord 1827 by the Court aforesaid ordered and decreed that the facts stated in the Complainants Bill of Complaint be taken pro Confesso and that the Legal Heirs and representatives of the said Charles Ridgely Deceased, by a good and to be Legally Executed, acknowledged and recorded, Convey the Legal title to the said land, mentioned in the Bill of Complaint, to wit part of a Tract of land called "Pleasant Fields" to Ely Dorsey one of the Complainants, as the Executor of the last will and testament of Ely Dorsey, his Deceased father, in fee, for the purposes stated & set forth in said will and to enable him to Convey said part of said tract of land to the purchaser or purchasers thereof under said last will and testament, and that the said Ely Dorsey the Complainant hold for the purposes aforesaid, the said part of said Tract of Land called "Pleasant Fields" by the following metes and Bounds to wit Beginning for the same at the end of the Second line of a tract of land called Justis Delight" being the end of the twenty fifth line of "Pleasant Fields" and allowing four and a half degrees variation on the twenty sixth line and running with it South Seventeen and a half degrees West two hundred and forty three perches thence by a line drawn through the original tract, South twenty five and a half degrees East one hundred and ninety and perches in the tenth line of Ely Dorsey's part and with it reversed North eight degrees East, one Hundred and ninety one perches, to the end of ninety nine perches on the twenty fourth line of the whole tract, thence north five degrees West fifty one perches, thence to the beginning Containing one Hundred & fifty nine acres of land and which metes & bounds shall be expressed in the Deed —

Alex Shriver

Test John Ashley Clerk

Maryland Frederick County to
At a County Court Sitting as a Court of Equity Begun
and Held at the Court House in Fredericktown in
and for said County on the first Monday of February
in the year of our Lord 1824.

Present The Honourable John Buchanan Esqr. Chief Judge
Abraham Shriner & } Esquires
Roman Buchanan } Assd. Judges
Roman Carlton Esquire Sheriff
and John Lakey Clerk

In the record of proceedings of the said Court amongst
others are the following viz.

Bill

To the Honourable the Judges of Frederick County Court
Sitting as a Court of Equity Humbly Complaining
sheweth unto your Honours your orator Robert L
Annan and Isaac Rohr of Frederick County that a certain
Solomon Kephart of Frederick County being seized and
possessed of a House and Lot in the Town of Emmittsburg
in Frederick County on the sixth day of January Eighteen
Hundred agreed to sell the same to a certain John
McKenzie for the consideration of one Thousand Flour
Barrels to be delivered in manner, time and place as
specified in a written article of agreement between
the parties herewith exhibited Marked A and which with
all other exhibits hereinafter referred to your orator
prays may be received and taken as a part of this his
Bill of Complaint That said Solomon Kephart died
on or about the fifth day of June Eighteen Hundred and
five without having executed a Deed for said House
and Lot That the Flour Barrels stipulated to be delivered
by the aforesaid agreement were all delivered to the said
Solomon Kephart before his death That on the Twenty
seventh day of June Eighteen Hundred and four the said
John McKenzie by Article of agreement Herewith shewn
marked B sold said House and Lot to a certain Malahy
Flanagan, of Frederick County for the sum of Four Hundred
Dollars and that the said Malahy Flanagan on the Twenty
Sixth day of May Eighteen Hundred and Eight assigned
said agreement to a certain Jacob Bond and Henry Geyer
for the Consideration in said assignment expressed.
which said assignment is endorsed upon the agreement
marked B to which for greater Certainty your Orator
prays leave to refer, and to incorporate it with this Bill
That the aforesaid John McKenzie to which a Considerable
part of the purchase money for the House and Lot
aforesaid remained due from Malahy Flanagan

aforesaid on the first day of November Eighteen Hundred and Eight assigned this claim under the articles of agreement marked B to certain Joseph Hughes by an instrument of writing herewith shewn marked C, and that on the thirteenth day of December Eighteen Hundred and nine the aforesaid Malchy Flanagan George Rowe, and Henry Geyer, joined in an assignment of the property aforesaid to Joseph Hughes aforesaid, which said assignment is now exhibited marked D. that said House and Lot was afterwards sold by Joseph Hughes to Henry Geyer aforesaid and that on the 24th day of February Eighteen Hundred and Twenty said House and Lot was levied on and sold by the Sheriff of Frederick County as the property of Henry Geyer, who Jacob Rohr and your orator became the purchasers the Sheriff Deed is here shewn marked E. That your orator further represents to your Honours, that Solomon Kephart left the following children as his Heirs at Law viz David Kephart, John Kephart Mary Stewart, Elizabeth Kephart and Ursula Kephart. That John McKenzie and George Rowe reside out of the State of Maryland and beyond the Jurisdiction of this Honourable Court, the former living in Pennsylvania, the latter in Ohio That Malchy Flanagan is dead leaving the following children as his Heirs at Law to wit Joseph Flanagan, John Flanagan Elizabeth Flanagan, Matilda Flanagan and Letitia who is the wife of George Rowe, your orator is advised that this Court Sitting as a Court of Equity is Competent to decree a Conveyance to be made to your orator by the Heirs at Law of Solomon Kephart aforesaid for the House and Lot aforesaid in tender consideration of the premises and for as much as your orator is remediless elsewhere than in this Honourable Court Sitting as a Court of Equity, and to the end that your orator may be invested with a title to the House and Lot aforesaid, may it please your Honours to Decree a Conveyance thereof by the aforesaid Heirs of Solomon Kephart & to this end to grant to your orator your most gracious writ of Subpoena to the aforesaid David Kephart, John Kephart, Mary Stewart, Elizabeth Kephart and Ursula Kephart, Joseph Flanagan, John Flanagan, Elizabeth Flanigan Matilda Flanagan, George Rowe and Letitia his wife, Henry Geyer & Joseph Hughes, to be directed commanding them & each of them to be and appear in this Honourable Court by some day therein to be named to answer in the premises and to shew cause if any they have why a Decree should not be prayed as prayed and may it please your Honours to grant to your orator an order of publication against the absent Defendants, John McKenzie and George Rowe, warning them and each of

Knew of the object and Substance of this Bill and that they appear in this Court by some day to be named by your Honours otherwise that this Bill will be taken pro confesso against them and may it please your Honours to extend to your orator all such other and further relief as may consist with Equity and your Honours shall your orator will ever pray &c.

J. Nelson Solr for Complts.

order of Publicn

Thereupon the Court passed the following order of Publication viz. Robert L Annan & Isaac Bohn. vs John McKenzie, George Boner and others

In Frederick County Court as a Court of Equity March Term 1824. The object of the Bill filed in this Case is to obtain a Deed for the conveyance of a House and Lot in Shiloh addition to Emmittsburg in Frederick County known on the plot of said Town as Lot No 14. To which the Complainants allege they have claim of title The Bill states that said House and Lot were sold by a certain Solomon Kephart of Frederick County deceased to a certain John McKenzie who paid the Stipulated consideration for the same but never received a title, that the said John McKenzie sold the said House and Lot to a certain Malachi Flanigan and that the said Malachi Flanigan subsequently assigned his Interest therein to a certain Malachi Flanigan and that the said Malachi Flanigan subsequently assigned his Interest therein to a certain George Boner and Henry Geyer who sold said property to Joseph Hughes of Frederick County by whom it was again transferred to Henry Geyer aforesaid, that the Complainants have since purchased the Interest of said Geyer in and to said House and Lot, that the consideration money for the several transfers and assignments aforesaid has always been paid the Bill further States that John McKenzie and George Boner resided out of the State of Maryland and beyond the Jurisdiction of this Court It is thereupon on this 6th day of May 1824 ordered and Decreed that the Complainants cause notice to be given to the absent defendants of the Substance and object of this Bill by inserting a Copy of this order for three successive weeks in some newspaper published in Frederick Town, before the first day of June next warning them to be and appear in this Court in person or by Solicitor, on or before the fifteenth day of September next, to shew cause if any they have why a Decree should not be passed as prayed otherwise that said Bill will be taken pro Confesso against them, Abm Shriver,

And the said Cause as standing Continued from Term to Term until August Term 1824. the following Certificate of the Printer together with a printed Copy of the within order thereto annexed was filed viz. I Hereby Certify that the annexed advertisement was inserted in the Citizen for three successive weeks before the 15 day of September 1824. G. W. Sharp. Aug 8th 1826.

Printers Certificate

Exhibit (A)

Articles of agreement made and agreed on the 6th day of January one Thousand Eight Hundred Between Solomon Kephart & John McKinzy both of Frederick County and State of Maryland Witnesseth that the said Solomon Kephart for and in Consideration of the sum and full quantity of one Thousand Good & Sufficient flour Barrels such as are Customary in the mills hath sold and by these presents doth sell unto the said John McKinzy one House and Lot in Shiels addition to Emmittsburg Together with all and Singular the appurtenances thereunto belonging or in any wise appertaining the said Consideration or Barrels to be paid in manner following one Hundred Barrels to be delivered to said Kephart at said McKinzy's House on the first day of March next ensuing fifty to be delivered as aforesaid the first day of May next one Hundred to be delivered the fifteenth September next and so on as aforesaid annually after the first year until said one Thousand Barrels are fully delivered and paid to the said Solomon Kephart for himself his Heirs Executors and administrators doth Hereby Covenant and agree to and with the said John McKinzy his Heirs and Assigns to make over unto the said John McKinzy his Heirs or Assigns a good and sufficient deed of Conveyance for the Lot of Ground aforesaid with the appurtenances on the delivery of the one Thousand Barrels as aforesaid and for the true performance of all and Singular the agreements the parties do Hereby bind themselves their Heirs Executors and administrators each unto the other in the sum of three Hundred pounds Current money to be paid by the failing party to the observing party In Witness whereof the parties have Hereunto set their Hands and seals the day and year first within written.

Signed Sealed & Delivered in the presence of Joseph Barsteley Christian Smith.

Solomon Kephart (Seal)
John McKinzie (Seal)

Note the said Lot lays Lowing Lot of Samuel Nobles.

I Hereby for Value received assign over unto Joseph Hughes all my right Interest and Claim of the within articles of agreement this 8th day of November 1808.

Witness Present Jno. Westfall.

John McKinzie (Seal)

Exhibit (B)

Exhibit B

Articles of Agreement made and Concluded upon this 27 day

of June in the year of our Lord one thousand eight hundred and four by and Between John McKinzie of the County of Frederick and State of Maryland of the one part and Malachy Flanigan of the same County and State of the other part Witnesseth. that the said John McKinzie sells and makes over unto said Malachy Flanigan all his right Title claim and Interest and for his House and Lot in Shiloh Addition to Emmittsburgh the Lot being a front Lot on the Baltimore Street adjoining Lot of Widdow Shiloh and the Lot that was Joseph Barkely now Porters known by number fourteen clear of all Incumbrance up to this date the deed of which is to be a good and Sufficient Deed of conveyance is to be made unto said Malachy Flanigan his Heirs or assigns in the Course of this year next ensuing the Date hereof and said John McKinzie gives unto said Malachy Flanigan peaceable possession of the same on Tompreas. and all and every article left on the said Lot after tomorrow is to be the property of said Malachy Flanigan his Heirs & assigns and in Consideration of the above described property sold and made over unto said Malachy Flanigan his Heirs and assigns by said John McKinzie he the said Malachy Flanigan is Hereby obligated to pay or cause to be paid unto the said John McKinzie or his assigns the just and full sum of one Hundred and fifty pounds or four Hundred Dollars to be paid as follows first payment being now in Hand paid being the sum of fifty pounds or one Hundred and fifty three Dollars & thirty three Cents the same being paid in a note on Jacob Kellenberger for Eighty Dollars and the remainder paid Cash in hand and the second payment which will become due on the first day of November in the year of our Lord one Thousand Eight Hundred and six and to be the sum of Fifty pounds or one Hundred and fifty three Dollars and thirty three Cents and the third and Last payment being the sum of fifty pounds or one Hundred and fifty three Dollars and thirty three Cents is to be paid to or upon the first day of November in the year of our Lord one Thousand Eight Hundred and eight and on the receipt of the aforesaid Deed by Malachy Flanigan from said John McKinzie he the said Malachy Flanigan does Hereby agree to give his bonds for the two last payments of the aforesaid Sums and Lot with approved Security unto him the said John McKinzie his Heirs or assigns. To which agreement we the said parties bind themselves one unto the other for the true performance of the above

Articles in the penal sum of Eight Hundred Dollars to be paid by the Delinquent unto the aforesaid Party as Witness our Hands and Seals this day & Date first above written,
Witness Present, Joseph Hughes. } John McKinzie (Seal)
Henry McGyer. } Malachi Flanigan (Seal)

Received June 27th 1804 from Malachy Flanigan the sum of Fifty pounds or one Hundred & fifty three Dollars and thirty three Cents the first payment of the within articles of agreement I say Rec'd by me. —
Witness Present, Joseph Hughes, John McKinzie

I Hereby assign over unto Joseph Hughes all the within claim of one Hundred pounds specie due by Malachy Flanigan for Value Rec'd of him this 3d day of November 1808 as Witness my Hand and Seal —
Witness Present, Jno Whitfield, John McKinzie (Seal)

May 26th 1808 I Malachy Flanigan do Hereby for value received assign over unto George Bond his Heirs and assigns forever all my right Interest and claim to and for the within mentioned Bond and Lott and to the said George Bond having all the within Demands to John McKinzie his Heirs or assigns as Witness my Hand and Seal this day and Date first above written,
Witness present Joseph Hughes } Malachi Flanigan (Seal)

We the Subscribers do Hereby bind ourselves our Heirs Executors and administrators to keep Malachy Flanigan his Heirs or assigns clear of the within claim of John McKinzie his Heirs or assigns under the penalty within mentioned of Eight Hundred Dollars as Witness our hands and Seals this 26th Day of May 1808,
Witness Present Joseph Hughes, George Bond (Seal)
Henry Geyer (Seal)

Exhibit (B)

(Exhibit B)

Know all men by these presents that we John McKinzie and Elizabeth McKinzie wife of said John McKinzie of Cambria County in the State of Pennsylvania for divers good Causes & Considerations us hereunto moving have made ordained authorised nominated Constituted and appointed and by these presents do make Constitute ordain, authorise Constitute and appoint Joseph Hughes of the County of Frederick and State of Maryland our true and Lawful attorney for us and in our name but for the only use and benefit of him the said Joseph Hughes his Heirs or assigns for the first place to ask demand recover and receive of and from the Heirs Executors or administrators of the Late Solomon Hephart of the County of Frederick in the State of Maryland, Deceased, all and all right Interest and claim To and for a certain Bond & Lott in the Town of Emmitsburgh in said addition

To said Town the Lott being a front Lott on the Street leading to Baltimore being Number on the Plott by number fourteen as will more fully appear by reference had to the Article of agreement between me the said John McKinzie and said Solomon Kephart, now in the possession of said Joseph Hughes and all my right of the same assigned to said Joseph Hughes his Heirs or assigns forever and Whereas I the said John McKinzie did sell and make over the said House and Lott by Article of agreement dated the twenty seventh day of June in the year of our Lord one Thousand Eight Hundred and four unto a certain Malachy Flanigan of the said County of Frederick and State of Maryland for which said Malachy Flanigan has agreed to pay the sum of one Hundred and fifty pounds specie fifty pounds of which said John McKinzie doth Hereby acknowledge to Have received from said Malachy Flanigan as is mentioned as per receipt on the said Article of agreement and the sum of fifty pounds part payment of the above Sum and from said Malachy Flanigan as or upon the first day of November one Thousand Eight Hundred and Six and the Last payment of fifty pounds is and the present date thereof being November the first one Thousand Eight Hundred and Eight and In Consequence of the death of said Solomon Kephart I the said John McKinzie have not been able to make unto said Malachy Flanigan or his assigns a good deed as is mentioned in the said Article of agreement and as the Defendant I now Live from this said County of Frederick State of Maryland has caused me to sell and make over unto him the said Joseph Hughes all my right Interest and Claim which I Have in to and for the said House and Lott in Shiloh addition to Emmitsburg known by number fourteen which I held by article of agreement aforesaid from said Solomon Kephart for which I was bound to pay him one Thousand flour Barrels, Nine Hundred and fifty of which I paid and Delivered unto said Solomon Kephart in his life time for which the receipt of the said nine three and fifty flour Barrels at two shilling and six pence each which was amount to the sum of six pounds five Shillings is the sum yet due to the estate of Solomon Kephart by me but as the time has been so Long and I Have neither received payment from Malachy Flanigan nor could not Compell him to pay me before a Deed was made to me I therefore Claim Damages from said Solomon Kephart Estate whatever sum

the Law may stand and the same being Hereby made over and transferred unto him the said Joseph Hughes his Heirs or Assigns and as well the Hundred pounds due by said Malachy Flanigan to me and any Interest thereon that may be allowed and I Hereby empower said Joseph Hughes his Heirs or Assigns to ask demand recover and receive of and from the King Executors or administrators of the late Solomon Kephart Deceased as above mentioned a Good and Sufficient deed of Conveyance for said House and Lott No. 14 in Shiels addition to Emmittsburgh as fully as I may my self might or could do were I personaly present and all my right Interest or claim as also my said wife Elizabeth McKinzie gives all her right Interest and claim of in and to the said House and Lott unto him the said Joseph Hughes his Heirs or Assigns and also all the right Interest and claim we the said John McKinzey & Elizabeth McKinzie have to the said sum of one Hundred pounds and Interest thereon due by said Malachy Flanigan we Hereby Transfer and make over the same unto him the said Joseph Hughes his Heirs or Assigns and after obtaining the said Deed from the Heirs Executors or administrators of said Solomon Kephart Deceased we the said John McKinzie and Elizabeth McKinzie wife of said John McKinzie do Hereby empower Constitute and appoint by virtue of the article of agreement said Joseph Hughes has made unto said Malachy Flanigan his Heirs or Assigns a good and Sufficient Deed of Conveyance of said House and Lott in Shiels addition to Emmittsburgh as fully bonafidally and entirely as we might or could do were we personally present and to have use and take all lawful ways and means in our name or otherwise and to compound and agree for the same and acquittance or other sufficient discharges for us and in our name but for the only use of him the said Joseph Hughes his Heirs or Assigns to make Seal and deliver and to do all lawful acts and things whatsoever concerning the premises as fully in every respect as we ourselves might or could do were we personally present at the doing thereof and attorney and or more under him for the purposes aforesaid to make and again at his pleasure to revoke and at the same time annulling and revoking all former power of attorney by us given In to and about these presents allowing whatsoever my said attorney may lawfully do or cause to be done in and about the premises by virtue of these presents. In Witness Whereof we have hereunto set our

Hand and Seals this first day of November in the year of our Lord one Thousand Eight Hundred and Eight.
Witness Present
Jno McKenzie (Seal)
Jno Houston. Elizabeth her mark McKenzie (Seal)

Frederick County to wit on the 3d day of November 1808 Came John McKenzie and Elizabeth McKenzie before the Subscriber a Justice of the Peace for the said County and severally acknowledged the foregoing Instrument of writing to be their act and Deed according to the true intent and meaning thereof. Jno Houston.

Exhibit (D)

(Exhibit D)

This Malachy Flanegan, George Rowe and Henry Gaypher doth this day December the 13th one thousand Eight Hundred Nine Hereby sell transfer and make over unto Joseph Hughes, of Emmitsburgh Frederick County Maryland all our right Title Interest and Claim for to and in the House and Lott purchased by John McKenzie from Solomon Kephart and sold by said John McKenzie to Malachy Flanagan and sold by Malachy Flanagan to George Rowe & Henry Gaypher and known by Number 14 in Said Town adjoining to Emmitsburgh and said Rowe and Gaypher are to have possession of the same until the first of April next and then they are to give up peaceable possession of the same to Joseph Hughes or his assigns and they are not to do any Injury to the House Lott or Shop or fencing on the Lott during the said time until April the first and each of us the subscribers do Hereby own ourselves fully paid Satisfied by him the said Joseph Hughes for the said House Lott and premises given under and Hand and Seals this Day & Date,
Witness present. Malachy Flanigan (Seal)
John Bighand George Rowe (Seal)
Henry Gayer (Seal)

and we the said Rowe and Gaypher will oblige themselves under the penalty of One Hundred Dollars to Stand to the above bargain to be paid Joseph Hughes or his assigns in case we do not perform as above
Witness Present. George Rowe (Seal)
John Bighand Henry Gayer (Seal)

Exhibit (E)

(Exhibit E)

This Indenture made this Sixteenth day of March in the year of our Lord one thousand eight hundred and twenty Between William M Beall Junior Sheriff of Frederick County in the State of Maryland of the one part and Robert L Annan and Jacob Rohr of the County and State aforesaid of the other part Witnesseth Whereas

on the twentieth day of December in the year of our Lord one Thousand Eight Hundred and nineteen a certain writ of the State of Maryland of Fieri facias did issue forth out of the County Court for Frederick County to the said Sheriff of Frederick County directed reciting that whereas at a County Court Begun and Held at the Court House in Frederick Town in and for the said County on the fourth Monday of October last a certain George Oyster and John Nunemaker by Judgement of the same Court recovered against a certain Henry Geyer as well the sum of fifty five Dollars thirty seven cents current money a certain debt as five Hundred dollars Current money for his Damages which he had Sustained as well by reason of the detention of that debt as for his Costs and charges by him about his suit in that behalf expended whereof the said Henry is convict as it appears of record The said Sheriff was therefore commanded that of the goods and chattels lands and tenements of the said Henry Geyer being in his Bailiwick he should cause to be made and levied the debt damages Costs and charges aforesaid and that he should have them sums of money before the said County Court to be Held at the Court House on the first Monday of March then next to render unto the said George Oyster and John Nunemaker the debt damages Costs and charges aforesaid and that the said Sheriff should also have then and there that writ and whereas also the said writ came to the hands of the said Sheriff and in due manner of the Command thereof Contained the said Sheriff laid the same upon a House and Lot or portion of ground with the appurtenances and improvements thereunto belonging situate lying and being in Shiloh addition to Emmitsburg Frederick County Maryland known and distinguished by number twenty four and whereas also after due notice being given of the same the said Sheriff did on the twenty fourth day of February in the year of our Lord one Thousand Eight Hundred and twenty expose the said House and Lot as aforesaid taken in execution on the said writ to public Sale to the highest bidder and thereat the herein before named Robert L Annan & Isaac Bohn became the highest bidders and purchasers of the said House and Lot for the sum of Eight Dollars ninety one Cents Current money and hath since paid the said purchase money to the said Sheriff and is now desirous of obtaining a title to the said House and Lot in pursuance thereof now this Indenture Witnesseth that for and in Consideration of the premises and of the sum of five Dollars current money to the said William de Read Lemon Sheriff as aforesaid

he hand hereto or before the Sealing and delivery hereof the receipt Whereof is Hereby acknowledged the said William McReall Junior Sheriff aforesaid Hath Granted bargained and sold and by this presents doth grant bargain and sell unto them the said Robert L Annan and Jacob Rohr their Heirs and assigns as tenants in Common and not as Joint tenants the said Land and Lot as aforesaid taken on the writ of Fieri facias aforesaid and as aforesaid vested to sold with the appurtenances thereto belonging To Have and to Hold the said Land and Lot of ground with the appurtenances unto the said Robert L Annan & Jacob Rohr their Heirs and assigns as tenants in Common to the only proper use and behoof of them the said Robert L Annan and Jacob Rohr their Heirs and assigns forever In Witness of the said William McReall Junior Sheriff as aforesaid Hath Hereunto set his Hand and affixed his Seal the day and year first Herein before written.

Signed Sealed & Delivered
in presence of
Abm Shriner

William McReall (Seal)
Sheriff

Maryland Frederick County to wit on the day and year first within before me the Subscribed one of the associate Judges of the fifth Judicial District of Maryland personally appeared William McReall Junior Sheriff of Frederick County and acknowledged the within and aforegoing deed or Instrument of writing to be his act and Deed according to the true intent and meaning thereof and the acts of assembly in such Case made and provided. Abm Shriner.

I Hereby Certify that the above and aforegoing is a true Copy taken from Liber I S No 10 Folios 433. 434. and 435 one of the Land records of Frederick County.

In Testimony whereof I Have Hereunto Subscribed my name and affixed the Seal of Frederick County this 17th day of July in the year of our Lord 1825.

(Seal)

John Schley Clerk
Fred.k Co Court.

Answer of David Kephart & others

And the said Cause as standing Continued from Term to Term until January Term 1826 the following Answer was filed viz.

The Answers of David Kephart. John Kephart. Ursula Kephart. Joseph Hughes & Betsey Kephart to the Bill of Complaint of Robert L Annan and Jacob Rohr in Frederick County Court as a Court of Equity exhibited

Thos Defendants admit the Sale of the House and Lot in Shiloh Addition to the Town of Emmitsburg mentioned in the proceedings by Solomon Kephart to John McKenzie for the Consideration of one Thousand flour Barrels to be delivered as is specified in a written agreement between the parties That said flour barrels were delivered by said McKenzie to said Kephart who died without having executed a deed for said House and Lot That John McKenzie sold said House and Lot to a certain Malachi Flanigan of Frederick County for the sum of four Hundred Dollars by articles of agreement which said articles were afterwards assigned to George Power and Henry Geyer as is stated in the Complainants Bill That John McKenzie assigned to Joseph Hughes one of these Defendants his claims for the unpaid purchase money due from Malachi Flanigan to him upon the House and Lot aforesaid and that afterwards Malachi Flanigan, George Power and Henry Geyer joined in an assignment to said Hughes of their claim of in and to the House and Lot aforesaid all of which is truly set forth in the Bill of the Complaint That said House and Lot were resold by said Hughes to Henry Geyer and that they were sold by the Sheriff of Fred.k Co. County as the property of said Geyer to which said Sale the Complainants became the purchasers These Defendants admit that the claims of the Complainants to a title to said House and Lot is just and that it ought to be gratified. These Defendants submit themselves to such decree in the premises as the Court may deem it proper to pass and they pray hence to be dismissed &c.

David Kephart, John Kephart, Elizabeth Kephart,
Ursula (her X mark) Kephart. Joseph Hughes

Maryland Frederick (mark) County to wit on this tenth day of December 1824 appeared David Kephart, John Kephart, Ursula Kephart Joseph Hughes and Betsey Kephart before the subscriber a Justice of the Peace and made oath that the facts stated in the within answer are true to the best of their knowledge and belief. Sworn before Lewis Motter.

Answer of Mary Steward

Whereupon the following Answer was filed viz.

The answers of Mary Steward, to the Bill of complaint of Robert Emmon and Jacob Rohr in Frederick County Court as a Court of Equity exhibited These Defendants admit the Sale of the House and Lot in Shiloh addition to the Town of Emmitsburg mentioned in the proceedings by Solomon Kephart to John McKenzie for the Consideration of one Thousand flour Barrels to be delivered as is specified in a written agreement between the parties. That said flour barrels were delivered by said McKenzie to said

Nisbhatt, who died without having Executed a deed for said House and Lot. That John McKenzie sold said House and Lot to a certain Malachi Flanigan of Frederick County for the sum of four Hundred Dollars, by articles of agreement which said articles were assigned by said Flanigan to George Rowe and Henry Geyer as is set forth in the Complainants Bill. That John McKenzie assigned to Joseph Hughes of Frederick County his claims to the unpaid purchase money due upon said House and Lot. and that afterwards, Malachi Flanigan, George Rowe and Henry Geyer joined in an assignment to Joseph Hughes of their claim to the House and Lot aforesaid all which is truly set forth in the Complainants Bill That said House and Lot were vested by Joseph Hughes to Henry Geyer and as the property of said Geyer sold by the Sheriff of Frederick County to the Complainants these Defendants are willing that such Decree may be taken in the premises as may consist with Equity &c and pray hence to be dismissed Mary Steward.

Jany 13th 1826 I agree to receive the above answer without Oath John Nelson Sol for Complt.

Answer of Jos Flanigan

And the said Cause as standing continues to February Term 1825 the following Answer was filed viz

The answer of Joseph Flanigan to the Bill of Complaint of Robert L Duncan & Jacob Bohn in Frederick County Court as a Court of Equity Exhibited This Defendant admits that he is one of the Children and Heirs at Law of Malachy Flanigan Deceased. That the said Malachi Flanigan in the year Eighteen Hundred & four purchased from John McKenzie the House and Lot in Shields addition to the Town of Emmittsburg by articles of agreement, exhibited by the Complainants with this Bill marked A. & that in the year Eighteen Hundred and Eight the said Malachy Flanigan assigned said agreement to George Rowe and Henry Geyer as is likewise stated in said Bill which said assignment he admits is endorsed upon the agreement aforesaid marked A. That a considerable part of the purchase money remained due from the said Malachy Flanigan to the said John McKenzie at the date of the last assignment aforesaid but what amount this Defendant does not know of the after assignments this Defendant knows nothing except from the information of others but believes the Complainants to be entitled to a title to said House & Lot which this Defendant is

Willing shall be decreed to them by this Honorable Court & this Defendant prays hence to be Hence Dismissed &c

Joseph Flanigan

Feby 9th 1825 I agree to receive the above answer without oath

John Nelson Solr for Complt

And the said Cause as standing Continued from Term to Term until January Term 1826 the following answer was filed viz, the Answer of John Flanigan to the Bill of Complaint of Robert E Howard and Jacob Rohr in Frederick County Court as a Court of Equity. This Defendant admits that he is one of the Children and Heirs at Law of Mickey Flanigan Deceased that the said Mickey Flanigan in the year Eighteen Hundred and four purchased from John McKenzie the House and Lot in the Town of Emmitsburg mentioned in the Complainants bill by articles of agreement exhibitted in said Complainants bill marked A and that in the year Eighteen Hundred and Eight the said Mickey Flanigan assigned said agreement to George Rowe as is likewise stated in said bill which said assignment he admits is indorsed upon the said agreement marked A that a Considerable part of the purchase money remained due from the said Mickey Flanigan to the said John McKenzie at the date of the said assignment but what amount this Defendant does not know of the after made assignments this Defendant knows nothing but believes the Complainants to be entitled to a title to said property which this Defendant is willing shall be decreed to them and this Defendant pray to be Dismissed &c John Flanigan

Answer of John Flanigan

And the said Cause as standing Continued to February Term 1826 the following answer was filed viz

Answer of Eliz Flanigan

The Seperate answer of Elizabeth Flanigan to the Bill of Complaint of Robert E Howard and Jacob Rohr in Frederick County Court as a Court of Equity exhibited This Defendant admits the Sale of the House and Lot in Shiels addition to the Town of Emmitsburg mentioned in the proceedings by Solomon Kephart to John McKenzie for the Consideration of one Thousand Flour Barrels to be delivered as is specified in a written agreement between the parties that said Flour Barrels were delivered by said McKenzie to said Kephart who died without having Conveyed said House and Lot that John McKenzie sold said House and Lot to a certain Malachi Flanigan of Frederick County for the sum of four Hundred Dollars by articles of agreement which said articles were assigned by said Flanigan to George Rowe and Henry Geyer as is set forth in the Complainants Bill that John McKenzie assigned to

Joseph Hughes of Frederick County his claims to the unpaid purchase money and upon said House and Lot and that afterwards Malachi Flanigan, George Rowe and Henry Geyer, joined in an assignment to Joseph Hughes of their claims to the House and Lot aforesaid and which is set forth in the Bill of the Complainants that said House and Lot were vested by Joseph Hughes to Henry Geyer and as the property of said Geyer Sold by the Sheriff of Frederick County to the Complainants this Defendant is willing that such Decree may be passed in the premises as Consists with Equity &c

-Elizabeth Flanigan,

Frederick County to wit On this 28th day of March 1826 personally appears before me the Subscriber a Justice of the peace for Frederick County Elizabeth Flanigan and makes oath on the Holy Evangely that the facts stated in the within answer are true to the best of her knowledge and belief,

Sworn Before Edwin Mottet,

Petition to amend Bill

Whereupon the following Petition to amend Bill was filed viz To the Honorable the Judges of Frederick County Court Sitting as a Court of Equity The petitions of Robert L Annan and Jacob Rohr respectfully sheweth That Heretofore to wit on the Twenty Seventh day of April 1824 your petitioners Exhibited their certain Bill of Complaint in this Honorable Court against David Kephard, John Kephard, Mary Stewart, Elizabeth Flanigan, Matilda Flanigan, George Rennel and Letitia his wife and others to Compel the said Defendants to execute a Deed of Conveyance to your petitioners for the House and Lot in said Bill & the proceedings therewith Connected, described and to which for greater certainty your petitioners pray leave to refer that Subpoenas and other rightful proces thereupon issued and most of the Defendants have answered the Bill of your petitioners that since the filing of said Bill your petitioners have discovered a mistake in the name of one of the Defendants the Husband of Letitia Rennel, whose name is John and not George Rennel as your petitioners believed, when they filed their said Bill, your petitioners pray leave to amend their said Bill, by inserting the name of John Rennel in lieu of George Rennel and that all proper proces and relief may be granted to your petitioners &c and they will ever pray &c John Nelson for Petitioners

Whereupon the Court passed the following order viz

Courts order

By Frederick County Court sitting as a Court of Equity February Term 1826 ordered that the above named petitioners have leave to amend their Bill as prayed and that proper prints issue &c Md Shriver May 8th 1826

Answer of John Rennel & Letitia Rennel

And the said cause so standing continued to July Term 1826 the following Answer was filed viz

The answer of John Rennel and Letitia his wife to the Bill of Complaint of Robert L Annan and Jacob Bohn in Frederick County Court as a Court of Equity Exhibited These defendants admit that Letitia Rennel, Respondent, is one of the children and heir at law of Malachi Flanigan Deceased, that the said Malachi Flanigan in the year Eighteen Hundred and four purchased from John McKenzie the house and Lot in Shilds addition to the Town of Emmittsburg mentioned in the Complainants Bill by article of agreement exhibited in said Complainants Bill marked B and that in the year Eighteen Hundred and eight the said Malachi Flanigan assigned said agreement to George Rowe and Henry Geyer as is likewise stated in said Bill which said assignment he admits is endorsed upon said agreement marked B That a Considerable part of the purchase money remained due from the said Malachi Flanigan to the said John McKenzie at the date of the last assignment but to what amount these defendants do not know of the after made assignments these defendants know nothing but believe the Complainants to be entitled to a deed for said House and Lot which these defendants are willing should be decreed to them and they pray hence to be Dismissed &c

John Rennel, Letitia Rennel,

Maryland Frederick County to wit on this 19th day of June 1826 appeared John Rennel and Letitia his wife before the Subscriber a Justice of the Peace of the State aforesaid and made oath that the facts stated in the foregoing answer are true to the best of their knowledge, information and belief, Sworn Before Jno Mcansell.

Answer of Matilda Flanigan

Whereupon the following Answer was filed viz

The Answer of Matilda Flanigan to the Bill of Complaint of Robert L Annan and Jacob Bohn in Frederick County Court as a Court of Equity Exhibited This Defendant admits the sale of the House and Lot in Shilds addition to the Town of Emmittsburg, mentioned in the proceedings by Solomon Kephart to John McKenzie, for the Consideration in said Bill stated, and that said Kephart though satisfied died without having executed a Deed for said House and Lot that said McKenzie sold said House and Lot to Malachi Flanigan of Frederick County for the Sum of four Hundred Dollars by articles of

Agreement which were assigned by said Flanigan to George Rowe and Henry Geyer as is set forth in said Bill and that afterwards, the said Rowe, Geyer and Flanigan transferred their claim to said House and Lot to Joseph Hughes of Frederick County that said House and Lot was vested by said Hughes to Henry Geyer and as his property Sold by the Sheriff of Frederick County to the Complainants This Defendant admits the above facts upon information derived from others she is willing that a title to said property may be decreed to the Complainants &c

Signed this 4 day of July 1826 } Matilda Flanigan
in the presence of
James Gallys

I agree to receive the above answer without oath.
John Nelson Sol for Complt.

Affidavit of non residence

Whereupon the following Affidavit was filed viz Maryland Frederick County to wit on this 18th day of July 1826 appeared Lewis Motter before the Subscriber a Justice of the Peace in and for Frederick County who made oath, that John McKenzie and George Rowe are both known to him that they both formerly resided in Emmittsburg in Frederick County that John McKenzie removed from there about fifteen years since as this deponent believes to the State of Ohio or Pennsylvania that George Rowe removed from there about five years since as this Deponent believes to the State of Ohio, and that the said John McKenzie & George Rowe have never, as this Deponent believes returned to reside in the State of Maryland.

Sworn before Henry Kemp,

Decree

And the said Cause so standing Continued to August Term 1826 the Court passed the following Decree viz

Robert L Annan and Jacob Rohr
vs
David Kephart, John Kephart, Mary Stewart and others

In Frederick County Court as a Court of Equity August Term 1826 the said Cause standing ready for Hearing and being submitted, the Bill answers Exhibits and all other proceedings were by the Court read & considered and it appearing by the Certificate of the Printer that the order of publication against John McKenzie and George Rowe, was duly inserted in the Republican Citizen a newspaper printed in Frederick Town agreeably to the terms of said order and the said John McKenzie and George Rowe having failed to make their appearance in this Court in person

or by Solicitor as is required by said order and not having answered the said Bill and the Court being satisfied that the said John McKenzie and George Rowe, resides out of the State of Maryland &c it is thereupon on this tenth day of August Eighteen Hundred and Twenty six by Frederick County Court sitting as a Court of Equity, ordered adjudged and decreed that the Bill of the Complainants be and the same is Hereby taken pro confesso against the said John McKenzie and George Rowe, absent Defendants as aforesaid and it appearing to the Court that Henry Speyer, another of the Defendants has been duly summoned to answer the Bill of the Complainants and has not appeared to or answered said Bill and that said Defendant has stood out the proof of attachment of contempt and attachment with proclamation, issued against him at the instance of the Complainants and hath not answered the said Bill of the Complainants by the fourth day of the Court to which the said attachment with proclamations was returnable. It is thereupon on the day and year aforesaid further ordered adjudged and decreed that the Bill of the Complainants be and the same is Hereby taken pro confesso against the said Henry Speyer, and it appearing to the Court from the cause as that the relief prayed for by the Complainants is reasonable and ought to be granted. It is thereupon on the day and year aforesaid by the authority aforesaid further ordered, adjudged and decreed, that the Defendants, Daniel Kephart, John Kephart, Mary Stewart Elizabeth Kephart and Ursula Kiphart, Heirs at law of Solomon Kephart Deceased shall by a good & sufficient Deed of Conveyance to be executed acknowledged and recorded according to law convey assure and transfer to the Complainants and their Heirs all the right, title Interest and Estate of said Defendants as the Heirs at law of said Solomon Kephart of in and to the Lands and Lots in the proceedings mentioned and described in the agreement between Solomon Kephart and John McKenzie, bearing date on the sixth day of January Eighteen Hundred, and filed in and to hibits with the Complainants Bill marked A,

Attest Shriver.

Test John Schley Clerk

Maryland Frederick County, to wit

At a County Court sitting as a Court of Equity Begun and held at the Court House in Frederick Town in and for said County on the first Monday of February in

The year of our Lord Eighteen Hundred and Twenty seven.
Present The Honorable John Buchanan Esqr. Chief Judge
" " " Abraham Shriner & } Esquires.
Hor. Buchanan } ass. Judges
Thomas Carlton Esqr. Sheriff
and John Schley Clerk

In the record of proceedings of the said Court amongst
Bill others and the following viz
To the Honorable the Judges of Frederick County Court
Sitting as a Court of Equity Humbly Complaining
sheweth unto your Honours your orator Isaac Ridgely
of Frederick County That Thomas Ridgely late of Frederick
County deceased being indebted to your orator in the
sum of three Hundred and Eighty three Dollars and
Sixty four Cents for which he had hoped to your
orator his single Bill Herewith shewn, marked A on
the first day of September Eighteen Hundred & Twenty
five Executed and delivered to your orator the Deed
of Mortgage herewith produced marked B & which
with all other Exhibits herein referred to your orator
prays may be received and taken as a part of this
Bill of Complaint that by said Deed he conveyed
to your orator all his the said Thomas Ridgelys un-
divided Interest in being a tenth part of in and
to the following tracts, pieces or parcels of Land situate
lying and being in the County and State aforesaid
viz Lewis to wit "Philips Luck" and Matthews good
Will" heretofore devised to Ruth Ridgely by a certain
Jacob Ridgely by said will and Testament duly
Executed and bearing date on or about the Twenty
fourth day of May one Thousand Eight Hundred and
Eleven reference thereunto being had may more fully
appear also the following personal property to wit
five head of Horses five head of Horned Cattle one
waggon and four pair of gears, wheat in the Straw
and growing, Corn growing three Beds, Bedsteads and
bedding, three Tables, two Bureaus, Ten Chairs and
Corner Cupboard, one Chest Pots, kettles, pans and
Tin Ware, and the rest and residue of his House-
hold and kitchen furniture, upon Condition nevertheless
that if the said Thomas Ridgely his Heirs Executors or
administrators did or should well and truly pay unto
your orator the sum of money mentioned in the
aforesaid single Bill with the Interest thereon on
or before the first day of September Eighteen Hundred
and twenty six that the said Conveyance should

Rec'd and void and of none effect your orator represents to your Honours that the said Thomas Ridgely on the fifth of November Eighteen Hundred and Twenty five paid to your orator the sum of Twenty Dollars which is endorsed on the single Bill aforesaid, and that the whole sum intended to be secured by said single Bill and Mortgage remains due and unpaid except the said sum of Twenty Dollars your orator further represents that Thomas Ridgely departed this life on or about the day of Eighteen Hundred and Twenty Intestate and leaving a widow Bethany Ridgely and the following Children as his Heirs at Law viz Mary Anne, Thos H, Robert, William, Jacob, Cornelia and Bethany all of whom are infants under the age of Twenty one years that they all reside in Frederick County except Thomas H Ridgely who resides in Alleghany County and State of Maryland your orator further represents to your Honours that letters of administration on the personal Estate of the said Thomas Ridgely have been granted to your orator by the Orphans Court of Frederick County and that the personal property mentioned in said Deed of Mortgage has been disposed of by him in his capacity of administrator. That the same is now in a Course of distribution in the Orphans Court that said personal Estate will be greatly insufficient to pay the debts of the deceased Intestate and that a Sale of the real Estate mortgaged to your orator will be indispensable to the extinguishment of the debt and on the Bill aforesaid (marked A) your orator further represents, that after said single Bill became due, he repeatedly applied to Thomas Ridgely for the payment thereof, but that the said Thomas Ridgely was never prepared to comply with his Contract and agreement thereto relative, your orator is advised that this Honourable Court as a Court of Equity is Competent to decree a Sale of the Mortgaged premises for the payment of the just claims of your orator by some suitable person to be appointed Trustee for that purpose Inter Tender Consideration Whereof and for as much as your orator is remediless in the premises elsewhere than in this Honourable Court Sitting as a Court of Equity Equity and to the end that a Decree for the Sale of said Mortgaged Estate may be had by your Honours and that some suitable person may be appointed Trustee to sell the same, may it please your Honours to grant to your orator the States writ of Subpoena to the aforesaid, Mary Anne, Thos H, Robert, William Jacob, Cornelia, and Bethany Ridgely to be directed Commanding them and each of them by some day therein to be named to answer in the premises and

To show Cause if any they have why a Decree should not be passed as prayed and may it please your Honours to ipon Commission to suitable persons to assign Guardians to answer for the Infant Defendants aforesaid as is usual in like cases. and to extend to your orator all such other and further relief in the premises as may consist with Equity and good Conscience and your orator will ever pray &c.

I Nelson Solr for Compltt

Exhibit (A) Exhibit A referred to in the within and aforegoing Bill of Complaint Contained in the following words viz Twelve Months after date I promise to pay to Jacob Ridgely his Executors administrators or assigns the Just and full sum of three hundred and Eighty three Dollars sixty four Cents current money with legal interest from date as Witness my Hand and seal this 1st day of September 1825,

Witness A Orrick Shriner. Thomas Ridgely (Seal)

Recvd November 5th 1825 of Thomas Ridgley twenty Dollars on the within note.

Jacob Ridgely

Md Frederick County to wit on the 3d day of March 1827 Came Jacob Ringely exr of Thomas Ridgely Decd and made oath on the Holy Evangely of Almighty God that he ditto not received any part of the money intended to be secured by the within note except the amount above credited and no other security or Satisfaction for the same except a Mortgage therewith exhibited and that it doth not appear from any book or writing of his said intestate that any part of the same hath been discharged to the best of his knowledge and belief.

Sworn Before Jr Nic Eichelberger Regr

(Exhibit B)

Exhibit B This Indenture made this first day of September in the year of our Lord one thousand eight hundred and twenty five Between Thomas Ridgley of Frederick County in the State of Maryland of the one part and Jacob Ridgely of the County and State aforesaid of the other part Whereas the said Thomas Ridgley by his single bill or obligation duly executed bearing equal date with these presents stands bound unto the said Jacob Ridgely his Executors adminis. trators and assigns in the sum of three hundred and Eighty three Dollars sixty four Cents Current money with legal interest for the same from the date thereof as by the said single Bill or obligation may more fully appear now This Indentured

Witnesseth that the said Thomas Ridgley in consideration of the said sum or sums of money owing to the said Jacob Ridgely as aforesaid and for the better securing the payment thereof with Interest to the said Jacob Ridgley his Executors administrators or assigns and also in consideration of the further sum of one Dollar Current money to him the said Thomas Ridgley by the said Jacob Ridgely in hand well and truly paid the receipt whereof the said Thomas Ridgely doth Hereby acknowledge hath granted bargained sold released and confirmed and by these presents doth grant bargain sell release and confirm unto the said Jacob Ridgely his Heirs and assigns all his the said Thomas Ridgelys undivided interest to being a tenth part of in and to the following tracts pieces or parcels of land situate lying and being in the County and State aforesaid viz "Leave to see" Philips Luck" and Mathews Good Will Hirstofore devised to Ruth Ridgeley by a Certain Jacob Ridgley by last will and testament duly executed and bearing date on or about the twenty fourth day of May one thousand eight Hundred and eleven" reference being thereto had may more fully appear with the buildings improvements and appurtenances thereunto belonging or in any wise appertaining also the following personal property viz five head of Horses, five Head of Horned cattle fourteen head of Hogs ten Head of sheep, one Wagon and four pair of gears wheat in the straw and growing Corn growing three Bed Steads and Bedding three Tables two Bureaus, ten Chairs, one Corner cupboard, one Chest, Pots Kettles pans and Tin Ware and the rest and residue of my Household and Kitchen furniture To Have and to Hold the said tracts pieces or parcels of land and premises with the appurtenances and all and singular the personal property above bargained and sold unto the said Jacob Ridgley his Heirs and assigns to the only proper use and behoof of the said Jacob Ridgley his Heirs or assigns forever provided always and these presents are upon this express condition that if the said Thomas Ridgley his Heirs Executors or administrators do and shall well and truly pay or cause to be paid unto the said Jacob Ridgely his Heirs Executors administrators or assigns the said full sum of three Hundred and eighty three Dollars sixty four cents Current money with Interest as aforesaid without any deduction or abatement whatsoever on or before the first day of September next ensuing the date of these presents then these presents and every matter and thing therein contained shall cease and be utterly null and void any thing

Herein contained to the contrary thereof in any wise notwithstanding and lastly it is covenanted and agreed upon by and Between both the said parties to these presents and it is Hereby declared to be the true intent and meaning thereof that until default shall be made in payment of the said sums of money owing as aforesaid and legal Interest for the same as aforesaid it shall and may be lawful to and for the said Thomas Ridgely his Heirs & assigns peaceably and quietly to Have Hold occupy possess and enjoy the land and premises aforesaid and all and singular the Leased property aforesaid any thing herein contained to the contrary thereof in any wise notwithstanding. In Witness whereof the said Thomas Ridgely Hath Hereunto subscribed his name & affixed his Seal the day and year first Herein before written.

Signed Sealed & Delivered
in presence of
Abm. Shriner

Thomas Ridgely (Seal)

Maryland Frederick County to wit this first day of September one thousand eight Hundred and twenty five personally appears Thomas Ridgely party grantor within named before me the Subscriber one of the Associate Judges of the fifth Judicial District of Maryland and acknowledges the within and aforegoing deed or Instrument of writing to be his act and deed for the purposes therein expressed and set forth and according to the true intent & meaning thereof. Before Abm. Shriner.

And the said Cause as standing Continued to July Term 1827. the Court passed the following order for Commission to issue viz

order for Comm.n

Jacob Ridgely
vs
Robert Ridgely
and others

No 806 Equity July Term 1827. ordered that a Commission to assign a Guardian ad to answer for Mary Ann. Thos H. Roberts. William. Jacob, Cornelia, and Bethany Ridgely, Infants Defendants above named, issue to Jacob Coblentz Esq.r said Infants appearing to have been summoned.

Abm. Shriner. July 2d. 1827.

Whereupon in pursuance of the above order the following

Comm.n

Commission issued viz

Maryland ss. The State of Maryland, To Jacob Coblentz Esquire of Frederick County Greeting Whereas Jacob Ridgely hath lately exhibited his Bill of Complaint Before us in our County

(Seal)

Court as a Court of Chancery, against Thomas H Ridgely Mary Ann Ridgely, William Ridgely, Jacob Ridgely, Cruelia Ridgely Robert Ritchie and Bethany Ridgely Defendants and whereas we have by our writ lately Commanded the said Defendants to appear before us in our said Court as a Court of Chancery at a Certain day now past, to answer the said Bill, but for as much as the said Thomas H, Mary Ann, Robert, William Jacob, Cornelia and Bethany are infants under age, Cannot answer the said Bill nor defend this suit without having a Guardian assigned in that behalf know ye therefore that we have given unto you full power and authority in pursuance of the special case in our said Court, to assign and appoint a Guardian for the aforesaid infants, and to take the answer of the said Infants, by such Guardian to the said Bill and therefore we Commanded you, that at such Certain day & place as you shall think fit you go to the said Defendants if they Cannot Conveniently Come to you and assign and appoint a Guardian for the aforesaid infants and take the answers of the said infants by such guardian to the said Bill in such Guardian's Corporal Oaths upon the Holy Evangely to be administered by you the said answers being distinctly and plainly made and when you shall have so taken the said answers you are to send the same Closed up under your Seal, together with your Certificate of your having assigned and appointed such Guardian as aforesaid and this writ unto us in our said Court Witness the Honourable John Buchanan Esquire Chief Judge of our said Court the 5th day of February Anno Domini 1827. Issued the 2nd day of July 1827.

I Nelson, John Ashley Clerk,

And the said Cause as standing Continued to August Term 1827, the following Answer Certificate of the Infants Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity We Subscribers named in a Commission from Frederick County Court Sitting as a Court of Equity in a Cause in the said Court depending between Jacob Ridgely Complainant and Thomas H Ridgely and others defendants hereby Certifies that by virtue of this said Commission hereunto annexed We have assigned and appointed Wm P Hood Guardian for the said Thomas H Ridgely, Mary Ann Ridgely, Robert Ridgely, Wm Ridgely, Jacob Ridgely, Cornelia Ridgely, and Bethany Ridgely, the said Infants therein named and Have taken their answers by their said Guardian upon

her Corporal oath, to the Bill in the said Commission
mentioned which I Herewith send enclosed In Witness Whereof
I Have Hereunto set my Hand and Seal this first day
of October Eighteen Hundred and Twenty Seven.

Jacob Cobleentz (Seal)

Infants answer

The Joint and Several answers of Thomas H, Mary Ann, Robert, Williams, Jacob, Cornelia, and Bethany Ridgely. Infants under the age of Twenty one years by William D Hood their Guardian to the Bill of Complaint of Jacob Ridgely in Frederick County Court as a Court of Equity Exhibited The said Infants by their said Guardian in answering the said Bill admit the Several matters and things therein set forth that Thomas Ridgely the father of these Defendants being indebted to the Complainant in the sum of three Hundred and Eighty three Dollars and Sixty four Cents and for which he had given his Single Bill marked A shewn by the Complainant to mind the payment of said sum of money Executed and Delivered to the Complainant the Mortgage filed by the Complainant marked B These Defendants admit that the whole sum intended to be Secured by said Mortgage remains due and unpaid except the sum of Twenty Dollars paid by Thomas Ridgely on the fifth day of November Eighteen Hundred and Twenty five they admit that Thomas Ridgely died and on about the 6th day of October Eighteen Hundred and Twenty his intestate leaving these Defendants, his Heirs at Law. They admit that a Sale of the Mortgaged property will be necessary to Satisfy the Claim of the Complainant and are willing that a Decree for that purpose should be passed, and that such proceedings may be had in the Cause as Consistent with Equity and good Conscience. Hoping that as they are Infants this Honorable Court will protect their Interests.

William D Hood, Gdn for said Infants,

Maryland Frederick County to wit Be it remembered that on this first day of October Eighteen Hundred and Twenty Seven, personally appears William D Hood before the Subscriber Commissioner named in said Commission for that purpose, issued from Frederick County Court Sitting as a Court of Equity & makes oath that the Several matters stated in the within and foregoing answer are true to the best of his Knowledge information and belief.

Sworn before Jacob Cobleentz

Bond to Infants

Whereupon the following Bond to Infants was filed viz

Know all men by these presents that we Jacob Ridgeley and Hezekiah Ridgeley of Frederick County and State of Maryland are held and firmly bound unto Mary Anne Ridgeley, Thomas H. Ridgeley, Robert Ridgeley, William and Ridgeley, Jacob Ridgeley, Cornelius Ridgely and Bethany Ridgeley Infants Heirs at Law of Thomas Ridgeley of Frederick County Deceased, in the full and just sum of Seven Hundred Dollars Current money to be paid to the said Mary Anne Thomas H, Robert William, Jacob, Cornelius & Bethany their Heirs Executors or administrators to which payment well and truly to be made and done we bind ourselves our Heirs Executors and administrators Jointly Severally firmly by these presents Sealed with our Seals and dated this 15th day of October Eighteen Hundred & twenty Seven whereas the above bound Jacob Ridgeley Hath Exhibited his Bill in Frederick County Court Sitting as a Court of Equity, applying for a Decree for the Sale of the real Estate described in a Deed of Mortgage from Thomas Ridgeley deceased, to the said Jacob Ridgeley which said deed of Mortgage is filed in No 806 Equity in said Court and the acts of assembly and the order of said Court hath required that Bond with Security should be given to the Infants Defendants above named with the Condition hereunder written, Now the Condition of the foregoing obligation is such that if the said Infants above named within one year after arrived to age shall make appear to the Satisfaction of the Judges of Frederick County Court, Sitting as a Court of Equity that there hath been fraud in obtaining the Mortgage and aforesaid or that the same was not really Executed or that the debt claimed by the said Jacob, or so much as may be decreed to be paid to the said Jacob is not really due, then that the said Jacob his Heirs Executors or administrators shall well and truly pay to the said Infants either the whole or such part of the money raised by the Sale of the real Estate aforesaid as the said Judges shall determine to be just, and shall also stand to, and abide by such order or decree as the said Judges shall make in the Cause, then the foregoing obligation to be void else to remain in full force & virtue in Law.

Signed Sealed & Delivered
in the presence of
Jno. Nelson.

Jacob Ridgeley (Seal)
Hezekiah Ridgeley (Seal)

Whereupon the Court passed the following Decree
October 29th 1827 to wit.

Decree

Jacob Ridgely
vs
Thos. K. Ridgely
and others.

No. 806 Equity in Frederick County Court
August Term 1847. The said cause standing
ready for Hearing and being submitted
the Bill. Exhibits. answers. and other
proceedings cause by the Court to Be read and considered
and it appearing to the Court that the relief prayed
for is reasonable and ought to be granted it is therefore
on this 29th day of October Eighteen Hundred & Seventy
Seven by Frederick County Court Sitting as a Court of Equity
ordered adjudged and Decreed that the Defendants on
or before the 20th day of November next pay to the Com-
plainant. the amount due both principal & Interest
on the Single Bill and Mortgage Exhibited in this Cause
said amount to be ascertained by the auditor of this
Court and the Costs of this suit, to be taxed by the
Clerk, in that they bring the same into this Court to
be applied under its direction and in Default thereof
that the Lands described in said Deed of Mortgage shall
be sold that for the purpose of making said Sale John
Nelson be and he is hereby appointed Trustee and that
the bonds and manner of his proceeding therein and
thereto relative shall be as follows. He shall first file his
Bond with Security to be approved by this Court in the
penalty of One Thousand Dollars. conditioned for the faith-
ful performance of the Trust reposed in him by this
Decree, or that may be reposed in him by any future
order or decree in the premises He shall then proceed
to sell said Mortgaged premises at Public auction
after giving at least three weeks notice by advertise-
ment of the time place manner and terms of Sale
which shall be that the purchaser or purchasers shall
pay the purchase money therefor. on the day of Sale
or upon the ratification thereof by this Court and the
Trustee shall bring into Court the money arising from
said Sale to be distributed under the direction of this
Court after deducting therefrom the costs of this
suit and such Commission to the Trustee as the Court
shall think proper to allow and upon the payment
of the purchase money and the ratification of the
Sale by the Court the Trustee shall by a good and
Sufficient Deed to be executed acknowledged
and recorded according to law, convey to the purch-
aser or purchasers and to his her or their Heirs the
Mortgaged premises aforesaid, free clear & discharged
from all claims of the Complainants & Defendants
in this behalf Adm Shriver H Buchanan.

Trustees Bond

whereupon the foregoing Bond was filed Endorsed approved & Wm Shriver. viz

Know all men by these presents that we John Nelson & William Tyler of Frederick County and State of Maryland are held and justly bound unto the said State in the Just and full sum of one Thousand Dollars Current money to be paid to said State or its certain Attorney, to which payment well & truly to be made and done, we bind ourselves our Heirs Executors and administrators Jointly and Severally firmly by these presents Sealed with our Seals and dated this 24th day of December Eighteen Hundred and Twenty Seven Whereas the above named John Nelson was by Decree of Frederick County Court Sitting as a Court of Equity bearing date on the 29th day of October 1827. appointed a Trustee to sell Certain real Estate of Thomas Ridgely Deceased for the purposes in said Decree mentioned Now the Condition of the foregoing obligation is such that if the above bound John Nelson do and shall well and truly and faithfully discharge the Trust reposed in him by said Decree, or that may be reposed in him by any future order or Decree in the premises then the foregoing obligation to be void, else to remain in full force and virtue in law

Signed Sealed & Delivered
in the presence of
Thos W Morgan,

John Nelson (Seal)
Wm Tyler (Seal)

Trustees Report

Whereupon the Trustee made the following Report viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity The Subscriber who by Decree of this Honourable Court, bearing Date on the 29th October 1827. was appointed a Trustee to sell certain real Estate Mortgaged by Thomas Ridgely to Jacob Ridgely reports that after having given the notice required by the Terms of said Decree, of the time, place manner and Conditions of Sale, he offered the Interest of said Thomas A Ridgely in the Estate mentioned in the proceedings and sold the same on the 8th day of Decr 1827. to Jacob Ridgely who was the highest bidder at the price and for the sum of Two Hundred and Twenty five Dollars The Trustees Expenses are estimated at four Dollars said Sale is reported for the ratification of this Honourable Court by.

John Nelson, Trustee.

Maryland Frederick County to wit On this 26th day of Decr 1827. appears John Nelson Trustee above named Before the Subscriber and makes oath that the Sale above reported was Bona fide and fairly made.

Sworn Before George Rohr

order of Publication

Whereupon the Court hoped the following order of Publication viz:

Jacob Ridgely
vs
Thomas R Ridgely and others

In Frederick County Court as a Court of Equity August Term 1827. ordered that the Sale made and reported by the Trustee in the above Case, be ratified and confirmed unless Cause to the Contrary be shewn on or before the first day of February next provided a Copy of this order be inserted for three successive weeks, in some newspaper printed in Frederick Town before the said first day of February next, the Trustee reports the Sale of the property mentioned in the proceedings to Jacob Ridgely for Two Hundred and Twenty five Dollars. Alex. Shriver,

And the said Cause is standing Continued from Term to Term until February Term 1828 the following Certificate of the printed together with a printed Copy of the above order thereto annexed was filed viz:

Printers Certificate

I Hereby Certify that the annexed notice was inserted in the Citizen for three Weeks successively before the first day of February 1828. G. W. Sharp.

Whereupon the Court hoped the following order of Ratification viz:

order of Ratifn

Jacob Ridgely
vs
Thomas R Ridgely and others

In Frederick County Court as a Court of Equity February Term 1828 ordered that the Sale made and reported by the Trustee in the above Case, be ratified and confirmed unless Cause to the Contrary shewn. notwithstanding notice given, the Trustee is allowed for his Commission and all expenses Twenty Dollars and Seventy five Cents. The Auditor is directed to State an account Current Between the Trustee and the parties interested and to report the Same to the Court for ratification.

Jno. Buchanan, Alex. Shriver.

Auditors Report

Whereupon the Auditor made the following Report viz

Dr. The Estate of Thomas Ridgely Dec'd in Ac with John Nelson Equitable Trustee Cr.

To the Trustee for his Commission & all Expenses		20.75
" the Attorney for his fee	$3.33⅓	
" the Clerk for his fees	11.10	
" the Sheriff for his fees	2.00	16.76⅔
To the Auditor for his fees in Stating and Reporting account		3.—
To Jacob Ridgely the Complainant in this Cause the Balance of proceeds of Sale thereof the		

Amt Curr. ... forwd

Amt. brot forward $

Payment of the claim pl. Exhibit A and intended to be Secured by the Mortgage filed in this Cause and marked as Exhibit B — 184.45/5

Amt. of claim pl. Exhibit A with Interest to Sale deducting Payment of $413.88, — $225.5

By Amount of Sales made the 8th day of December 1827 as per the report of Trustee filed — $225.5

Jacob Ridgely vs Thos. H. Ridgely and others

In Frederick County Court as a Court of Equity February Term 1828 As Auditor to Frederick County Court Sitting as a Court of Equity I beg leave to report to the honourable the Judge thereof that in Compliance with their order I have upon an examination of the proceedings Composing this Cause stated the aforegoing account. In this as in like Cases I have allowed the Trustee for his Commission and all Expences and also allowed the Costs of this Court and the Balance of proceeds of Sale I have allowed to the Complainant in part Satisfaction of the claim intended to be secured by the Mortgage as Exhibit in this Cause which said Balance is not sufficient for the payment of said claim as within Exhibited, I Respectfully Submit the same to the Honourable the Judge aforesaid for ratification

Henry Sehley Auditor 12 March 1828.

order of Ratifica.

Whereupon the Court Passed the following order of Ratification viz. February Term 1828 ordered by the Court that the aforegoing account as stated and reported by the auditor be and the same is hereby ratified confirmed and that the Trustee pay over the proceeds of Sale, as the same has or may be received, to the parties respectively entitled to the same, according to the distributions in said audit made. Jno. Buchanan, Abm. Shriver.

Test John Sehley Clerk

Maryland Frederick County to wit

At a County Court Sitting as a Court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the first Monday of January in the year of our Lord Eighteen Hundred & twenty four,

Present the Honourable Abm. Shriver Esquire Associate Judge

Thomas W. Morgan Esquire Sheriff

and John Sehley Clerk

In the record of proceedings of the said Court amongst others are the following to wit

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity Humbly Complaining

Shew unto your Honours, your orator Thomas Hammond and your oratrix Ann Raitt of Frederick County that a certain Hannah Hammond of Frederick County being seized and possessed of part of a Tract of land situate lying and being in Frederick County aforesaid called Friendship and containing for the part as by her Will and possessed, one Hundred and fifty eight acres and one third of an acre of land, intermarried with a certain John Raitt of Frederick County who became subsequently seized and possessed of another part of the said Tract of Land called Friendship containing one Hundred and fifty eight and a quarter acres making together of the two parts so Held by the said John Raitt and his Wife Hannah Raitt, about three Hundred and sixteen and a half acres of land That the said John Raitt being so seized and possessed of the said part of a Tract of land called "Friendship" on or about the Twentieth day of March Eighteen Hundred and three departed this life after having in and form of Law made and executed his Testament and last will which remained unrevoked and uncancelled at the period of his death. That by said Testament and last will the said John Raitt devised said part of the Tract of land aforesaid to his wife Hannah Raitt during her natural life and to be sold after H.W. death and equally divided amongst his Children in said last will named and that the said John Raitt by his said Testament and last will appointed Hammond Raitt and John Raitt his two sons his Executors with a power to convey said land all of which will more at large appear upon reference to said Testament and last will a Copy whereof is herewith Exhibited marked A) and which with all other Exhibits hereinafter referred to your orator and oratrix pray may be received and taken as a part of this their Bill of Complaint your orator and oratrix further represent to your Honours that Hannah Raitt aforesaid was possessed of said part of the Tract of land aforesaid under the Testament and last will aforesaid and remained thereof as possessed till the period of her death which occurred on or about the Twenty third day of January Eighteen Hundred and Twenty four That after the death of John Raitt the Testator and before that of Hannah Raitt the devisee aforesaid John Raitt one of the Executors in said last will named departed this life and that since the death

of the said Hannah Raitt. Hammond Raitt the surviving Executor has renounced the trust devolved on him by the Testators will aforesaid shown by the Certificate of the Register of Wills for Frederick County and making part of Exhibit A That the said Hannah Raitt died intestate and without having in any wise disposed of the part of the tract of land called Friendship held by her in her own right which your orator and oratrix are advised descended to her heirs at Law whom your orator and oratrix state to be the said persons named as devisees in the last will and Testament of John Raitt aforesaid your orator and oratrix further represent that by her last will and Testament of John Raitt aforesaid the persons arising from the sale of the real Estate aforesaid, are directed to be divided amongst Ann Williamson, Barbara Saylor, Hannah Raitt (your oratrix Hammond Raitt, Polly Norris, John Raitt and Nathan Raitt, That Ann Williamson whose husband James Williamson is dead resides in the State of Pennsylvania That Barbara Saylor is the wife of Daniel Saylor and with him resides in the State of Ohio That Polly Norris is the wife of John Norris, that John Raitt is dead Intestate leaving one child as his Heir at law named Lydia who is a minor, and that Nathan Raitt resides in the State of Kentuckey, That the devisees under the will aforesaid and the Heirs at law of Hannah Raitt deceased your orator and oratrix further represent to your Honours that since the death of John Raitt the Testator, Nathan Raitt sold to Hammond Raitt his interest in the real estate aforesaid for a Bona fide and valuable Consideration, and that on the thirteenth day of September Eighteen Hundred and Seventy Two the Sheriff of Frederick County by virtue of sundry writs of fieri facias to him directed from Frederick County Court levied upon and sold to your orator Thomas Hammond all the right, title and interest of Hammond Raitt of in and to the real Estate aforesaid all which will be shown by the deed Executed by said Sheriff therefor marked B your orator and oratrix further represent to your Honours that the real Estate aforesaid derived from John Raitt and Hannah Raitt is not susceptible of division amongst the persons entitled but that the Sale of the same would be advantageous to all your orator & oratrix are advised that by the death of the said Hannah Raitt intestate the Heirs of the said Hannah Raitt

And your orator Thomas Hammond, hold said real Estate as tenants in common, and that this Hon. ourable Court is Competent, the Executor having renounced and the wife of John Raitt as aforesaid, to decree the said Estate of by said suitable person to be named Trustee for that purpose and to distribute the proceeds amongst the heirs entitled according to their respective claims. In tender Consideration whereof and for as much as your orator and oratrix are unskilful in the premises desirous that in this Honourable Court sitting as a Court of Equity and to the end that a Sale of said real Estate may be decreed and the proceeds thereof distributed under the Direction of this Honourable Court, may it please your Honours to grant to your orator and oratrix your writ of Subpoena to the aforesaid Hammond Raitt, John Norris and Polly his wife and Lydia Raitt to be directed Commanding them and each of them to be and appear in this Honourable Court by some day therein to be named, to answer in the premises and to shew Cause if any they have why a Decree should not be passed as prayed and may it please your Honours to issue a Commission to some suitable person to appoint a Guardian to answer for Lydia Raitt the Infant Defendant above named and to grant to your orator and oratrix an order of publication against Anne Williamson, Daniel Saylor and Barbara his wife, and Nathan Raitt who are now residents and beyond the reach of the process of this Honourable Court warning them of the Substance and object of this Bill and that in default of their appearance and in this Honourable Court in person or by Solicitor, on or before some day to be designated by your Honours to shew Cause why a Decree should not be passed as prayed that this Bill will be taken pro Confesso against them and may it please your Honours to extend to your orator and oratrix, all such other and further relief in the premises as may Consist with Equity and good Conscience and your orator and oratrix will ever pray &c. J. Nelson for Complts.

Exhibit (A)

Exhibit A referred to in the within and aforegoing Bill of Complaint Contained in the following Words viz In the name of God Amen the Eighteenth day of January in the year of our Lord Eighteen Hundred and three. I John Raitt of Frederick County and State of

Maryland being weak in Body but sound in mind & Judgment and knowing the mortality of this life do make this my last will and Testament in manner following viz I give & Bequeath unto my dear wife Hannah Raitt all my Estate both real and personal after haying all my Just debts during her natural life and after her death it is my will and desire that all my Estate both real and personal be sold and equally divided amongst my children that is to say to my Daughter Ann Williamson and her Heirs one share including one Hundred pounds that she has already received to my Daughter Barbara Saylor & her Heirs one share including forty pounds that she has already received to my Daughter Breana Raitt and her Heirs one Share to my son Hammond Raitt and his Heirs one share and he is likewise to be allowed and to receive for the Home and Barn he has built what two disinterested men shall Judge them to be worth To my daughter Polly Norris and her Heirs one share including fifty pounds that she has already received To my Son John Raitt and his Heirs one share to my said Nathan Raitt and his Heirs one share I do appoint my two sons Hammond Raitt & John Raitt to be my Executors to this my last will and Testament and order that they make sufficient title to the Land & they are hereby empowered so to do In Witness Whereof I have hereunto set my Hand and seal the day & year first above written.

In the presence of
Benjn Hargrhad, William Webb
Jacob Fonty, Nachael Hammond

John Raitt (Seal)

Maryland Frederick County April 2d 1808 Then came Hammond Raitt and John Raitt and made oath on the Holy Evangely of Almighty God that the aforegoing Instrument of writing is the True and whole will of John Raitt late of Frederick County Deceased that hath come to their hand & Possession and that they do not know of any other.

Geo Murdock Regr

Frederick County April 2d 1808 Then Came Jacob Fonty one of the Subscribing Witnesses to the aforegoing last will and Testament of John Raitt late of Frederick County Deceased and Solemnly Sincerely affirmed & declared that he did see the Testator therein named sign and seal this will & the same time Came Nachael Hammond one other of the Subscribing Witnesses to the aforegoing last will and Testament of John Raitt late of Frederick County Deceased and made oath on the Holy Evangely of Almighty God that he did see the Testator therein

Named Sign and Seal this Will that they heard him Publish pronounce and Declare the same to be his last Will and Testament that at the time of his so doing he was to the Best of their apprehensions of a Sound and Disposing mind memory and understanding that they respectively subscribed their names as Witnesses to this Will in the presence and at the request of the Testator and that they did also see Benjamin Farquhar & William Webb the other two subscribing Witnesses sign their names as Witnesses to said Will in the presence and at the request of the Testator and also in the presence of each other. Geo Murdock Regr

Frederick County To wit. I Hereby Certify that the foregoing is a true Copy taken from the original and recorded in Liber G No No 3 Folios 574. 575 & 576 one of the record Books of Wills in the office of the Register of Wills for said County,

In Testimony Whereof I Have Hereunto Set my Hand and affixed the Seal of office 10th day of February 1824.

Seal

Henry Stained Regr Wills for Frederick County Maryland

I Hammond Raitt the appointed & Surviving Executor in the Last Will and Testament of John Raitt late of Frederick County Deceased do Hereby refuse to act as Executor to said Will by virtue of said appointment and do therefore renounce all my right title & claim to said Executorship accordingly desiring as the same time that Letters of administration with a Copy of the Will annexed may be granted to Argenia Raitt of the County aforesaid who is the Daughter of the said Deceased as Witness my Hand this 9th day of January 1824.

Test Edwd Camblos

Hammond Raitt.

To the Register of Wills for Frederick County,

Frederick County to wit I Hereby Certify that the above is a true Copy taken from the original and entered on the minute Book of the proceedings of the Orphans Court of Frederick County for December Term 1823 on the 9 day of February 1824.

In Testimony Whereof I Have Hereunto set my Hand & affixed the Seal of office this 10th day of February 1824.

Seal

Henry Stained Regr Wills for Fred Co

(Exhibit B)

Exhibit (B)

This Indenture made this Nineteenth day of December in the year of our Lord Eighteen Hundred and twenty two Between Thomas W Morgan Sheriff of Frederick County of the one part and Thomas Hammond of the County aforesaid of the other part Witnesseth Whereas on the third day of August in the year of our Lord Eighteen hundred and twenty two a certain writ of the State of Maryland of Fieri Facias did issue forth out of Frederick County Court to the said Sheriff of Frederick County directed reciting that whereas at a County Court begun and held at the Court House in Frederick Town in and for the said County on the fourth Monday of October Eighteen Hundred and twenty a certain Nathan Raitt by Judgment of the same Court recovered against a certain Hammond Raitt as well the sum of five Hundred Dollars Current money a certain debt as one thousand Dollars Current money for his damages which he had sustained as well by reason of the detention of that debt as for his Costs and Charges by him about his suit in that behalf laid out and expended whereof the said Hammond is convicted as it appears of record and whereas also on the fourteenth day of August one thousand eight Hundred and twenty two a certain other writ of the State of Maryland of Fieri Facias did issue forth out of the County Court of the County aforesaid to the Sheriff of said County directed reciting for the same that whereas at a County Court begun and held at the Court House in Frederick Town in and for the said County on the first Monday of March one thousand Eight Hundred and twenty a certain Jacob R Thomas by Judgment of the same Court recovered against a certain Hammond Raitt as well the sum of Three Hundred and thirty three dollars Current Money a certain debt as five Hundred Dollars for his damages which he had sustained as well by reason of the detention of that debt as for his costs and charges by him about his suit in that behalf expended whereof the said Hammond is convicted as it appears of record the said Sheriff was therefore Commanded that of the goods and Chattels lands and tenements of the said Hammond Raitt being in his Bailiwick he should cause to be made and levied the Debt Damages Costs and Charges aforesaid and that he should have those sums of money before the Judges of the said County Court to be held at the Court House in Frederick Town in and for the said County on the fourth Monday of October then next to render unto the said Nathan Raitt & Jacob

In said Bill the Bill further States that the Land is not susceptible of advantageous division amongst the persons entitled and prays that it may be sold and the proceeds distributed under the direction of this Court. It is further represented by said Bill that Edmund Williamson, one of the Heirs of John Raitt and Hannah Raitt, resides in the State of Pennsylvania that Barbara Saylor, the wife of Daniel Saylor (mother of the Heirs resides with her Husband in the State of Ohio and that Nathan Raitt, another of the Heirs resides in the State of Kentucky. It is thereupon on this 11th day of February Eighteen Hundred & Twenty four by Frederick County Court Sitting as a Court of Equity ordered and adjudged, that the Complainants Cause notice of the object and intent of this Bill to be given to the absent Defendants by causing a Copy of this order to be inserted for three successive weeks in the Republican Citizen a Newspaper published in Frederick Town before the 11th day of March next Warning the said absent Defendants to be and appear in this Court on or before the 20th day of June next in person or by Solicitor to answer the premises and show Cause if any they have why a Decree should not be passed as prayed, and in default thereof that the Bill will be taken pro Confesso against them

Mon Shriver,

And the said Cause so standing Continued to March Term 1824 the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz

Printers Certificate

I Hereby Certify that the annexed advertisement was published in the Citizen for three weeks in succession before the Eleventh day of March last. Ig Wilhart.

And the said Cause so standing Continued from Term to Term until August Term 1824 the following Suggestion was filed viz

Suggestion

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity humbly Complaining show unto your Honors your orator Thomas Hammond and your oratrix Arianna Raitt of Frederick County or about the Eleventh day of February 1824 your orator and oratrix Exhibited their Bill of Complaint unto this Honourable Court against Hammond Raitt John Norris and Polly his wife, Lydia Raitt, Edmund Williamson, Daniel Saylor and Barbara his Wife and Nathan Raitt praying for a Decree for the Sale

of the real Estate of John Raitt and Hannah Raitt both of Fredericks County deceased, said real Estate consisting of a Tract of Land called "Friendship containing about three Hundred and sixteen acres and Half acres of land, and to be released touching the several matters and things in said Bill of Complaint specified. And your orator & oratrix further shew unto your Honours that the Defendants Hammond Raitt John Norris, and Lydia Raitt have been duly served with process to appear and answer the said Bill and that the order of publication hitherto hoped by your Honours against the absent Defendants has been inserted, as by said order is required, in the Republican and Citizen. That neither of said Defendants has answered said Bill of Complaint, but that John Norris, one of them has appeared by his Solicitor for that purpose, all which proceedings will appear upon reference to the said original Bill and the Decree upon thereupon and which your orator and oratrix pray leave to refer to your orator and oratrix further represent, that since the filing of the said Bill Polly Norris one of the Defendants is dead intestate leaving the following children as her Heirs at law, all of whom except Lloyd are Infants under the age of Twenty one years viz Lloyd, Juliana, Nelson, Anna, Lyrad, Nimrod, Elizabeth, Hammond, That the said Polly Norris died on or about the 26th day of March 1824 and that the said Representatives of the said Polly Norris have not appeared in said Court neither the four first days of the term next succeeding her death nor at any time since your orator and oratrix pray that a Subpoena may issue to said Children of Polly Norris, Commanding them to appear and be made parties to said suit in the stead of Polly Norris deceased according to the provisions of the act of assembly of 1820 Chap 161. And your orator & oratrix will ever pray &c

John Nelson for Complts.

Courts order

Whereupon the Court hoped the foregoing order viz In Frederick County Court as a Court of Equity August Term 1824 ordered that Subpoenas issue as prayed to be served personally on the infant children of the said Polly Norris or to be left at their place of abode to appear by the first Monday of January next at least two weeks before said first Monday of January next. A Dorsey Shriver.

order for Comm.

Whereupon the Court hoped the following order viz

Commission viz

Thomas Hammond & Ariana Raitt. vs Hammond Raitt, John Norris & Wife, Lydia Raitt & others

In Frederick County Court as a Court of Equity August Term 1824 upon application by the

Complainants Solicitor, ordered that a Commission issue to Medical Inhabitant Empowering to appoint a Guardian to answer the Complainants Bill for Lydia Raitt, who it is suggested is a minor under the age of Twenty one years and is one of the Defendants in the above Cause. It appearing that Lydia Raitt has been duly summoned in the above Cause, it is ordered that Commission issue as prayed. Alex. Shriver,

Whereupon in pursuance of the above order the following Commission Issued as prayed viz.

Comm.n

Maryland To the State of Maryland. To Medical Inhabitant Esqr. of Frederick County, Greeting Whereas Thomas Hammond and Hannah Raitt have lately exhibited their Bill before us in our County Court as a Court of Chancery, against Hammond Raitt, John Norris, Lydia Raitt and others Defendants and whereas we have by our writ lately Commanded the said Defendants to appear before us in our said Court as a Court of Chancery at a certain day now past to answer the said Bill, but for as much as the said Lydia Raitt is an infant under age, and cannot answer the said Bill nor defend this suit without having a Guardian assigned in that Behalf. Know ye therefore, that we have given unto you full power and authority in pursuance of the special trust in our said Court, to assign and appoint a Guardian for the aforesaid infant and to take the answer of the said Infant, by such Guardian, to the said Bill and therefore we Command you that at such certain day and place as you shall think fit, you go to the said Defendants if they cannot conveniently come to you, and assign and appoint a Guardian for the aforesaid infant and take the answer of the said infant by such Guardian to the said Bill on such Guardian's corporal oath upon the Holy Evangely, to be administered by you, the said answers being distinctly and plainly wrote, and when you shall have so taken the said answer you are to seal the same, close up under your seal, together with your certificate of your having assigned and appointed such Guardian as aforesaid and this writ unto us, in our said Court Witness the Honorable John Buchanan Esquire Chief Judge of our said Court the 2d day of August Anno Domini 1824. Issued the 17 day of September 1824.

I Nelson Sol.r

John Sobley Clerk.

Whereupon the following Certificate and answer of the Infant Defendant by her Guardian regularly appointed together with the within Commission thereto annexed was filed viz To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity The Subscriber, named in a Commission from Frederick County Court Sitting as a Court of Equity in a Cause in the said Court depending. Between Thomas Hammond and Ariana Raitt Complainants and Hammond Raitt and others Defendants. Humbly Certifies. that by virtue of the said Commission hereunto annexed, I Have assigned and appointed John Kinzer Guardian for the said Lydia Raitt, the said Infant Defendant therein named, having first caused the said Infant to be brought before me, and have taken the answer of the said Infant by her said Guardian, in writing, upon his Corporal Oath, to the Bill in the said Commission recited. which I Herewith send enclosed In Witness Whereof I Have Hereunto set my Hand and Seal this fourth day of October Eighteen Hundred and Twenty four. Abdiel Linthicum (Seal)

Infants answer

The Separate answer of Lydia Raitt an Infant under the age of Twenty one years by John Kinzer her Guardian, to the Bill of Complaint of Thomas Hammond and Ariana Raitt in Frederick County Court as a Court of Equity Exhibited the said Lydia Raitt by her said Guardian in answering the said Bill, admits the several matters and things therein set forth and that it will be for the united benefit of all the parties that the real Estate of John Raitt and Hannah Raitt late of Frederick County Deceased mentioned in said Bill should be sold and that such Decree may be made in this Cause as may be Consistent with Equity and good Conscience. hoping that as she is an Infant, this Honorable Court will regard her Interest

John Kinzer, Guardian to Lydia Raitt.

Maryland Frederick County to wit Be it remembered that on this fourth day of October Eighteen Hundred and Twenty four personally appears John Kinzer before the Subscriber Commissioner named in the Commission from Frederick County Court as a Court of Equity for that purpose issued and makes Oath on the Holy Evangely of Almighty God, that the several matters stated in the (within) answer are true as stated to the best of his Knowledge information and belief. Sworn Before Abdiel Linthicum J.C.

Answer of Hammond Raitt.

Whereupon the following Answer was filed viz The Separate answer of Hammond Raitt one of the Defendants to the Bill of Complaint of Thomas Hammond & Ariana

Raitt in Frederick County Court as a Court of Equity
Equity Exhibited This Defendant admits that John Raitt
late of Frederick County Deceased was seized of part of
a Tract of Land called "Friendship" in Frederick
County Containing one Hundred and fifty Eight acres
and one quarter of an acre of Land and that Hannah
Raitt was seized of another part of the same Tract of
Land Containing one Hundred and fifty eight acres
and one third of an acre. That the said John Raitt
Devised by will, his aforesaid part of the Tract of
Land Called "Friendship" to his wife Hannah Raitt
during her life and to be sold after her death as is
set forth in said Bill. That under said will John
Raitt and this Defendant were Executors that John
Raitt is since dead, and that this Defendant has
renounced as is likewise set forth in said Bill. That
Hannah Raitt was possessed of said two parts of the Tract
of Land called Friendship up to the period of her death
which occured on or about the 23rd day of January Eight-
teen Hundred and twenty four. That the said Hannah Raitt
died Intestate, without having in any wise disposed of
that part of said Tract of Land of which she was seized
in fee. leaving the Children named in said Bill as her
Heirs at Law That, they her heirs at Law and the Devisees
under the will of John Raitt aforesaid This Defendant
further States that he did purchase the Interest of
Nathan Raitt in said Estate as is stated in the
Bill of the Complainants, and that said Interest
together with that which belonged to this Defendant
as one of the Devisees of John Raitt was levied upon
by the Sheriff of Frederick County, and sold to Thomas
Hammond one of the Complainants as is stated in
said Bill. This Defendant leaves said Estate to be
disposed of as this Honorable Court may order and
Direct — Hammond Raitt,

Maryland Frederick County to wit On this 24th day
of October 1824 appears Hammond Raitt the Defend.
and within named and makes Oath that the
facts stated in the within answer are true to
the best of his Knowledge and belief
Sworn Before Wm. S. Farquhar.

Affidavit of Non residence

Whereupon the following Affidavit was filed viz
Thomas Hammond &
Ariana Raitt
and Wm. Williamson
Daniel Saylor & others

In Frederick County Court
as a Court of Equity To
remember that on this 8th.
day of November Eighteen

Hundred and Twenty four personally appears Isaac Lightner before the Subscriber a Justice of the Peace in and for Frederick County who makes Oath that he doth know Amos Williamson Daniel Saylor and Barbara Saylor and Nathan Ratto above named, That Amos Williamson resides in the State of Pennsylvania, Daniel Saylor and wife in the State of Ohio, and Nathan Ratto in the State of Kentucky to the best of his knowledge information & belief.

Sworn Before Jo^{s} Pennd.

John Norris' answer

Whereupon the following Answer was filed viz^{t} The Separate answer of John Norris to the original Bill of Complaint as also to the Supplemental Bill of Thomas Hammond and Susan Ratto, Exhibited against this defendant and others in the Frederick County Court Sitting as a Court of Chancery This defendant in answering the said original & Supplemental Bill, admits the truth of the several matters and things therein set forth and alledged; and states that it is correctly set forth in said Supplemental Bill, that since the filing of said original Bill Nancy Norris, lately the wife of this defendant has departed this life intestate leaving the following named children her heirs at law, and who are entitled by representation to such part or share of the Estate mentioned in said Bill as their mother if living would be entitled to receive viz^{t} Lloyd Norris Juliana Norris, Nelson Norris, Amos Norris, Isaac Norris, Nimrod Norris, Elizabeth Norris & Hannah Norris all of whom except Lloyd Norris are infants under the age of twenty one years This defendant further states that he has no objection whatever to the Sale of said real Estate by some suitable person to be appointed for that purpose and that he is willing to receive such part or share of the purchase money, as this Honorable Court may think proper to apportion him in lieu of his life estate as tenant by the Curtesy, in the part or share of his lately deceased wife and he further states that he has an interest as Mortgagee in the part or share of the said Susan Ratto, and of the Complainants in said Bills and prays that he may be allowed to stand as distributee of the portion of the said Susan Ratto to the amount of the principal Debt and interest of the said Mortgage which he herewith produces as a part of this his answer to said Bills marked Exhibit J N and he prays hence to be dismissed with his reasonable Costs and charges in this behalf sustained Wm Schley Solr for Defendant.

Nov^{r} 10th 1824 I agree to take the above answer without Oath. I Nelson, Whereupon the following Answer was filed viz^{t}

Lloyd Norris's answer

The Separate answer of Lloyd Norris one of the Defendants to the Bill of Complaint of Thomas Hammond & Others Filed in Frederick County Court as a Court of Equity Exhibited This Defendant admits that John Raitt late of Frederick County Deceased was seized of part of a Tract of Land Called 'Friendship, in Frederick County Containing one Hundred and fifty Eight and a quarter acres of Land and that Hannah Raitt was seized of another part of the same tract of Land containing one Hundred and fifty Eight and one quarter acres. That said John Raitt devised by will his aforesaid part of the Tract of Land Called 'Friendship to his wife Hannah Raitt during her life and to be sold after her death as is set forth in said Bill. That under said will John Raitt and Hammond Raitt were named Executors That John Raitt is since dead and that Hammond Raitt has renounced his Trust as is likewise set forth in said Bill. That Hannah Raitt was possessed of the said two parts of the Tract of Land Called Friendship' up to the period of her death which occurred on or about the 20th day of January Eighteen Hundred and Twenty four That the said Hannah Raitt died Intestate leaving the children named in the Complainants Bill as her Heirs at Law, That they are likewise the Devisees under the will of John Raitt aforesaid. This Defendant further states that he is one of the children of Polly Norris Deceased named in the Bill, That he believes it would be for the Interest and advantage of all persons Interested that said Land should be Sold This Defendant is perfectly Content that this should be done, and that such Decree may be passed in the premises as may Consist with Equity &c

Lloyd Norris.

Maryland Frederick County to wit on this 24 day of January 1824 personally appears Lloyd Norris the defendant within named before the Subscriber and makes oath that the facts within stated are true to the best of his knowledge & belief.

Sworn Before Abdiel Linthicum.

order for Commission

Whereupon the Court passed the following order for Commission to Issue viz

Hammond and others vs Raitts and others } In Frederick County Court as a Court of Equity August Term 1824 upon application by the Complainants Solicitor, ordered that a Commission issue to Abdiel Linthicum Esq^r to appoint a Guardian

To answer for the Infants Defendants, the children of Polly Norris who have been Summoned in the above Cause,

In Buchanan, Atty Shives,

Whereupon in pursuance of the above order the following Commission Issued viz^t

Commiss^n

Maryland Ss The State of Maryland, To Abdiel Sugifer Esquire of Frederick County Greeting Whereas Thomas Hammond and Susanna Ratto have lately Exhibited this Bill of Complaint Before us in our County Court as a Court of Chancery against Hammond Ratto and others Defendants and Whereas we have by our writ lately Commanded the said Defendants to appear before us in our said County Court as a Court of Chancery at a Certain day and time past, to answer the said Bill but for as much as Juliana Norris, Nelson Norris, Amon Norris, Grace Norris, Minerva Norris, Elizabeth Norris and Hammond Norris are Infants under age and cannot answer the said Bill now depend this writ, without having a Guardian assigned in that behalf, Know ye therefore that we have given unto you full power & authority in pursuance of the aforesaid order in our said Court to assign and appoint a Guardian for the aforesaid infants and to take the answer of the said infants by such Guardian to the said Bill and therefore we Command you that at such Certain day and place as you shall think fit, you go to the said Defendants if they Cannot Conveniently Come to you, and assign and appoint a Guardian for the aforesaid infants and take the answers of the said Infants by such Guardian to the said Bill on such Guardians Corporal Oath upon the Holy Evangely, to be administered by you; the said answers being distinctly and plainly writ and when your hand is taken the said answers, you are to send the same, Closed up under your Seal, together with your Certificate of your having assigned and appointed such Guardian as aforesaid, and this writ, unto us in our said Court Witness the Honourable John Buchanan Esquire Chief Judge of our said Court the 2^d day of August Anno Domini 1824, Issued the 29^th day of October 1824.

I Nelson Sol^r

John Ashley Clerk

Whereupon the following Certificate and answer of the Infant Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz^t

To the Honourable the Judges the Judges of Frederick County Court Sitting as a Court of Equity The Subscriber

Named in a Commission from Frederick County Court sitting as a Court of Equity in a Cause in the said Court depending, between Thomas Hammond and Areana Raitt, Complainants and Hammond Raitt and others Defendants, Hereby Certifies, that by virtue of the said Commission Herewith enclosed I have assigned and appointed Isaac Lightner Guardian for the said Juliana Norris, Nelson Norris, Amos Norris, Grace Norris, Nimrod Norris, Elizabeth Norris and Hammond Norris, the said Infants therein named and have taken the answers of the said Infants by their said Guardian, in writing, upon his Corporal Oath, to the Bill in the said Commission recited which I Herewith send enclosed In Witness whereof I Have Hereunto set my Hand and Seal this first day of November 1824. Abdiel Buckey (Seal)

Infants answers

The Joint and Several answers of Juliana Norris, Nelson Norris, Amos Norris, Grace Norris, Nimrod Norris, Elizabeth Norris and Hammond Norris, Infants under the age of Twenty one years by Isaac Lightner their Guardian to the Bill of Complaint of Thomas Hammond & Areana Raitt, in Frederick County Court as a Court of Equity Exhibited The said Juliana, Nelson, Amos, Grace, Nimrod Elizabeth, and Hammond Norris by their said Guardian in answering the said Bill, admit the several matters and things therein set forth, and that it will be for the mutual Benefit of all the parties their defendants and others that the Tracts of land mentioned in this Complainants Bill should be sold by some suitable person to be appointed Trustee for that purpose. That said Land descended in the manner in said Bill set forth, these defendants being entitled as the children and heirs at law of Polly Norris Deceased. They are willing that a Decree for the Sale of said Property should be passed by your Honours, and such other order taken therein as may be consistent with Equity hoping that as they are Infants, this Honourable Court will regard their Interest, Isaac Lightner,

Guardian to said Infant Defendants.

Frederick County to wit Be it remembered that on this first day of November in the year Eighteen Hundred and Twenty four personally appears Isaac Lightner Before the Subscriber, the Commissioner named in the Commission for that purpose issued from Frederick County Court Sitting as a Court of Chancery and makes Oath that the several matters Stated in the

Within answer and true as stated to the best of his knowledge information and belief. Sworn before Abdiel Tankersley.

And the said Cause as standing continued to January Term 1825 the Court passed the following Decree viz

Decree

Thomas Hammond } In Frederick County Court as a Court of
vs } Equity January Term 1825 The said Cause
Hammond Raitt } Standing ready for hearing and being
and others } Submitted the Bill, answers, publications and all other proceedings read by the Court read and Considered, And it appearing to the Court that due notice of the object and Substance of the Bill filed in the above Cause has been given according to the provisions of the act of assembly and the order of this Court, by publication in the Republican Citizen a News paper printed in Frederick Town to Amos Williamson, Daniel Saylor and Barbara his wife and Nathan Raitt, who are now residents of the State of Maryland, of which the Court has been Satisfied by the affidavit of Isaac Lightner filed in said Cause and the said Defendants not having appeared either in person or by Solicitor nor having answered said Bill as is required by the order of this Court. It is therefore on this 12th day of February Eighteen Hundred and Twenty five ordered, adjudged and decreed, that said Bill be, and the same is hereby taken pro confesso as against the above named defendants who are now residents as aforesaid, And it appearing to the Court from the answers of the remaining defendants that it will be for the mutual Benefit and advantage of the parties Concerned, that the real Estate of John & Hannah Raitt mentioned in the proceedings should be sold the same not admitting of advantageous division amongst the parties entitled to it is thereupon on this 12th day of February Eighteen Hundred and Twenty five by Frederick County Court Sitting as a Court of Equity ordered adjudged and Decreed that the real Estate aforesaid mentioned in the proceedings shall be sold That for the purpose of making said Sale Thomas Hammond be and he is hereby appointed Trustee, and that the bound and manner of his proceedings therein shall be as follows to wit. first file his Bond with the Clerk of this Court with Security to be approved in the 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 order or Decree in the premises. He shall

thew proceed to sell the same at public auction after giving 20 days notice three weeks notice in some newspaper published in Frederick Town, of the time place manner and Terms of Sale which shall be that the purchaser pay one third of the purchase money in hand upon the ratification of the Sale by this Court and the residue in two equal annual payments without Interest the said payments to be secured by note with Security to be approved by the Trustee, and the Trustee shall as soon as convenient after any Sale by him made report the same to this Court, with an affidavit of the fairness of the Sale annexed to said report and upon the ratification of said Sale and the payment of the whole purchase money and not before the Trustee shall by deed to be executed, acknowledged and recorded according to Law, convey to the purchaser or purchasers and his her or their Heirs the right and title of the Complainants and Defendants in this behalf to the real Estate aforesaid And the said Trustee shall bring into this Court the money and notes arising from said Sale to be distributed under the direction of this Court, after deducting therefrom the Costs of this suit and such Commission to the Trustee as the Court may think proper to allow him.

Adm Shriner. Th Buchanan.

Trustees Bond

Whereupon the Trustee filed the following Bond Endorsed Approved Adm Shriner. & Th Buchanan viz

Know all men by these presents that we Thomas Hammond and Thomas Sappington of Frederick County are held and firmly bound unto the State of Maryland in the just and full sum of Ten Thousand Dollars Current Money to be paid to the said State or its Certain Attorney to which payment well and truly to be made and done we bind ourselves our Heirs Executors and administrators Jointly and Severally firmly by these presents. Sealed with our Seals and dated this fourteenth day of February Eighteen Hundred & Twenty five

Whereas Thomas Hammond above named by virtue of a Decree of Frederick County Court Sitting as a Court of Chancery hath been appointed Trustee to make Sale of the real Estate of John Raith and Hannah Raith late of Frederick County Deceased for the purpose in said Decree mentioned Now the Condition of the above obligation is such that if the above bounden Thomas Hammond do and shall well and Truly faithfully perform the Trust reposed in him by said Decree

As Trustee as aforesaid, so that money be reposed in him by any future Deed or order in the premises, then the above obligation to be void, otherwise to be and remain in full force and virtue in Law.

Signed Sealed and Delivered in the presence of
Sath Sheeman

Thos Hammond (Seal)
Thomas Sappington (Seal)

Trustees Report

Whereupon the Trustee made the following Report viz^t
To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity. The Trustee appointed by Decree of Frederick County Court as a Court of Equity bearing date on the day of 1825, to sell the real Estate of John Ratto and Hannah Ratto late of Frederick County Deceased reports That after filing his Bond with the Clerk as required by said Decree and giving the requisite notice of the time place manner and terms of Sale, by publication in the Frederick Town Herald, and by Hand Bills, the Trustee offered said real Estate at public auction and sold the same to Certain Thomas Hammond, of Frederick County, at the price and for the sum of Twelve Dollars per acre, on the 20th day of April 1825 that previous to said Sale the Trustee caused said real Estate to be surveyed, and ascertained the same to Contain Three Hundred and one acres Two roods and Twenty Seven perches of Land the amount of Sales is thirty six Hundred Twenty Two Dollars and five Cents said Sale is reported to this Honourable Court for its ratification The Trustee personal Expenses are estimated at Eight Dollars and fifty Cents, all of which is Submitted, Thos Hammond,
Maryland Frederick County to wit on this 3^d day May 1825 appears Thomas Hammond above named Trustee and makes oath that the facts stated in the foregoing report are true, and that the Sale thereby reported was bona fide and fairly made,
Witness my Hand Henry C Brish.

Order of Publication

Whereupon the Court passed the following order of Publication viz
Thomas Hammond & others
vs
Hammond Ratto & others
In Frederick County Court as a Court of Equity February Term 1825 ordered that the Sale made and reported by the Trustee in the above case be ratified and confirmed unless cause to the contrary be shewn on or before the 10^th day of June next provided a Copy of this order be inserted for three successive Weeks in some newspaper published in Frederick Town before the said Tenth day of June next The Trustee reports the Sale of Three Hundred and one acres, Two roods and Twenty Seven perches as Invoiced

Dollars per acre, and that Osmond Hammond is the purchaser. Adgt Skinner, May 5th 1825.

And the said Court is standing continued from Term to Term until August Term 1825 the following petition and order was filed viz't

Petition to open Biddings &c

Thomas Hammond & others
vs
Hammond Reid & others

To the Frederick County Court sitting as a Court of Equity & to the Honorable the Judges of the Frederick County Court sitting as a Court of Equity The petition of Jacob Riely humbly represents and gives your Honours to understand that Thomas Hammond the Trustee appointed in this case to sell the real Estate in the said Bill mentioned and Exhibits specified did on the 21st day of April 1825 expose to public Sale said real Estate and one Osmond Hammond became the highest bidder and purchaser for the same and paid of twelve Dollars per acre as appears by the Trustees report filed in this case which Sale has not been ratified by this Court your petitioner gives your Honours further to understand that twelve Dollars per acre is not as much as the real Estate aforesaid is worth by the acre and if he had been present at said Sale he would have bid one Dollar and fifty Cents per acre more than was bid by Osmond Hammond it being four Hundred and fifty three dollars more on the whole tract than it was laid off at by the said Osmond Hammond your petitioner States that he is willing to deposit such sum as this Honorable Court shall think properly upon the opening of the biddings said sum to be subject to the order of the Court. May it please your Honours to order and direct that the bidding in the above case as reported by Thomas Hammond be opened and a Sale ordered upon your petitioners making such deposit as this Honorable Court shall think proper and may it please your Honors to order and direct that a Copy of this Petition be served on Thomas Hammond the Trustee and Osmond Hammond the highest bidder at said Sale requiring them to appear before this Court on the first Monday of January next or before to shew cause if any they have why the biddings shall not be opened as prayed. Jos. W. Palmer Solicitor for the Petitioner

Courts order

Whereupon the Court hold this following order viz't In Frederick County Court as a Court of Chancery

August Term 1825 upon Consideration of the aforegoing Petition it is ordered that Thomas Hammond and Osmond Hammond appear before this Court on or before the first Monday in January next to shew Cause if any they have why the biddings should not be opened as prayed Itis ordered that a Copy of said petition and of this order be Served on said Thomas and Osmond on or before the 15th day of December next,

Mont. Shriver, Novr. 17th 1825.

Whereupon the following Acknowledgment & Certificate was filed viz

To the Honourable the Judges of the Frederick County Court Sitting as a Court of Equity I the Undersigned do Hereby acknowledge the Service of the foregoing petition & order & that we have no objections to the Courts opening the biddings as prayed in said petition upon such Terms as the Court shall think Equitable and Just and do give your Honours to understand that we shall not appear to make objections to the opening of the Biddings as prayed, O Hammond Solr. Tho.s Hammond Frederick Town 17th November 1825 I Hereby accept the notice of the within petition and order and agree the same has been duly Served, Tho.s Hammond,

I do hereby accept notice of the within petition and order and agree the same has been duly served this 22d day of November 1825. O Hammond Solr.

And the said Cause as standing Continued to January Term 1826 the Court passed the following order to open Biddings viz

order to open Biddings

Thomas Hammond and Osmond Hammond Petitr. John Norris and others } In the Frederick County Court Sitting as a Court of Equity January Term 1826. The Court having read and Considered the petition of Jacob Birely filed in this Cause & being Satisfied that the order annexed to said petition hath been served on Thomas Hammond and Osmond Hammond and they notified to appear in this Court according to said order and it also appearing to the Satisfaction of this Court that the said Thomas Hammond and Osmond Hammond have no objections to the prayer of said petition being granted. It is therefore this 23d day of January 1826 by the Frederick County Court Sitting as a Court of Equity ordered and adjudged that the biddings in this Cause be opened and the Sale as reported by Thomas Hammond the Trustee be not ratified and Confirmed. And it is further ordered that Thomas

Hammond the Trustee in this Case against Eidson to Public Sale the real Estate in said proceedings mentioned after having given three Weeks Public notice as directed in the decree filed in this Case and that he comply with the Terms of said Decree in all things therein specified And it is further ordered and adjudged by the Court that the said Jacob Rinehy the petitioner deposit in the Frederick County Bank the sum of three Hundred Dollars to the credit of the Case of Thomas Hammond. Trustee Plaintiff against Hammond Raitt John Norris & others to be subject to the future order of this Court and that the said Jacob Rinehy obtain a Certificate from the Cashier of said Bank of such deposit and file the same with the Clerk of this Court without any delay. Attest Shriver.

Trustees Report

And the said Cause is standing Continued to February Term 1826 the Trustee made the following Report viz To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity The Trustee appointed by the decree of Frederick County Court as a Court of Equity bearing date on the 12th day of February 1825 to sell the real Estate of John Raitt and Hannah Raitt late of Frederick County deceased reports that after filing his bond with the Clerk as required by said Decree and giving the requisite notice of the time place manner and Terms of Sale, by publication in the Frederick Town Herald and by Hand bills the Trustee offered said real Estate at Public Auction and sold the same to a certain Jacob Eckard of Frederick County at the price and for the sum of Fourteen Dollars and five Cents per acre on the 21st day of February 1826 That previous to said Sale the Trustee Caused said real Estate to be Surveyed and ascertained the same to contain three Hundred and one acres two roods and thirty seven perches of Land the amount of Sales is four thousand two Hundred and thirty eight Dollars and fifty nine Cents Said Sale is reported to this Honourable Court for its ratification The Trustee personal Expences are estimated at 21 Dollars and fifty Cents, all of which is submitted

Thos Hammond,

Maryland Frederick County to wit on this 21st day of February 1826 appears Thomas Hammond above named Trustee and makes oath that the facts stated in the foregoing report are true and that the Sale thereby reported was bona fide and fairly made.

Witnesse my Hand, Henry Kemp.

order of Publication

Whereupon the Court hereby the following order of Publication viz:

Thomas Hammond and others
vs.
Nathan Raitt & others

In Frederick County Court as a Court of Equity February Term 1826 ordered that the Sale made and reported by the Trustee in the above cause be ratified and confirmed unless cause to the Contrary be shewn on or before the first day of April next. Provided a Copy of this order be inserted in the Republican Citizen a newspaper printed in Frederick Town for three successive weeks before the said first day of April next the Trustee reports the Sale of three Hundred and one acres two roods and thirty Seven perches of Land at the price and for the sum of four Thousand Two Hundred and thirty Eight Dollars and fifty nine Cents. Jno Buchanan, Abm Shriver.

Printers Certificate

Whereupon the foregoing Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz:

I Hereby Certify that the annexed advertisement was published in the Citizen for three successive weeks before the first day of April 1826. G. W. Sharp.

order of Publication

Whereupon the Court hereby the following order of Ratification viz:

Ordered that the Sale made and reported by the Trustee in the above cause be ratified and Confirmed, no cause to the Contrary having been shewn notwithstanding notice given the Trustee is allowed for his Commission and all Expenses one Hundred and Seventy Eight Dollars and 65 Cents the Auditor is directed to State an account current between the Trustee and the parties interested according to the principles of this Court and to report the same to this Court for its ratification. Abm Shriver.

Whereupon the Court hereby the following order viz:

Thomas Hammond & Ariana Raitt
vs.
Hammond Raitt John Norris & others

In the Frederick County Court Sitting as a Court of Equity August Term 1826. So is on this fifth day of October 1826 by the Frederick County Court as a Court of Equity ordered adjudged and decreed that the Cashier of the Frederick County Bank pay to the order of Jacob Birely the sum of three hundred Dollars which was deposited in said Bank by said Jacob Birely and subject to the order of this Court. Abm Shriver.

Auditors Report

ding the said Cause as standing Continued from Term to Term until February Term 1820 the Auditor filed the following Report viz:

Dr The Estate of John Raitt and Hannah Raitt Decd in acct with Thomas Hammond Esqr Trustee &c

Hannah Raitts Estate

To Amos Raitt acct of said Hannah Raitt Decd an amount of expenses paid by him &c taxed	A.R.	165. 54
To George Ratcliff an amount of taxes upon the land sold &c taxed	G.R.	96. 00
To Anne Williamson daughter of said Hannah Raitt dec'd one Seventh of nett Sales of said Estate &c the proceedings		286. 54 2/7
To Daniel Taylor & Barbara his wife Daughter of said Hannah Raitt dec'd one Seventh of nett Sales of said Decd Estate &c the proceedings		286. 54 2/7
To John Norris assignee of Amos Raitt Son of said Hannah Raitt Dec'd one seventh of nett Sales of said Decd Estate &c the proceedings		286. 54 2/7
To Hot Hammond assignee of Hammond Raitt Son of said Hannah Raitt Dec'd one Seventh of nett Sales of said Decd Estate &c the proceedings		286. 54 2/7
To Lydia Raitt grandchild of said Hannah Raitt Dec'd one Seventh of nett Sales of said Decd Estate &c the proceedings		286. 54 2/7
To Thomas Hammond assignee of Hammond Raitt, who purchased of Nathan Raitt a Son of said Hannah Raitt Deceased one Seventh of nett Sales of said Decd Estate &c the proceedings		286. 57 1/7
To Lloyd Norris a Grandchild of said Hannah Raitt dec'd one Eighth of one Seventh of nett Sales of said Decd Estate &c the proceedings		29. 57.
To Juliana Norris a Grandchild of Do Do one Eighth of one Seventh of Do Do		29. 57.
To Nelson Norris a Grandchild of Do Do one Eighth of one Seventh of Do Do		29. 57
To Anne Norris a Grandchild of Do Do one Eighth of one Seventh of Do Do		29. 56 5/7
Amt Carried Forward		

Amt Brought Forward £

To Grace Norris a Grandchild of Dec'd one Eighth of one Seventh of Dec'd Estate	29.	56¼
To Minna Norris a Grandchild of Dec'd one Eighth of one Seventh of Dec'd Estate	29.	56¼
To Elizabeth Norris a Grandchild of Dec'd one Eighth of one Seventh of Dec'd Estate	29.	56¼
To Hammond Norris a Grandchild of Dec'd one Eighth of one Seventh of Dec'd Estate	29.	56¼
		£ 1917. 85

Nett Sales of Hannah Raitts Estate

John Raitts Estate,

To Thomas Hammond, by right of purchase from Hammond Raitt who was assigned of Anne Williamson a Daughter of said John Raitt Dec'd one Seventh of nett Sales of said Dec'd Estate, deducting advance p'r the will under these proceedings	105.	13
To Thomas Hammond in right of Daniel Taylor & Barbara his wife a Daughter of said John Raitt Dec'd one Seventh of nett Sales of said Dec'd Estate, deducting advance p'r the will under these proceedings	265.	12½
To John Norris assigned of Hannah Raitt a Daughter of said John Raitt Dec'd one Seventh of nett Sales of said Dec'd Estate, under these proceedings	371.	79
To Thomas Hammond, in right by purchase of Hammond Raitt Gotlieb, a son of said John Raitt Dec'd one Seventh of nett Sales of said Dec'd Estate, under these proceedings	371.	79
To Lydia Raitt, a Grandchild of said John Raitt Dec'd one Seventh of nett Sales of said Dec'd Estate under these proceedings	371.	79
To Thomas Hammond, in right by purchase of Hammond Raitt, who had purchased of Nathan Raitt a Son of said John Raitt Dec'd one Seventh of nett Sales of said Dec'd Estate, under these proceedings	371.	79
To Lloyd Norris, a Grandchild of said John Raitt Dec'd one Eighth of one Seventh of nett Sales of said Dec'd Estate deducting advance p'r the will under these proceedings	29.	80½

Amts Forwarded £

Accts bro't forward

To Juliana Norris, a Grandchild of Dec^d
Dº one Eighth of one Seventh of neat
Dº Dº as aforesaid . . . 29. 80½

To Nelson Norris, a Grandchild of said
John Raitt Dec^d one Eighth of one
Seventh of neat Sales of said Dec^ds
Estate, deducting advances by the
will, under third Investings . . 29. 80½

To Anne Norris, a Grandchild of said
John Raitt dec^d one Eighth of one Seventh
of neat Sales as above by will &c Dº 29. 80½

To Jane Norris, a Grandchild of said dec^d
one Eighth of one Seventh of Dº as above 29. 80½

To Nimrod Norris a Grandchild of said
Dec^d one Eighth of one Seventh of Dº
as above 29. 80½

To Elizabeth Norris, a Grandchild of said
Dec^d one Eighth of one Seventh of Dº
as above 29. 80½

To Hammond Norris a Grandchild of said
Dec^d one Eighth of one Seventh of Dº
as above 29. 80½

£ 2195. 86

To the Trustee for his Commission and
all Expenses 178. 65

" the attorney for his fee . . £ 3. 33⅓
" the Clerk for his fees . . . 25. 19
" the Sheriff for his fees . . 4. 2½ 32. 74

To the auditor for his fees in Stating
account reporting to Court &c . . 15. —

£ 4240. 10

By Amount of Sales made the 20th
February 1826 as per his report of the Real
Estate the amount omitted by him
Dº paper marked IH . . . . . £ 4240. 11

Recapitulation

neat Estate of Hannah Raitt £ 1917. 85
and proportion of Costs — 108. 15
neat Estate of John Raitt 2095. 86
and proportion of Costs 118. 24
£ 4240. 10

Thomas Hammond
& Ariana Raitt
vs
Hammond Raitt &al

In Frederick County Court as a
Court of Equity February
Term 1828. As auditor to
Frederick County Court Sitting
as a Court of Equity I beg leave to report to the

Honourable the Judges thereof that in compliance with their order I have made an examination of the proceedings touching this Cause, upon which and the information derived from the Trustee and other parties to this Cause I have stated the aforegoing account for this as in like Cases I have allowed the Trustee for his Commission and all Expenses and also allowed the Costs of the Court, which I have taken proportionably from the two Estates here Sold, and kept Separate and apart, as regards the Estate of Hannah Raitt deceased I have first allowed the admr. retained an amount of debts by her own paid in the Settlement of said Decrs Estate, I have next allowed the amount of a Bill of Sales upon said Estate and the residue of said Estate I have divided equally amongst the Heirs and proper representatives of said Hannah Raitt dec'd according to the proceedings in this Cause allowing the same to the parties claiming upon the information furnished by the proceedings, and claims as aforesaid, as regards the Estate of John Raitt dec'd I have divided the same amongst his Heirs and proper representatives, under the wills and proceedings composing the Cause allowing the same to the parties claiming upon the aforesaid information deducting however from the portions to some of the Heirs, the advances made by the will. I find that John Norris one of the parties to this Cause, would be entitled to something as tenant by the curtesy but he called upon me as auditor in person & relinquished all claim to the same I Respectfully Submit this account and other proceedings to the Honourable the Judges aforesaid. Henry Schley Auditor 11th March 1828.

order of Ratifc'n

Whereupon the Court passed the following order of Ratification viz. February Term 1828 Ordered by the Court that the aforegoing account as stated and reported by the auditor be and the same is hereby ratified and confirmed and that the Trustee pay over the proceeds of Sale as the same has or may be received to the parties respectively entitled to the same according to the distributions in this said audit made. Jno. Buchanan, Abm. Shriver,

Test John Schley Clerk

Maryland Frederick County to wit

At a County Court Sitting as a Court of Equity Regularly held at the Court House in Frederick Town in and for said County on the first Monday of March in the year of our Lord Eighteen Hundred & twenty three, Present The Honourable John Buchanan Esquire Chief Judge, Abraham Shriver & Thomas Buchanan,

Esquires Associate Judges. Thomas Williamson Esquire Sheriff
and John Talley Clerk.

In the record of proceedings of the said Court among
Rice others and the following to wit
To the Honourable the Judges of Frederick County Court
Sitting as a Court of Equity Humbly Complaining your
orators John Ritchie, John R Curtis and John Groshon Junr
represent unto your Honours that John Groshon Senr late
of Frederick County decd departed this life on or about
the Twenty Second day of September Eighteen Hundred
and twenty two and was in his life time and at the
time of his death Justly and truly indebted unto your
orators in divers Seperate large sums of money and also
to other persons upon Sundry different Securities to a
Considerable amount in the whole. That the said John
Groshon Senr was in his life time and at the time of
his death entitled to enjoy and possessed of a large real
Estate as will appear by Exhibits marked with red
Letters A B C D E F G & H which your orators pray
may be received and taken as part of this their Bill
of Complaint, and of a small personal Estate and
being so entitled seized and possessed he departed
this life intestate, leaving Ann Groshon his widow
and relict and John Groshon one of your orators, Elias
Groshon, Abraham Groshon and Mary who has inter-
married with John R Curtis also one of your orators
Margaret who has intermarried with Isaac Allaugh
Elizabeth who has intermarried with John Ford Heirs
aboud the age of twenty one years and Henry, Ann &
Hannah Groshon minors under the age of twenty one years
his Heirs at Law and tenants in Common or Coparcenary.
and your orators further represent unto your Honours
that the said John Groshon in his life time purchased a
part of said real Estate from John Ritchie one of your
orators which remains yet unpaid for and for which
no deed or Conveyance has ever been made or had
your orators therefore pray your Honors in the decree
to be made and passed in this Cause specially to direct
the said John Ritchie to join in the Conveyance with
the Trustee to be appointed to make Sale of said real
Estate for such part wherein he has not before made
any, and so Conveyance and your orators further
represent unto your Honours that the proceeds of money
arising from the Sale of the personal Estate is inadequate
and wholly deficient to meet discharge & pay off all
the just debts and claims against the said intestates

Estate your orators are therefore delayed and prevented from
recovering their said claims and are rendered only by the
interposition of your Honorable Court as a Court of Chancery
and your orators are advised and believe it will be good
to the interest and advantage of all the heirs that the land
be sold under the direction of this Honorable Court there
to await the sales by execution from Judgments obtained
in Frederick County Court your orator therefore humbly
pray your Honour to order and decree a sale of the whole
or as much of the aforesaid real Estate of which the said
John Graham dec'd died seized and possessed of
as shall satisfy and pay all his just debts and lawful
claims agreeable to the acts of Assembly in such case
made & provided and that these defendants may full
answers make to these premises your orator pray that a
Guardian may be assigned and appointed to answer for
the within named infant defendants and appear and
defend this suit in their stead according to the acts of
Assembly in such case made and provided to this end
therefore may it please your Honours to grant to your orator
the States writ of Subpoena in the usual form to be
directed to the said Elias and Abraham Graham, Isaac
Mclaugh & Margaret his wife, John Fox and Elizabeth
his wife and Henry and Hannah Graham minors under
the age of twenty one years commanding them that they be
and appear in your Honourable Court as a Court of Equity
on a particular day therein specified to shew cause if
any there be why a decree should not pass as prayed
and your orators will ever pray &c. &c. &c.

Singleton Dorsey Solicitor for Complt

Exhibit (A) Exhibit A referred to in the within and aforegoing Bill
of Complaint Contained in the following words viz.
This Indenture made the Sixteenth day of April Eighteen hundred
and three Between Abraham Graham of Frederick County and
State of Maryland of the one part and John Graham of the
County and State aforesaid of the other part Witnesseth that
the said Abraham Graham aforesaid in Consideration of
the sum of fifteen Hundred pounds Current money to him
in hand paid or secured to be paid by the said John
Graham the receipt Where of the said Abraham Graham doth
hereby acknowledge hath granted Bargained and sold
aliened and confirmed and by these presents doth grant
Bargain and sell alien and confirm unto the said John
Graham his Heirs and assigns forever all that part of
Tract of Land known and distinguished by the following
names to wit the third addition to Fountain Low

Part of the fourth Dividend" Part of True Friendship all that tract of Land called all & Caid Gift" Beginning for said tracts or parcels of Land at a Rounded Black Oak Tree standing about South thirty Eight Degrees East forty four perches from the end of ninety one and a Half perches on the first line of that part of True Friendship" that Michael Ryley and Sarah Ryley sold to and gave a Deed to the aforesaid Abraham Graham running from thence North thirty Eight Degrees West forty four perches to the end of the said Ninety one and a half perches as aforesaid then with said first line reversed South fifty four Degrees West ninety one and a half perches to a stone planted at the end of the third line of that part of True Friendship that John Welles sold and conveyed by Deed to the aforesaid Abraham Graham then with said third line reversed South fifty four Degrees West sixty two perches to the middle of the Land to a stone planted in said land then with said Land South sixty five and a half Degrees West forty two and a half perches to a stone planted in the middle of the aforesaid Land South Twenty five and a Half Degrees East twenty six and three quarters perches to a stone planted South nine Degrees West fifty perches to a stone planted South thirty six Degrees East forty four perches to a stone planted South forty one and a Half Degrees West forty perches to a stone planted at the end of sixty two perches on the fifteenth line of a tract of Land called Berrafo Friendship" then with said line South thirty four Degrees East one Hundred and eight and a Half perches to a stone planted then North fifty Degrees East twenty two and a Half perches to a stone planted North eighty Degrees East fifty six perches to a stone planted North thirty Degrees East one perch to a stone planted North fifty six Degrees East ninety perches to a stone planted North thirteen Degrees West twenty four perches to a stone planted North forty three Degrees East thirty Six and a Half perches to the end of ninety Six and a Half perches on the second line of the fourth dividend to a stone planted at that place then with said Land North Twenty seven and a Half Degrees West thirty Eight and a half perches to a stone planted still with said land the third line thereof North sixty six and a Half Degrees West fifty seven perches to a stone planted on a line drawn South thirty nine and a half degrees West from the end of the tenth line of that part of a tract of land called True Friendship that John Welles sold to the said Abraham

Groshow and with said line runed North thirty nine and a half Degrees East one Hundred and twenty perches to a Stone planted then North thirty six Degrees West thirty perches to a Stone planted at the end of said line South fifty one Degrees East seventeen perches to a Stone planted North twelve Degrees West thirty two perches to a Stone planted then with a Straight line to the first Beginning Containing three hundred and eight acres of Land more or less with the appurtenances to the said Land above mentioned Belonging, or in any ways appertaining, and all the estate right title, Interest claim and demand whatsoever of him the said Abraham Groshon of in and to the said Land and premises and every part thereof To Have and to Hold the said Land and premises and every part thereof with their appurtenances unto the said John Groshon his Heirs and assigns to the only proper use and behoof of the said John Groshon his Heirs and assigns forever and the said Abraham Groshon for himself and his Heirs the said Land and premises and every part and parcel thereof against him and his Heirs and against all and every other person or persons claiming by from or under him shall and will warrant and forever defend by these presents and Lastly that he the said Abraham Groshon and his Heirs shall and will at any time hereafter Execute any other and or Other Conveyance and Conveyances assurance or assurances in the Law whatsoever for the more perfect granting Conveying and assuring the parts of the aforesaid tracts of Land and premises above and within mentioned and with the appurtenances unto the said John Groshon his Heirs and assigns forever as by the said John Groshon his Heirs and assigns or his or their Counsel learned in the Law shall be reasonably advised and required provided the same be at the proper Cost and charges of the said John Groshon his Heirs or assigns In Witness whereof the said Abraham Groshon hath hereunto set his Hand and affixed his seal the day and year first within and above written;

Signed Sealed & Delivered
in the presence of
John Creager, Mich'l Bayer.

Abraham Groshon (Seal)

Frederick County State of Maryland to wit April 16 Day 1800
Came the within named Abraham Groshon before us the Subscribers two of the Justices for the County aforesaid and acknowledged the within instrument of writing to be his act and Deed and the Lands and premises within mentioned to be the right and Estate of the within named John Groshon his Heirs & assigns forever

Part of the fourth Dividend" Part of True Friendship all that tract of Land called all I can get" Beginning for said tracts or parcels of Land at a Bounded Black Oak Tree standing about South thirty Eight Degrees East forty four perches from the end of ninety one and a Half perches on the first line of that part of True Friendship that Michael Ryley and Lewis Ryley sold to and gave a Deed to the aforesaid Abraham Groshon running from thence North thirty Eight Degrees West forty four perches to the end of the said Ninety one and a half perches as aforesaid then with said first line North South fifty four Degrees West ninety one and a half perches to a stone planted at the end of the third line of that part of True Friendship that John Wells sold and conveyed by Deed to the aforesaid Abraham Groshon then with said third line reversed South fifty four Degrees West sixty two perches to the middle of the land to a stone planted in said land then with said Land South sixty five and a half Degrees West forty two and a half perches to a stone planted in the middle of the aforesaid Land South Twenty five and a Half Degrees East twenty Six and three quarters perches to a stone planted South nine Degrees West fifty perches to a stone planted South thirty Six Degrees East forty four perches to a stone planted South forty one and a Half Degrees West forty perches to a stone planted at the end of sixty two perches on the fifteenth line of a tract of Land called Barrafts Friendship" then with said line South thirty four Degrees East one Hundred and Eight and a Half perches to a stone planted then North fifty Degrees East twenty two and a Half perches to a stone planted North eighty Degrees East fifty Six perches to a stone planted North thirty Degrees East one perch to a stone planted North fifty Six Degrees East ninety perches to a Stone planted North thirteen Degrees West twenty four perches to a stone planted North forty three Degrees East thirty Six and a Half perches to the end of ninety Six and a Half perches on the second line of the fourth dividend to a Stone planted at that place then with said Land North Seventy Seven and a Half Degrees West thirty Eight and a half perches to a stone planted still with said land the third line thereof North sixty Six and a Half Degrees West fifty seven perches to a stone planted on a line drawn South thirty nine and a half degrees West from the end of the tenth line of that part of a tract of land called True Friendship that John Wells sold to the said Abraham

Groshon and with said line runed North thirty nine and a half Degrees East one Hundred and twenty perches to a Stone planted then North thirty six Degrees West thirty perches to a Stone planted at the end of said line South fifty one Degrees East seventeen perches to a stone planted North twelve Degrees West thirty two perches to a stone planted then with a Straight line to the first Beginning containing three hundred and eight acres of Land more or less with the appurtenances to the said Land above mentioned Belonging or in any ways appertaining and all the estate right title Interest claim and demand whatsoever of him the said Abraham Groshon of in and to the said Land and premises and every part thereof To Have and to Hold the said Land and premises and every part thereof with their appurtenances unto the said John Groshon his Heirs and assigns to the only proper use & behoof of the said John Groshon his Heirs and assigns forever and the said Abraham Groshon for himself and his Heirs the said Land and premises and every part and parcel thereof against him and his Heirs and against all and every other person or persons claiming by from or under him shall and will warrant and forever defend by these presents and Lastly that he the said Abraham Groshon and his heirs shall and will at any time hereafter execute any other and further Conveyance or Conveyances assurance or assurances in the Law whatsoever for the more perfect granting Conveying and assuring the parts of the several tracts of Land and premises above and within mentioned with the appurtenances unto the said John Groshon his Heirs and assigns forever as by the said John Groshon his heirs and assigns or his or their Council learned in the Law shall be reasonably advised and required provided the same be at the proper Costs and charges of the said John Groshon his Heirs or assigns In witness whereof the said Abraham Groshon hath hereunto set his Hand and affixed his seal the day and year first within and above written;

Signed Sealed & Delivered in the presence of
John Krieger, Mich[l] Bayer.

Abraham Groshon (Seal)

Frederick County Stow of Maryland to wit April 16 Day 1802
Came the within named Abraham Groshon before us the Subscribers two of the Justices for the County aforesaid and acknowledged the within instrument of writing to be his act and Deed and the Lands and premises within mentioned to be the right and Estate of the within named John Groshon his Heirs & assigns forever

to the same time Hannah Elizabeth Groshon wife of the said Abraham Groshon and being privately Examined out of the presence and Hearing of her said Husband relinquished her right of Dower of in and to the within mentioned Land unto John Groshon his Heirs & assigns and acknowledged she did the same freely and willingly and that she was not Compelled thereto by Coertion of her said Husband or for fear of his displeasure.

John Cregor, Micah C Rayd.

(Exhibit B)

Exhibit B

This Indenture made the Twenty Eighth day of February Eighteen Hundred and Ten Between Thomas Beatty of Frederick County and State of Maryland of the one part and John Groshon of the County and State aforesaid of the other part Witnesseth that the said Thomas Beatty for and in Consideration of the Exchange of Land with Abraham Haines and Mary Haines Both of the County aforesaid and that the said John Groshon bought of the said Abraham Haines and Mary Haines and the said Abraham Haines hereby his and to the said Thomas Beatty Bearing date thirty first day of January Eighteen hundred and Ten and the said Mary Haines doth hereby her Right to the said John Groshon to convey to him the said John Groshon all her right and title of her with part of a tract or part of a tract of Land called the third addition to the Resurvey on Fountain Low containing fifteen and a quarter acres of Land and the said John Groshon and Michael Haines doth hereby their Right to the said Thomas Beatty for the Conveyance of the aforesaid Land as also for and in Consideration of the sum of five Shillings Current money to him in hand paid by the said John Groshon the receipt Whereof is Hereby acknowledged hath Bargained sold granted aliened made over and Confirmed and by these presents do Bargain sell Grant alien make over and Confirm unto the said John Groshon all those parts of part of three tracts or parcels of Land part of a tract of Land called the Seven Tract and part of a tract of Land called the fourth Dividend and part of a tract of Land called the third addition to the resurvey on Fountain Low Beginning for said three parts as aforesaid at a stone planted at the end of fourth line of a deed that Abraham Groshon gave to his Brother John Groshon Nearly three years past and running with said Land South twenty five and a half degrees East twenty six & three quarters

Perches to a Stone South nine Degrees West fifty perches to a Stone South thirty six Degrees East forty four perches to a Stone South forty one and a half Degree West forty perches to a Stone Planted at the End of Sixty two perches on the fifteenth line of a Tract of Land called Joseph's Friendship then North Eleven Degrees West one Hundred and thirty three perches to a Stone planted in the Land Leading from Rogers Town to Captain Frederick Eichelbergers, then with a Straight line with said land to the first Beginning Containing Seventeen and a half acres of Land Together with all Buildings Improvements and advantages thereunto Belonging or appertaining the reversion and reversions, remainder and remainders rents issues and profits of the said premises and every part and parcel thereof and all the Estate right and title interest claim and demand whatsoever of him the said Thomas Beatty of in and to the said Land and premises and every part & parcel thereof To Have and to Hold all and singular the premises to him the said John Groshon his Heirs and assigns forever and to and for no other use or purpose whatsoever and the said Thomas Beatty for himself and for his Heirs doth Covenant and agree to and with the said John Groshon his Heirs and assigns that he the said Thomas Beatty and his Heirs the said Land or parts of said tracts of Land as aforesaid with the appurtenances to him the said John Groshon forever will warrant and defend against all persons claiming or claim Hereafter claim any right or title to the same from by or under him the said Thomas Beatty Lastly the said Thomas Beatty for himself and his Heirs Executors and administrators shall and will from time to time and at all times Hereafter at the reasonable request and proper Costs and charges of the said John Groshon his Heirs and assigns make do suffer and execute or cause and procure to be made and done suffered and executed all such other or further act or acts deed or deeds Conveyance or Conveyances assurance or assurances whatsoever for the better Conveying the Hereby bargained premises unto the said John Groshon and his assigns forever be it by acknowledgement or Enrolment or any other ways or means as by his or their Council learned in the Law shall be reasonably advised devised or required provided such other and or Instrument of writing Contain no other warranty than is hereby already Expressed In Witness whereof the said Thomas Beatty hath Hereunto set his Hand and affixed his Seal

the day and year first within written.
Signed Sealed and Delivered
in the presence of
Michael Myers, John Krieger,

Thos Beatty (Seal)

State of Maryland Frederick County to wit On this Twenty Eighth day of February Eighteen Hundred and Six came before us the Subscribers two of the Justices of the Peace for the County aforesaid Thomas Beatty the party to the foregoing Deed and acknowledged the same to be his act and Deed and the Land and premises therein mentioned to be the right and Estate of the within mentioned John Groshon his Heirs and assigns forever according to the true intent and meaning thereof and the acts of assembly in such Case made and provided; Mich Myers, John Krieger,

(Exhibit 6)

Exhibit 6

This Indenture made the Twenty Eighth day of February Eighteen hundred and Six Between Thomas Beatty of Frederick County and State of Maryland of the one part and John Groshon of the same place of the other part witnesseth that the said Thomas Beatty for and in Consideration of the sum of one Hundred & Twenty six pounds ten Shillings Current money of the State aforesaid to him in Hand paid and secured to be paid by the said John Groshon the receipt whereof is hereby acknowledged hath Bargained, Sold Granted aliened made and & Confirmed and by these presents doth Bargain Sell Grant alien make and and Confirm unto the said John Groshon all those two parts of land the first called the Town tract the other part called Joseph Friendship Beginning for both said parts at a stone planted at the end of the South west Corner of a Lot of ground in Krieger Town lying & being in the County and State aforesaid Distinguished and Designed by its number Eighty nine marked with No 9 the property of Major Michael Rayd, and running thence South twelve Degrees East twenty two and a Half perches to a stone planted and marked with No II South forty three and a Half Degrees East two perches to a stone planted and marked with No III North Seventy Eight Degrees East thirty three perches to a stone planted and marked with No IV North twelve Degrees West fifty & a Half perches to a stone planted standing at the South East Corner of a Lot Numbered Nine, in the Town & County aforesaid the property of Hugh Kagans heirs or Heirs, to a stone in that place

Planted and marked with No V South Twenty Eight Degrees West twenty five perches to a Stone planted and marked with VI South Thirteen Degrees East twenty Seven perches to a Stone planted at the South East corner of the aforesaid Lot number Eighty nine marked with No VII then with a straight line with said Lot to the first Beginning Containing Twelve and a Half acres of Land Together with all Buildings improvements and advantages thereunto belonging or appertaining the reversion and reversions remainder and remainders rents issues & profits of the said premises and every part & parcel thereof and all the Estate right and title Interest claim & Demand what soever of him the said Thomas Beatty of in and to the said Lands and premises and every and parcel thereof To have and to Hold all and singular the premises to him the said John Groshon his Heirs and assigns forever and to and for no other use or purpose whatsoever and the said Thomas Beatty for himself and for his Heirs doth Covenant and agree to and with the said John Groshon his Heirs and assigns that he the said Thomas Beatty and his Heirs the said Land or parts of said tracts of Land as aforesaid with the appurtenances to him the said John Groshon forever will warrant and defend against all persons claiming or that hereafter claim any right or title to the same from by or under him the said Thomas Beatty. Lastly the said Thomas Beatty for himself and his heirs executors and administrators shall and will from time to time and at all times hereafter at the reasonable request & proper costs and charges of the said John Groshon his Heirs and assigns make do suffer and execute or cause and procure to be made and done suffered and executed all such other or further act or acts deed or deeds Conveyance or Conveyances assurance or assurances whatsoever for the better Conveying the Hereby Bargained premises unto the said John Groshon and his assigns forever be it by acknowledgement or enrolment or any other ways or means by his or their Counsel Learned in the Law shall be reasonably advised devised or required provided such other deed or Instruments of writing Contain no other warranty than is Hereby already Expressed In Witness Whereof the said Thomas Beatty hath hereunto set his Hand and affixed his Seal the day and year first within written

Signed Sealed & Delivered
in the presence of
Michael Myers, John Krieger

Thos Beatty (Seal)

State of Maryland Frederick County Set on the Twenty

Eighth day of February Eighteen Hundred and his Name
hereof in the Subscribers Two of the Justices of the Peace
for the County aforesaid Thomas Reddy the party to the
within Deed and doth acknowledged the same to be his act
and Deed and the Lands and premises therein mentd.
and to be the right and Estate of the within named.
and John Groshon his Heirs and assigns forever according
to the true intent and meaning thereof and the act of
assembly in cases made and provided.

Michael Myers, John Bridges.

Exhibit D

(Exhibit D)

This Indenture made this Twenty eighth day of February Eighteen
Hundred and Six Between Michael Hawes of Frederick
County and State of Maryland of the one part and
John Groshon of the County and State aforesaid of the
other part Witnesseth that the said Michael Hawes
for and in Consideration of the sum of Fifty pounds
Current money of the State aforesaid to him in hand
paid by the said John Groshon the receipt Whereof is
hereby acknowledged hath Bargained and sold Granted
aliened made over and Confirmed and by these presents
do Bargain and sell grant alien make over & Confirm
unto the said John Groshon all that part of parcel of a
tract of Land called Lowths Friendship sold by Henry
Griffith to Peter Hawes the Son dated the Twenty first
day of August Seventeen Hundred and Eighty nine
and recorded in Lib. No 8 folio 672 one of the Records
Books of Frederick County Beginning for said part
at a Stone planted Nt marked I by standing at the
end of Eighty three and a Half perches on the fifteenth
line of the whole tract of Land called Lowths Friendship
and running with said Land South thirty four Degrees
East Eighty and perches then South fifty and three quarters
Degrees West three perches North thirty four Degrees
West Seventy Eight perches then with a straight line
to the beginning Containing five acres and an Half
acre of Land more or Less Together with all Buildings
improvements and advantages thereunto Belonging or
appertaining the reversion and reversions remainder
and remainders rents Issues and profits of the said
premises and of every part and parcel thereof and all
the Estate right title Interest Claim and demand whatsoever
of him the said Michael Hawes of in and to the said
five and a Half acres of Land and premises & every
part thereof To Have and to Hold all and singular
the premises to him the said John Groshon his Heirs

And apigns forever and to and for no other use or purpose whatsoever and the said Michael Hawn for himself and his Heirs with Covenant and agree to and with the said John Groshon his Heirs and apigns that he the said Michael Hawn and his Heirs the said five and a Half acres of Land with the appurtenances to him the said John Groshon forever will warrant and Defend against all persons claiming or shall hereafter claim any right title to the same from by or under him the said Michael Hawn and Lastly the said Michael Hawn for himself and his Heirs Executors & administrators shall and will from time to time and at all times at the reasonable request and proper Cost and charges of the said John Groshon his Heirs and apigns make do suffer & execute or Cause and procure to be made and done suffered and executed all such other or further act or acts Deed or deeds Conveyance or Conveyances apearances or apearance whatsoever for the better Conveying the Hereby Bargained premises unto the said John Groshon and his apigns forever be it by acknowledgement or Enrolment or any other way or means as by his or their Council Learned in the Law shall be reasonably advised or required provided such other deed or other Instrument of writing Contain no other warranty than is Hereby already expressed. In Witness Whereof the said Michael Hawn Hath Hereunto set his Hand and affixed his Seal the day and year first above written.

Signed Sealed & Delivered in the presence of
John Kruger, Michael Meyers,

his
Michael X Hawn (Seal)
mark

State of Maryland Frederick County ss on the twenty Eighth day of February 1806 then Came Before us the Subscribers two of the Justices of the Peace for the County aforesaid Michael Hawn the party to the within Deed and acknowledged the same to be his act and Deed and the Land and premises therein mentioned to be the right and Estate of the within mentioned John Groshon his Heirs and apigns forever according to the true intent and meaning thereof and the act of Assembly in such Case made and provided at the same time Came Mary the wife of the within mentioned Michael Hawn who being privately Examined out of the Hearing of her said Husband acknowledged her right of Dower in the within mentioned Land to be the right & Estate of the within named John Groshon his Heirs and apigns and that she did the same willingly and freely without being induced thereto by fear or threats

of or to the said by the said Husband as for fear of his Displeasure, John Breaga, Michael Myers,

(Exhibited 6)

Exhibit 6

This Indenture made this fifteenth day of May in the year of our Lord one thousand eight Hundred & Six Between Michael Boyd of Frederick County and State of Maryland of the one part and John Grashon of the said County and State aforesaid of the other part Witnesseth that the said Michael Boyd for and in consideration of the sum of five hundred Current money of the State aforesaid to him in hand paid by the said John Grashon at and Before the sealing and delivery of these presents, the receipt whereof he the said Michael Boyd doth Hereby acknowledge and himself therewith to be fully satisfied and paid hath granted, bargained and sold, and by these presents doth grant bargain and sell unto the said John Grashon his Heirs and assigns all that Lot or portion of Ground Situate lying and being in Breagers Town in Frederick County aforesaid known and distinguished by Number Eighty Nine extending two hundred feet more or less in length and sixty feet in breadth, lying on the East side of the great road leading from Frederick Town through the said Breagers Town towards Carlisle. Together with all and singular the buildings, improvements, profits Commodities privileges, advantages and appurtenances whatsoever thereunto belonging or in any wise appertaining and the reversion and reversions remainder and remainders, rents issues and profits of the said premises and every part and parcel thereof: and all the Estate right title interest claim and demand whatsoever of him the said Michael Boyd of in and to the said Lot or portion of ground and premises and every part thereof To Have and to Hold the said Lot or portion of ground and all and singular the other premises above mentioned and every part and parcel thereof with the appurtenances, unto the said John Grashon his Heirs and assigns, to the only proper use and behoof of the said John Grashon his Heirs and assigns forever yielding and paying annually on the first of May for the said Lot or portion of ground unto Thomas Beatty Esq. his Heirs Executors administrators & assigns forever the ground rent as and of money legally chargeable for the same and the said Michael Boyd for himself his Heirs Executors and administrators doth Hereby Covenant grant and agree to and with the said John Grashon his Heirs and assigns that

do the said Michael Rayer and his Heirs shall and will from time to time and at all times hereafter at the reasonable request of the said John Graham his Heirs or assigns and at his and their proper cost and charges, make do suffer, execute and acknowledge, or cause and procure to be made, done suffered executed and duly acknowledged, any such further or other act or acts Deed or Deeds, Conveyance or Conveyances in the Law whatsoever for the further better and more perfect granting, conveying & assuring the said Lot or portion of ground and premises with the appurtenances unto the said John Graham his Heirs and assigns, as by the said John Graham his Heirs or assigns or his or their Counsel learned in the Law shall be reasonably advised devised or required and further that the said Michael Rayer for himself and his Heirs the said Lot or portion of ground and premises & every part thereof, against him and his Heirs, and against all and every other person and persons whatsoever claiming or to claim any right or title thereto by from or under him them or any of them unto the said John Graham his Heirs and assigns shall and will warrant and forever defend by these presents In Witness whereof the said Michael Rayer hath hereunto set his hand and affixed his seal the day and year first above written,

Signed Sealed & Delivered
in the presence of
Francis R Sappington Frederick Mitchell

Mich[l] Rayer (Seal)

Frederick County Set on the fifteenth Day of May 1806
Came the within named Michael Rayer before us the subscribers two Justices of the Peace of the County aforesaid and acknowledged the within instrument of writing to be his act and deed and the Lot or portion of ground therein described with the appurtenances thereunto belonging to be the right title and estate of the within named John Graham, his Heirs and assigns forever according to the true intent and meaning of the said deed, and the acts of assembly in such case made and provided.

Francis R Sappington
Frederick Mitchell.

acknowledged Before

Exhibit F

(Exhibit F)

This Indenture made the twenty fourth day of May Eighteen Hundred and eleven Between Thomas Beatty of Frederick County and State of Maryland of the one part and John Graham of the County and State aforesaid of the other part Witnesseth that the said Thomas Beatty for and in Consideration of the sum of thirty

Seven Pounds Seven Shillings and Six pence Current money of the State aforesaid to him in Hand paid & prom'd to be paid by the said John Gordon the receipt Whereof is Hereby acknowledged Hath bargained and sold granted aliened made over and Confirmed and by these presents do Bargain and sell Grant alien make over and Confirm unto the said John Gordon all those Two Tracts of Land and called the Stone quarry the other the Fishery Both said tracts of land lying and being in Frederick County and State aforesaid Beginning for the first Tract of Land aforesaid at the end of Twenty seven Lines of a Tract of Land called True Friendship and running with said Land North ten Degrees West Twenty Eight Perches North Sixteen Degrees East forty perches North thirty four Degrees East forty perches North Eighty five Degrees East Sixteen perches South Seventy seven and a Half Degrees East Twenty perches South Two and a Half perches to Monocacy River then with said River North Seventy four Degrees West fifteen perches South Seventy nine Degrees West Eight Perches South forty Seven Degrees West twenty three perches South twenty two Degrees West fourteen perches South Eleven Degrees West twenty one perches South fifteen Degrees West thirty four perches South Seventeen perches to the end of thirty three perches and the second line of a tract of Land Called the fourth Dividend then with said line North Seventy Seven and a Half Degrees West forty perches to the end the thirty Seventh line of a tract of Land called Deer Park" North fifty five Degrees West five perches to the end of forty three perches on the Twenty seven line of True Friendship aforesaid and with it South Seventy Seven and a Half Degrees East thirty Seven perches to the Beginning Containing nine acres of Land the other Tract of Land Called the Fishery Beginning for said Land at the end of thirty three perches on the second line of a Tract of Land Called the Fourth Dividend Granted Doctor Charles Carroll and running thence runned of that tract of Land Called the Stone quarry the said Land as mentioned above enough for the aforesaid Thomas Beatty on the tenth day of September Seventeen Hundred and Eighty Six for nine acres the same following Courses and Distances North Seventeen perches North fifteen Degrees East thirty four perches North Eleven Degrees East twenty one perches North Twenty two Degrees East fourteen perches North forty Seven Degrees East twenty three perches North Seventy nine Degrees East Eight perches South Seventy five Degrees East fifteen perches

Thus Leaving said Land and running South thirty his and a half Degrees East twenty five perches to intersect the end of twenty eight perches on the given line of a tract of Land called what you please granted Samuel Shaw Esquire and with said Land runed the three following Courses South seventy eight Degrees West Twenty eight perches South sixty degrees West thirty perches South twenty perches to the end the Last line of a tract of Land called Great Hickett and with it runed two Courses South nineteen degrees West Seventeen perches South thirteen degrees East Twenty four perches to the second line of the aforesaid fourth dividend thence by a straight line to the first Beginning Containing thirteen acres of Land the two aforesaid tracts of Land containing twenty two acres with the appurtenances to the said above mentioned two Tracts of Land belonging or in any ways appertaining and all the Estate right title Interest claim & demand whatsoever of him the said Thomas Beatty of in and to the said Lands and premises and every part thereof To Have and to Hold the said Lands and premises with the appurtenances unto the said John Groshon his Heirs and assigns forever to the only proper use and Behoof of the said John Groshon his Heirs and assigns forever and the said Thomas Beatty for himself and his Heirs the said Lands and premises and every part and parcel thereof against him and his Heirs and against all and every other person or persons claiming by from or under him shall and will warrant and forever Defend by these presents and Lastly that he the said Thomas Beatty and his Heirs shall and will at any time hereafter execute any other Deed or Deeds Conveyance or Conveyances assurances or assurance in the Law whatsoever for the more perfect granting Conveying and assuring the Lands and premises above mentioned with the appurtenances unto the said John Groshon his Heirs and assigns forever as by the said Thomas Beatty his Heirs and assigns or his or their Counsel learned in the Law shall be reasonably advised and required provided the same be at the proper Costs and charges of the said John Groshon his Heirs or assigns In Witness Whereof the said Thomas Beatty Hath hereunto Set his Hand and affixed his Seal the day and year first above & before written

Signed Sealed & Delivered
in the presence of
Michael Myers, Henry Kuhn,

Thos Beatty [Seal]

Frederick County Sct

of Maryland to Wit May 24th Eighteen Hundred and eleven
Came the within named Thomas Beatty before me one of
the Justices of the Peace for the County and State aforesaid
and acknowledged the within Instrument of writing
to be his act and Deed and the Lands and premises
therein mentioned to be the right and Estate of the
within named John Groshon his Heirs and assigns
forever according to the acts of Assembly in such
Case made and provided.

Michael Myers. Henry Hahn.

Exhibit (G)

(Exhibit G)

Exhibit (G)

Know all men by these presents that I John Ritchie
Executor of the Last will and Testament of Thomas
Beatty Late of Frederick County and State of Maryland
Deceased am held and firmly bound unto John Groshon
Sen.r of the County and State aforesaid in the just &
full sum of Twelve Hundred Dollars Current Money
to be paid to the said John Groshon or his certain
Attorney Executors administrators or assigns for which
payment well and truly to be made I bind myself
my Heirs Executors and administrators firmly by these
presents Sealed with my Seal and dated the twenty
Seventh day of June in the year of our Lord Eighteen
Hundred and Eighteen whereas the above said Thomas
Beatty Deceased by his last will and Testament dated
on or about the Twenty Eighth day of December Eighteen
Hundred and Ten did appoint the above bounden
John Ritchie his sole Executor with power to sell and
dispose of all his Estate both real and personal &
to make Deeds and Conveyances therefor as in and
by the said will is set forth and Expressed now
these being had as recorded in the Registers office
for the County aforesaid will more fully appear and
whereas the said John Ritchie under and by virtue
of the powers aforesaid did after due notice set up
at public Sale at Rouses Town in the County
aforesaid on the 28th April 1818 a part of the lands
Belonging to the said Estate at which Sale he the
said John Groshon became the highest bidder and
purchased all that part of a Tract of Land called
Town Tract and part of a tract called the Shire
addition to the same and fountain Low Beginning
for the said line of said parcel of Land at the end of
Twenty four perches from a stone planted near the
root of a marked Horn Sapling at the Beginning of
a diverging line Returned the Land late the property
of the said Thomas Beatty Deceased and the Land of

Michael Hoffman and running thence with said first line South Twenty four and three quarters degrees East fifty five perches to a stone now planted in the road leading from Creagers Town to Fredericks Fisherlegers Mill thence South Fifty four degrees West Thirty three perches to a stone formerly planted in Pa. road for the end of the South line of a parcel of Land conveyed by said Thomas Beatty to Abraham Grushon by and dated the 16th day of April one thousand Eight Hundred and three and with the Eleventh line thereof South Sixty five Degrees and one Half degree West forty two and one Half perches to a Stone planted in said road thence South Sixty five degrees and three quarters West Twenty five perches and Sixteenths of a perch to a stone planted at the end of the fifth line of a deed from said Thomas Beaty to said John Grushon dated the Twenty Eighth day of February Eighteen Hundred and five for fourteen acres and one half acres of Land thence South Sixty four and one Half degrees West Eighteen perches and seven tenths of a perch to a stone now planted at the end of the sixth line of Elias Grushons (of Abrahams) land thence with said line reversed North seventeen Degrees and one quarter West Thirty two perches and eight tenths of a perch. thence North Sixty five degrees East eighteen perches to a stone now planted North Fifty seven Degrees East Thirty eight perches to a Stone now planted North Fifty two Degrees and three quarters East thirty two perches to a stone now planted North Forty one degrees and one quarter East Twenty two perches to a stone now planted North seven Degrees West Eight perches to a stone now planted thence North Sixty one degrees and one Half East four and one half perches to the first beginning Containing Twenty Eight acres & Twelve perches of Land & and for the price of Twenty two Dollars and Twenty five Cents per acre upon the terms that one Eighth part thereof should be paid to him the said John Ritchie within two months from the said Sale and the Balance in seven annual Instalments with Interest thereon and the Conveyance to be made when the purchase money should have been fully paid and whereas the said John Grushon is Compliance with the terms of the purchase aforesaid hath paid to the said John Ritchie Seventy Eight Dollars and Eleven Cents as the first payment thereon and hath this day given his Seven annual obligations with Samuel Silley his Security to the said John Ritchie for the payments of Seventy Eight Dollars and Eight Cents each falling due respectively on the Twenty third day of June the first in the year Eighteen Hundred and nineteen the second in Eighteen Hundred and twenty the third in Eighteen Hundred &

Twenty one, the fourth in Eighteen Hundred & Twenty two the fifth in Eighteen Hundred and twenty three the Sixth in Eighteen Hundred and twenty four and the Seventh and last in the year Eighteen Hundred & twenty five with Interest on each found the said Twenty third day of June Eighteen Hundred and Eighteen Now the Condition of the above and foregoing obligation is such that if any time upon reasonable demand after the above said Seven several obligations and the Interest thereon accrued, shall have been fully satisfied and paid to the said John Ritchie in his Capacity as Executor aforesaid and in pursuance of and in virtue of the powers vested in him by the said will shall well & truly make do and execute at the cost and charges of the said John Graham a good and sufficient Deed of Conveyance in Law in fee simple to the said John Graham his Heirs and assigns forever of all that the aforesaid described Twenty eight acres and twelve perches of Land so purchased by him as aforesaid with the Hereditaments and appurtenances thereunto belonging or appertaining in as full free and ample a manner as he the said Thomas Beatty possessed and enjoyed the same at his decease and as far forth as he the said John Ritchie hath the powers to do as by the said will and Testament of the aforesaid Thomas Beatty Deceased thro the above and foregoing obligations to void and of none effect otherwise to be and remain in full force and virtue in Law,

Signed Sealed & Delivered in presence of
Fredericks & Hass

John Ritchie Exr. (Seal)
of Thomas Beatty Decd.

(Exhibited H)

Exhibited (H).

1819 June 27 Received of Mr. John Graham's Executors Eleven Dollars and twelve cents toward payment for a piece of ground sold him and to be laid off square, with the twenty eight acres and half degrees West fourteen perches lineal (supposed to be the line of the Land I sold to his son Elias Graham that runs at a Stone planted in the main road leading from Bruges Town to Brunnersburg, Extending fronting said road Southwardly thirteen perches so as far as to include the house that Christian Stamp now lives in, and one perch of ground in front of the which ground he is to pay for, at twenty two Dollars and twenty five cents per acre, and I am to execute a Deed to him for the same as by agreement whenever he procures the proper Courses prepared the Deed says the Balance

...If any; and shew reason thy Execution Witnes my Hand this 27th June 1818 is to Contain 1 acre & 35 Perches or thereabouts he Christian Stonp to Lead in the Corner the year and the next hire after to go to said Groshon land what is Paid to go to the Estate of J Beatty Dec'd Jno Ritchie Ex'r of Jno Beatty Dec'd

order for Commission to Issue to appoint Guardian &c viz

Whereupon the Court Passed the following order for Commission to Issue to appoint Guardian &c viz

John R Curtis
John Groshon, John Ritchie ... as Elias Groshon & Abraham Groshon & Henry, and Hannah Groshon (Minors) and Isaac Allaugh & Margaret his wife John Fox & Elizabeth his Wife

In Frederick County Court Sitting as a Court of Equity. ordered that Samuel Duncan be & is hereby appointed Commissioner to appoint a Guardian to answer for the within named infants defendants and that a Commission issue to him for that purpose, Accordingly Thereupon in pursuance of the above order the following Commission issued viz

Commission

Maryland Ss The State of Maryland, To Samuel Duncan Esquire of Frederick County, Greeting Whereas John Ritchie John R Curtis and John Groshon have lately Exhibited (Seal) this Bill before us in our County Court as a Court of Chancery, against Elias Groshon, Abraham Groshon, Isaac Allaugh, and Margaret his wife John Fox and Elizabeth his Wife, Henry Groshon, Amos Groshon and Hannah Groshon Defendants and whereas we have by our writ, lately Commanded the said Defendants to appear before us in our said Court as a Court of Chancery at a certain day now Past, to answer the said Bill but for as much as the said Henry Groshon, Amos Groshon & Hannah Groshon are infants under age and Cannot answer the said Bill nor defend this suit without having a Guardian assigned for that behalf, Know ye therefore, that we have given unto you full power and authority in pursuance of the Special order in our said Court, to assign and appoint a Guardian for the aforesaid infants and to take the answer of the said infants by such Guardian to the said Bill and therefore we Command you that at such Certain day and place as you shall think fit, you go to the said Defendants if they Cannot conveniently be found to you and assign and appoint a Guardian for the aforesaid infants, and take the answers of the said infants by such Guardian to the said Bill and such Guardian and Corporal oath upon the Holy Evangely to be administered by you the said answers being distinctly and plainly wrote and when you shall have so taken the said answers, you are to send the same

closed up under your Seal, together with your Certificate of your having apigned and appointed such Guardian as aforesaid and this writt unto us in our said Court at Winton the Honourable John Buchanan Esqr. Chief Judge of our said Court the third day of March Anno Domini 1823. Dated the 19th day of August 1823

John Sobley Clerk

Whereupon the following Certificate together with the above Commission thereto annexed was filed viz.

To the Honourable the Judges of Frederick County Court as a Court of Equity I Merely Certify that by virtue of the authority in me Vested by a Commission dated from Frederick County Court as a Court of Equity to appoint a Guardian to answer for Henry, Ann & Hannah Groshon infant Defendants to the Bill of Complaint of John R. Curtis and others that I Have this 24th day of January in the year Eighteen Hundred and twenty four apigned and appointed Ann Groshon Guardian to answer for the within named infant Defendants and that I Caused them to be brought before me & and by their Guardian on her Corporal oath their answers took to the Complainants aforesaid Bill of Complaint which is Merely answered and enclosed to the best of my skill and knowledge, Saml Duvall,

For Infants answer see appointment Page.

The Answers of the Infant Defendants in the above Case was not filed in the above proceedings.

Answer of Complainants Ed Groshon

And the said Cause &c Hearing Continued to October Term 1823 the following Answer was filed viz.

John R. Curtis, John Groshon, John Ritchie & Mary Groshon vs Elias Groshon and Abraham Groshon } In Frederick County Court Sitting as a Court of Equity The Joint & Several answers of Elias Groshon and Abraham Groshon to the Bill of Complaint of John R Curtis and others. These defendants craving and reserving to themselves now and at all times hereafter all manner and benefit of exception that may be had and taken to the many uncertainties & imperfections in the Complainants said Bill Contained for a full and perfect answer thereto or to such part thereof as materially Concerns these defendants they answer with and saith that John Groshon their father in his life time was seized and possessed of a Considerable real and personal Estate apart of which said real Estate he purchased from John Ritchie for which a Conveyance has never been had or made & that he died intestate, indebted for the same These defendants

Further saith and admits that John Groshon their father died intestate, that letters of administration has been regularly granted to John R Curtis and John Groshon that a sale has been made of the personal estate and they are advised and believe that the money arising from the same is insufficient to satisfy and pay all the just debts and claims against the estate of the deceased they are willing that the same shall be sold for the purposes in the Complainants bill mentioned and are content to abide by all such orders and decree touching the same as shall seem meet to your Honours, the same being Consistent with Equity and good Conscience and these Defendants will ever pray as in duty bound &c

Sam[l] Dwaed,

Elias + His mark Groshon of Sr.

Abraham Groshon

Maryland Frederick County to wit on this 25th day of October in the year of our Lord one thousand eight Hundred & twenty three Came Elias Groshon and Abraham Groshon before me the Subscriber a Justice of the peace in and for said County & made Oath on the Holy Evangely of almighty God that the aforegoing answers to which their names are signed in answering the Bill of Complaint of John R Curtis and others is true to the best of their knowledge & Belief,

Sworn Before Sam[l] Dwaed,

Infants answer

Whereupon the following answer was filed viz

John R Curtis, John Groshon, John Ritchie & Abraham Groshon vs Henry Groshon, Ann Groshon & Hannah Groshon Infants,

In Frederick County Court Sitting as a Court of Equity the joint and Several answers of Henry Groshon Ann Groshon and Hannah Groshon Infants under the age of twenty one years by their guardian Defendants to the Bill of Complaint of John R Curtis and others. The said Defendants Saving and reserving to themselves and each of them all and all manner of advantage and benefits of exception to the many errors and uncertainties and other imperfections in the said bill of Complaint Contained for answer thereunto or to so much thereof as these defendants are advised is material for them or either of them to make answer to, they answering by their guardian Severally say, that their father John Groshon in his life time was seized & possessed of a Considerable real and personal estate a part of which said real estate they are advised he purchased from John Ritchie and for which a Conveyance has been had or made and that he died intestate indebted for the same and they answering by their guardian further Saith and admits that the said John Groshon their father died intestate & that letters of administration were

granted to John R Curtis and John Groshon on the personal estate that a Sale has been made of the Same and they are advised and believe that the money arising from the Sale of the personal estate is insufficient to Satisfy pay and discharge all the said debts and claims against the estate of the Deceased. they admit and are willing that the Land should be sold for the purposes in the Complainants bill mentioned and are content to abide by all such order and Decree touching the same as shall seem meet to your Honours the same being Consistent with Equity and your Conscience and the Defendants pray as they are in duty bound &c

Sam[l] Dorsey — Ann[n] by T Grushon Guardian

Maryland Frederick County To wit On this 24th day of January in the year of our Lord one thousand Eight Hundred and twenty four Ann Grushon Guardian appointed by Frederick County Court Sitting as a Court of Chancery to answer for the within named infants defendants who make Oath on the Holy Evangely of Almighty God that the aforegoing answer to which her name is Subscribed in answering the Bill of Complaint of John R Curtis and others is true to the best of his knowledge and Belief, Sworn Before Sam[l] Dorsey

Answer of Isaac Although wife

Johnathan Shrumpton the following Answer was filed viz

John R. Curtis, John Groshon & John Ritchie vs Isaac Albaugh & Margaret his Wife

In Frederick County Court Sitting as a Court of Equity the said answer of Isaac Albaugh and Margaret his wife to the Bill of Complaint of John R Curtis and others, the Defendants Saving and reserving to themselves now and at all times hereafter all manner and benefit of Exception that may be had and taken to the many uncertainties and imperfections in the Complainants said Bill of Complaint contained for a full and perfect answer thereto or to such part thereof as materially concerns these defendants, they answereth and saith. That John Groshon in his life time was seized and possessed of a Considerable real and personal Estate part of which he purchased of John Ritchie and for which a Bonny was and has never been had or made and that he died indebted for the same these defendants further Saith and admit that the said John Groshon died intestate that Letters of administration has been regularly Granted to John R Curtis and John Groshon upon the personal estate that a Sale has been made of the Land and as they are informed and advised and

Believe that the money arising therefrom is inadequate to satisfy pay and discharge all the just claims and debts against the Deceased Estate they are willing that the lands shall be sold for the purposes in the Complainants bill of complaint mentioned and are content to abide by all such orders and decrees touching the same as shall come next to your Honours the same being consistent with Equity and good Conscience and they Defendants will ever pray as in duty bound &c

Test Saml Dorsey

Isaac Albaugh
Margaret her X Albaugh
mark

Maryland Frederick County to wit on this 30th day of January in the year Eighteen Hundred and Twenty four Comes Isaac Albaugh & Margaret his wife before me the Subscriber a Justice of the Peace in and for said County and makes Oath on the Holy Evangely of almighty God that the aforegoing answer to which their names are signed in answering the Bill of Complaint of John R Curtis & others is true to the best of their Knowledge and belief,

Sworn before Saml Dorsey

Answer of John Fox & Wife

Whereupon the following Answer was filed viz

John R Curtis, John Groshon & John Ritchie

vs

John Fox and Elizabeth his Wife

In Frederick County Court Sitting as a Court of Equity The joint answer of John Fox and Elizabeth his Wife to the bill of Complaint of John R Curtis and others. the Defendants saving and reserving to themselves now and at all times hereafter all manner and benefit of exception that may be had or taken to the many uncertainties and imperfections in the complainants said bill of complaint contained for a full and perfect answer thereto or to such part thereof as may materially concern these defendants they answereth and saith that John Groshon in his life time was seized & possessed of a considerable real and personal estate a part of which he purchased of John Ritchie and for which a conveyance has never been had or made and that he died intestate for the same these defendants further saith and admit that the said John Groshon died intestate that letters of administration has been regularly granted to John R Curtis and John Groshon upon the personal Estate that a sale has been made of the same and as they are informed and advised & believe that the money arising therefrom is inadequate to satisfy pay and discharge all the just claims and debts against the Deceased Estate they are willing that the lands shall be sold for the purposes in the Complainants bill of Complaint mentioned and are content to abide by all such orders and Decrees touching the same as shall come next to your Honours the same being consistent with

Equity and good Conscience and these Defendants will ever pray as in duty bound &c
John [illegible] Fox
Elizabeth [illegible] Fox
Test Sam Duvall,

Maryland Frederick County to wit on this Twenty Seventh day of February in the year Eighteen Hundred and Twenty four Comes John Fox and Elizabeth Fox his wife named and the Subscribed a Justice of the Peace in and for said County and makes oath on the Holy Evangely of almighty God that the aforegoing answer to which this name is signed in answering the Bill of Complaint of John R Curtis and others is true to the best of their knowledge and belief.

Sworn Before Sam Duvall,

Amended Bill &c

John Ritchie
vs
John R Curtis & John Groshon

Whereupon the following Amended Bill was filed viz
In Frederick County Court Sitting as a Court of Equity To the Honorable the Judges of Frederick County Court Sitting as a Court of Equity your orator John Ritchie represents unto your Honors that having filed his Bill in this Honorable Court to attain the Sale of the real Estate of John Groshon late of Frederick County Deceased, for the purpose of satisfying and paying his own and just Claims as other the Creditors of the said Groshon who shall come in and contribute to the Expence of this suit and having in said original bill made John R Curtis and John Groshon the administrators Complainants your orator prays your Honors to have an order to amend the said original bill so as to make the said John R Curtis and John Groshon (administrators) parties defendants in this Cause, and that they be Caused to put in their answers to the said original bill in as full and ample manner as if they had originally been made Defendants setting forth in their answers their due administration of all the personal property & Estate of the said intestate and the amount of the Claims due to and debts owing from the said Estate and your orator will ever pray &c
Sam Duvall
Sol for Complainants,

Complainants have leave to amend his bill as prayed
Th Buchanan,

Answer of R Curtis & McGroshon

And the said Cause is standing to March Term 1824 the following Answer was filed viz

John Ritchie
vs
John R Curtis
John Groshon

In Frederick County Court Sitting as a Court of Equity March Term 1824. The Joint and Separate answers of John R Curtis and John Groshon administrators

of all the goods chattles and effects of John Groshon late of Frederick County Deceased to the bill of Complaint of John Ritchie filed in this Cause, That defendants saving to themselves now and at all times hereafter all manner of advantage and benefit of exception to the many errors & insufficiencies in the said bill contained in answering saith they admit that John Groshon died intestate seized of a large real Estate and a small personal Estate, that these defendants took out letters of administration upon the personal estate of the said John Groshon. these defendants in answering further saith that the said personal Estate was appraised to about the sum of Sixteen Hundred and Eighty Dollars or thereabouts as will more fully appear by Exhibit O. herewith filed and is prayed may be taken as a part of this answer and these defendants further answereth and saith that they have paid off claims against the said Estate to the amount of about Eight Hundred and Sixty Six Dollars & twenty nine Cents leaving a balance in their hands of about Seven Hundred and Sixty five Dollars or thereabouts and these defendants further answereth and saith that the amount of claims or debts against the Estate so far as they have come to their knowledge amount to upwards of Three thousand nine Hundred & twenty two dollars and fifty four Cents or thereabouts without the interest on any of said claims which will more fully appear by Exhibits P herewith filed and is prayed may be taken as a part of this answer these defendants further saith they believe it will be to the interest & advantage of all the Heirs and parties interested that the said real Estate be sold and they are willing that the same should be sold for the purpose of Satisfying & discharging all the said debts of the said intestate as soon as practicable so as to stop the accumulation of large amounts of interest on said claims and these defendants are Content to abide by any or such order as Decree as to your Honors may seem meet in the premises Consistent with Equity and good Conscience and they pray to be dismissed with their reasonable Costs in this Cause and will ever pray &c John R Curtis. John Groshon, Maryland Frederick County to wit Be it remembered that on this 19th day of March in the year Eighteen Hundred & twenty four personally appears before me the Subscriber a Justice of the Peace in and for said County John R Curtis and John Groshon administrators of John Groshon deceased the within named Defendants to the bill of Complaint of John Ritchie filed in this Cause and make oath on the Holy Evangely of

Almighty God that the several matters and things as stated in this their answers and true as stated to the best of their knowledge & belief.

Sworn Before Me Ritchie,

Decree

Whereupon the Court hoped the following Decree viz
John Ritchie
John R. Curtis &
John Gershom
vs
Elias Gershom
Abraham Gershom.
and others

In Frederick County Court Sitting as a Court of Equity March Term 1824 The Bill answers and other proceedings in this Cause standing ready for hearing and being submitted were by the Court read & considered. So it is thereupon this Twenty Second day of March in the year Eighteen Hundred & twenty four by the authority of this Court as a Court of Equity ordered adjudged and decreed that the real estate of mentioned in the Complainants bill of Complaint or so much thereof as with the personal Estate of the Deceased shall be necessary to pay his debts shall be sold that Singleton Duvall Esqr be and he is Hereby appointed Trustee to make said Sale that the bound and manner of his proceeding shall be as following to wit he shall first file with the Clerk of said Court a Bond executed by himself and a Surety or Sureties to be approved by this Court in the penal sum of two thousand Dollars Current money conditioned for the faithful performance of the Trust reposed in him by this Decree or to be reposed by any future order or Decree in the premises he shall then proceed, first giving reasonable and sufficient public notice thereof to sell the Estate on the following terms, the purchaser or purchasers to pay one third of the purchase money in hand the remaining two thirds in two equal annual instalments the same to be secured by Bond with such Security as the Trustee shall approve of, bearing interest from the day of Sale and as soon as convenient after the Sale the said Trustee shall return to this Court a full and particular account of his proceedings with, and affidavit of the truth thereof annexed and of the fairness of the Sale. He shall then bring into this Court the money arising on said Sale to be applied as the Court shall order and direct and on obtaining the ratification of said Sale by this Court as a Court of Equity and on the receipt of the whole purchase money and not before the said Trustee by a good

And Sufficient deed shall convey to the purchaser or purchasers his or their Heirs the said real Estate free clear and discharged from and claims whatsoever of the Heirs of John Groshon Sen.r Deceased in law or in Equity and those claiming by through or under them and the said Trustee when the whole purchase money is collected shall bring the same into this Court to be applied under its directions after deducting the Costs of this suit and such Compensation as the Court shall think fit to allow to the said Trustee in Consideration of the skill fidelity and attention wherewith he shall appear to have discharged the trust reposed in him by this Decree and it is further ordered and Decreed by this Court as a Court of Equity that according to the prayer of Complainants Bill he and he is hereby directed after first being Satisfied and paid the full amount of the purchase money due him on account of the land sold to John Groshon Sen.r Deceased for which he keeps his Bond of Conveyance to join the said Trustee appointed in this Cause in the Execution of a good and sufficient deed or Deed of Conveyance to the purchaser or purchasers of the said land as shall be ordered under the said Bond of Conveyance when the same shall be sold by the said Trustee and the terms fully complied with as prescribed in this Decree. Adam Shriner,

Whereupon the following agent of the Widow was filed viz: Frederick County august 26th 1824 To the Honorable Judges of Frederick County Court as a Court of Equity I am informed that a Bill has been filed in your Honorable Court for the purpose of making Sale of my late Husbands real Estate for the purpose of paying off debts and making a Division amongst the several Heirs I am advised that you have the power to allow me money in lieu of dower if I give my Consent for the estate to be sold clear of my Dower as I am forty three years old weakly and have two children to raise and take Care of would be inconvenient for me to Carry on a farm and would therefore prefer if your Honours please that you allow me money in the place of Dower and I am perfectly agreed and desire that the Estate be sold clear of my dower right as your Honours may send please to decree

Witness Present,
Geo Beckenbaugh, Wm Baker, Σ

her
Ann X Groshon
mark

And the said Cause as standing Continued from Term to Term until February Term 1825 The Trustee filed the following Bond, Endorsed approved Adam Shriner sign

Trustees Bond

Know all men by these presents that we Singleton Duvall

Plummer Sfarms and Lowbold Bromwell of Frederick County and State of Maryland are held and firmly bound unto the State of Maryland in the full and just sum of ten thousand Dollars Current money to be paid to the said State or its Certain attorney, to which payment well and truly to be made and done we bind ourselves and each of us our and each of our Heirs Executors & administrators Jointly and Severally firmly by these presents Sealed with our Seals and dated this 28th day of March in the year of our Lord one thousand Eight Hundred & twenty five Whereas Singleton Dorsey by virtue of a Decree of Frederick County Court Sitting as a Court of Equity have been appointed Trustee to sell the real Estate of John Groshon late of Frederick County Deceased for the payment of his debts Now the Condition of the above obligation is such that if the above bounden Singleton Dorsey do and shall well and faithfully perform the trust reposed in him as Trustee as aforesaid by the said Decree or that may be reposed in him by any future Decree or order in the premises then the above obligation to be void otherwise to be and remain in full force and virtue, In Test Sam'l F. Houston

Singleton Dorsey (Seal)
Plummer Sfarms (Seal)
Low Bromwell (Seal)

Trustees Report

Afterwards the Trustee made the following Report viz John Ritchie & others vs Elias Groshon & others In Chancery To the Honorable the Judges of Frederick County Court as a Court of Equity In pursuance of a Decretal order passed by this Honorable Court in the above cause bearing date the 28th day of March 1824. by which it was ordered & decreed that the real estate of John Groshon Senr. late of Frederick County (Deceased) mentioned in the bill of complaint in this Cause should be sold by Singleton Dorsey the Trustee appointed for that purpose he first giving with the Clerk of said Court a Bond with a surety or sureties in the penal sum of ten thousand Dollars Current money to be approved for the faithful performance of the Trust in him reposed and as soon as Convenient after the sale to return to this Court a full & particular account of his proceedings with an affidavit of the truth thereof and of the fairness of the Sale and it was further ordered and decreed that the purchaser or purchasers should pay

one third of the purchase money in hand the remaining two thirds in two equal annual instalments to be secured by bond or other obligation with such security as the Trustee shall approve of and on the receipt of the whole purchase money and not before, the said Trustee by a good & sufficient deed should convey to the purchaser or purchasers his or their heirs the said real estate free & clear and discharged from all claims whatsoever of the heirs of John Groshon Sen.r (dec.d) in Law or in Equity or those claiming under him and on the receipt of the purchase money arising from said Sales and obtaining a ratification of said Sales he should bring into this Court the same, to be applied as the said Court should order and direct after deducting the costs of said necessary releases and such commissions as this Court might allow in Consideration of the fidelity diligence trouble and attention whereupon he had discharged his trust. By virtue of and pursuant to the said order I do Hereby report that all and singular the real estate herein particularly referred to were on the 24th day of March 1824 by me duly advertised & notified for public Sale in Rogers Town appointing to said property to be sold on the 24th day of April following that the said notice contained a description of the said real Estate and was published in two of the Newspapers printed in Fredericksburg to wit the Political Examiner and the Fredericksburg Town Herald for the Space of three and four weeks previous to the time of Sale I do further report that I did attend on the day and at the place above mentioned and caused the Sale to be opened and the said real Estate to be cried at public auction under my directions that John R Curtis was the highest bidder and became the purchaser of a Lot of ground part of said real Estate, of about twelve and a Half acres at and for the price of Sixteen Dollars per acre I do further report that at the same time Eliza Groshon was the highest bidder & became the purchaser of another lot of ground also a part of said Estate to wit a lot supposed to contain two acres whereon stood an old log House, at and for the price of forty five Dollars and the said Curtis and Groshon are ready and willing to comply with the terms of Sale I offered the residue of the said real Estate but did not get a bid, I then postponed the sale till further notice I do further report that I caused the said real estate to be again advertised to be sold at public auction at John Dills Tavern in Fredericksburg Town on the days of the 26th and 27th of August 1824 during the Term of the County Court that I attended on those days and caused the Sale to be

opened under my directions and the said property offered to the highest bidder there being no bid made I again had posted the sale to a future day. I further state that I caused the said real Estate to be again advertised in two of the Newspapers printed in Fredericktown to wit the Herald and the Citizen and caused 150 hand bills to be struck off giving a particular description of said property notifying it to be sold at the Court House in Fredericktown on the eleventh day of February 1825 during the sitting of the Court at the last Term that I caused nearly the whole of those Hand bills to be set up at public places in the County also a great number to be sent & set up at public places in the States of Pennsylvania & Virginia for five weeks and upwards previous to the day of Sale that I attended on the said 11th day of February and caused the Sale to be opened under my directions and the property offered there being no bid made I again had posted the Sale to Wednesday the 2d day of March following & caused the same to be published in two of the Newspapers printed in Town notifying it to be sold at John Diles Tavern I accordingly attended on this last mentioned day and caused the Sale to be fairly opened and Commenced under my directions and offered the said property to the highest bidder there being several purchasers present. I do report that David Wagner was the highest bidder and became the purchaser of the two farms mentioned in the advertisement the one denominated the 'Round Farm' Containing about Two Hundred acres the other the 'Lower Farm' Containing about one Hundred and forty four acres of Land making the number of Three Hundred & forty four acres at for the price of Seven Dollars & one Cent per acre amounting to the sum of Two thousand four Hundred and three Dollars and forty four Cents he being the highest bidder and no person offered more I caused the same to be struck off to him and he offers ready to Comply with the terms of Sale upon the same being ratified I further report that at the Same time Abraham Jones was the highest bidder & became the purchaser of the Twenty Eight acre field described in the advertisement as adjoining to Rogers Town at for the price of three Dollars and fifty Cents per acre making the sum of ninety eight Dollars he was also the highest bidder and became the purchaser of that tract or parcel of land lying

on the moreaney supposed to Contain thirty acres more or
for the price of four Dollars per acre making his purchase
amount in the whole to the sum of Two Hundred and
Eighteen Dollars and he offers ready upon the ratification
of the Sale to Comply with the terms thereof and I further
report that John Gelfeaw was the highest bidder & became
the fair purchaser of that part or parcel of the said real
Estate denominated in the advertisement as the Mountain
Wood Lot of Twenty five acres more or less for the price of three dollars
per acre making the sum of Twenty five dollars he being
the highest bidder and no person offering more the same was
struck off to him and he offers ready upon the ratification
of the Sale to Comply with the terms thereof. I further report
that the several Sales herein before mentioned amount
in the whole to the sum of Two thousand nine Hundred &
forty nine Dollars and forty four Cents and that the several
Sales were fairly and bona fide Conducted and made
to the several purchasers the personal Expenses of the Trustee
amount to the sum of forty Seven Dollars and twenty five
Cents as more appears by the vouchers herewith filed
marked 1. 2. 3. 4. 5. 6. all which is most respectfully submitted.
Singleton Duvall Trustee.

Maryland Frederick County to wit On this 28th day of March 1838
personally appearing Before me the Subscriber a Justice of the peace
in and for said County Singleton Duvall the within named
Trustee and makes Oath on the Holy Evangely of almighty
God that the facts stated in the above report are true
and that the Sales therein stated to be made were bona
fide Sales. Sworn Before George Rohr.

Order of Publication
Whereupon the Court passed the following order of Publication
vizt John Ritchie & others } In Chancery In Frederick County
" } Court ordered that the Sales as
Elias Grahow & others } made and reported by Singleton
Duvall Esqr the Trustee in the above Case be ratified and
confirmed unless Cause to the Contrary be shown on or
before the first day of May next provided a Copy of this
order be inserted in the Republican Citizen printed in
Frederick Town for three weeks successively before the first
day of May next the report states the whole amount of
Sales to be two thousand nine Hundred and forty nine
Dollars and forty four Cents. Md. Thereof.
Whereupon the following Certificate of the Printer together
with a printed Copy of the above order thereto annexed
was filed vizt.
I Hereby Certify that the annexed advertisement was
published in the Citizen for three successive weeks before

the 5th day of May 1825. Geo. Sharp.

Affidavit of Widows age.

Whereupon the following Affidavit of the Widows age was filed viz:

Maryland Frederick County to wit Be it remembered that on this thirteenth day of June in the year of our Lord Eighteen Hundred and twenty five personally appears Hannah Rice before me the Subscriber a Justice of the peace in and for said County and makes Oath on the Holy Evangely of Almighty God that she is well acquainted with Ann Groshon widow of John Groshon Deceased that she has known her for forty four years and to the best of her knowledge and belief she is forty four years old

Sworn Before Sam[l] Duvall.

And the said Cause as standing Continued from Term to Term until August Term 1825 the following Petition was filed viz:

Wm. Grimes Petition

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity The Petition of William Grimes respectfully sheweth that Ann Groshon the widow of John Groshon being entitled to a right of Dower in the real estate of said John Groshon and being indebted to your petitioner and having left the State of Maryland to defraud his Creditors your petitioner Caused attachments to be issued against his said property and obtained Judgments of Condemnation against the same, short Copies of which said Judgments are herewith Exhibited as a part of this petition marked W G. That at the time your petitioner caused said his said attachments only the real estate of said Deceased was sold neither the Dower right of said Ann Groshon although she had filed her caveat in your Honourable Court for the sale of the same. Had caused the issuing & levying of said attachments the said dower right together with said real estate of said Deceased has been sold under a Decree of your Honourable Court by Singleton Duvall who was appointed the Trustee for that purpose. The said sale reported to and ratified by your Honours & the said Ann Groshon allowed in lieu of her said dower the one Eight of the nett proceeds of the sale of said real estate of her said Husband and which one Eight will amount to upwards of three Hundred Dollars all which will more fully appear by reference to the proceedings in Case No. 404 on the Docket of your Honourable Court and to which your Honours are referred for

greater certainty your petitioner further states that the auditor is about to distribute the said funds among under an order of this Court for that purpose your petitioner not having been said owner right under his said Judgments but suffered the same to be sold by the said Trustee whereby the fund to satisfy your petitioners said Judgments is placed under the Control of this Honorable Court to pray your Honours to direct the auditor to ascertain in the audits to be made out by him the full amount of your petitioners said Judgments & Costs as also the costs of this petition & to deduct the same out of the funds money to which said Ann Groshon will be entitled and may it please your Honours to order the said Trustee to pay over to your petitioners the full amount of his said Judgments & Costs when so ascertained in said audits out of the money which may come into his hands for said Ann Groshon who has runaway from the State of Maryland to defraud & cheat your petitioners and her other Creditors and may it please your Honours to grant to your petitioner such other & further relief as the nature of his Case may require. Fras. Scott Sobey for Petitioner

Court order

And whereupon the Court passed the following order viz ordered that the auditor audit the above Claims as above prayed. Their allowance to be reserved until the audits is finally acted upon. A. Orm Sheriff. Dec. 8th 1825.

Exhibit (W G)

Exhibits W G. referred to in the within and aforegoing Petition Contained in the following Docs viz

William Grimes Jun. vs Ann Groshon

No 89 Orig. February Term 1825 Att. as per Schedule to amount 410/36. 5 May 1825 Judgt Condemnation on Say. Sol Krieger Say

Pltffs Claim	21/35
Int. 5 May 1825	3.21
Costs	11.90
	36.46

Test John Sobey Clk

William Grimes Jun. vs Ann Groshon

No 91 Orig. February Term 1825 Att. as per Schedule to amt 410/36. 5 May 1825 Judgt Condemnation on Say. Sol Krieger Say. Pltffs Claim 10/04

Int. 5 May 1825 1.50

Costs 10.11½

Test John Sobey Clk 22/31

And this cause coming on to be standing Continued from term to Term until August Term 1826 the Trustee filed the following Report viz

Supplt Report

John Ritchie and others vs Eliz. Groshon & others

In Chancery The Supplemental report of Singleton Dorsey Esq.

Trustee for the Sale of the Real Estate of John Groshon late of Frederick County Deceased the said Trustee is hereinafter to a Decretal order passed in this Cause bearing date agreeably to the practice in such Cases to advertise & sell the said real estate agreeable to the number of acres specified in the Title Papers Exhibited in this Cause & alphabetical found A to H and did on the 28th day of March 1825 make his full and particular report of his proceedings in the said to this Honorable Court as by reference to said first report will fully appear. after which the said purchasers therein mentioned alledged that their several parts or parcels of Land did not hold and contain the Complement of acres as purported by the advertisement and the aforesaid Title Papers and refusing to pay up or Comply with the terms of Sale other than the said should be properly ascertained by a Survey the said Trustee first advising with the Court obtained Leave to have the said Surveyed and a Plot to be made and showing the proper number or quantity of acres each purchaser bought the said Singleton Duvall Trustee as aforesaid begs leave here most respectfully to make this his supplemental report that he forthwith proceeded to employ Edward Nougue to survey and ascertain the full Complement of acres which each purchaser bought in their respective parts or parcels that said Nougue whilst engaged in the performance of this duty represented to said Trustee the many obstacles and difficulties he had to encounter in accomplishing his object and to the final completion of his work. such as the want of beginnings. the conflictions of lines with the Holders of adjoining lands & want of further necessary Title Papers from the general Land office which were for that purpose by him obtained, that after much trouble care and diligence the Survey has been Completed and a Plot of the same made out & returned and is herewith filed as a part of this report & marked Exhibit G No 2 shewing particularly the number or quantity of acres of land each purchaser bought to wit John R Curtis 12/11 twelve and one eleventh acres at the rate of Sixteen Dollars per acre making the sum of one Hundred & ninety three Dollars. Elias Groshon one and three eighth 13/11 acres at the rate of thirty six Dollars fifty six and a quarter Cents making the sum of Forty five Dollars David Wagner three Hundred

thus Twenty six and a quarter and two Sixteenths 326 2/16 acres at the rate of Seven Dollars and one Cent making the sum of two thousand two Hundred and Eighty Seven Dollars Eighty Eight and three quarter Cents. Abraham Jones Twenty Eight and three quarters 28¾ acres at three dollars and fifty Cents, thirteen & a half Sixteenths at four Dollars nine and a quarter at four Dollars making his purchase one Hundred and ninety one dollars twelve and a Half Cents, John Gilpens twenty six and a quarter acres at three Dollars making Seventy Eight Dollars and Seventy five Cents, the entire amount of Sales being Two thousand Seven Hundred and ninety five Dollars Seventy six & a quarter Cents. The personal expenses of the Trustee including the Expenses of the Survey and Plat amounts to one Hundred and thirty two Dollars as will appear by the vouchers Herewith filed all which is respectfully submitted.

Singleton Duvall Trustee

Maryland Frederick County to wit on this 19th day of June 1806 Came before me the Subscriber a Justice of the Peace in and for said County Singleton Duvall the within named Trustee & made oath on the Holy Evangely of Almighty God that the facts stated in the above report are true to the best of his belief and that the Sales therein stated to be made were bona fide & fair. Sworn Before Lyng Roby,

Exhibit by No 2. Exhibited by No 2 referred to in the within and aforegoing report Contained in the following Words viz

The Courses distances and plats of sundry Tracts pieces or parcels of Land lying and being in Frederick County the Real Estate of John Gresham late of said County Deceased Sold at Publick Sale to sundry persons by Singleton Duvall The Trustee and at his Request I have carefully surveyed laid out and corrected the same viz

No 1. Beginning for all that parcel of Land Consisting of part of the third addition to Fountain Love part of a Tract of Land called "The Fourth Division" part of Land Friendship and all that Tract of Land called "all I can get" Conveyed to John Gresham by Abraham Gresham and dated April 16th 1803 for 308 acres of Land. 40 A 20 P bounded Beginning at a Stone standing about S 38° E 44 perches from the end of 91½ perches on the first line of that part of Land Friendship conveyed by Michael and Joseph Riley to Abraham Gresham aforesaid and running from thence viz The black and shaded lines from A No 1. 2. 3. 4. to 21. on the Plat below shews the outlines thereof viz No 1 N 38° E 44 perches to the end of the said 91½ perches as aforesaid then with it a reverse No 2. S 54 W 91½ perches to a Stone planted at the end of the 3d line of Abraham

Gruchon's Deed from John Wilcox for land of Town Friendship
thence with said 3d line reversed S. 8 54 W 62 perches to a stone
planted in the middle of the road 4. S 65½ W 43¾ perches
to a Stone planted in said road 5 S 25½ E 27¾ perches
to stake planted 6 S 9 W 50 perches to a stone planted 7 S 36 E 44¾
perches to a stone planted 8 S 41½ W 40¾ perches to a stone
planted at the end of 62 perches on the 15th line of a tract
of Land called Lovells Friendship then with said line No 9 S 34
E 108½ perches No 10 N 50 E 22½ perches to a stone planted No 11 N 80
E 96 perches to a Stone planted No 12 N 30 E 1 perches to a stone
planted No 13 N 96 E 90 perches to a stone planted No 14 N 13 W
24 perches to a stone planted No 15 N 86½ E 86½ to the end of the
96½ perches on the 3d line of the fourth dividend then with said
Land No 16. N 77½ W 86½ perches to the end of the 2d line of said
dividend then with the 3d line thereof No 17 N 66½ W 57 perches
to intersect a line around Gruchons dwelling house thence with
line of Abraham Gruchons deed for part of Town Friendship
from John Wilcox and with said line reversed No 18 N 47½ E 124 perches
to a Stone planted No 19 N 36 W 81 perches No 20 N 44 E 17 perches No 21 N 12
W 32 perches then with a straight line to the first beginning
Containing 302 7/8 acres of Land
No 2 Beginning for all that piece or parcel of Land consisting
of part of a Tract of Land called "The Town Tract" part of a
Tract called "The Fourth Dividend" and part of a Tract
Called "The third addition to the Resurvey on Fountain
Low Conveyed to John Gruchon by Thomas Beatty and
dated February 28th 1806 for 17½ acres as B as a stone
planted at the end of the 4th line of John Gruchons
deed from Abraham Gruchon for 318 acres and
running with said Land viz the Black & Shawnee
lines from B on the plat No 1. 2 to to No 5 shews the
sute lines thereof, viz S 35½ E 27¾ perches to a Stone planted
No 2 S 9 W 50 perches to a Stone planted No 3 S 36 E 44¾ perches
to a Stone planted No 4 S 41½ W 40¾ perches to a Stone planted
at the end of 62 perches on the 15th line of a Tract of land
called Lovells Friendship then No 5 N 11 W 133 perches to a
Stone planted in the road leading from Kreegers Town
to Kichelburger Mill then with a straight line with
said road to the Beginning Containing 18 acres of Land
No 3. Beginning for that piece of Land Consisting of part
of a Tract of Land called Lovells Friendship Conveyed
to John Gruchon by Michael Haines deed dated February
28th 1806 for 5½ acres) as C. as a Stone planted at
the end of 93½ perches on the 15th line of the whole Tract
of Land called Lovells Friendship and running with
said Land viz the lines from C No 1. 2 and then shews

the outlines thereof 1 S 84 E 81 Ps then S 50¾ E 11 Ps 3 N 34 W 75 Ps then with a Straight line to the Beginning Containing 9 acres of Land.

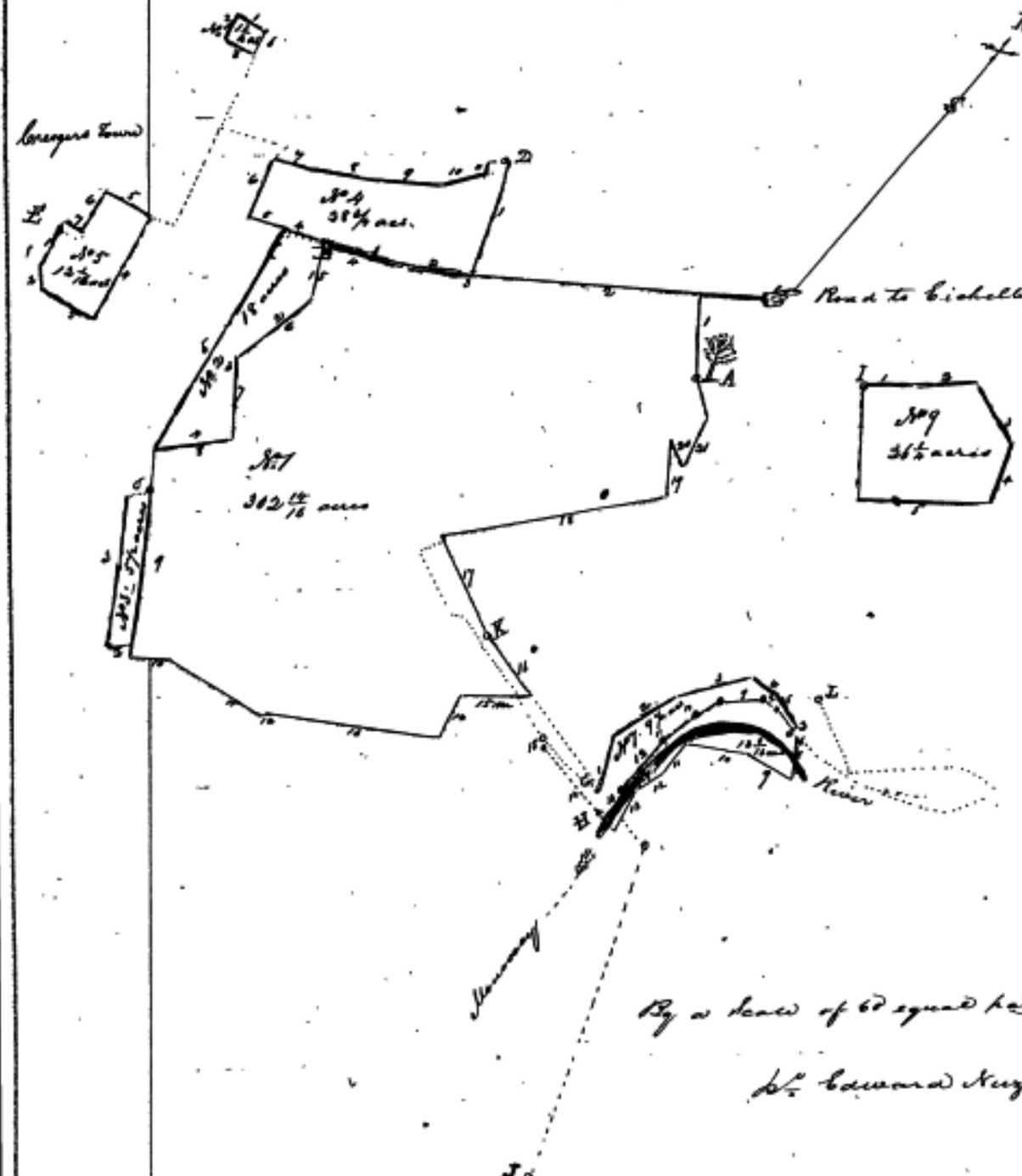
No 4 Beginning for all that piece or parcel of Land Consisting of part of a Tract of Land Called the Town Tract and part of a Tract called the Third addition to the Resurvey on Fountains Lane Situate in Frederick County aforesaid Sold to John Gruber by John Ritchie Executor of Thomas Beatty Bond to Convey the Same dated June 27th 1818 for 28¾ acres to a Stone on the end of 74 perches from a Stone planted at the Beginning of a dividing line Between Thomas Beatty's Land and the land of Michael Huffman at a Stone now planted near to a Smaller branch and running thence with said dividing line viz the lines from D. on the plat No. 1. 2. 3 to to No 12 shewn the outlines thereof. 1 W 34¼ E 96 10 Perches to a Stone planted in the road leading from Bruners Town to Eichelbergers Mill thence S 8 54 W 33 Ps to a Stone planted S 8 E 65 Ps W 42 Ps to a Stone planted 4 S 66¾ W 35 6/10 Ps to a Stone planted at the end of the 5th line of a deed from Thomas Beatty to John Gruber dated February 28 1806 for 17 Ps acres 5 S 64 Ps W 18 Ps Ps to a Stone planted 6 N 17 Ps W 33¼ Ps to a Stone planted 7 N 65 E 19 4/10 Ps to a Stone planted 8 N 57 E 38 Ps to a Stone planted 9 N 53¾ E 32 Ps to a Stone planted 10 N 41 Ps E 28 Ps to a Stone planted 11 N 7 W 8 Ps to a Stone planted 12 N 61 Ps E 4 Ps Ps to the beginning Containing 28¾ acres of Land &

No 5 Beginning for all that piece or parcel of Land Consisting of part of a Tract of Land called the Town Tract and part of a Tract called Josephs Friendship deeded to John Gruber by Thomas Beatty dated February 28th 1806 for 12 Ps acres Including also in the following Courses a Lot of ground in Bruners Town known and distinguished on the Plan of said Town by Number 89 deeded to John Gruber by Michael Boyer and dated May 15th 1806 viz E to a Stone Nigniacey planted at the end of the South West Corner of said Lot of Ground No 89 which is now included in the following Courses & and running thence viz The lines from E No 1. 2. 3 to to No 7 shewn the out lines thereof N 1 E 12 E 22 Ps Ps to a Stone planted 2 S 47 Ps E 10 Ps to a Stone planted 3 N 78 E 33 Ps to a Stone planted 4 N 12 W 59 Ps Ps to a Stone planted 5 S 78 W 26 Ps to a Stone planted 6 S 13 E 33 Ps Ps to a Stone planted at the North west corner of said Lot Number 89 thence with the out line thereof 7 S 78 W 12 10 Ps to a Stone planted thence with a Straight line to the beginning Containing 12 10 acres of Land

No 6 Beginning for that Lot or lot of ground lying at the North West end of Bruners Town & being part of a Tract of Land called the Town Tract sold to John

Granted by John Ritchie Executor of Thomas Beatty) to
20 a Stone planted 20 this end of the 10th line of a Tract
of Land sold by John Ritchie Executor of Thomas Beatty
aforesaid to Elias Grushow of Inº and running with
the 11th line thereof viz 1 S 67° W 14 ℔ to a Stone planted
20 the end thereof 2 S 11° E 13 ℔ to Stone planted 20 the
end thereof 3 N 78° E 15 ℔ to a Stone planted 20 the
end of 41 ℔ to on the 10th line of said Elias Grushow of
Inº Then with a straight line to the Beginning Contain-
ing 1 3/4 acres of Land
Nº 7 The following two Tracts of Land are called the Stone
quarry and the other 'The Fishery' conveyed in Fee Sate
of John Grushow by Thomas Beatty dated May 24th
1811 beginning for the first Tract called the Stone quarry
bounded for 9 acres 20 G 20 a Stone planted 20 the end of
the 22d line of 'Fine Friendship' and running with said
land the 5 following Courses viz 1 N 10° W 28 ℔ to a Stone
planted 2 N 16 E 40 ℔ to a Stone planted 3 N 38 E 40 ℔ to a
Stone planted 4 N 85 E 16 ℔ to a Stone planted 5 S 77° E 20
℔ then 6 South 2° ℔ to a Stone planted and runs in the
Monocacy River then with said River along the West
Margin thereof 7 N 75 W 15 ℔ 8. S 79 W 8 ℔ 9 S 47 W 20 ℔ 10 S
22 W 14 ℔ 11 S 11 W 21. ℔ 12 S 15 W 34 ℔ 13 South 17 ℔ to the
end of 33 ℔ on the 2d line of a Tract of land called The
Fourth Dividend then with said Land 14 N 77° W 40 ℔ 15 N.
58 W 5 ℔ to the end of 43 ℔ on the 22d line of Fine Friend-
ship aforesaid and with 20 16 S 77° E 37 ℔ to the
beginning Containing 9 3/4 acres of Land.
Nº 8 Beginning for the second tract of said John
Grushow's and called 'The Fishery' 20 the end of 33 Perches
on the 2d line The Fourth Dividend aforesaid 20 the end
of the 13th line of the first tract called the stone quarry
aforesaid 20 it ran first, and running the 7 following
Courses with it viz 1 South 17 ℔ 2 N 15 E 34
3 N 11. E 24 4 N 32 E 14. 5 N 47 E 28. 6 N 79 E 9, 7 S 75. E 15 ℔
then leaving said land and running 8. S 36° E 25 ℔ to
intersect the end of 28 Perches on the given line of a
Tract of Land called what you please and with said
land reversed 9. S 78° W 38 ℔ 10. S 66° W 30 ℔ 11 South 20 ℔
to the end of the last line of Land first Tract and with
it reversed 2 Courses 12 S 19° W 17 ℔ 13 S 18 E 24 ℔ to the
2d line of Fourth Dividend aforesaid then by a straight
line to the Beginning Containing 18 1/4 acres of Land
Nº 9 Beginning for all that piece or parcel of Land
called Falling Timber being part of the whole Tract
Called Falling Timber situate on the Catoctin Mountain

In Frederick County aforesaid which was sold to John Grushow by John Ritchie Executor of Thomas Beatty 20 I. saw plain 20 a heap of Stones with a Stake in the center near to a Rock oak tree marked 20 being 20 the end of the 3d Line of the whole Tract called Fleeing Friends and running thence with the settings thereof viz 1 N 54 E 38 ps to a heap of Stones 2 N 44. E 33 ps to a heap of Stones 3 E 75 E 34 ps to a heap of Stones 4 S 21 E 34 ps to a heap of Stones 5 S 50 W 68 ps to a heap of Stones 6 N 40 W 58 ps to a heap of Stones to the first place of beginning containing 26 acres of Land &c



By a Scale of 60 equal parts.

Jno Edward Nugent

J. The Beginning of a Tract of Land called The Fourth Addition Resurveyed for Charles Carroll Barrister Esqr April 28th 1768 the dotted lines to K shew the first and second lines thereof I. The end of the 34th line of a Tract of Land called Fleeing Friendship 20 being also the Beginning of a Tract for part

of said Land Friendship to Lewis Campbell from a certain Christian Rudy to for 100 p. acres and more the property of Reid Wood, the dotted lines from NW on the Plat shew part of the 13th the 14th the 15 and the 16th lines of said Campbells and to be found in Tract No 1.—

No 1 Conveyed for 101 acres Measures 102 11/11

do 2	do	do 17 p.	do	do	18
do 3	do	do 5 p.	do	do	5 p.
do 4	Sold	for 26 10/10	do	do	26 4/4
do 5	Conveyed	for 13 p.	do	do	12 11/11
do 6	Sold	do 1 3/11	do	do	1 3/11
do 7	Conveyed	do 9	do	do	9 4/4
do 8	do	do 13	do	do	13 4/11
do 9	Sold	do 26 4/4	do	do	26 4/4
		421 4/11 acres			417 4/4 acres

Order of Publication

And thereupon the Court hoped the following order of Publication viz^t

John Ritchie & others
vs
Elias Yoakum & others

In Chancery in Frederick County Court ordered that the Sales as made and reported by Singleton Duncan the Trustee in the above Cause be ratified and confirmed unless Cause to the Contrary be shewn on or before the tenth day of November next provided a Copy of this order be inserted in the Republican Citizen printed in Frederick Town for three successive Weeks before the said 10th day of November next The Report states the amount of Sales to be Two thousand three hundred & ninety four Dollars seventy five and a quarter Cents. Alex^d Sharpe. Octo 7th 1826.

Thereupon the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz^t

Printers Certificate

I Barney certify that the annexed advertisement was inserted in the Citizen for three weeks successively before the 10th day of November 1826. Gyles Sharpe.

And the said Cause is standing Continued from June to June notice February Term 1827. The Court hoped the following

Order of Ratific^n

order of Ratification viz^t

John Ritchie & others
vs
John Yoakum & others

In Frederick County Court Sitting as a Court of Equity ordered that the Sales of the real estate of John Yoakum late deceased as made and reported by Singleton Duncan the Trustee be ratified and Confirmed unless Cause to the Contrary appearing although notice has been given in Conformity with the order of this Court heretofore in this Cause Passed and made That the

Trustee in this Case be allowed for all his expenses & Commission two thousand and forty Dollars and two thirds of the Widows dower one Eighth of the nett proceeds of Sale is allowed. The auditor is directed to State an account in this Case according to the practice of this Court, but that he first give notice to Creditors to exhibit their Claims. And Shrine

And the said Cause as standing continued to July Term 1827.

The Auditor files the following Report viz

Dr. The Estate of John Groshon Junr Deceased in Account with

Surgilious Dorsey Esquire Trustee Cr

To the Trustee for his Commission and all Expenses				240 —
" the attorney for his fees	3.	33⅓		
" the Clerk for his fee	30.	91		
" the Sheriff for his fee	3.	45	57.	19⅓
To the Auditor for his fee in stating account giving notices to Creditors reporting to Court			4.	—
To Anne Groshon the Widow of John Groshon Junr Deceased one eighth of nett proceeds of Sale in lieu of her right of dower in the Land Sold, pr order of the Court. From which I have deducted the amount of two Judgments Interest and Costs, by order of Court, and owing to William Grimes Junr upon Petition and Short Copy Judgments W G, as I Stand next below allowed him			248.	54
To William Grimes Junr the amount of his two Judgments, against Anne Groshon the Widow of Jno Groshon Junr Deceased as above stated and taken from her proportion for Dower, pr order of the Court as papers W G			57.	87
To George Baltzell, Collector for Frederick County on amount of taxes due and owing upon the Lands Sold pr the Taxes marked G B			18.	34
To Christian Reich assignee of Jacob Wickland the Amount of his Judgment Short with Interest to 15th June 1827. the said Judgment being a lien filed marked			92.	11
To Michael Zimmerman and John Welker the amount of their Judgment Short with Interest to 15th June 1827. the said Judgment being a lien pr Short Copy filed and marked			101.	81
To Richard H Marshall a Creditor W A of John Ritchie Deceased the amount of his Judgment against said John Groshon Junr deceased Security for Elias Groshon of Jno. with Costs & Interest				

Next Folio 2

Amt Brot forwd £ 382.04

added to 15th June 1827 the said Judgment being a Lien by Short Copy filed marked J

To Richard N Marshall Admr WA of John Ritchie Deceased the amount of his Judgment against said John Graham Senr Deceased as Security for Elias Graham of Eng with Costs and Interest added to 15th June 1827 the said Judgment being a Lien by Short Copy filed marked JR 481 89

To Richard N Marshall Admr DBN of Thomas Beatty Deceased the amount of the Sale of the 28½ acres of land at £3.10 pr acre in part payment of this Road the said Road being a Lien upon the said 28½ acres the same being land purchased heretofore from the said Thomas Beatty for which said Road was given in part of his dividend on the received on Road K N1 14/11 103. 25/

To Richard N Marshall Admr DBN of Thomas Beatty Deceased his proportion of Balance of proceeds of Sales upon the amount of his claim with Interest added to 15th June 1827 as by the Road filed in this Cause marked K N2 130. 13. 20. 53/

To Richard N. Marshall Admr DBN of Thomas Beatty deceased his proportion of Balance of proceeds of Sales upon the amount of his claim with Interest added to 15th June 1827 as by the Road filed and marked K N3 130. 13. 20. 53/

To Richard N Marshall Admr DBN of Thomas Beatty deceased his proportion of Balance as aforesaid upon his claim with Interest to Dec as by Road filed & marked K N4 130. 13. 20. 53/

To Richard N Marshall Admr WA of John Ritchie Deceased his proportion of Balance as aforesaid upon his claim with Interest to Dec Costs as by Rolls filed marked R N5 130. 46. 22. 30

To Richard N Marshall Admr WA of John Ritchie Deceased his proportion of Balance of aforesaid upon his claim with Interest to Dec and Costs as by Rolls filed and marked R N6 130. 46. 20. 30

Amt Forwd £

Amt brot forward				
To Richard H Marshall acct of Wd of John Ritchie Deceased his proportion of Balance as aforesaid upon his claim with Interest to Dec 4 Costs as p the Papers filed marked — No 7	130.	46.	22.	30
To Richard H Marshall acct Wd of John Ritchie Deceased his proportion of Balance as aforesaid upon his claim against John Graham Sent dec as security for Elias Graham of Jas with Interest to Dec 4 Costs p the Papers filed marked No 8	489.	87.	93.	75/8
To Richard H Marshall acct Wd of John Ritchie Deceased his proportion of Balance of aforesaid upon his claim against John Graham Sent Deceased as security for Elias Graham of Jas with Interest to Dec 4 Costs p the Papers filed and marked — No 9	478.	40	81.	83/4
To Trustees Deceased his proportion of Balance of proceeds of Sale upon the amount of his claim, with Interest added to 15th June 1827. as per the claim filed marked — No 1	60.	39.	10.	31/4
To Adams & Innes their proportion of Balance of proceeds of Sale upon the amount of their claim against John Graham Sent Deceased as security for Jacob Wickham, with Interest added to 15th June 1827 as per the claim filed marked No 2	42.	73	7.	28/4
To Leonard Sie, assignee of Cornelius McSherty his proportion of Balance of Dec upon the amount of his claim, with Interest to Dec Costs as p the Papers filed marked — No 3	140.	61.	24.	05
To Philip Hauptman his proportion of Balance of Dec upon the amount of his claim, with Interest to Dec Costs as per the Papers filed and marked — No 4.	70.	62	12.	06.
To Wm Albaugh, his proportion of Balance of Dec upon the amount of his claim with Interest to Dec p the Papers filed marked No 5	4.	97		83/4
To Michael Rook his proportion of Balance of Dec upon the amount of his claim with Interest to Dec p the Papers filed marked No 6	7.	76	1.	31/4
To John Brien, his proportion of Balance of Dec upon the amount of his claim with Interest to Dec p the Papers filed marked — No 7	77.	21	13.	19
To John Brown his proportion of Balance of Dec upon the amount of his claim with Interest to Dec p the Papers filed and marked — No 8	5.	04.	—	86
Amt Forward				

		£	
Amt brot forward			
To Isaac Baughs, apigmes his proportion of Balance of Dr upon the amount of his claims with Interest to Do pt the Lodge filed & marked	No 9	15. 01.	2. 58
To Jacob Biggs haveing their proportion of Balance of Do upon the amount of their claims with Interest to Do pt the Lodge filed and marked	No 10	30. 94	(5. 16
To Robert Harley their proportion of Balance of Dr upon the amount of their claims with Interest to Do pt the claims filed and marked	No 11	57. 35½	9. 77½
To Robert Harley, apignee, Isa Dellilen their proportion of Balance of Dr upon the amount of their claims, with Interest to Do pt the Claims filed & marked	No 12	9. 36½	1. 59½
To Benjamin Robert, his proportion of Balance of Dr upon the amount of his claims with Interest to Do pt the claims filed & marked	No 13	2. 78½	— 46½
To Charles Rathyed his proportion of Balance of Dr upon the amount of his claims with Interest to Do pt the claims filed and marked	No 14	10. 91	1. 84½
To Jacob & Charles Rathyed their proportion of Balance of Dr upon the amount of their claims with Interest to Do pt the claims filed & marked	No 15	43. 45	7. 42½
To George and Catherine Reckenbaugh their proportion of Balance of Dr upon the amount of their claims, with Interest to Do pt the claims filed & marked	No 16	11. 10	1. 89½
To George & Catherine Reckenbaugh apignees their proportion of Balance of Dr upon the amount of their claims with Interest to Do pt the claims filed and marked	No 17	16. 69	2. 84½
To George & Catherine Reckenbaugh apignees their proportion of Balance of Dr upon the amount of their claims, with Interest to Do pt the claims filed and marked	No 18	7. 96	1. 34½
To George Reckenbaugh, his proportion of Balance of Dr upon the amount of his claims with Interest to Do pt the claims filed & marked	No 19	7. 09	1. 20½
Amt Forwd			

Amt Brot forward $

To Jacob Brett. apigned of Lewis Medtard his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed and marked ———	No 20	24. 90	4. 25
To John R Curtis apigned his proportion of Balance of Do upon the amount of his claim, with Interest to Do pt the claim filed marked No 21		8. 17.	1. 35½
To John R Curtis apigned his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked No 22		1. 25½	2½
To John R Curtis apigned his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the Claim filed marked No 23		4 16½.	79¼
To John R Curtis. apigned his proportion of Balance of Do upon the amount of his claim, with Interest to Do pt the claim filed marked No 24		9. 21	1. 56½
To John R Curtis apigned his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked No 25		6. 57.	1. 11½
To John R Curtis apigned his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed and marked ———	No 26.	26. 40	4. 57
To John R Curtis apigned his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked ———	No 27	8. 88	1. 50½
To John R Curtis, his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked	No 28.	99. 84.	17. 09
To Samuel Dewall apigned Benjamin Hinton his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed and marked. ———	No 29	20. 24.	3. 45½
To Samuel Dewall. his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked	No 30	31. 49.	5. 38.
To Samuel Dewall, his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked	No 31	10. 26.	1. 74½
To Jacob Boyle, his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed and marked ———	No 32	24. 83.	4. 23½
Amt Forwarded			$

Amt brot forward			
To Georg Adam Ebbard his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed thereto marked — No 33	5.	70½	— 97
To Frederick Eichelberger his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed thereto marked — No 34	24.	86	4. 24½
To Frederick Eichelberger his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed and marked — No 35	1.	37	— 21½
To Francis Eichelberger his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed thereto marked — No 36	48.	26	8. 24½
To Elias Grosh his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked No 37	115.	79	20. 94
To William Grimm Junr his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed thereto marked — No 38	74.	99½	13. 84
To Joseph Graff, assignee Jacob Riggs, his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed thereto marked — No 39	4.	05	— 69
To John Julian assignee of John W Dorsey his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed thereto marked — No 40	219.	30	37. 54
To John Julian assignee of Isaac Albaugh his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed thereto marked No 41	174.	97	29. 98½
To Abraham Groshon his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed thereto marked — No 42	29.	30	5. 00½
To Abraham Groshon his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed thereto marked — No 43	60	—	10. 25½
To Elias Smith of Abraham Groshon his proportion of Balance of Do upon the			
Amt Forwd			

		£	s	d
Amt brot Forward				
amount of his claim with Interest to 2d Inst the claim filed and marked	No 44	224 —	38	20
To John Goodhand Junr his proportion of Balance of Do upon the amount of his claim with Interest to do Inst the claim filed & marked	No 45	98. 25.	16.	8¼
To George Hale, his proportion of Balance of Do upon the amount of his claim with Interest to Do Inst the claim filed and marked	No 46	13. 57.	2.	3¼
To Henry Hare, his proportion of Balance of Do upon the amount of his claim with Interest to Do Inst the claim filed and marked	No 47	44. 39.	7.	5¾
To Mary Ann Hatherly her proportion of Balance of Do upon the amount of her claim, with Interest to do Inst the claim filed & marked	No 48	13. 48.	2.	1¾
To Hauptman & Garmaise their proportion of Balance of Do upon the amount of their claim with Interest to Do Inst the claim filed and marked	No 49	13. 80.	2.	3¼
To John Hammond, his proportion of Balance of Do upon the amount of his claim with Interest to Do Inst the claim filed & marked	No 50	4. 84½	—	8½
To Frederick High, his proportion of Balance of Do upon the amount of his claim with Interest to Do Inst the claim filed & marked	No 51	5. 33	—	9½
To Abraham Jones, his proportion of Balance of Do upon the amount of his claim with Interest to Do Inst the claim filed and marked	No 52	45. 13.	7.	7
To Mrs Raphael, Absalom & David Jones assignees Abraham Jones, their proportion of Balance of Do upon the amount of their claim with Interest to do Inst the claim filed & marked	No 53	258. 30.	44.	2
To Mrs Raphael, Absalom & David Jones assignees Abm Jones their proportion of Balance of Do upon the amount of their claim with Interest to Do Inst the claim filed & marked	No 54	156. 08.	26.	7
To Isaac Lins, his proportion of Balance of Do upon the amount of his claim, with Interest to Do Inst the claim filed & marked	No 55	2. 81 —		4½
To Jacob Leah, his proportion of Balance of Do upon the amount of his claim, with Interest to Do Inst the claim filed & marked	No 56	8. 78.	1.	4
To Wm Moorehead his proportion of Balance of Do upon the amount of his claim with Interest to Do Inst the claim filed and marked	No 57	4. 78. —		8¾
Amt Forwd				

		£	
Amt Brot forward			
To Catharine McDonnell her proportion of Balance of Do upon the amount of her claim, with Interest to Do pt the claim filed marked	No 58	11.43.	1.94½
To Abraham Miller his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed and marked	No 59	11.97½	2.03½
To William McIntosh his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked	No 60	1.53	.25½
To Jacob Miller his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked	No 61	21.83	3.50½
To David Durand his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked	No 62	21.90	3.70½
To Isaac Bland his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked	No 63	15.58.	2.65½
To Joseph Dunn assignee Henry Cuttig his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked	No 64	35.44½	6.05
To Noah Phillips his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked	No 65	43.47.	7.42½
To Noah Phillips his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed and marked	No 66	25.50	4.35½
To Cornelius Ringe his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed and marked	No 67	22.10½	3.77½
To Mathias Ringe his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed and marked	No 68	3.07½	.52
To Hannah Rice her proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed			
Amt Forwd			

		£	s	d
Amt brot forward				
- and marked	№69	9.	00½	1. 53½
To F B Sappington, his proportion of Balance of Do upon the amount of his claims with Interest to Do pt the claims filed and marked	№70	32.	09	5. 55½
To Francis Smith & spigned, Joshua Delahaud his proportion of Balance of Do upon the amt of his claim, with Interest to Do pt the claim filed and marked	№71	26.	52½	4. 50½
To Godfrey Seip, spigned Danl McDonnell his proportion of Balance of Do upon the amount of his claim, with Interest to Do pt the claim filed marked	№72	16.	59½	2. 88
To John Stamp, his proportion of Balance of Do upon the amount of his claim, with Interest to Do pt the claim filed marked	№73	4.	75	— 80½
To Christian Smith, his proportion of Balance of Do upon the amount of his claim, with Interest to Do pt the Claim filed marked	№74	2.	84	— 47½
To Lynch Shanks his proportion of Balance of Do upon the amount of his claim, with Interest to Do pt the Claim filed marked	№75	83.	61	14. 17
To H & A Stevenson their proportion of Balance of Do upon the amount of their claim with Interest to Do pt the claim filed marked	№76	13.	63	2 32½
To Daniel Comt of Christian Scholl his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked	№77	23.	87	4. 06½
To Howes & Fow, spigned David Wagner their proportion of Balance of Do upon the amount of their claim with Interest to Do pt the claim filed and marked	№78	205.	70	35. 26½
To John Troxell his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed and marked	№79	56.	78	9. 69½
To John Troxell his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked	№80	56.	78	9. 69½
To Richard Thomas his proportion of Balance of Do upon the amount of his claim with Interest to Do pt the claim filed marked	№81	154.	27	26. 43
To Jacob Weller (RS) his proportion of Balance of Do upon the amount of his claim, with Interest to Do pt the claim filed marked	№82	3.	04	— 57½
To Jacob (RS) Comt of John Weller his proportion of Balance of Do upon the amount				
Amt Forwd				

	Amt brot forwd		
	- of his claim. with Interest to Dec 1st the claim filed and marked — No 83	1. 56.	26/100
	To Conrad Weikhead his proportion of Balance of Dec upon the amount of his claim with Interest to Dec 1st the claim filed and marked — No 84	6. 37/100	1. 07/100
	To Conrad Weikhead his proportion of Balance of Dec upon the amount of his claim with Interest to Dec 1st the claim filed and marked — No 85	25. 14.	4. 29
	To David Wagner apignee Samuel Weikhead his proportion of Balance of Dec upon the amount of his claim with Int to Dec 1st the claim filed marked — No 86	32. 35.	5. 51
	To David Wagner apignee Samuel Weikhead his proportion of Balance of Dec upon the amount of his claim with Interest to Dec 1st the claim filed marked — No 87	15. 55.	2. 65/100
	To David Wagner apignee Henry Staley his proportion of Balance of Dec upon the amount of his claim with Interest to Dec 1st the claim filed & marked — No 88	27. 31.	4. 16/100
	To David Wagner apignee Ignatius Lilly his proportion of Balance of Dec upon the amount of his claim with Interest to Dec 1st the claim filed marked No 89	39. 05.	6. 74/100
	To David Wagner apignee his proportion of Balance of Dec upon the amount of his claim with Interest to Dec 1st the claim filed and marked — No 90	324. 77.	55. 57
	To Daniel Yantis his proportion of Balance of Dec upon the Amount of his claim with Interest to Dec 1st the claim filed and marked — No 91	17. 10.	2. 92/100
	Amount of Debts not bro' forward with Interest added $5172. 55/100		$3795. 76/100
	By Amount of Sales made the 24th day of April 1824 as 1st report of Trustee filed, and on the 2d day of March 1825 add'l report of Trustee filed of sundry Tracts, & parts of tracts of Land as herein particularly set forth in said Report the aggregate Amount of Sales 1st said Report as forth		$3795. 76/100

John Ritchie
vs
Elias Grochon & others

In Frederick County Court as a Court of Equity July Term 1827. by Auditor to Frederick County Court

Sitting as a Court of Equity I beg leave to report to the Honourable the Judges thereof that in compliance with their order I gave the usual notice to the Creditors of the said John Groshon Deceased to file with me their claims and the time limited in said notice having expired I have after having particularly examined the proceedings Conducing this cause Stated the aforegoing account. In this, as in like cases, I have allowed the Trustee for his Commission and all Expences and also allowed the Costs of the Court and also to the widow in lieu of her right in the land sold and rights of sold proceeds of Sales or Dower pr order of the Court aforesaid Examined and of her said Petition. two Small claims to wit Spinner Junr pr the Petition and papers filed and marked W C the said Claims being Judgments I have next allowed the Rent, for Taxes, due and owing upon the land sold, and then the Liens by Judgments that exist with Interest and Costs, added thereto in the same as particularly Specified and set forth in the aforegoing account and the Balance of proceeds of Sale I have divided amongst the Creditors, generaley of the said John Groshon Deceased upon the amount of Claims filed for Audit with Interest added thereto, the dividend to Creditory is a fraction less than Seventeen Cents and one mill in the dollar I Respectfully Submit the Same to the Honourable the Judges aforesaid for Confirmation, Henry Sahley Auditor

26 to 31 July 1827.

And the said Cause as standing Continued to August Term 1827 the following Objections were filed viz't

To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery John R Curtis and John Groshon administrators of John Groshon Senr late of Frederick County (dec'd) who are also Creditory of said intestate beg leave to represent that upon the Sales of the real estate of John Groshon Senr (dec'd) made by the Trustee & reported to this Honourable Court the auditor of this Court has stated an account by which the proceeds of Sale are distributed amongst the Creditors of the said Deceased to which audit the above named Petitioners do except and pray leave to suggest to the Court the following objections To wit. We object to the allowance by the auditor of the sum of one Hundred and one dollars & Eighty one Cents to Richard Zimmerman & John Walker on a Suppo sed Judgment obtained against John Groshon Senr in Frederick County Court at October Term 1822 because they alledge that no Law nor Judgment could have been rendered against said Groshon he having died on or about the middle of the Month of September

proceeding. That said Judgments being moneys bound to operate as a lien, that if said Zimmerman & Walker are to be considered as creditors and they have only be placed upon an equality with the rest claiming distributively (see vouched filed Z & W). They objected to the pretended claim of William Markland here set up because they alleged that there is no shadow of evidence whatsoever that John Gresham ever had any dealings with or owed said Markland any thing that said pretended claim here set up ought not to be allowed, see voucher 57) — They objected to the claims of the creditors of the said John Gresham marked by the auditor Nos 6.9.10.18. 20. 37. 58. 73. 75 because they alleged that they are Stale demands and are barred by the statute of limitations of the laws of Maryland and the sums of money claimed by the said accounts numbered as above ought not to be allowed out of the proceeds of the sales of the said real Estate of said John Gresham (Dec'd) These objectors pray the Court not to confirm the audit now made and that the errors therein may be corrected by disallowing said and to direct the distribution of the sums improperly allowed, amongst the creditors generally and to extend to them all other relief Consistent with Equity. & Counsel for the objectors.

Courts order

Whereupon the Court passed the following order viz^o

John R Curtis
& John Gresham
vs
Christian Rick & others

In Frederick County Court Sitting as a Court of Chancery In this Case the report of the auditor being laid before the Court for ratification and the allowance of several claims objected to on the part of those interested, in their exclusion, It is ordered by the Court that the said audit & claims will be finally acted upon on the first Monday of November and that the auditor cause a Copy of this order to be inserted for three weeks successively in some newspaper printed in Frederick before said day that all parties concerned may take notice thereof and be prepared to support by proper legal proof their respective claiming. Absent Shriver Actg J^g 1827.

Auditors Report

Whereupon the Auditor made the second Report viz^o
Of the Estate of John Gresham Dec^d Counsel in % with
Singleton Dorsey Esquire Trustee

To the Trustee for his Commission and all Expenses		241.62
. the attorney for his fee	2.	33⅓
. the Clerk for his fees in first audit	50.	91
. the Sheriff for his fees	2.	45
		57.69¼

Auditors Report

Auditors Report

	Amt brot forward		
To the auditor for his fees in stating first audit & giving notices to creditors reporting to Court & do as in first audit			4 7 6
To the clerk for his fees in this the 2d audit			6 40
" the auditor for his fees in this the 2d audit for stating and reporting to Court giving notices to creditors &c			34 6
To Anne Gresham, the widow of John Gresham Senr Deceased one eighth of said premises of sale, in lieu of her right of dower in the lands sold pr order of the Court from which I stand debited the amount of two Judgments entered and both by order of the Court, and owing to Wm Grimes Senr upon petition and short copy Judgments W G as I stand next below allowed him			242 51
To William Grimes Senr the amount of his two Judgments, against Anne Gresham the widow of John Gresham Senr Deceased as above stated & taken from her proportion for dower pr the order of the Court see papers	W G		58 53
To George Bacque Collector for Fredericks County and amount of taxes and due owing upon the lands sold, pr the papers marked	G B		16 34
To Richard H Marshall admr W A of John Ritchie Deceased the amount of his Judgment against said John Gresham Senr Deceased as security for Elias Gresham of John, with Costs and Interest added to 15th Sept 1838, the said Judgment being a lien pr short copy filed and marked	J		391 96
To Richard H Marshall admr W A of John Ritchie decd the amount of his Judgment against said John Gresham Senr Deceased as security for Elias Gresham of John, with Costs and Interest added to 15th Sept 1838 the said Judgment being a lien pr short copy filed & marked	J R		491 32
To Richard H Marshall admr D B N of Thos Beatty Deceased the Amount of the sale of the 38 3/4 acres of Land sold 3, 50 pr acre in part payment of this Bond, the said Bond being a lien upon the said 38 3/4 acres, the same having been purchased heretofore from the said Thomas Beatty, for which said Bond was given in part, and his dividend upon the residue			
Amt Forwd			

	£ Lincs	100 Lincs	£
– Per Bond R No 1			104. 69
To Richard H Marshall acount D B & A of Thomas Beatty Deceased his proportion of Balance of proceeds of Sale upon the amount of his Claim, with Interest added as per the Bond filed in this Cause marked R No 2	120.	13.	22. 15
To Richard H Marshall acount D B & A of Thomas Beatty Deceased his proportion of Balance of proceeds of Sale upon the amount of his Claim, with Interest added as per the Bond filed marked R No 3	120.	13.	22. 15
To Richard H Marshall acount D B & A of Thos Beatty deceased his proportion of Balance as aforesaid, upon his claim with Interest &c as per Bond filed marked R No 4	120.	13.	22. 15
To Richard H Marshall acount W & A of John Ritchie Deceased his proportion of Balance as aforesaid, upon his claim with Interest & Costs as per Papers filed marked R No 5	130.	46.	24. 08
To Richard H Marshall acount W & A of John Ritchie Deceased his proportion of Balance as aforesaid upon his claim with Interest and Costs as per Papers filed marked R No 6.	130.	46.	24. 08
To Richard H Marshall acount W & A of John Ritchie Deceased his proportion of Balance as aforesaid upon his claim with Interest & Costs, as per Papers filed and marked R No 7.	130.	46.	24. 08
To Richard H Marshall acount W & A of John Ritchie Deceased his proportion of Balance as aforesaid, upon his claim against John Graham Junr Deceased as security for Elias Graham of Dec'd with Interest & Costs, as per Papers filed marked R No 8	489.	87.	90. 27
To Richard H Marshalls acount W & A of John Ritchie Deceased his proportion of Balance as aforesaid upon his claim against John Graham Junr Deceased as Security for Elias Graham of Dec'd, with Interest & Costs per the Papers filed marked R No 9.	478.	40.	88. 16
To Snighton Dunlap his proportion of Balance of proceeds of Sale upon the amount of his claim with Interest added per the Claim filed marked No 1	60.	39.	11. 17
To Adams & Lomax their proportion of Balance of proceeds of Sale upon the			

Amt Forwd

Amt Brot forward			
Amount of this Claim against John Groshon Senr Deceased as Security for Jacob Wickham with Interest added pr the Claim filed marked — No 3	42.73	7.	8¾
To Lemuel Sip assignee of Cornelius McClatty his proportion of Balance of Dr upon the amount of his Claim with Interest added and Costs pr the Paper filed and marked — No 3	140. 61	25.	95
To Philip Hauptman his proportion of Balance of Dr upon the amount of his Claim with Interest added and costs pr the Paper filed marked No 4	70.62	13.	05
To Michael Beck his proportion of Balance of Dr upon the amount of his Claim with Interest added pr the Paper filed and marked — No 6	7.76	1.	43¾
To John Brink his proportion of Balance of Dr upon the amount of his Claim with Interest added pr the Paper filed and marked — No 7	77.21	14.	24
To John Brown his proportion of Balance of Dr upon the amount of his Claim with Interest added pr the Paper filed marked — No 8	5. 04	—	93¾
To Rotelee Harley, their proportion of Balance of Dr upon the amount of their Claim with Interest added pr the Claim filed marked — No 11	51. 35¾	9.	46
To Rotelee Harley assignee Isaac Miller their proportion of Balance of Dr upon the amount of their Claim with Interest added pr the Claim filed and marked — No 12	9. 36¾	1.	73
To Benjamin Rotelee his proportion of Balance of Dr upon the amount of his Claim with Interest added pr the Claim filed and marked No 13	2. 78¾	—	52
To Charles Ratzee his proportion of Balance of Dr upon the amount of his Claim with Interest added pr the Claim filed and marked — No 14	10 91.	2.	01¾
To Jacob Charles Ratzee their proportion of Balance of Dr upon the Amount of their Claim with Interest added pr the Claim filed and marked No 15	43. 45.	8.	01
To George Catharine Beekenbaugh their proportion of Balance of Dr upon the amount of their Claim with Interest added pr the Claim filed and marked — No 16	11. 10.	2.	05¾
To George Catharine Beekenbaugh their proportion of Balance of Dr upon the Amount of their Claim with Interest added pr the Claim filed and marked — No 17	16. 69.	3.	09
To George Beekenbaugh his proportion of Balance of Dr upon the amt pr of his Claim			
Amt Forwd			

Amt brot forwd

with Interest added. b/c the claim filed and marked ——— No 19	7.	09.	1. 31/2
To John B Curtis, assignee his proportion of Balance of Dc upon the amt of his claim. with Interest added. b/c the claim filed and marked ——— No 21	8.	17.	1. 57/2
To John B Curtis assigned his proportion of Balance of Dc upon the amount of his claim with Interest to Dc b/c the claim filed marked ——— No 22.	1.	25/2	— 04
To John B Curtis assigned his proportion of Balance of Dc upon the amount of his claim, with Interest added b/c the claim filed marked ——— No 23	4.	66/2	— 86/2
To John B Curtis assigned his proportion of Balance of Dc upon the amount of his claim with Interest added b/c the claim filed and marked ——— No 24	9.	21.	1. 70/2
To John B Curtis, assigned his proportion of Balance of Dc upon the amount of his claim, with Interest added b/c the claim filed marked ——— No 25	6.	57.	1. 21/2
To John B Curtis, assigned his proportion of Balance of Dc upon the amount of his claim with Interest added b/c the claim filed marked ——— No 26	26.	40.	4. 87
To John B Curtis assigned his proportion of Balance of Dc upon the amount of his claim with Interest added b/c the claim filed marked No 27	8.	85.	1. 66
To John B Curtis, his proportion of Balance of Dc upon the amount of his claim, with Interest added b/c the claim filed marked ——— No 28	99.	84.	18. 43
To Samuel Durand assigned Benjamin Shaw his proportion of Balance of Dc upon the amount of his claim, with Interest added b/c the claim filed and marked ——— No 29	21.	214.	3. 73/2
To Samuel Durand his proportion of Balance of Dc upon the amount of his claim, with Interest added b/c the claim filed marked No 30	31.	49.	5. 81
To Samuel Durand his proportion of Balance of Dc upon the amount of			

- his claim. with Interest added. pt the claim filed & marked No 81	12.	26	1 89½
To Isaac Eyler. his proportion of Balance of Do upon the Amount of his claim Interest added. pt the claim filed & marked No 82	24.	93	4. 58
To George Adam Ebbert. his proportion of Balance of Do upon the amount of his claim. with Interest added. pt the claim filed marked No 83	6.	70½	1. 06½
To Frederick Eichelberger. his proportion of Balance of Do upon the amount of his claim. with Interest added pt the claim filed & marked No 84	24.	86	4. 59
To Frederick Eichelberger his proportion of Balance of Do upon the amount of his claim with Interest added pt the claim filed and marked No 85	1.	37	— 24
To Frederick Eichelberger his proportion of Balance of Do upon the amount of his claim with Interest added. pt the claim filed and marked No 86	48.	26.	9. 90
To William Grimes I his proportion of Balance of Do upon the amount of his claim. with Interest added. pt the claim filed marked No 87	74.	99½	13. 86
To Joseph Graff apt Isaac Riggs his proportion of Balance of Do upon the Amt of his claim with Interest added pt the claim filed marked No 89	4.	15	— 75½
To John Shrine apt Isaac Albaugh his proportion of Balance of Do upon the amount of his claim with Interest added. pt the claim filed & marked No 91	174.	97	32. 29
To Abraham Groshon his proportion of Balance of Do upon the amount of his claim with Interest added pt the claim filed & marked No 92	29.	10	5. 41
To Abraham Groshon his proportion of Balance of Do upon the amount of his claim with Interest added. pt the claim filed and marked No 93	60.	—	11. 06
To Elias Castle of Abm Groshon his proportion of Balance of Do upon the amount of his claim. with Interest added pt the claim filed and marked No 94	224	—	41. 35
To John Groshon I his proportion of Balance of Do upon the amount of his claim with Interest added pt the claim filed and marked No 95	98	25	18. 14
Amt Forwd			

Amt brot forwd

To Henry Howe his proportion of Balance of Do upon the Amount of his claim with Interest added pr the claim filed marked — No 47	44.	39.	8. 20
To Mary Ann Hatterly her proportion of Balance of Do upon the amount of her claim with Interest added pr the claim filed marked — No 48	12.	48.	2. 32½
To Hunkin and Cairnes their proportion of Balance of Do upon the amount of their claim with Interest added pr the claim filed marked — No 49	13.	81.	3. 55
To John Hammer his proportion of Balance of Do upon the amount of his claim with Interest added pr the claim filed and marked — No 50	4.	84½	— 90
To Frederick High his proportion of Balance of Do upon the amount of his claim with Interest added pr the claim filed and marked — No 51	5.	33	— 99½
To Abraham Jones his proportion of Balance of Do upon the amount of his claim with Interest added pr the claim filed marked — No 53	45.	18	8. 35
To Wm Raphael, Abraham & Basil Jones ap Wm Jones, their proportion of Balance do upon the amt of their claim with Interest added pr the claim filed marked No 54	258.	30	47. 17
To Wm Raphael, Abraham & Basil Jones ap Wm Jones, their proportion of Balance of Do upon the amt of their claim with Interest added pr the claim filed and marked — No 54	156.	08.	28. 80
To Isaac Linn, his proportion of Balance of Do upon the amount of his claim with Interest added pr the claim filed and marked — No 55	2.	81	— 52½
To Jacob Lab his proportion of Balance of Do upon the amount of his claim with Interest added, pr the claim filed marked — No 56	8.	78	1. 63½
To Abraham Miller his proportion of Balance of Do upon the amount of his claim with Interest added pr the claim filed marked — No 57	11.	97½	3. 32

Amt Forwd

Amt & Amt brot forwd			
To William McCutchin his proportion of Balance of Dr upon the amount of his claim with Interest added, p the claim filed & marked — No 60	1.	53	29
To George Miller, his proportion of Balance of Dr upon the amount of his claim with Interest added p the claim filed & marked — No 61	20.	83.	3. 85
To Daniel Durand, his proportion of Balance of Dr upon the amount of his claim with Interest added p the claim filed & marked No 62	21.	90	4. 06½
To Isaac Bland his proportion of Balance of Dr upon the amount of his claim with Interest added, p the claim filed & marked — No 63	15.	58.	2. 88
To Joseph Penn agent for Henry Curtis, his proportion of Balance of Dr upon the Amt of his claim with Interest added, p the claim filed marked No 64	35.	44½	6. 55
To Noah Phillips his proportion of Balance of Dr upon the amount of his claim with Interest added, p the claim filed and marked No 65	43.	47.	8. 02
To Noah Phillips, his proportion of Balance of Dr upon the amount of his claim, with Interest added, p the claim filed & marked No 66	25.	50.	4. 71
To Cornelius Ridge, his proportion of Balance of Dr upon the amount of his claim with Interest added, p the claim filed & marked — No 67	22.	10½	4. 05
To Mathias Ringer, his proportion of Balance of Dr upon the amount of his claim with Interest added p the claim filed and marked No 68	3.	07½	— 57½
To Hannah Rice, her proportion of Balance of Dr upon the amount of her claim with Interest added, p the claim filed & marked — No 69	9.	00½	1. 66½
To F B Sappington his proportion of Balance of Dr upon the amount of his claim with Interest added p the claim filed & marked — No 70	32.	54.	6. 01
To Frederick Smith agent Joshua Delahaud his proportion of Balance of Dr upon the Amt of his claim with Interest added p the claim filed marked No 71	26.	52½	4. 90
To Geafrey Seiff agent Ingle & Bonnard his proportion of Balance of Dr upon the amt of his claim with Interest added p the claim filed marked No 72	16.	57½	3. 07
To Christian Smith his proportion of Balance of Dr upon the amount of his claim with Interest added p the claim filed & marked — No 74	2.	84.	— 52½
To H & A Stevenson, their proportion of Balance of Dr upon the amount of their claim with Interest added p the claim filed marked No 76	13.	63.	2. 51½
Amt Forwd			

Amt Brot Forwd			
To David Wagner amt of Christian Schaeffer his proportion of Balance of Do upon the amt of his claim with Interest added pr the claim filed marked — No 77	23.	97.	4.42
To Henry & Ford agent David Wagner their proportion of Balance of Do upon the amt of their claim with Interest added pr the claim filed and marked — No 78	205.	70.	37.97½
To John Troxell his proportion of Balance of Do upon the amount of his claim with Interest added pr the claim filed & marked — No 79	56.	78.	10.49
To John Troxell his proportion of Balance of Do upon the amount of his claim with Interest added pr the claim filed marked — No 80	56.	78.	10.49
To Richard Hovey, his proportion of Balance of Do upon the amount of his claim with Interest added pr the claim filed marked No 81	154.	27.	28.47
To Jacob Wilson (Est) his proportion of Balance of Do upon the amt of his claim with Interest added pr the claim filed marked No 83	3.	04.	— 56½
To Jacob (Est) amt of John Wilson his proportion of Balance of Do upon the amt of his claim with Interest added pr the claim filed marked No 83	1.	56.	— 29½
To Conrad Wilhide his proportion of Balance of Do upon the amt of his claim with Int added pr the claim filed marked — No 84	6.	37½	1.18½
To Conrad Wilhide his proportion of Balance of Do upon the amt of his claim with Interest added pr the claim filed & marked — No 85	25.	14.	4.15
To David Wagner agent Samuel Wilhide his proportion of Balance of Do upon the amt of his claim with Interest added pr the claim filed marked No 86	32.	35.	5.95½
To David Wagner agent Samuel Wilhide his proportion of Balance of Do upon the Amt of his claim with Interest added pr the claim filed marked No 87	15.	55.	2.88
To David Wagner agent Henry Staley his proportion of Balance of Do upon the amt of his claim with Interest added pr the claim filed marked — No 88	27.	31.	5.04
To David Wagner agent Ignatius Lilley his proportion of Balance of Do upon the amount of his claim with Interest			
Amt Forwd			

Amt. brot Forwd

added, pt. the Claims filed & marked	No 89	39.	08.	7. 22
To David Wagner apld his proportion of Balance of Dr upon the amt. of his Claim with Interest added pt. the Claim filed & marked	No 90	324.	77.	59. 93
To Daniel Yauley, his proportion of Balance of Dr upon the amt of his Claim, with Interest added pt. the Claim filed & marked	No 91	17.	10	3. 16
To Christian Reich, apigned of Isaac Wickham the Amount of his Judgment and Costs, with Interest to 1st Jany 1828 the said Judgment being a lien as filed and marked	do			94. 40
To George Hall his proportion of Balance as upon upon the amount of his Claim with Interest added pt the Claim filed and marked	No 46	10		1. 85
To Frederick Nusz, his proportion of Balance of Dr upon the amount of his Claim with Interest added pt the Claim as filed and marked	No 92	2.	74	— 57
To Cornelius McNulty, apigned his proportion of Balance of Dr upon the amount of his Claim with Interest added pt the Claim filed and marked	No 93	10.	07	1. 86¼
To John Pittinger apigned, his proportion of Balance of Dr upon the amt of his Claim with Interest added, pt the Claim filed and marked	No 94	12.	27	2. 27
To Michael Zimmerman and John Walker their proportion of Balance of Dr upon the Amt of their Claim with Interest added pt the Claim filed & marked	No 44	101.	81.	18. 82
To John Gelston apigned of Dr John Mc Dorsey his proportion of Balance of Dr upon the Amt of his Claim, with Interest added pt the Claim filed & marked	No 40	219.	30.	40. 49¼
Amount of Debts, not liens with Interest added				$5496. 76¼
Ref Amounts of Sales made by the Trustee 24th April 1824 & 2d March 1825 of sundry tracts and parts of tracts of land, as pr reports of Trustee filed, the aggregate amt of which is				$2795. 76¼

John Ritchie
vs
Sprigg & al

In Frederick County Court of Equity August Term 1827

} as a Court of Equity Auditor, to report to the Worshipful the Judges of Frederick County Court Sitting as a Court of Equity, that in Compliance with their Order to Petition P.C. I gave notice as therein directed to Creditors concerned, to appear &c on a Certain day in said Noted

as a Court of Equity Leave to the Honorable as a Court and marked

Mentioned. The time limited in said notice having expired I Have again taken up the Cause and upon a review produced the annexed proceeding account. I Have in this as in the former audit made an allowance to the Trustee for his Commission and all Expenses, and also allowed the Costs of the Court and also to the widow in lieu of her right of Dower one Eighth of said proceeds of Sale & made of this Court allowing, however out of her said proportion two small Claims to Wm Grimes Junr & Ux petitions and papers marked W G the said Claims being Judgments - I Have then allowed the Bill of Taxes due and owing upon the Land Sold, and then next the Liens by Judgments that said with Interest to this day & Costs. and the then Ballance of proceeds of Sales. I Have divided amongst the Creditors generally of the said John Graham Deceased. upon the amount of Claims for audit with Interest added to the Same, rejecting however the Claims particularly objected to in petitions P C. that have not been substantiated the dividends to Creditors. is a fractional and that 18¾ Cents in the Dollar. I Respectfully submit the annexed foregoing account to the Honourable the Judges aforesaid for Confirmation. Henry Sahley Auditor. Janry 1st 1838.

Order of Ratifict Whereupon the Court passed the following order of Ratification viz: February Term 1838, Ordered by the Court that the aforegoing account as stated & reported by the auditor be and the same is hereby ratified and Confirmed and it is further ordered that the Trustee pay over the proceeds of Sale as the same has or may be received to the parties respectively entitled to the Same according to the distributions in this said audit mad — Abm Shriner.

Test John Sahley Clerk

Maryland Frederick County to wit

At a County Court Sitting as a Court of Equity Begun and held at the Court House in Frederick Town in and for said County on the first Monday of January in the year of our Lord Eighteen Hundred and Twenty Seven.

Present The Honourable Abm Shriner Esqr Associate Judge.
Thomas Britton Esquire Sheriff
and John Sahley Clerk

In the record of proceedings of the said Court amongst others are the following to wit.

Bill To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery Humbly Com-plaining sheweth unto your Honours your orator

Isaac Norris, and Elizabeth his wife of Frederick County and State of Maryland, That one Casper Shurfig of the County aforesaid made his last will and Testament on the fourteenth day of January in the year Seventeen Hundred & Eighty three a Copy of which is Herewith Exhibited marked (Exhibit A) which together with all other Exhibits hereinafter mentioned your orators pray may be taken and considered as part of this their Bill of Complaint and soon thereafter died having first by his said will the use & occupation of his Plantation to his wife Magdalene during her life or until she should again marry, and that on her marriage or death his Executors Michael Fouty & Abraham Crumbaker therein mentioned should sell said Plantation and distribute the proceeds of Sale among his Children To wit John, Abraham Isaac, Benjamin & Eachid Rhebe Catharine, Maria Rebecca and Elizabeth, which last mentioned is one of your orators That the aforesaid Fouty and Crumbaker his Executors did not having fulfilled the Trust in them reposed, and the widow of said Shurfig is since dead, without having married since the death of said Casper Shurfig. That during the life time of the said Casper Shurfig one Valentine Baird Conveyed to him a certain tract or parcel of Land by the name of "Friendship agreement" lying and being in the County aforesaid Containing Thirteen and three quarter acres of Land & of which said Casper Shurfig died seized. The Deed of Conveyance for which is Herewith exhibited marked Exhibit B. That Soon after the death of said Shurfig; the aforesaid Valentine Baird, discovered that said tract of land was by mistake Conveyed as "Friendship agreement" when in truth and in fact the proper name thereof was "Clary" that Casper Shurfig being at the time of said discovery dead, and Valentine Baird being desirous to correct the mistake as far as in his power soon afterwards Conveyed the same tract or parcel of Land to the Heirs before named children of said Casper Shurfig as named in his will, Styling them in said Conveyance the "Heirs of Casper Shurfig Deceased by the right name "Clary" and in said last mentioned Conveyance by and Herewith exhibited marked Exhibit C/ recited the mistake made in Exhibit B as will more fully appear by reference thereto and your orators further represent to your Honours That the aforesaid tract or parcel of land properly called "Clary" was in the Reign & Possession of Casper Shurfig at the time of making his last will aforesaid and so remained until his death & formed a part of the Plantation devised as aforesaid to his wife and so was mistaken by the

said Casper Sherfig to be sold by his Executors herein before mentioned. believing that he held the same by a good and valid legal title from the aforesaid Valentine Raid. and that the heirs of Casper Sherfig mentioned in Exhibit 6) are not entitled to hold that part of his plantation called "Chevy" by said Exhibit as a purchase from the aforesaid Valentine Raid but that it ought to be sold together with the other part of his plantation in fulfillment of the plain intention of said Casper Sherfig as appears by his last will and testament herein before Exhibited That Casper Sherfig died leaving the following children who are entitled to a distributive Share of the amount of Sale of his plantation under his last will and who are also the same persons named in Exhibit 6) as his heirs To wit Phebe Carey, who intermarried with Joseph Carey, both of whom are now dead leaving as their Heirs at law Joseph Carey, Benjamin Carey, Hannah Carey & Martin Carey. 2d. John Sherfig Junr. 3d Abraham Sherfig died dead leaving John Sherfig, Joshua Sherfig. Magdalena Sherfig. Barbara Sherfig. Abraham Sherfig. Ann Sherfig. Ann Maria Sherfig. Solomon Sherfig. Martin Sherfig, Samuel Sherfig & Sarah Sherfig; which last named Sarah died unmarried & intestate 4th Catharine now the widow of John Shrimp. 5th Mary Ouslo who intermarried with Nicholas Ouslo. 6th Jacob Sherfig Junr 7th Benjamin Sherfig. 8th Rebecca Shingluff who intermarried with Henry Shingluff 9th Joshua Sherfig 10th Elizabeth Correll, who intermarried with Jacob Correll and who are your orators Viz all the above named devisees and the Heirs at Law of such as are dead are now residents of the State of Maryland. In tender Consideration whereof and inasmuch as your orators are remediless in the premises at and by the strict rules of Law and Cannot have relief save in a Court of Equity where matters of this and the like sort are properly Cognizable & relievable. To the end therefore that the aforesaid Benjamin Carey, Joseph Carey, Hannah Carey and Martin Carey. John Sherfig Junr Joshua Sherfig. John Sherfig Magdalena Sherfig, Barbara Sherfig. Abraham Sherfig Ann Sherfig Ann Maria Sherfig. Solomon Sherfig. Martin Sherfig and Samuel Sherfig. Catharine Johnson. Mary Ouslo, and Nicholas her Husband. Jacob Sherfig Junr Benjamin Sherfig. Rebecca Shingluff and Henry her husband and Joshua Sherfig and all other persons interested when discovered. may upon their Several and respective oaths full true direct and perfect answer make to all and

singular the matters herein before stated and charged as fully and particularly as if the same were herein after repeated and they thereto distinctly interrogated, and that not only to the best of their respective Knowledge, but also to the best of their Several and respective information hearsay & belief, and more especially that they may answer & set forth, whether they or any of them have any reason to assign, why the aforesaid part of a Tract Tract or parcel of Land Called 'Glory' should not be sold as herein after prayed, as part of the plantation mentioned in Casper Sherfigs last will as in said will and for the purposes therein stated is directed may it therefore please this honourable Court to appoint a Trustee in stead of Michael Foutz and Abraham Brumbaugh deceased executors aforesaid both now dead whose duty it shall be to sell the plantation of said Sherfig deceased and to make distribution of the proceeds of said sale when made agreeably to the intention and direction of the said Casper Sherfig in his last will and also to make and Decree that the aforesaid Tract or parcel of Land Called 'Glory' be sold as part of said plantation in fulfillment of the intention of said Casper Sherfig, and your orators further pray that your Honours will grant all other and further relief in the premises which to your Honours may seem meet and equitable may it also please your Honours to order & direct that such notice be given to the aforesaid Benjamin Carey Joseph Carey, Hannah Carey & Martin Carey, John Sherfig Junr Joshua Sherfig, John Sherfig, Magdalene Sherfig, Barbara Sherfig, Abraham Sherfig, Ann Sherfig Ann Maria Sherfig Solomon Sherfig, Martin Sherfig & Samuel Sherfig, Catherine Shriver, Mary Ovalot & Nicholas her husband, Jacob Sherfig Junr, Benjamin Sherfig, Rebecca Slingluff and Henry her husband & Lot Hud Sherfig as to your Honours may seem proper thereby requiring them to a certain day personally to be and appear before your Honours, then and there to answer the premises and to stand & abide such order & Decree as to this Honourable Court shall seem agreeable to Equity and good Conscience and your orators will ever pray

& Bond & Sol^{r} for Complt

Exhibit (A) Exhibit A referred to in the within and aforegoing Bill of Complaint Contained in the following Words viz

In the name of God Amen, I Casper Sherfig of Frederick County in the State of Maryland, Farmer being very sick and weake in body but of perfect mind and Memory, thanks be given unto God, calling unto mind the mortality of my body, do make and ordain this my last will & Testament in manner following I recommend my Soul into the Hand

of Almighty God, that gave it. and my body I recommend to the Earth to be Buried in Decent christian Burial at the Discretion of my Executors and of touching such worldly Estate wherewith it hath pleased God to Bless me in this Life I give Devise and dispose of the same in the following manner and Form, First it is my will and pleasure that all my Debts be duly paid out of my Estate. Secondly I give and Bequeath to my eldest son John, the sum of Five Pounds and and above his equal shard with the rest of my Children to be paid out of my moveables or personal Estate. Thirdly. It is my will and pleasure that my personal Estate be appraised and that my wife do have the third of it and the remainder be divided Equally amongst my Children as they become of age. except the above mentioned Five Pounds which my son John is to have more than the rest Fourthly. It is my will and pleasure that my wife Magdalena do Remain on the plantation and have use and Benefit of it wholey to her self as long as she lives and then it is to be sold by my Executors & Divided Equally among the Children that is to say my Sons, John Abraham. Jacob Benjamin and Joshua and my Daughters Rhoda. Catherine. Maria. Rebecca & Elizabeth but if my said wife shall marry again then the Plantation is to be sold and she is to have no more than a Childs Shard, and it shall be divided Equally amongst my said wife and Children and I do Constitute. make and ordain Michael Afouts and Abraham Crumbacker. the Sole Executors of this my last will and Testament and I do hereby utterly disallow and revoke all former Testaments, wills, Legacies and Executors; ratifying and confirming this and no other to be my last will and Testament In Witness whereof I have hereunto set my hand and Seal this Fourteenth day of January in the year of our Lord one Thousand Seven hundred and Eighty three.

Signed Sealed Published
pronounced and Declared by
the said Casper Shurfey as
his last will and Testament
in the presence of us,
Jno Colb Jnr. Off.
Lanc. Rittenhouse Off.
Andrew Hillyard Off.

Casper Shurfey (Seal)

Frederick County Oct 11th 1783

Then came Michael Afouts and Abraham Crumbacker and Solemnly affirmed and declared that the foregoing Instrument of writing is their true and whole will & Testament

of Casper Sherfy late of Frederick County Deceased that hath come to their hands and knowledge and that they doth not know of any other ... Geo Murdock Regr
Frederick County Octo 11th 1788 Then Came Jacob Snider, Lenhart Kitzmiller, and Andrew Young the three Subscribing Witnesses to the aforegoing Last will and Testament of Casper Sherfy late of Frederick County Deceased and Solemnly affirmed and declared that they did see the Testator therein named sign and Seal this will and that they heard him publish pronounce and declare the same to be his last will and Testament that at the time of his so doing he was to the best of their apprehensions of Sound and disposing mind memory and understanding and that they respectively Subscribed their names as Witnesses to this will in the presence and at the request of the Testator and in the presence of each other
Geo Murdock Regr
State of Maryland Frederick County to wit I do Hereby Certify that the aforegoing is a true Copy taken from the original last will and Testament of Casper Sherfy, filed in the Office of the Register of Wills for the County aforesaid and recorded in the record Books of Wills for the year 1788. Folio 323. In Testimony whereof I have hereunto set my Hand and affixed the Seal of Office this 10th day of January in the year of our Lord 1827.
Seal
By Wm Eichelberger Regr of Wills for Frederick County Maryland.

(Exhibit B)

Exhibit (B)

This Indenture Made this Twenty Second day of November one Thousand Seven hundred and Sixty nine Between Valentine Raid of Frederick County in the Province of Maryland Farmer of the one part and Casper Sherffy of the same Place Farmer of the other part Witnesseth that the said Valentine Raid for and in Consideration of the sum of Four pounds ten Current money to him in hand paid by the said Casper Sherffy the receipt whereof he the said Valentine Raid doth Hereby acknowledge and himself Satisfied and Contented Hath granted bargained and Sold and by these presents doth grant bargain and sell unto the said Casper Sherffy his Heirs and assigns forever all that Tract or Parcel of Land being part of a Tract of Land called Friendships Adventure Beginning at the bound Tree of a Tract of Land called Red Land and running thence North Seventeen degrees East fifty Eight Perches South forty nine Degrees East Sixty Seven Perches South Eighteen Degrees East Seventy Eight Perches South Sixty Degrees West Seven Perches North fifteen degrees West Eighty three Perches then by a Straight line to the Beginning containing thirteen acres and three quarters

of and and of Land Together with all way and water courses Timber and Timber trees Houses Orchards and fences and all other appurtenances whatsoever to the same belonging or any ways appertaining To Have and to Hold the said Land and premises with all and singular the appurtenances thereunto the same belonging unto him the said Casper Sherffy his Heirs and Assigns forever and to the only use and behoof of him the said Casper Sherffy his Heirs and Assigns forever and to no other intent use or purpose and the said Valentine Raito for himself his Heirs Executors and administrators doth covenant and agree to and with the said Casper Sherffy his Heirs and Assigns that he the said Valentine Raito his Heirs Executors and administrators shall and will warrant and forever defend the said Land and premises unto the said Casper Sherffy his Heirs and Assigns forever against all and every person or persons whatsoever claiming or which shall or may hereafter claim any right Title or Interest of in or to the same or any part or parcel thereof from by or under him the said Valentine Raito and also shall at the request and at the cost and charge in the Law of the said Casper Sherffy his Heirs or Assigns at any time hereafter make and acknowledge suffer and Execute any other Deed or Instrument in writing as the said Casper Sherffy his Heirs or Assigns his or their Council learned in the Law shall reasonably advise Devise or require for the further and better assuring and making of all and singular the said Land and premises unto him the said Casper Sherffy his Heirs and Assigns forever Provided always that such Deed or Instrument of writing be no other than is intended by the above Instrument of writing In Witness whereof the said Valentine Raito hath hereunto set his Hand and affixed his Seal the day and year above written

Sealed and Delivered in presence of us
Tho Pried. Rec.d Campbell.

Valentine Raito (Seal)

November 22d 1769 Received of Casper Sherffy the sum of four pounds five Shillings Current Money in being the Consideration money for the within mentioned Land premises I say Rec.d

Valentine Raito.

Rec.d November 22d 1769 of Casper Sherffy Seven pence Sterling an alienation Fine on the within Land by order of Daniel of St Thomas Jenifer Esq.r his Lordships agent.

Chris Edelen.

on the Twenty Second day of November one thousand Seven

Hundred and Sixty nine came Valentine Baird party to the within Deed before us two of his Lordships Justices of the peace for Frederick County and acknowledged the within mentioned land and premises to be the right and estate of the within named Casper Sherffy his heirs and assigns forever and at the same time came Catharen wife of the said Valentine Baird and being examined apart from her Husband Declared that she doth relinquish her right of Dower of in and to the said Land and premises and that she did the same freely and volenterily and was not induced thereto or compelled thereto by the threats of or fear of her said Husbands ill will or his displeasure.

Acknowledged before. { Tho Price / Rut Campbell.

Exhibit (b)

(Exhibit b)

This Indenture made this Tenth day of January in the year Seventeen Hundred ninety four Between Valentine Baird of Frederick County in the State of Maryland Farmer, of the one part & John Sherffy, Abraham Sherffy, Jacob Sherffy, Benjamin Sherffy, Joshua Sherffy, Phebe Sherffy, Catharine Sherffy, Mary Catharine Margaret Slingloff and Elizabeth Sherffy Heirs of Casper Sherffy Deceased late of the County and State aforesaid of the other part Whereas the said Valentine Baird in and by a Deed or Instrument of writing bearing date the Twenty Second day of November Seventeen Hundred and Sixty nine and recorded in Liber R Folios 642. 643 and 644 one of the Land records of Frederick County did set forth that he had granted bargained and sold unto the aforesaid Casper Sherffy thirteen acres and three quarters of an acre of Land, as by the said Deed or Record will more at large appear, reference being thereto had but it appearing by a late examination that the aforesaid Deed erroneously recited the Land mentioned therein to be part of a Tract of land called Friendships Agreement whereas the Land intended to be conveyed is part of a Tract called Glory and the land as described in said Deed lieth partly contiguous to the said Sherffys other Land and partly in a Slip extending to an inconvenient Distance from it therefore this Indenture witnesseth that for and in Consideration that the above named Heirs of the aforesaid Casper Sherffy Deceased have and unto them the aforesaid quantity of thirteen acres and three quarters of an acre part of a Tract of land called Glory as aforesaid and for and in Consideration of the sum of Five Pounds Current Money to the aforesaid Valentine Baird by the above named Heirs of Casper Sherffy Deceased in Hand paid at and before the Sealing and delivery of these presents the receipt whereof the said Valentine Baird doth Hereby Confess and acknowledge & being therewith

Contented and Satisfied Hath granted bargained and
Confirmed and by these presents doth fully clearly &
absolutely grant bargain and Confirm unto the above
named Heirs of Casper Shuffly Deceased all that Tract or
Parcel of Land lying and being in Frederick County
aforesaid, and is more Surveyed and bounded as is to be
more Convenient to the other land held by the aforesaid
above named Heirs of Casper Shuffly Deceased and no way
more to the Injuries of the Estate land as formerly laid
out Beginning at a Stone erected at the end of twenty
Perches and twenty Links on the ninth line of Jacob Rogers
part of the aforesaid Tract called "Glory as now surveyed
and bounded by Agreement between the parties interested
and running with said ninth line reversed Namely
North twenty degrees West thirty Perches to a Stone notted
at the end of fifty three and a Half Perches on the thirty
fifth line of the whole Tract called "Glory as Surveyed
and first with two degrees allowance for variation
then with said Land reversed as it surveyed Two Courses
North Sixty two Degrees West fifty three and a half Perches
South fifteen Degrees West forty eight Perches: to
intersect a Straight line drawn from the first Station
to the Beginning of a Tract of Land Called Red Land
then with said line South Eighty four and a quarter
Degrees East seventy and a quarter Perches to the
Beginning Containing thirteen acres and three quarters
of an acre of Land together with all Fences, Buildings
Improvements, Members Profits, Upon Commodities or
advantages unto the same belonging or in any wise
appertaining and also all the Estate right, Title
Interest, property, Claim and Demand whatsoever of
him the said Valentine Baird of in and to the land and
premises aforesaid and every part and parcel thereof
provided the said Valentine Baird his Heirs and assigns
shall not be molested or interrupted in the possession
and enjoyment of such part of the land included
by the Courses Contained in the aforesaid former Deed
of Conveyance as is not included by these presents
Upon this Provisio To Have and to Hold all and Singular
the land and premises Hereby granted and Confirmed
or mentioned and intended so to be with the before
named Heirs of Casper Shuffly Deceased their Heirs and
assigns to the only proper use and Behoof of the aforesaid
before named Heirs of Casper Shuffly Deceased their
Heirs and assigns forever warranted and Defended by
these presents to no other use Intent or purpose whatever
against the said Valentine Baird and his Heirs, and

Against all persons claiming by from or under him them or any of them. In Testimony whereof the said Valentine Bard hath hereunto set his Hand and affixed his Seal the day and year first before written.

Signed. Sealed & Delivered in presence of
John Ross Key. Jno Gwinn.

Valentine Bard (Seal)

Received this Tenth Day of January Seventeen Hundred ninety four of Jacob Sherffig one of the within named Heirs of Casper Sherffig Deceased on behalf of the whole the Sum of Five Pounds Current money being the Consideration expressed in the foregoing Instrument of writing I say received in full as witness my Hand,

Valentine Bard

Witness present
John Ross Key, Jno Gwinn.

Be it remembered that on the Tenth day of January in the year Seventeen Hundred ninety four came personally before us the Subscribers two Justices for Frederick County, Valentine Bard party to the foregoing Instrument of writing and acknowledged the same to be his Act and Deed and the Land and premises therein mentioned to be the Right and Estate of the therein named Heirs of Casper Sherffig Deceased. At the same time came also Maria Elizabeth wife of the said Valentine Bard before us and being by us privately examined from and out of the hearing of her said Husband, agreeably to Act of Assembly in such Cases made and provided, she acknowledged that she relinquished all her Right and Title of Dower of in and to the Land and premises aforesaid and that she did so willingly and freely and without being induced thereto, by fear or threat of ill usage from her said Husband or for fear of his displeasure — Acknowledged Before. John Ross Key
Jno Gwinn

Order of Publication

Whereupon the Court passed the following order of Publication viz. —

Jacob Sherffig & Elizabeth his wife &c.
The Devisees & Heirs at Law of Casper Sherffig (Deceased

In the Frederick County Court Sitting as a Court of Equity, January Term

The object of the Bill of Complaint in this case is to obtain the opinion of a Court to make Sale of Casper Sherffigs real estate lying in Frederick County The Bill states that Casper Sherffig made his will in 1788 & appointed his Executors therein mentioned after the death of his wife or on her marrying again to sell the said real Estate. That the Executors aforesaid died before the Widow & there is now no person authorized to sell said real Estate The Widow of Casper Sherffig is also dead It also states that part of said real estate was conveyed to said Sherffig by one Valentine Bard. That

to was called in the deed of conveyance "Friendships agreement" when its proper name is "Elory" That said Bott on discovering the mistake after the death of Casper Sherfey, conveyed the same tract of land to the Heirs of said Sherfey by deed reciting the error in the former deed to Casper Sherfey & calling it "Elory" The Bill contains a prayer for the sale of said tract called "Elory" as being part of the real Estate devised by Casper Sherfey to be sold as aforesaid & also states that both the Heirs at Law to whom the said last mentioned Conveyance was made and the devisees under the will of Casper Sherfey are now residents of the State of Maryland. Their names are Benjamin Carey, Joseph Carey, Hannah Carey, Charles Carey John Sherfey Junr John Sherfey, Barbara Sherfey, Magdalena Sherfey, Barbara Sherfey, Abraham Sherfey, Ann Sherfey Ann Maria Sherfey, Solomon Sherfey, Martin Sherfey & Samuel Sherfey, Catherine Shriver, Mary Conaco & Nicholas her Husband, Jacob Sherfey Junr, Benjamin Sherfey, Rebecca Shugluff & Henry her Husband & Joshua Sherfey & it appearing ordered by Frederick County Court Sitting as a Court of Chancery that the said above named Heirs at Law and devisees be and appear before this Court on or before the first day of June next to answer said Bill of Complaint and to stand & abide by such order and Decree in the premises as to this Court may seem just and Equitable, otherwise said Bill shall be taken pro Confesso provided a Copy of this order and the aforegoing Statement be published for three successive Weeks in some newspaper printed in Frederick, previous to the twentieth day of February. Abm Shriver,

And the said Court is standing Continued to February Term 1827 the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz

Printers Certificate

I Hereby Certify that the annexed notice was inserted in the Citizen for three weeks successively before the 21st day of February 1827. G. Sharp.

Affidavit of non residents

Whereupon the following Affidavit was filed viz

On this 27th June 1827, personally appears Abraham Shriver before the Subscriber a Justice of the Peace for Frederick County & made Oath on the Holy Evangely of Almighty God that the parties defendants mentioned in the annexed notice are now residents of the State of Maryland Sworn to the best of his Knowledge and belief. Sworn Before. Mc Ch Bartgis

Whereupon the Court passed the following Decree viz

Durn

Jacob Bowers & wife
—— vs
Cashus Sheriff Heirs &c
Law & Devisees

In Frederick County Court Sitting as a Court of Equity The said case standing ready for a hearing and being Submitted the bill and Exhibits and proceedings read by Frederick County Court Sitting as a Court of Chancery read and Considered & it therefore this 28th day of June in the year of our Lord Eighteen Hundred & twenty seven ordered & decreed by Frederick County Court Sitting as a Court of Chancery that the bill of Complaint be taken pro Confesso against the absent defendants and that the real estate or plantation mentioned in the proceedings as the Estate of Cashus Sheriff Deceased be sold as therein prayed that Jacob Yoe, be and is hereby appointed Trustee to make said Sale. The terms and manner of his proceedings shall be as follows. He shall first file with the Clerk of this Court a Bond to the State of Maryland executed by himself and a Surety or Sureties in the penalty of Eight thousand Dollars current money to be approved by this Court Conditioned for the faithful performance of the trust in him reposed by this Court or to be reposed by any future Board or order in the premises He shall then proceed to sell either publickly or privately as may appear to be most advantageous having first given three weeks public notice in a newspaper printed in Frederick Town of the time place, manner and terms of Sale. The terms shall be one third of the purchase money shall be paid on the day of Sale or ratification thereof by this Court and the balance in one and two yearly payments without interest to be secured by Bond or notes with security to be approved by the Trustee payable in one & two years respectively from the day of Sale The Trustee shall return as soon as practicable after the said Sale a full and particular account thereof with an affidavit of its fairness & truth annexed & when the Sale shall be ratified and all the purchase money paid and not before the Trustee shall by a good and sufficient deed legally executed convey to the purchaser or purchasers his her or their Heirs or representatives the property to him her or them sold free clear and discharged from all claims of the Complainants or Defendants or either claiming from by or under them and the Trustee shall bring into Court the money arising from said Sale to be applied as this Court shall direct after deducting the Costs of this suit and such Commission to the Trustee as this Court may think proper to allow, Absm Shriver,

And the said Cause is standing Continued from Term to Term until August Term 1827. The Trustee filed the following Bond Endorsed approved Absm Shriver. Jn Buchanan viz

Trustees Bond

Know all men by these presents that we Jacob Yoe, Jonathan Norris, Israel Bentley all of Frederick County and State of Maryland are held and firmly bound unto the State of Maryland in the sum of Eight thousand Dollars Current money to be paid to the said State or its certain attorney to which payment well and truly to be made and done we bind ourselves and each of us our administrators & executors firmly by these presents sealed with our seals and dated this 4th day of August Anno Domini 1827. Whereas the said Jacob Yoe was by a Decree of Frederick County Court sitting as a Court of Chancery appointed Trustee for to sell the real Estate of Casper Sherfy Deceased in fulfillment of the last will and Testament of said Casper Sherfy as Exhibited in the proceedings had for that purpose Now the condition of the above obligation is such that if the above named Jacob Yoe do and shall well and truly perform the Trust reposed in him by said Decree or which may hereafter be reposed in him by any future order or Decree in the premises then the said obligation to be void & null.

Signed & Sealed in presence of
John D Nellis, Conrad Engler.

Jacob Yoe (Seal)
Jonathan Norris (Seal)
Israel Bentley (Seal)

Trustees Report

And the said Court is standing Continued to January Term 1828 the Trustee made the following Report viz:

Jacob Yoe's Wife
vs
Casper Sherfy's Heirs
et al & Devisees

In Frederick County Court Sitting as a Court of Chancery No 773 Equity

To the Honorable the Judges of Frederick County Court Sitting as a Court of Chancery the Subscriber Trustee in the above Case under a Decree of your Honours dated the Twenty Eighth day of June in the year 1827. begs leave to make known that in accordance with said Decree he filed his Bond in Clerks Office having been first approved by this Honorable Court and after having given three weeks previous notice in the Frederick Town Herald of the time place manner and conditions of Sale, as mentioned also by hand Bills he offered the Estate of Casper Sherfy mentioned in the proceedings in the above Case for Sale by public vendue. That one Jacob Yoe became the purchaser of said Estate containing two Hundred and twenty five acres and one Eighth of an acre of Land at and for the sum of Twelve Dollars and fifty four Cents per acre amounting to the sum of two Thousand five Hundred and Eighty one Dollars and Sixty Cents That this Sale was fairly made and for the best price this Trustee believes could have been had therefor That he has complied with the directions in the aforesaid Decree & prays said

Sale may be confirmed, to the end that the purchaser may Comply with the conditions of Sale as made on the 30th Nov 1827. Jacob Yost, on this 21st day of January 1828. personally appeared Jacob Yost the within mentioned Trustee before the Subscriber a Justice of the Peace in Frederick County and Solemnly Sincerely & truly declared and affirmed that the facts mentioned in the within report are true as stated to the best of his Knowledge & Belief.

affirmed Before. M. L Bartgis,

order of Publication

whereupon the Court passed the following order of Publication viz In Frederick County Court Sitting as a Court of Equity ordered this 24th day of January 1828 By Frederick County Court Sitting as a Court of Chancery that the Sale of the real Estate of Casper Sherfy Deceased as made and reported by Jacob Yost the Trustee be ratified and confirmed unless the first Monday of March next if no Cause to the Contrary appear Filed in the proceedings provided a Copy of this order be published for three successive weeks in some newspaper printed in Frederick before the said first Monday of March next. The Report states the amount of Sales to be $1581.60 Cts, Attest Shriver,

And the said Cause as standing Continued to February Term 1828 the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was

Printers Certificate

filed viz Frederick March 6th 1828. I Hereby Certify that the annexed order for ratification of Sale of the real estate of Casper Sherfy was published in Herald for four Successive weeks previous to the first Monday of this present Month — John A Thomson —

order of Ratification

whereupon the Court passed the following order of Ratification viz In Frederick County Court Sitting as a Court of Chancery ordered this 7th day of March 1828 by Frederick County Court Sitting as a Court of Chancery That the Sale of the real Estate of Casper Sherfy as made & reported by Jacob Yost, the Trustee be and the same is Hereby ratified and Confirmed, legal notice to Objectors there having been given and no objections having been filed in this Court the Auditor of this Court will proceed to State an account agreeably to the rules & practice of this Court and allow the Trustee the sum of ninety and Dollars and Eighty one Cents. for his Commission and all Expenses. The Auditor is directed to State an account between the Trustee and parties entitled to the proceeds of Sale —

In Chancery. Attest Shriver,

whereupon the Auditor made the following Report viz

Auditors Report

Dr. The Estate of Casper Shurfig Deceased in a/c with Jacob Yow Esquire Trustee

To the Trustee for his Commission & all Expenses		91. 51
" the Attorney for his fees	3.33%	
" the Clerks for his fees	13.05%	16. 39
To the Auditor for his fees in stating & reporting to Court and before		9. —
To John Shurfig Junr a Son and one of the Heirs of the said Casper Shurfig Deceased, and tenth of Balance in nett proceeds of Sale, under the will proceedings Composing this Cause		146. 44
To Jacob Shurfig Junr a Son and one of the Heirs of the said Casper Shurfig Deceased and tenth of Balance in nett proceeds of Sale under the will & proceedings Composing this Cause		146. 44
To Benjamin Shurfig a Son and one of the Heirs of the said Casper Shurfig Deceased and tenth of Balance in nett proceeds of Sale, under the will and proceedings Composing this Cause		146. 44
To Joshua Shurfig a Son and one of the Heirs of the said Casper Shurfig Deceased and tenth of Balance in nett proceeds of Sale under the will and proceedings Composing this Cause		146. 44
To Catharine Shriver a widow and Daughter and one of the Heirs of the said Casper Shurfig decd one tenth of Balance in nett proceeds of Sale under the will & proceedings Composing this Cause		146. 44
To Nicholas Coulter and Mary his wife a Daughter and Heirs of said Casper Shurfig deceased, and tenth of Balance in nett proceeds of Sale under the will and proceedings Composing this Cause		146. 44
To Mary Slingluff & Rebecca his wife a Daughter and Heirs of said Casper Shurfig Deceased and tenth of Balance, in nett proceeds of Sale, under the will and proceedings Composing this Cause		146. 44
To Jacob Creed & Elizabeth his wife a Daughter and Heir of said Casper Shurfig Deceased and tenth of Balance, in nett proceeds of Sale under the will and proceedings Composing this Cause		146. 44
To Joseph Carey a Son of Rhoda Carey Deceased who was daughter of said Casper Shurfig Deceased and a grandson, and fourth of one tenth of Balance in nett proceeds of Sale, under the will and proceedings Composing this Cause		36. 61
Amt Forwd		

Amt Brot Forward

To Benjamin Carey, a grandson of said Casher Sherfy Deceased, and son to Phebe Carey Deceased who was Daughter to said Casher Sherfy Deceased one fourth of one tenth of Balance or nett proceeds of Sale, under the will and proceedings Composing this Cause — 36. 61

To Hannah Carey a grandchild and Heir of said Casher Sherfy Deceased and daughter to Phebe Carey Deceased who was daughter to said Casher Sherfy Deceased one fourth of one tenth of Balance or nett proceeds of Sale under the will and proceedings Composing this Cause 36. 61

To Mathias Carey a grandson & Heir of said Casher Sherfy Deceased and son to Phebe Carey Deceased who was daughter to said Casher Sherfy Deceased one fourth of one tenth of Balance or nett proceeds of Sale under the will and proceedings Composing this Cause — 36. 61

To John Sherfy a grandson & Heir of said Casher Sherfy Deceased and son to Abraham Sherfy Deceased who was son to Casher Sherfy Deceased one tenth of one tenth of Balance or nett proceeds of Sale under the will and proceedings Composing this Cause — 14. 64/75

To Joshua Sherfy a Grandson and Heir of said Casher Sherfy deceased and son to Abraham Sherfy Deceased who was son to Casher Sherfy Deceased one tenth of one tenth of Balance or nett proceeds of Sale under the will and proceedings Composing this Cause 14. 64/75

To Magdalena Sherfy a grandchild and heir of said Casher Sherfy Deceased and daughter to Abraham Sherfy Deceased who was son to Casher Sherfy Deceased one tenth of one tenth of Balance or nett proceeds of Sale under the will & proceedings Composing this Cause 14. 64/75

To Barbara Sherfy a Grandchild and Heir of said Casher Sherfy Deceased and Daughter to Abraham Sherfy Deceased who was son to Casher Sherfy Decd one tenth of one tenth of Balance or nett proceeds of Sale under the will & proceedings Composing this Cause 14. 64/75

To Abraham Sherfy a Grandson and Heir of said Casher Sherfy Deceased and son to Abraham Sherfy Deceased who was son to Casher Sherfy Deceased one tenth of one tenth of Balance or nett proceeds of Sale under the will & proceedings Composing this Cause 14. 64/75

To John Sherfy a grandchild and Heir of said Casher Sherfy Deceased and daughter to Abraham Sherfy Deceased who was son to Casher Sherfy Deceased one tenth of one tenth of Balance or

Amt Forwd

Acct & Cost forwd

Nett Sales as proven under the will & proceedings Composing this Cause — 14. 64/5

To Abraham Shurfy a grandchild and Heir of said Casper Shurfy Deceased and Daughter to Abraham Shurfy Deceased who was cond to Casper Shurfy Deceased one tenth of one tenth of Balance or nett proceeds of Sale, under the will & proceedings Composing this Cause. — 14. 64/5

To Solomon Shurfy, a grandson and Heir of said Casper Shurfy Deceased and cond to Abm Shurfy Deceased who was cond to Casper Shurfy Deceased one tenth of one tenth of Balance or nett proceeds of Sale, under the will and proceedings Composing this Cause — 14. 64/5

To Martin Shurfy, a grandson and Heir of said Casper Shurfy Deceased and cond to Abm Shurfy Deceased who was cond to Casper Shurfy dec'd one tenth of one tenth of Balance or nett proceeds of Sale, under the will and proceedings Composing this Cause — 14. 64/5

To Samuel Shurfy a Grandson and Heir of said Casper Shurfy Deceased and cond to Abraham Shurfy Deceased who was cond to Casper Shurfy Deceased one tenths of one tenth of Balance or nett proceeds of Sale under the will and proceedings Composing this Cause — 14. 64/5

$1581. 60

By Amount of Sale made the 30th day of November 1827. as per report of Trustee filed in this Cause — $1581. 60

Jacob Conrad Surfy
or
The Heirs at Law & Devisees of Casper Shurfy Deceased

In Frederick County Court as a Court of Equity February Term 1828. As Auditor to Frederick County Court Sitting as a Court of Equity I beg leave to report to the Honour. able the Judges thereof that in Compliance with this order I have made an examination of the proceedings Composing this Cause, and upon said examination have stated the aforegoing account. In this as in like Cases I have allowed the Trustee for his Commission and all Expenses, and also allowed the Costs of this Court and the Balance, or nett proceeds of Sale, I have divided equally (according) to the rights of the several parties amongst the Heirs at Law and Devisees of the said Casper Shurfy Deceased under the will, Bill,

and other proceedings composing this Cause I Respectfully Submit it to the Cause to the Honourable the Judges aforesaid for Ratification

Henry Sahley Auditor April 14th 1828,

Order of ratified

Whereupon the Court passed the following order of Ratification viz, February Term 1828 Ordered by this Court that the aforegoing Account as Stated and reported by the Auditor be and the same is hereby ratified and Confirmed, and that the Trustee pay over the Monies of Sale as the same has, or may be received to the Parties respectively entitled to the same according to the distributions in said Audit made,

Attest John Thomas April 17th 1828
Test John Sahley Clerk

Maryland Frederick County to wit

At a County Court Sitting as a Court of Chancery Begun and Held at the Court House in Frederick Town in and for said County on the first Monday of March in the year of our Lord Eighteen Hundred and Twenty four,

Present the Honourable John Buchanan Esquire Associate Judge
" " Abraham Thomas } Esquires Associate
" " Thos Buchanan } Judges
Thomas W Morgan Esquire Sheriff
and John Sahley Clerk

In the round of proceedings of the said Court amongst others

Bill

and the following to wit,

To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery Humbly Complaining shew unto your Honours, your orators John Michael and Henry Michael of Peter that a Certain Henry Michael of Frederick County being indebted to your orators in Sundry sums of money on the fifth day of December in the year Eighteen Hundred and Eighteen Executed and delivered to your orator John Michael a Single bill or note under seal, with one Conrad Michael as his Security by which he promised to pay your orator John Michael on the first day of April Eighteen Hundred & Twenty the sum of three Hundred Dollars Current Money for value received and on the same day the said Henry Michael Executed and delivered to your orator Henry Michael of Peter his Single bill bearing date to pay him, one year from the date thereof the sum of sixty Dollars Current Money with interest from the date in which note Conrad Michael was Security, your orators further shew that the said Henry Michael whose single bill or notes above mentioned were given and are Held by your orators and of which Exhibits A and B are true Copies and intended as part of this bill was seized in fee of the following tracts or parcels of land in Frederick County part of a tract of Land called The Sun is bound

Mud the moon is up" and part of a tract called Hedges Range" Containing together twenty seven and a half acres of land more or less Conveyed to said Henry Michael by the Heirs at Law of one George Michael Deceased by deed dated the fifth day of December eighteen hundred and Eighteen, a Copy of which marked (b) is herewith Exhibited, your orator further shew to your Honours that the said Henry Michael being seized as aforesaid on or about the month of January last died seized of the Land and intestate leaving a widow Mary Michael entitled to Dower in said Lands and the following Children James Michael, Malinda Michael, Eli Michael Catherine Michael, Elizabeth Michael, Sally Michael and Anna Michael his Heirs at Law all of whom are infants under twenty one years of age, your orator further shew that Letters of administration have been granted by the Orphans Court of Frederick County on the personal Estate of said Deceased to David Rowles who has undertaken the Trust and sold said personal Estate your orator represents to your Honours that the said Henry Michael Deceased, was indebted at the time of his death more beyond the amount of his personal Estate, which in the hands of his administration is largely insufficient for the payment of his debts, and that the real Estate of said Deceased is the only fund to which they can look for payment. In tender Consideration whereof and for as much as your orator are without remedy except by the aid of this Court as a Court of Equity to the end therefore that your orator may have their remedy by the rules of this Court and that the lands of which said Henry Michael died seized may be sold by a Trustee to be appointed by this Court for the payment of his debts may it please your Honours to grant to your orator the States writ of Subpoena to the said James Michael, Eli Michael, Malinda Michael Catharine Michael, Elizabeth Michael, Sally Michael and Anna Michael and to the said David Rowles, Com-manding them and each of them to be and appear in this Court on a day to be therein named to answer the premises and to shew Cause if any they have why a Decree should not pass for the Sale of said lands for the payment of the debts of the Deceased and distribution of the surplus if any among the repre-sentatives of said Deceased according to the rights of the parties and may it please your Honours to grant your orator a Commission to issue hereon to be

Directed to appoint a Guardian for said infants and to take the answers of such infants by said Guardians, and may it please your Honours to grant such further relief as may be proper and Consistent with Equity and Conscience &c.

To Potts Solicitor for Complainants.

Exhibit (A) Exhibit A, referred to in the within and aforegoing Bill of Complaint Contained in the following words viz.

On the first day of April 1820 we or either of us promised to pay or Cause to be paid unto John Michael his Heirs and assigns the just and full sum of three Hundred Dollars Current Money for value received as Witness our Hands and Seals this 6th day of December 1818,

Witness David Bowles, Henry Michael (Seal) Conrad Michael (Seal)

(Exhibit B)

Exhibit (B) one year after date we or either of us promise to pay Henry Michael of P his Heirs and assigns the sum of Ninety Dollars Current Money with Interest from this date Witness our Hands and Seals this 6th day of December 1818,

Witness David Bowley Henry Michael (Seal) Conrad Michael (Seal)

(Exhibit C)

Exhibit (C) This Indenture made this fifth day of December in the year of our Lord one thousand Eight Hundred and Eighteen Between Henry Michael of Peter and Catherine his wife George Hatzell and Elizabeth his wife and John Michael Heir at Law of George Michael late of Frederick County in the State of Maryland Deceased of the one part and Henry Michael of the County and State aforesaid of the other part Witnesseth that the said Henry Michael of Peter and Catherine his wife George Hatzell and Elizabeth his wife and John Michael for and in Consideration of the sum of five Hundred & ninety Dollars Current money to them in hand paid by the said Henry Michael before the sealing and delivery of these presents the receipt whereof they the said Henry Michael of Peter and Catherine his wife George Hatzell and Elizabeth his wife and John Michael doth hereby acknowledge Hath granted bargained sold aliened enfeoffed and Confirmed and by these presents doth grant bargain sell alien enfeoff and Confirm unto the said Henry Michael his Heirs and assigns all their right title and interest of in and to all the following parts or parcels of Land situate lying and being in the County aforesaid being part of a tract of Land called "The Sun is down and the moon is up" and part of a tract of land called "Hedges Range" "Beginning for the outlines of the whole at a Bounded white oak the Beginning Tree of the whole Tract called "The Sun is down and the Moon is up" and running thence South 20° East 41 perches thence down by and with the creek

the Line following Course South 27½ West 18 Perches South 59½ West 23 Perches South 69½ West 19 Perches South 86½ West 6 Perches South 6 and ¼ degrees East 11 and ¾ Perches South 81½ West 11 Perches then North 75½ West 28 Perches to a Stone planted in the Waggon road North 41 and ¾ Degrees West 57 and ¾ Perches to intersect the 13th Line of a Tract of Land called "The Resurvey" on Part of Rams Head and with said Line North 39½ East 9 and ¾ Perches South 81½ East 7 and ¾ Perches to a Stone formerly planted at the end of the said Line of Dorothy Michaels Deed for three acres for Part of Hedges Range as Conveyed to her by George Michael and with the Second Line of said Deed reversed North 47 and ¾ Degrees East 45 Perches and ¾ of a Perch to a Stone formerly planted at the end of the first Line of the aforesaid and North thirty Degrees West 13 and ¾ Perches to a Stone planted marked D.M. the Beginning of said Deed then South 48½ West 114 Perches to the end of the 13th Line of a Tract of Land called The Resurvey on Part of Rams Head and with said Line North 20½ West 14 Perches to the 7th and last Line of George Michaels Deed for Part of Hedges Range "and with said Line North 39½ East 3 and ¾ Perches to a White oak Tree marked with nine notches standing at the end of said Line then with the given Line of said deed South 25 and ¾ Degrees East 65 and 6/10 Perches to the end of forty eight Perches on the 2d Line of the whole Tract called "The Line is down and the Mound is up and with said Line reversed North 86½ East 48 Perches North 70½ East 10 ¼ to the first mentioned Beginning Containing Twenty Seven and one Half acres of Land more or Less Together with all and Singular the buildings Improvements and appurtenances whatsoever thereunto Belonging or in any wise appertaining and all the Estate right title and interest whatsoever of them the said Henry Michael of Peter and Catherine his wife George Hedges and Elizabeth his wife and John Michael of in to and out of the said Part or Parcels of Land and premises Hereby Bargained and sold or meant mentioned or intended Hereby so to be and every or any Part and Parcel thereof To Have and to Hold the said Part or Parcel of Land & aforesaid described Together with all and Singular other the premises Hereby Bargained and Sold or meant mentioned or intended Hereby so to be and every Part and Parcel thereof with their and every of their appurtenances unto the said Henry Michael his Heirs and assigns forever and to and for no other use intent or purpose whatsoever and they the said Henry Michael of Peter & Catherine

his wife, Georg Hutzell and Elizabeth his wife and John Michael for themselves their Heirs Executors and administrators doth Hereby Covenant grant promise and agree to and with the said Henry Michael his Heirs Executors administrators or assigns that they the said Henry Michael of Peter and Catherine his wife Georg Hutzell and Elizabeth his wife and John Michael and their Heirs the said parts or parcels of land & premises Hereby granted bargained and sold and every part and parcel thereof with the appurtenances thereunto belonging to him the said Henry Michael his Heirs & assigns against them the said Henry Michael of Peter and Catherine his wife Georg Hutzell and Elizabeth his wife and John Michael and their Heirs and against all and every person or persons whatsoever claiming or to claim any right title or interest in and to the same or any part thereof from by or under him or them or any of them shall and will Hereafter warrant and forever defend by these presents In Witness Whereof the said Henry Michael of Peter and Catherine his wife Georg Hutzell and Elizabeth his wife and John Michael Have Hereunto subscribed their names and affixed their Seals the day and year first Herein before written

Signed Sealed & Delivered
in the presence of
Andrew Smith, David Bowles.

Henry Michael of Peter (Seal)
Catherine Michael (Seal)
Georg Hutzell (Seal)
Elizabeth Hutzell (Seal)
John Michael (Seal)

State of Maryland Frederick County to wit Be it remembered that on the day and year first Herein before written personally appear Henry Michael of Peter and Catherine his wife Georg Hutzell and Elizabeth his wife and John Michael being the granting named in the aforegoing Instrument of writing before us the Subscribers two Justices of the peace in and for the County aforesaid and acknowledge the within instrument of writing to be their act and deed and the land and premises therein described to be the right and estate of the within named Henry Michael his Heirs and assigns forever according to the true intent and meaning of the said Instrument of writing and the act of assembly in such case made and provided and now at the same time appears the aforesaid Catherine Michael wife of the said Henry Michael of Peter Elizabeth Hutzell wife of the said Georg Hutzell and also Elizabeth Michael wife of the said John Michael before us two Justices of the peace aforesaid & being by us privately examined apart from and out of the hearing of their respective Husbands whether they and each of them doth make their their acknowledgement of the Same

Willingly and freely they the said Catherine Michael Elizabeth Mitchell and Elizabeth Michael, acknowledges the aforegoing Instrument of writing to be their act and Deed and the Land and premises therein mentioned to be the right title and Estate of the aforesaid Henry Michael his Heirs and assigns forever and declared that they did make this their acknowlegment of the same willingly and freely and without being induced thereto by fear or threats of or ill usage by Her or their respective Husbands or fear of his or their displeasure, Taken and certified the day and year first Herein before written, } Andrew Smith
} Daniel Bowles,

Maryland Frederick County to wit. I Hereby Certify that the within and aforegoing is a true Copy taken from Liber I S No 7 Folios 534. 535. 536 and 537 one of the Land records of Frederick County, In Testimony whereof I Have Hereunto Subscribed my name and affixed the Seal of my (Seal) office this 11th day of March in the year of our Lord 1834. John Schley Clerk of Fred. Co Ct.

order for Commn. And the said Cause is standing Continued to July Term 1834. the Court hereof the following order for Commission. viz. By Frederick County Court as a Court of Equity July Term 1834 ordered that a Commission be issued by the Clerk of Frederick County Court, to Henry Herring, to assign a Guardian to the infant defendants and to take their answers by such Guardian. Test. Schley, July 23d 1834.

Commn. Whereupon in pursuance of the above order the following Commission Issued viz.

Maryland. To The State of Maryland. To Henry Herring of Frederick County Greeting Whereas John Michael (Seal) and Henry Michael of Peter Have lately Exhibited their Bill of Complaint before us in our County Court as a Court of Chancery, against James Michael, Mahlinda Michael Ely Michael, Catherine Michael, Elizabeth Michael, Sally Michael & Anna Michael Defendants and whereas we Have, by our writ lately Commanded the said Defendants to appear before us, in our said Court as a Court of Chancery, at a Certain day, now last to answer the said Bill, but for as much as the said James Michael Malinda Michael Ely Michael, Catherine Michael, Elizabeth Michael Sally Michael, and Anna Michael are infants under age and cannot answer the said Bill nor defend this suit without having a Guardian assigned in that behalf Know ye therefore, that we Have given unto you full power and authority in pursuance of the Special order in our said Court to assign and appoint a Guardian

Guardian for the aforesaid infants, and to take the answer of the said Infants, by such Guardian to the said Bill & therefore we Command you that at such Certain day and place as you shall think fit you go to the said Defendants if they Cannot Conveniently Come to you, and assign and appoint a Guardian for the aforesaid infants, and take the answer of the said infants by such Guardian to the said Bill and such Guardian's Corporal oath upon the Holy Evangels to be administered by you, the said answers being distinctly and plainly wrote, and when you shall have so taken the said answers you are to send the same closed up under your Seal, together with your Certificate of your having assigned and appointed such Guardian as aforesaid, and this writ unto us, in our said Court at Witness the Honourable John Buchanan Esquire Chief Judge of our said Court, this 15th day of March Anno Domini 1824. Issued 28th July 1824. John Ashley Clerk.

Infants answer

Whereupon the following Answer and Certificate of the Infant Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz

The Joint and Several answers of James Michael, Matilda Michael Ely Michael, Catherine Michael, Elizabeth Michael, Sally Michael and Anna Michael, Infants under the age of twenty one years by James Kinna their Guardian to the Bill of Complaint of John Michael and Henry Michael of Peter Complainants, in Frederick County Court as a Court of Equity exhibited these Defendants reserving to themselves all benefit of exception to said bill for answer thereto, say they this said Guardian answer and say that it is true that Henry Michael father of these defendants died indebted as is stated in the bill and was seized in fee at the time of his Death of the lands and premises mentioned in the bill and that the personal estate has been administered and as stated and is wholly inadequate to the payment of the debts of the Deceased, these Defendants by their said Guardian, have no cause to urge why the said lands should not be sold for the payment of Debts, but being infants submit their case to the protection of the Court, and trust to the Justice of such Decree as may be Consistent with Equity and Justice and pray to be dismissed &c James Kinna (Seal)

Maryland Frederick County to wit I Hershey Certify that the aforegoing answer was subscribed and sworn to on this 26th day of July 1824, by the said James Kinna as Guardian &c upon his Corporal oath, pursuant to the Commission hereto annexed, Henry Herring Commissioner

To the Honourable the Judges of Frederick County Court as a Court of Equity In virtue of the Commission to me directed

Answer of D. Rowles

Said Heirs annexed. I Hereby Certify that I have appointed and appointed James Hinds Guardian for the Infants Defendants in said Commission named and have taken the answers of the said Infants by their said Guardian upon his Corporal Oath to the bill of Complaint of John Michael and Henry Michael of Peter which answers with said Commission and Heirs annexed and returned blank unto your Honours under my Hand and Seal this 26th day of July 1824. Henry Herring Commissioner (Seal)

And the said Cause as standing Continued to August Term 1824 the following Answer was filed viz

The Separate answer of David Rowles one of the Defendants to the bill of Complaint of John Michael and Henry Michael of Peter in Frederick County Court of a Court of Equity Exhibited This Defendant for answer thereto or to so much as Concerns him to answer, answers and says. that it is true that he is the administrator of Henry Michael deceased and as such has sold all the personal Estate of the Deceased, and returned a list of Sales amounting to the sum of three hundred and Seventeen Dollars twelve and ¼ Cents as is shown by the Certificate of the Register of the Orphans Court of Frederick County herewith Exhibited and marked H, and which is intended as part of this answer this Defendant admits that the personal Estate is wholly insufficient for the payment of debts of the Deceased and would refer to the amount of Sales of the personal Estate which is all the Estate of a personal nature which belonged to the Deceased and to the Claims of the two Creditors Complainants whose debts alone exceed Considerably the whole of said Estate for further proof of the fact. This Defendant has a knowledge of many other Claims which have been Exhibited to and Proved by the Orphans Court, and which with the accumulation of interest will greatly burthen and probably absorb the real Estate of the deceased to the prejudice of Creditors and the Heirs at law of said deceased This Defendant believes it would be to the advantage of all parties that the real Estate in the bill mentioned should be sold for the payment of debts, by a Trustee to be appointed by this Court upon such Terms as the Court may order. This defendant having answered all those parts of the bill which he was Concerned to answer. prays to be Hence Dismissed &c David Rowles

It is agreed to receive this answer without Oath.

R Potts Solr

Exhibit H referred to in the above answer Contained

Exhibit (H)

In the following words viz

State of Maryland Frederick County to wit I do Hereby Certify that upon Examination of the records in my office it appears that the Sale of Henry Michael (Deceased) personal Estate, sold by David Rowles the administrator of said Deceased on the 26th day of February 1824, and by said administration returned on the 17th day of March 1824 amounts to 317ff 12/p & also that no list of debts has been returned by said administrator as due the Deceased. In Testimony whereof I have Hereunto set my Hand and affixed the Seal of office this 2d day of August 1824. Henry Steiner Regr of Wills for Frederick County Maryland

Seal

Decree

Whereupon the Court doth pass the following Decree viz

In Frederick County Court as a Court of Equity Complainants Defendants

John Michael & Henry Michael of Peter vs James Michael, Matilda Michael, Eli Michael, Catherine Michael, Elizabeth Michael, Sally Michael & Anna Michael & David Rowles

August Term 1824, the above Cause standing ready for a Hearing and being submitted the Bill answers Exhibits and all other proceedings were by the Court read and Considered and on motion thereupon this 9th day of August 1824 by the Court adjudged ordered and decreed that the lands and premises in the bill mentioned be sold for the payment of the debts of Henry Michael the Deceased intestate, and that David Rowles be and he is hereby appointed Trustee to sell the same the time and manner of his proceedings shall be as follows He shall first file with the Clerk of this Court his bond executed by himself and a Surety or Sureties to be approved by this Court in the penalty of Fifteen Hundred Dollars, Conditioned for the faithful performance of the Trust reposed in him by this Decree or that may be reposed in him by any future Decree or order in the premises He shall then proceed to sell the same, having first given notice by publication in some newspaper in Frederick, at least three weeks successively before Sale of the place time and manner and terms of Sale which terms shall be, that the purchaser or purchasers shall pay one half of the purchase money on the day of Sale or ratification by the Court and shall execute a note or notes with security to be approved by the Trustee, for the payment of the Balance one year from the day of Sale and on the payment of the whole purchase money and not before, the Trustee shall by a Deed properly executed and acknowledged convey to the purchaser or purchasers the said lands and premises, free clear and discharged from all claims of the complainants and defendants in this Cause and

And the Trustee as soon as conveniently may be after sale
said shall report the same to this Court, with an affidavit
of the fairness thereof and shall bring into this Court the
money and notes arising on said Sale, subject to the
further order of this Court and the Trustee shall receive
such Commission for his trouble, as may be allowed
by this Court in consideration of the skill & fidelity
with which he may appear to have discharged the Trust
reposed in him — Adm Shriver. Th. Buchanan.

Trustee Bond

Whereupon the Trustee filed the following Bond viz
Approved. Adm Shriver. viz
Know all men by these presents, that we David Rowley
Israel Rauchenberg, & Adam Lowentz of Frederick County are
held and firmly bound to the State of Maryland in the
sum of Fifteen thousand Dollars Current Money to be paid
to the said State or its attorney for which payment well
and truly to be made and done we bind ourselves our
Heirs Executors and administrators, Jointly & Severally
firmly by these presents Sealed with our Seals and dated
this Eleventh day of August Eighteen Hundred & twenty
four. Whereas the above named David Rowley by a Decree
of Frederick County Court passed the ninth day of August
1824 in the Case of Michael & Michaels and others, was
appointed Trustee to sell the real Estate of Henry Michael
Deceased, for the payment of Debts. The Condition of the
obligation is such that if the above named David
Rowley Trustee as aforesaid shall well and faithfully
execute the trust reposed in him by said Decree or
that may be reposed in him by any future Decree or
order in the premises then this obligation to be void
else to be in full force and virtue in law

Signed Sealed & Delivered
in presence of
10 Filed.

David Rowley (Seal)
Israel Rauchenberg (Seal)
Adam Lowentz (Seal)

Trustee Report

Whereupon the Trustee made the following Report viz
To the Honorable the Judges of Frederick County Court
as a Court of Equity The Subscriber Trustee appointed by your
Honors for the Sale of the real Estate of Henry Michael
Deceased begs leave to report that in pursuance of the terms
of the Decree, he advertised the said Estate in the newspapers
of Frederick Town for three weeks successively before the
day of Sale and on the Seventh day of September aforesaid
he attended the said Estate in the newspapers
to attend he offered the same at public auction to the
highest bidder, and sold the same Consisting of twenty
Acres and a Half acres to Henry Michael at the price
of Twenty Dollars and Seventy five cents per acre
making the whole amount of said Sale, five Hundred

And Seventy Dollars. Sixty two and one Half cents current money for the first Payment he has taken the note of said purchaser payable on demand with Security and for the second and last payment has also taken his note with Security which notes he is ready to bring into Court. The Subscriber annexes a Certificate of administration of said Sale and avers the Same to be and fairly made, David Bowles. Trustee.

On this Nineteenth day of October 1824. personally appeared David Bowles, Trustee above named before me the Subscriber a Justice of the Peace, for Frederick County and makes oath that the above report is true as stated to the best of his knowledge and belief and that the Said Sale was fairly made.

Sworn Before George Rohr.

order of Publication

Whereupon the Court hoped the following order of Publication viz: By Frederick County Court as a Court of Equity August Term 1824 ordered that the Sale of the real Estate of Henry Michael Deceased of Frederick County, made and reported by David Bowles Trustee be ratified and confirmed on the first day of December next unless Cause to the Contrary be shewn before said day provided that notice of ratification and of this order be given by publication in some newspapers in Frederick Town for three weeks successively before said day. The report States the amount of Sales to be five Hundred and Seventy Dollars Sixty two and a half cents.

Abm Shriner. Th Ruckman.

And the said Cause is standing Continued from Term to Term until February Term 1827. The following Certificate of the Printer together with a printed Copy of the above order thereon annexed was filed viz:

Printers Certificate

Frederick March 31st 1827. I Hereby Certify that the annexed notice for ratification of Sale of the real estate of Henry Michael Deceased was inserted in the Herald for three Successive weeks agreeably to the tenor of the order thereon Entered

John D Thomas

order of Ratifn

Whereupon the Court hoped the following order of Ratification viz: By Frederick County Court as a Court of Equity February Term 1827, ordered that the Sale of the real Estate of Henry Michael Deceased of Frederick County made and reported by David Bowles the Trustee, be and is hereby ratified and Confirmed unless notice of said Sale having been published as directed by this Court and no Cause to the Contrary having been shewn as thereby directed. The Auditor is directed to give the usual notice to Creditors to present their claims and to State the account between the Estate of Henry Michael Deceased and the Trustee. The Trustee is allowed for Commission and all Expenses forty Dollars.

Abm Shriner September 27th 1827.

And the said Cause as standing Continued from Term to Term until January Term 1828 the Auditor made the following Report viz

Auditors Report

The Estate of Henry Michael deceased in % with David Bowles Esquire Trustee ——— Cr

To the Trustee for his Commission and all Expenses			40
" the Attorney for his fee		3.33⅓	
" the Sheriff for his fees		2.67	
" the Clerk for his fees		19.44	25.44
To the Auditor for his fee in stating & reporting to Court giving notice to creditors &c			25
" Jacob Hoaman his proportion of Balance of Decree upon the amount of his claim with Interest accrued. & the claim filed and marked	No 1	4.18 —	97⅔
To Jacob Hoaman assigned Jacob Bontzong his proportion of Balance of Do upon the Amt of his claim &c marked	No 2	10.79⅔	2.97
To John Bowles his proportion of Balance of Do upon the amount of his claim &c remarked	No 3	5.35⅔	1.24
To Esther Bowles assigned Benjamin Howes his proportion of Balance of Do upon the Amt of her claim &c marked	No 4	11.54	2.67
To David Bowles assigned Wm McFarland his proportion of Balance of Do upon the amount of his claim &c marked	No 5	18.47½	4.30
To David Bowles assigned his proportion of Balance of Do upon the amount of his claim &c marked	No 6	26.54	6.19
To D Bowles assigned his proportion of Balance of Do upon the amount of his claim &c marked	No 7	42.25⅔	9.57
To Frederick Crapo his proportion of Balance of Do upon the Amount of his claim &c marked	No 8	24.48⅔	5.71
To Do Jacob Coblentz his proportion of Balance of Do upon the amount of his claim &c marked	No 9	17.35½	4.13
To Do Lewis Krieger, his proportion of Balance of Do upon the amount of his claim &c marked	No 10	9.93⅓	2.21⅔
To Frederick Crapo assigned John Dill his proportion of Balance of Do upon the amount of his claim &c marked	No 11	27.66⅔	6.45
To Henry Darby his proportion of Balance of Do assigned the Amt of his claim &c marked	No 12	16.32⅔	3.80

Amt Forwd

Amt brot forward				
To Jacob Dull his proportion of Balance of Do upon the amount of his claim &c marked	No 13	12.	86.	2.99½
To John Eat of Geo Garrard his proportion of Bal of Do upon the amount of his claim &c marked	No 14	79.	45½	18.54
To John Eat of Geo Garrard his proportion of Balce of Do upon the amount of his claim &c marked	No 15	131.	15.	30.59
To John Eat of Geo Garrard his proportion of Balanced of Do upon the amount of his claim &c marked	No 16	157.	46.	36.70½
To John Eat of Geo Garrard his proportion of Balance of Do upon the amount of his claim &c marked	No 17	64.	74½	14.06
To John Eat of Geo Garrard his proportion of Balanced of Do upon the Amount of his claim &c marked	No 18	127.	02.	29.63
To John Eat of Geo Garrard his proportion of Balanced of Do upon the amount of his claim &c marked	No 19	122.	23.	28.57½
To Jacob Hoffman his proportion of Balance of Do upon the Amount of his claim &c marked	No 20	1.	71.	— 39½
To Henry W Hoffman &c this proportion of Balance of Do upon the amount of this claim &c marked	No 21		56½	— 13
To John Herring his proportion of Balance of Do upon the amount of his claim &c marked	No 22	52.	69½	12.25
To Jacob Herring his proportion of Balance of Do upon the Amount of his claim &c marked	No 23	8.	73½	2.02
To Adam Herring his proportion of Balance of Do upon the Amount of his claim &c marked	No 24	40.	95½	9.52
To Adam Herring his proportion of Balance of Do upon the Amount of his claim &c marked	No 25	10.	63½	2.47
To Caspar Herring his proportion of Balance of Do upon the amount of his claim &c marked	No 26	57.	79½	13.43½
To Caspar Herring his proportion of Balance of Do upon the amount of his claim &c marked	No 27	55.	11.	12.81
To James Kinna his proportion of Balance of Do upon the amount of his claim, as paid by him for Henry Michael dec'd to H W Hoffman &c and	No 28	20.	28	5.18
To James Kinna his proportion of Balance of Do upon the Amount of his claim, as paid by Kinna for Henry Michael Deceased to John Doub and	No 29	32.	57	7.55½
To James Kinna his proportion of Balance of Do upon the Amount of his claim, as paid by him for Henry Michael Deceased to John Doub and	No 30	74.	66½	17.35½
To James Kinna his proportion of Balance of Do upon the Amount of his claim &c marked	No 31	24.	67	5.73
Amt Forwd				

Amt brot forward		£		
To Lewis Hiland his proportion of Balance of Do upon the Amount of his Claim as laid by him for Henry Michael Dec'd to Henry Shoemaker Amt	№32	27.	26	6.38
To I Mc Knight his proportion of Balance of Do upon the amount of his Claim & marked	№33	4.	70	1.09
To A Laverty & their proportion of Balance of Do upon the amount of their Claim & marked	№34	3.	81½	— 89½
To P Leatherman his proportion of Balance of Do upon the amount of his Claim & marked	№35	5.	67½	1.30
To Conrad Michael his proportion of Balance of Do upon the amt of his Claim & marked	№36	7.	31½	1.70
To Peter Michael his proportion of Balance of Do upon the amount of his Claim & marked	№37	22.	19	5.15½
To Regin Magruder his proportion of Balance of Do upon the amount of his Claim & marked	№38	4.	87½	1.13
To Abraham Miller his proportion of Balance of Do upon the amount of his Claim & marked	№39	—	90	— 20½
To Peter Michael his proportion of Balance of Do upon the Amount of his Claim & marked	№40	9.	41½	2.15½
To John Michael his proportion of Balance of Do upon the amount of his Claim & marked	№41	3.	57	— 83
To John Michael his proportion of Balance of Do upon the Amount of his Claim & marked Exhibit A &	№42	425.	58.	99.14
To Henry Michael of P his proportion of Balance of Do upon the amount of his Claim & marked Exhibit B &	№43	134.	58½	31.39
To Jacob Doff his proportion of Balance of Do upon the amt of his Claim & marked	№44	1.	42.	— 33
To Daniel Perry his proportion of Balance of Do upon the Amount of his Claim & marked	№45	14.	23½	3.30½
To Benjamin Rentzong his proportion of Balance of Do upon the amount of his Claim & marked	№46	6.	05½	1.40½
To Jacob Rentzong his proportion of Balance of Do upon the Amount of his Claim & marked	№47	3.	42	— 79½
To Peter Sahloper Trustee of Wm McFarland his proportion of Balance of Do upon the amount of his Claim & marked	№48	3.	85	— 16½
To John & Joseph Staby their proportion of Balance of Do upon the amount of their Claim & marked	№49	4.	45½	1.03
Amt Forwd				

Amt. brot forwd

		£		
To John Staley his proportion of Balance of Dr upon the Amount of his claim & marked ——— No50	21.	17		4 92
To John Sias, his proportion of Balance of Dr upon the Amount of his claim & marked ——— No51	32.	18½		5. 15½
To Dr Thomas Stringer his proportion of Balance of Dr upon the amount of his claim & marked No52	7.	6 8½		1. 7 5½
To Isaac Staub his proportion of Balance of Dr upon the amount of his claim & marked ——— No53	3.	20	—	. 74½
To Stonebraker & Hoffman assignees of Richmond Pool. this proportion of Balance of Dr upon the amount of their claim & marked ——— No54	25.	28		5. 86
To George Tritle his proportion of Balance of Dr upon the Amount of his claim & marked No55	6.	3½		1. 48
To John Willey his proportion of Balance of Dr upon the amount of his claim & marked No56	2.	26½	—	52½
To David Wampler, his proportion of Balance of Dr upon the amount of his claim & marked No57	2.	44.	—	56½
		£	570.	62½
Amount of Debts with Interest added £2066.83½.				
By Amount of Sales made the 7th day of Septr 1824 as by report of Trustee filed ———		£	570.	62½

Michael
—vs—
Michael & others

In Frederick County Court as a Court of Equity January Term 1826. I beg leave to report to the Honourable the Judges of Frederick County Court Sitting as a Court of Equity. that in Compliance with this order I notified the Creditors of said Henry Michael Deceased to file their claims and the time Specified in said notice having elapsed by, I have upon an examination of the proceedings stated the aforegoing account; In this as in Cases of like nature, I have allowed the Trustee for his Commissions and Expenses and also allowed the Costs of the Court and the Balance of proceeds of Sale, I have divided equally amongst the Creditors of said Henry Michael Deceased upon the Amount of their respective claims, adding Interest thereon to 15th November 1824. last. The dividend upon said claims is a fraction less than 39¼ Cents in the Dollar. All Respectfully submit the same to the Honourable the Judges aforesaid for ratification.

Henry Staley Auditor January 22d 1826

Order of Ratifn. Whereupon the Court passed the following order of Ratification viz January Term 1826. Ordered by the Court, that the aforegoing account, as stated and reported by the Auditor, be and the same is hereby ratified and confirmed. and that the Trustee pay over the proceeds of Sales as the same has or may be received to the parties respectively entitled to the same according to the distributions in said Audit made

Absd Shriver. January 24th 1828.
Test John Ashley Clerk

Maryland Frederick County Sct
to a County Court sitting as a Court of Equity Begun &
Held at the Court House in Frederick Town in and for
said County on the first Monday of July in the
year of our Lord Eighteen Hundred & twenty Six.
Present the Honorable Absd Shriver Esqr Associate Judge
Thomas Carlton Esquire Sheriff
and John Ashley Clerk
In the mode of proceeding of the said Court amongst
others are the following viz

Bill

To the Honourable the Judges of Frederick County Court as a
Court of Equity Humbly Complaining William R King, John
Shipard and Thomas Hammond for themselves and other
Creditors of William Johnson of Jeremiah, beg leave to
shew that a certain William Johnson of Jeremiah in his
life time was indebted to the Complainants in a large
sum of money that suits were brought to recover said
money in Frederick County Court against Cassandra Johnson
to whom letters testamentary on the personal estate of the said
William Johnson of Jeremiah were committed by the orphans
Court of Frederick County and obtained Judgments as appears
by Exhibit A, which with all other Exhibits to is prayed
may be made a part of this bill, That the said William
Johnson of Jeremiah died not leaving personal Estate sufficient
unto to pay his debts as appears by Exhibit B. That the
said William Johnson of Jeremiah life at the time of
his death a large real estate as well as personal
Estate which he devised by his last will & testament
unto to Cassandra Johnson as appears by Exhibit
C, That he also left certain Legacies to Thomas C Johnson
Hillard F Webb, Juliette Johnson, Ellen Johnson, Susan
Johnson, Mary Good, Juliana Johnson now Juliana Crummer
Ellen Cassandra Merryman, Elizabeth Brisk & Edward
Brisk her Husband, George W Johnson, Jeremiah Johnson
Edward Johnson, who ought to be made parties to
this bill, The Complainants shew that Juliette Johnson
Thomas C Johnson, Hillard F Webb, Ellen Johnson, Jeremiah
Johnson, and Edward Johnson are under twenty one years
of age That Ellen Johnson, Juliana Crummer, Ellen Cassandra
Merryman, Elizabeth Brisk, Edward Brisk, George W
Johnson, and Edward Johnson resided in Baltimore County
and the other Defendants reside in Frederick County. As
the personal Estate of the said William Johnson of
Jeremiah is not sufficient to pay his debts your Complainants

Pray that a Decree may pass in your Honourable Court for the Sale of the real estate of said William and Johnson of Jeremiah to raise money to pay his debts. The Sale to be made by a Trustee to be appointed your Honourable Court. your Complainants may pray that the writ of the State of Maryland of subpoena may issue for the Defendants in Richmond and also for the Defendants in Frederick County Commanding them to appear in your Honourable Court to answer this bill on third Corporal oath and that such other and further relief may be granted as to your Honours may seem right. R. Pegram Solr for Complt

Exhibit (A) (Exhibit A) referred to in the within and aforegoing Bill of Complaint Contained in the following Words viz

Henry Conrad
vs
Copeland Exr of Wm Johnson of Jeremiah
Debt Damages Ten Dollars
Feb 7th 1826.

No 182 Trials February Term 1826. Issue 17th February 1826 to Rond. Issue to be returned on day of Terms to be filed to bind upon the Test John Scholey Clk

The President & Directors of the Frederick County Bank
vs
Copeland Exr Wm Johnson of Jer

No 409 This February Term 1826 Issue 6th Feby 1826 to Rond & Rond to be returned on day of To bind upon the Test John Scholey Clk

Wm R King, use John Glenn and Thomas Hammond
vs
Copeland Exr Wm Johnson of Jeremiah

No 155 This February Term 1825 Issue signed 8 February 1825 for $320.97 Interest from 15th Decr 1820. till paid & $31.75 Costs to bind upon the Test John Scholey Clk

Farmers Bank of Maryland
vs
Copeland Exr of Wm Johnson of Jeremiah

No 181 Trials February Term 1825 Issue 9 February 1826 for $40 Interest from 5 Feby 1825 till paid & Costs 11.11½ To bind upon the Test John Scholey Clk

Exhibit B (Exhibit B)

The 2d Account of Copeland Johnson, Executrix of Wm Johnson of Jeremiah late of Frederick County Deceased

This accountant Charges herself with a balance due & stated on Settlement of a former account Exhibited and passed the Orphans Court on the 17th day of October 1825 ——— $ 447.01

Also with Current money rec'd from Caleb Peddicord not heretofore returned ——— 44.00 / 491.01

And this accountant prays an allowance for the following payments & expenditures to wit. For Current money paid John McTavish for Charles Carroll of Carrollton.

Arrearages of rent due in Sept. 1822. by amount and receipts appears	44.10
For do paid do for do in hand of rent due in September 1823 by receipts appears	58.00
For do paid John D Thomas by ord. of Court appears	16.00
For do paid Thos Lomax late Sheriff fees and Costs of Appeals by ord. & receipts appears	5.37½
For do paid Jacob Nichols the amt of a Judgment on a note due by the deed by note Judgment & receipts appears	13.71
For do paid Levi Davis for Packed Stained Cloth of N Stained Decd by ord. & receipts appears	39.54
For do paid John N Simmons for buying said Decds deceased property by receipts appears	30.00
For do paid Davis Richardson for Services as Clerk & Sale of Decds personal property by ord appears	10.00
For do paid Levi Davis for John D Thomas for printing for Decds Estate by ord & receipts appears	3.00
For do paid Patrick McGill by ord of the Court of Land Court Decd in part of Land sold by the Decd from the said Court by receipts appears	199.57
For Cash paid money paid Levi Davis, fees and John Sahey by ord & receipts appears	6.62½
For do by Thomas W Morgan late Sheriff fees and B J Pigman by ord & receipts appears	3.35
For do by do fees and John Sahey by ord & do appears	1.87½
For do by Thos W Morgan Sheriff fees and him by ord & do appears	90
For do by Jacob Nichols by Judgt & rec appears	42.60½
For do paid Richard Johnson by ord & receipts appears	103.99
For do paid do in full of a note drawn by Washington Johnson & Wm Johnson by note proved & receipts appears	507.00
For do paid Richard Lake the amt of a claim on which suit was had in this account and by settlement of John Sahey clerk & receipts appears	126.05
For do paid Benedict Joy for Blacksmiths work done for said Decds Estate by receipts appears	13.19
For do paid Thomas & Worthington Esquire for professional Services, rendered the said Estate for which an order was had by said Worthington in favour of William R King, but was never collected by said	

Amt. brot forward $

Hing. bill paid to said Worthington by this account and Dr. order appears 10.00

For do paid Williams Jarboe Dr. Statement appears 35.50

For do paid Richard Johnson one of the Executors of John Johnson dec'd by the Hands of Forsythe to be applied as a Credit on a note of Wm. Johnson of Jennings dec'd, given to the Executors of John Johnson and Dr. part of Richard Johnson appears 100.11

For do paid C. T. Kibler, one of the Executors of Edward Thomas Dec'd, the balance of a note due by the said Johnson Dec'd Dr. note appears 215.07

Allowed this account for funeral expenses 30.00

5 Dr. 60 Commission allowed this account on 615.99 for her services & Expenses 30.79 99/100

For Current money paid Regr. for Comm. fees and for D+D 6 1825 & J+C 1826 .48

For do Do. do. Citation & fee .72

For do. Do. do for Starting (running) & this & Search relating to Sand — 3.27 $ 2847.11

Balance due Estate $ 1633.91

Frederick County To wit: On the 11th day of March 1826 came Cassandra Johnson Executrix of William Johnson (of Jennings Deceased and made oath on the Holy Evangely of Almighty God, that the foregoing account as stated is just & true and that she has paid or secured to be paid the several sums for which she has prayed an allowance to the best of her Knowledge & belief which upon and Examination is passed by the Orphans Court.

Test Ch Eichelberger Regr.

Frederick County To wit. I do Hereby Certify the foregoing to be a true Copy taken from the original filed in the Office of Register of Wills for Frederick County on the 11th day of March 1826. In Testimony Whereof I have Hereunto set my Hand and affixed the Seal of said Office this 25th day of March 1826.

Seal

Ch Eichelberger Regr.

(Exhibit 6)

Exhibit (6)

Maryland to the State of Maryland. To all persons to whom these Presents shall Come, Greeting Know ye that the last will and Testament of William Johnson (of Jennings) Deceased hath in due form of Law been Exhibited, proved and recorded in the Office of Register of Wills for Frederick County a Copy of which is to these presents annexed, and administration of all the goods chattels and Credits of the Deceased is hereby granted and Committed unto Cassandra Johnson the Executrix by the

Said was appointed Wilmot Henry Hubard Esquire. Chief Justice of the orphans Court of Frederick County this third day of June one thousand eight Hundred and twenty three.

Test Henry Hubard Regr. of Wills for Frederick County

In the name of God Amen I William Johnson of Jeremiah of Frederick County and in the State of Maryland being weak of Body, but of sound and disposing mind memory and understanding Considering the certainty of death and the uncertainty of the time thereof and being desirous to settle my worldly affairs & thereby to be better prepared to leave this world when it shall please God to call me hence, do therefore make and publish this my last will and testament in manner and form following that is to say First and principally I Commit my Soul into the Hands of Almighty God, and my Body to the Earth to be decently buried at the discretion of my Executrix hereinafter named and after my debts and funeral charges are paid I devise & bequeath as follows. Item I give and bequeath unto my wife Cassandra Johnson all my Estate real personal and mixed to be at her sole will and disposal at the time of her death if she shall not marry during her life time. upon her paying my debts and the legacies hereinafter mentioned but if she the said Cassandra should marry after my Decease. I do hereby bequeath unto her the sum of Eight thousand Dollars only to be first paid out of the sale of my said Estate after the debts which I may owe at the time of my death are liquidated and paid off the residue of my Estate aforesaid in case of my wife Cassandra's intermarriage to be paid to the several persons hereinafter mentioned in proportions to the sums which I do hereby bequeath to them. Item I do hereby will and bequeath to my Nephew Thomas C Johnson and to the Nephew of my dear Wife Cassandra Hillard F Hebb, each the sum of three Hundred Dollars to be paid unto them, when they shall respectively arrive at the age of twenty one years. I give and bequeath unto two of my Nieces Juliette Johnson and Ellen Johnson, the daughters of my brother Washington each the sum of one Hundred and fifty Dollars to be paid to each of them, when they shall respectively arrive at the age of Eighteen years. Item I give and bequeath unto my Niece Susan Johnson, daughter of my Sister Eleanor Johnson, and to Mary Good, the niece of my dear Wife and Daughter of John Good, to each one Hundred and fifty Dollars, to be paid to each of them in three

years after the day of my death — Item I give and bequeath to my Niece Juliana Johnson daughter of my Brother Hickman & Ellen Kapandra Merriman daughter of my Sister Lucy Merriman to each the sum of one Hundred and fifty Dollars to be paid to each of them in four years after the day of my death — Item I bequeath unto Eliza Brick the wife of Edward Brick & George W Johnson both the Children of my Brother Hickman Johnson aforesaid to each one Hundred and fifty Dollars to be paid to each of them in five years after my death — Item I give and bequeath unto Jeremiah and Solomon Johnson both sons of my brother Washington Johnson to each one Hundred and fifty Dollars when they shall respectively arrive to the age of twenty one years — Item I do hereby further will and ordain that the negroes hereinafter mentioned or any of them that I may be possessed of at the time of my death shall and must be manumitted manumitted and set free in the number of years annexed to their names from the date hereof viz Leonard in Six years from this date, Willis in Eight, Shadrach in Six, Comfort in eight Anthony in Eight, Polley in fifteen Stephen in Twenty one, Harry in Twenty Six, Rose in Twenty Six, Aaron in Twenty nine, Lucy in Twenty Seven in thirty two Charlotte in Twenty seven, Eliza in thirty nine, Rebecca in thirty three, James Augustus in thirty Six, Henry in forty and Henry in thirty three and Eliza in thirty five years from the date hereof except that my dear wife Kapandra, whether she shall marry after my death or not is hereby at liberty to manumit my aforesaid Negro girl Henry at any time she Chooses after thirteen years from the date hereof — Item. It is furthermore my will and desire that if the aforesaid Hilliard F Hebb or Mary Good or either of them should die before the time mentioned herein for the receipt of their respective legacies hereby bequeathed, that then and in such case, the legacy due to Hilliard F Hebb shall be paid to the daughters of my brother Washington Johnson herein before mentioned Share and Share alike, and that bequeathed to Mary Good shall be paid to the sons of my said Brother Washington in equal portions as aforesaid of his daughters and the other bequests or legacies hereby devised to revert to the Legal Heirs or representatives of the aforesaid Legatees respectively in the event of their death and lastly I do hereby Constitute and appoint my dear wife Kapandra Johnson to be Sole Executrix of this my last will & testament revoking and annulling all Wills by me heretofore made ratifying and Confirming this and none other to be my last will and testament, In Testimony Whereof I have hereunto set my hand and affixed my Seal this 24.

Day of December in the year of our Lord one thousand eight
Hundred and Twenty two.
Signed Sealed published & declared
by Wm Johnson the above named
Testator as and for his last will
and Testament. in the presence of
us who at his request in his presence
and in the presence of each other
have subscribed our names as
Witnesses thereto, Jacob Nicholls
Enoch Ely Hays, Benedict Joy.

Wm Johnson (of Jr.) (Seal)

State of Maryland Frederick County to wit I Hereby Certify
that the foregoing is a true Copy taken from the original
filed in the office of the Register of Wills for said County
In testimony whereof I have hereunto set my Hand
and affixed the Seal of office this day of 1823
(Seal)
Henry Steiner Regr Wills for
Frederick County Maryland

Answer of Sapandra Johnson

Whereupon the following Answer was filed viz
The Separate answer of Sapandra Johnson one of the Defendants
to the Bill of Complaint of William B King & others Complainants
filed in Frederick County Court Sitting as a Court of Equity
The said Defendant for answer to said Bill of Complaint
and admits that the said William Johnson (of Jeremiah
dec'd having previously made his last will and testament
a true Copy of which is Exhibited by the Complainants
in their said bill as Exhibited marked A, that Letters
testamentary have been granted thereon to this Defen-
dant and that the personal Estate of said William
Johnson is insufficient to pay his debts and that it
will be necessary for the real Estate of said Deceased
to be sold for that purpose and this Defendant assents
to the Sale of said real Estate reserving to herself the
right to the balance of the purchase money as dower
under said will. after the payment of all the debts
of said Deceased. provided such balance shall be
more than equal to so much of the purchase money
to which this Defendant as the widow of said
Deceased would be entitled, according to the rules
of this Court, in lieu of her right of Dower in
said land But if said balance shall be reduced
Below the sum to which this Defendant would be
entitled in lieu of her right of dower as aforesaid
then to be remitted to her right of Dower and
to receive so much & such part of said purchase
money as this Honourable Court shall think proper to
allow her in lieu of her right of Dower in the real

Estate of her said deceased Husband and this Defendant admits all the other Seperate matters things stated in said Bill to be true as stated and prays to be hence Discharged with her reasonable Costs & charges in this behalf sustained.

Cassandra Johnson

I agree that the foregoing answer may be received and acted on without the same being sworn to and waive all objection to it for want of its being sworn to

Fred^k Ashley for Compl^t

order for Commission

And the said Cause as standing Continued to August Term 1826 the Court passed the following order for Commission viz^t

Wm. R King
Gilpin & others
vs
Johnson

No. 781 Equity. Entitled, Jeremiah, Thomas & Johnson & Hillard & Webb having been returned Summoned in the above case & they being infants under 21 yrs upon Motion ordered that a Commission issue to John H Simmons to appoint a Guardian and take the answers of said infants by such Guardian, Wm. Shriver Sept^r 1^st 1826.

Commission

Whereupon in pursuance of the above order the following Commission issued viz^t

Maryland ss The State of Maryland, To John H Simmons Esquire of Frederick County, Greeting Whereas Wm. R King, John Gilpin & Thomas Hammond have lately exhibited their Bill of Complaint before us in our County Court as a Court of Chancery, against Cassandra Johnson Exr. of William Johnson of Jeremiah and others Defendants and whereas we have by our writ lately Commanded the said Defendants to appear before us in our said Court as a Court of Chancery at a certain day now past to answer the said Bill, but for as much as the said Defendants, Julietta, Jeremiah, Thomas & Johnson & Hilliard & Webb are infants under age, & cannot answer the said Bill nor defend this suit, without having a Guardian assigned in that behalf Know ye, therefore that we have given unto you full power and authority in pursuance of the aforesaid order in our said Court, to assign and appoint a Guardian for the aforesaid infants, and to take the answer of the said infants by such Guardian to the said Bill and therefore we Command you that at such Certain day and place as you shall think fit, you go to the said Defendants if they cannot conveniently come to you, & assign and appoint a Guardian for the aforesaid Infants and take the answers of the said infants, by such Guardian, to the said Bill on such Guardian Corporal Oath upon the Holy Evangely, to be administered by you, the said answers being distinctly and plainly writ and when you shall have

So taken the said answers, you are to seal the same, close up under your Seal together with your Certificate of your having assigned and appointed such Guardian as aforesaid and this writ, unto us in our said Court Witness the Honorable John Buchanan Esquire Chief Judge of our said Court, the 7th day of August Anno Domini 1826. Test John Sobey Clk 1st Sept. 1826.

Whereupon the following Answer and Certificate of the Infant Defendants by their Guardian regularly appointed together with the above Commission and Writ to annexed was filed viz.

Infants Answer

The Joint and Separate answer of Infants by Johnson, Jeremiah Johnson and Thomas by Johnson and Hilard F. Hobbs, Infant Defendants to the Bill of Complaint of John Shipan and others by Fayette Johnson their Guardian the said defendants by their said Guardian for answer to the said bill of Complaint admit the several matters and things therein contained to be true as stated and are willing as Court should hap for the sale of the real Estate of the said William Johnson of Jeremiah Deceased and they pray to be hence dismissed with their reasonable Costs and Charges in the behalf sustained

Fayette Johnson. Guardian to said Infants

On this 2d day of September 1826 the above named Fayette Johnson Guardian to said infants made oath before the Subscriber, the Commissioner named for that purpose in the Commission hereto annexed, on the Holy Evangely of Almighty God that the several matters stated in the above answer are true to the best of his knowledge & belief —

Sworn Before John N Simmons Commissioner

To the Honorable the Judges of Frederick County Court Sitting as a Court of Equity By virtue of the enclosed Commission I have assigned and appointed Fayette Johnson Guardian to the infants therein named and have taken the answers of said infants by their said Guardian which I herewith send enclosed to Witness Whereof I have hereunto subscribed my name and affixed my Seal this 2d day of September 1826.

John N Simmons (Seal)

Answer of Susan Johnson & Mary T Good

Whereupon the following Answer was filed viz

The Joint and Separate answer of Susan Johnson & Mary T Good, two of the Defendants to the Bill of Complaint filed in Frederick County Court Sitting as a Court of Equity, by Wm R King & others Third defendants in answer to said bill of Complaint or to as much as they are advised it is material or necessary to make answer unto, do say that they admit the several

Matters and things therein stated to be true, as stated to the best of their knowledge, information and belief; and are willing that such Decree should be made in the premises as to your Honours may seem fit, and as shall be consistent with Equity and Good Conscience and they pray to be hence dismissed with their reasonable costs and charges in this behalf sustained.

Susan Johnson, Mary T Good

On this fifteenth day of September in the year 1826 personally appear the said Susan Johnson and Mary T. Good, before me the Subscriber a Justice of the Peace for Frederick County, and make oath that the several matters and things in the above answer stated are true to the best of their knowledge, information & belief. Before Rich^d Thomas,

And the said Cause as standing Continued to January Term 1827.

Petition to amend Bill

the following Petition to amend Bill was filed viz^t

William B King
John Gelpeau &
Thomas Nannemond
vs
Expanded Cat of Wm Johnson, Thomas B. Johnson and others.

No 731 on the Equity Docket of Frederick County Court Sitting as a Court of Equity the Petition of the Complainants in this Cause respectfully sheweth unto the Honorable the Judges of Frederick County Court Sitting as a Court of Equity that in the Original Bill filed in this Cause the said Complainants named Juliana Johnson, as one of the defendants against whom they prayed process by said named that these Complainants at that time were not aware of the fact but have since learned it and now as state to your Honours that at the time of filing said bill the said Juliana Johnson, was married to one Benjamin Cromwell of Baltimore County & that by an act of the General Assembly of Maryland passed on the 17th day of February 1825 Chapter 114. the said Julia Ann Cromwell is invested with all the powers of a feme sole and is capable of suing & being sued in Law or Equity in the same manner as if she were Sole. your petitioners therefore pray your Honours for leave to amend their said Bill of Complaint by striking out the name of Julia Ann Johnson and inserting in the stead thereof the name of Julia Ann Cromwell & that process may issue & relief be obtained against her as prayed in the Bill of Complaint against said Julia Ann Johnson, and they pray such other relief as equity may require, Fred^k A Schley for Complt

Ordered that the foregoing bill be amended as prayed.

Att^d Thruer May 10th 1827.

Answer of Juliana Cromwell & others

Whereupon the following answer was filed viz^t

The Joint and Separate answer of Julia Ann Cromwell formerly Juliana Johnson, Ellen Expandred Merryman, Edward Orrick & Elizabeth his wife and Lyng W Johnson defendants to the Bill of Complaint of William B King, John

Gilpin & others Complainants filed in Frederick County Court sitting as a Court of Equity the said defendants for answer to said Bill admits the several matters and things therein stated to be true. that the personal Estate of the said William Johnson deceased is not sufficient to pay his debts and that the real Estate must be sold for that purpose and they are willing a Decree should pass to sell the same as prayed and the money arising from such sale to be brought into this Honourable Court and to be laid out and distributed. unless the said and direction and according to the rules of said Court and they pray to be hence dismissed with their reasonable Cost & charges in this behalf sustained. Julia Ann Brunwell. Thomas Expounded Merryman, Edward Orrick, Elijah S Orrick, Geo W Johnson,

I agree that the nothing answer may be received and order no waiving all objections to it. for the want of it being sworn to. Ent'd & Taney for Complts,

order for Commission

Whereupon the following order for Commission was filed viz

King, Gilpin & others
vs.
Johnsons

Ellen Johnson & Edmund Johnson having been returned Summoned in the above case and they being infants. it is upon motion ordered that a Commission issue to James W Shellman Esq^r to appoint a Guardian and take the answers of said infants by such Guardian. Adm'd Shined,

Commission

Whereupon the following Commission issued viz

Maryland ss. The State of Maryland. To Lancy W Shellman Esquire of Frederick County Greeting.

Seal

Whereas William P King and others have lately exhibited their Bill before us in our County Court as a Court of Chancery, against Ellen Johnson, Edmond Johnson and others Defendants and whereas we have, by our writ, lately Commanded the said Defendants to appear before us in our said Court as a Court of Chancery, at a certain day now past to answer the said Bill but, for as much as the said Ellen and Edmond are infants under age, and cannot answer the said Bill nor defend this suit without having a Guardian assigned in that behalf. know ye therefore, that we have given unto you full power and authority in pursuance of the special order in our said Court, to assign and appoint a Guardian for the aforesaid infants and to take the answer of the said infants. by such Guardian to the said Bill and therefore we Command you, that at such certain day and place as you shall think

You, you go to the said defendants if they cannot conveniently come to you, and assign and appoint a Guardian for the aforesaid infants and take the answers of the said infants by such Guardian to the said Bill on such Guardians taking oath upon the Holy Evangely, to be administered by you the said answers being distinctly and plainly writ & when you shall have so taken the said answers, you are to send the same, closed up under your seal, together with your Certificate of your having assigned and appointed such Guardian as aforesaid and this writ unto us, in our said Court Witness the Honourable John Buchanan Esquire Chief Judge of our said Court the 7th day of August Anno Domini 1826 Issued the 28th day of December 1826. John Sahley Clerk

Infants answer

Whereupon the following Answer and Petition of the Infant Defendants by their guardian regularly appointed together with the above Commission thereto annexed was filed viz The Joint and Separate answer of Edward Johnson & Edward Johnson, infants) and two of the defendants to the Bill of Complaint filed in Frederick County Court sitting as a Court of Equity by William D King and others, by John H Simmons their Guardian to said Bill of Complaint against them and others The said infants by their said guardian for answer to said Bill answer the several matters and things contained to be true as set forth and are willing such Decree shall pass as this Honourable Court shall think right & equitable hoping that as they and infants this Honourable Court will protect their Interest. John H Simmons. Guardian to said Infants

On this fourteenth day of January 1827. the above named John H Simmons Guardian as aforesaid made oath on the Holy Evangely of almighty God before the Subscriber the Commissioner appointed for that purpose that the facts stated in the above answer are true to the best of his Knowledge, information and belief.

Jas. D Shellman Commissioner

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity By virtue of the Commission to me directed & hereunto annexed I have assigned and appointed John H Simmons Guardian to the Infants therein named and have taken the answer of said Infants by their said Guardian in writing on his corporal oath administered on the Holy Evangely of almighty God and which together with said Commission I herewith send enclosed under my Hand & Seal this 7th day of January 1827. Jas. D Shellman Commis. [Seal]

And the said Cause so standing Continued to February

Decree

June 1827. The Court passed the following Decree viz

William D King
and others
vs
Cassandra Johnson
&c of William Johnson
Thomas G Johnson. Ellen
H Webb and others

In Frederick County Court sitting as a Court of Equity February Term 1827 this cause standing ready for a hearing and being submitted. the Bill. answers Exhibits and all other proceedings read by the Court read and considered and it appearing reasonable to the Court that the relief prayed should be granted it is thereupon this 24th day of May in the year 1827. by the Court adjudged ordered and Decreed that the land mentioned in the proceedings shall be sold. that Frederick A Schley be and he is hereby appointed the Trustee for that purpose and the Course and manner of his proceeding shall be as follows He shall first file with the Clerk of this Court a Bond. with a Surety or sureties to be approved by this Court. in the penal sum of ten Thousand Dollars. Conditioned for the faithful performance of the Trust reposed in him by this Decree or which may hereafter be reposed in him by any future decree or order in the premises He shall then proceed to sell the said land to the highest bidder at public Sale having previously given at least three weeks public notice in some newspaper printed in Frederick of the time. place manner & terms of Sale which shall be that the purchaser or purchasers shall pay one third of the purchase money in Cash on the day of Sale or on the ratification thereof by this Court. and third in twelve months thereafter. and one third in two years from the day of Sale. the said payments to one & two years to draw Interest from the day of Sale. and as soon as conveniently may be after the said Sale the said Trustee shall return to this Court a full account of his proceedings with an affidavit of the Truth thereof. and of the fairness of the Sale thereto annexed He trustee shall also bring into this Court. or hold subject to the order of this Court. the money paid arising from said Sale. the said land to be executed with a surety or sureties to be approved by the Trustee. and after the payment of the whole of the purchase money and not before. the Trustee shall by a good and sufficient deed of bargain and Sale to be duly executed and acknowledged by him and recorded according to law. convey to the purchaser or purchasers and his her or their Heirs the land sold

to him his or them fee clear and discharged from all claims of the complainants and defendants and those claiming by from or under them and the money arising from said Sale after deducting therefrom the Costs of this suit and such commission to the Trustee as this Court shall think proper to allow due consideration of the skill attention and fidelity wherewith he shall appear to have discharged her Trust. will be applied and appropriated under the further order of this Court — Chas. Shriver,

Trustees Bond

Whereupon the Trustee filed the following Bond endorsed approved Chas. Shriver viz:

Know all men by these presents that we Frederick A Schley & William Schley both of Frederick County are held and firmly bound to the State of Maryland in the sum of Two Thousand Dollars to be paid to the said State or its Certain attorney to which payment well and truly to be made we bind ourselves our Heirs Executors and administrators Jointly by these presents Sealed with our Seals and dated this 19th day of June 1827. Whereas the said Frederick A Schley by a Decree of Frederick County Court Sitting as a Court of Equity was appointed a Trustee to sell the real Estate of William Johnson (of Jeremiah) deceased for the Benefit of his Creditors Now the Condition of the above obligation is such that if the above bound Frederick A Schley &c. and shall well and truly perform the Trust reposed in him by said Decree or which may hereafter be reposed in him by any future decree or order in the premises then the above obligation shall be void.

Signed Sealed & Delivered in the presence of Francis Brengle

Frederick A Schley (Seal)
Wm Schley (Seal)

And the said Cause is standing Continued from Term to Term until August Term 1827. The Trustee made the following Report viz — To the Honorable the Judges of Frederick County Court Sitting as a Court of Equity In pursuance of the power vested in me as Trustee appointed by a Decree of your Honorable Court to sell the real Estate of William Johnson (of Jeremiah) Deceased I caused notice to be given of the time, place manner & Terms of Sale, more than two weeks before the day of Sale, by publishing in the Frederick Town Herald & other papers printed in Frederick and by hand bills distributed & put up through the neighborhood & different parts of the County and advertisement a Copy of which is herewith Exhibited and marked A No 1 as a part of this report. On the time & place mentioned in said notice I attended and offered said real Estate at public Sale to the highest bidder Samuel Dietrow was the highest bidder and became the purchaser at the price & for the sum of Twenty Dollars & Seventy five Cents per acre and since the Sale I have had the land Surveyed by Corbin West the

Trustees Report

County Surveyed and ascertained the quantity to be three Hundred and ninety two acres, two roods and Twenty nine Inches as will appear by reference to the Plat courses and distances of the same hereunto Exhibited marked R No 2 The husband has complied with the terms of Sale by paying the Cash Payment of one third and giving and his note with good Security for the payment of the residue of the purchase money in one and two years. the whole amount of the Sale is Six Thousand & Twenty two Dollars & Eighty Eight Cents and the said Sale was a fair Sale all which is submitted for ratification. Amexing to this Honourable Court.

Frederick A Schley Trustee.

On this 24th day of October 1827. Frederick A Schley made Oath before the Subscriber a Justice of the Peace for Frederick County that the Annexed matters & things stated in the aforegoing report are true as stated to the best of his knowledge & Belief. Before. W C Bartgis.

Exhibited R No 2

Exhibited R No 2 referred to in the within and aforegoing Report Contained in the following Words viz

Frederick County October 2d 1827. I Hereby Certify that I have Carefully Surveyed the Several tracts of land or parts of tracts of land as Surveyed by Washington Johnson to William Johnson by deed bearing date the 17th day of June 1809 For and that Said Tract of Land called The Saving Plain. part of a Tract called Defeation Disputed and part of a Tract called Long Hope & part of one other Tract called Rungapen Sold Conveyed by Richard Tate to the said William Johnson by deed bearing date the 27 April 1819. Beginning for the first line of the whole of the above parcel of land, at the end of the first line of of the above named second tract called, Saving Plain and running with said Tract 13 Courses South 36 perches N 72 Degs W 20 Ps N 11 Degs W 40 Ps N 38 Degs W 26 Ps S 41 Degs W 40 Ps N 15 Degs W 86 Ps N 50 Degs E 43½ Ps N 54 Degs W 13½ Ps N 31 Degs W 114 Ps S 56 Degs E 89½ Ps N 63 Degs E 1¼ Ps S 59 Degs 40 minits E 64 Ps S 33½ Degs E 32 Ps to the end of the 19 line of the above named Tract of Land called Defeation Disputed and with said line reversed N 89 Degs E 74 Ps to Stick with said land N 16½ Degs W 77¼ Ps S 31½ E 16 Ps S 89 Degs E 85¼ Ps then leaving the said line and running across said tract S 8¾ Degs W 90 Ps to a stone planted on the 9 line of Defeation Disputed and with said 9th line reversed S 39¾ Degs W 60½ Ps then N 64 Degs W 62 Ps to the end of the 3d line of third part of Rungapen Sold as Sold by Richard Tate to the said William Johnson and with said 3d line

Runs N 21 degs W 59 ℔ thence by a straight line to the first Beginning, Containing by Calculation 330¾ acres and 29 square perches of Land &c Certain Island County

Name of Courses			
Reg at A			
1	South	36	Reg
2	N 73½ W	28	
3	N 11 W	40	
4	N 36 W	26	
5	S 41 W	40	
6	N 15 W	106	
7	N 84 E	49¾	
8	N 54 W	13¾	
9	N 81 W	114	
10	S 58 E	39¾	
11	N 63 E	14½	
12	S 59½ E	64	
13	S 53½ E	32	
14	N 89 E	74	
15	N 16¾ E	77¾	
16	S 31 E	16	
17	S 89 E	85¾	
18	S 2½ W	93	
19	S 38½ W	64¾	
20	N 64 W	62	
21	S 20 W	59	
then by a straight line to the beginning.			
Cont'g		330¾	29 ℔

The Saving Plan contains ——— A 116 . 0 . 26
The Part of Perfection Disputed 82 . 0 . 17
No 3 Part of a Tract called Rough Lott 24 . 3 . 37
No 2. Part of a Tract called Long Hole 7 . 2 . 29
Total 330 . 3 . 29

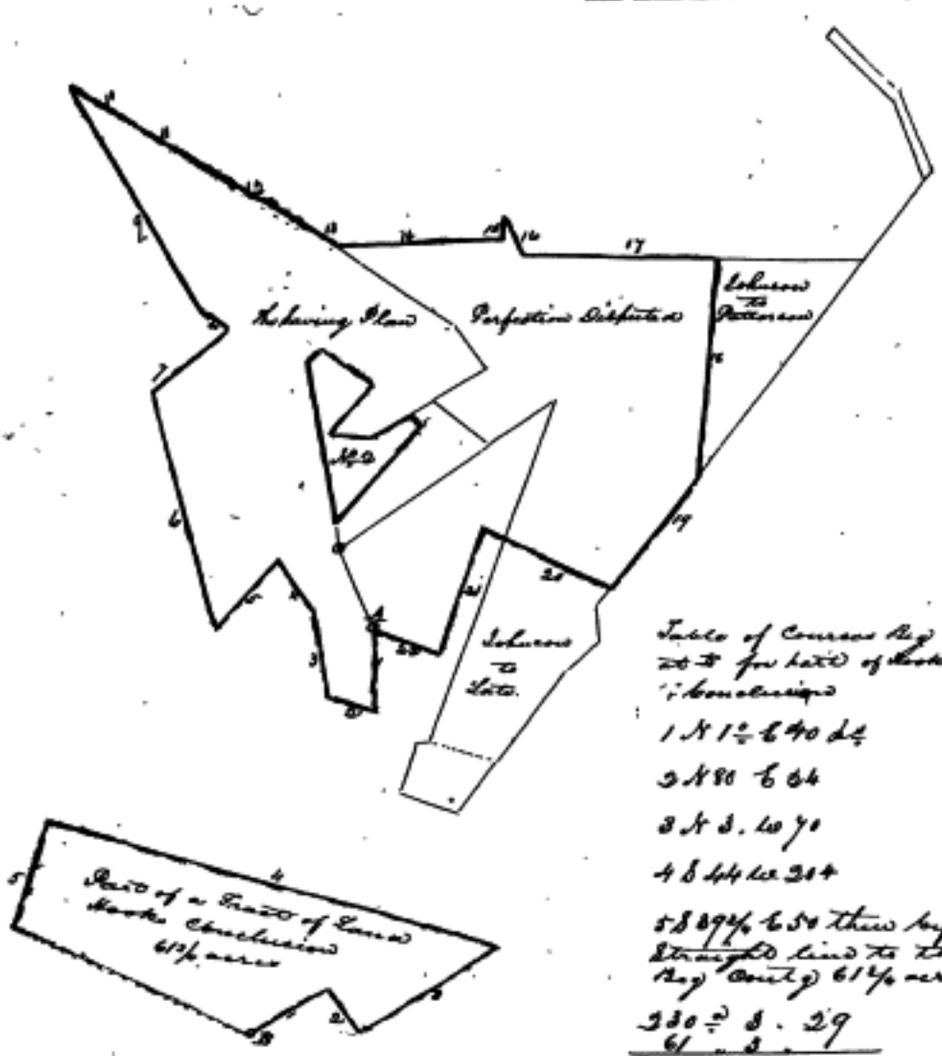


Table of Courses Reg 20 ℔ for Lott of Marsh & Boundings
1 N 1¼ E 40 ℔
2 N 80 E 64
3 N 3. W 70
4 S 44 W 214
5 S 89¾ E 50 then by a Straight line to the Reg Cont'g 61¾ acres

330¾ A . 3 . 29
61 . 3 .
392 . 2 . 29

Scard 60

order of Publication

Whereupon the Court hoped the following order of Publication in the Frederick County Court Sitting as a Court of Equity ordered that the Sale of the real Estate of William and Lohmann of Lord mentioned and reported by Frederick A Schley the Trustee be ratified & Confirmed unless Cause to the Contrary be shewn on or before the 25th day of November next. Provided a Copy of this order be inserted for three weeks successively in some newspaper printed in Frederick Before said day. The report states the amount of Sales to be 607⅔ Dollars 88 cents & Examined Thereon to be the purchaser. Abm Shriver, H Rinehart,

And Whereupon the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz Frederick Decr 6th 1827. I Hereby Certify that the annexed notice for ratification of Sale of the real Estate of

William Johnson of Ire was published for four Successive Weeks previous to the 25th of November John P Thomson.

order of Ratified. Whereupon the Court hoped the following order of Ratification viz. In Frederick County Court Sitting as a Court of Equity ordered that the Sale of the real Estate of William Johnson of Ire, deceased made and reported by Frederick A Schley the Trustee be and the same is hereby ratified and Confirmed. no Cause having been shewn to the contrary although notice has been given according to a former order of this Court hoped for that purpose. The Trustee is allowed for his Commission & all Expenses of Said two Hundred and thirty nine Dollars and Sixty five Cents. It is further ordered that the auditor of this Court proceed to State an account between said Trustee & said Estate & the creditors thereof according to the rules & principles of this Court. first giving the proper notice to creditors to Exhibit their claims vs said Estate. Absm Shriver, Decr 6th 1827.

Affidavit of Widows age. Whereupon the following Affidavit was filed viz. On this 13th day of February 1828. William R King appeared before the Subscriber a Justice of the Peace for Frederick County and made Oath that he is well acquainted with Expandra Johnson the widow of Wm Johnson (of Jeremiah) Deceased, and that she is at this time forty eight years of age to the best of his knowledge, information and Belief

Sworn Before me R Hartzig.

Courts order Whereupon the Court hoped the following order viz. The Widow is allowed two Seventeenths of the net proceeds of the husband money for which the property of William Johnson of Jeremiah her Deceased husband sold and the auditor is hereby directed to allow her said proportion in the audit he is to make in this case.

Absm Shriver. Feby 16th 1828.

And the said Cause as standing Continued to January Term 1828 The Auditor made the following Report viz

Auditors Report

Dr The Estate of Wm Johnson of Jeremiah Deceased in acct with Frederick A Schley Expand Trustee

		Cr
To the Trustee for his Commission & all Expenses of		239.65
. the Attorney for his fee	3.33⅓	
. the Clerk for his fees	21.21⅓	
. the Sheriffs for their fees. Shf Platts City	2.65⅔	
Shf Fredk City	2.39	29.58
To the Auditor for his fees in stating ⅔ reporting to Court, giving notices to Creditors &c		17.00
To Expandra Johnson, widow of said Wm Johnson of her deceased two Seventeenths of nett proceeds		
Amt Forwd		

Amt brot Forwd

Proceeds of Sale by order of the Court in lieu of her right of Dower in the Lands Sold			681.14
To Charles Carroll of Carlt. the Amount of his Judgment Interest & Costs a lien upon the Lands Sold, pt the third Copy filed marked No 1			1345.79
To Charles Carroll of Carlt. the amount of his Judgment Interest & Costs a lien upon the Lands Sold, pt the third Copy filed & marked No 2			340.02
To Charles Carroll of Carlt. the Amount of his Judgment Interest & Costs, a lien upon the Lands Sold pt the third Copy filed marked No 3			109.88
To Caspar Wirt of Francis Mantz the amount of his Judgment Interest & Costs a lien upon the Land Sold pt the Statement filed marked No 4			1330.77½
To Casper Wirt of Francis Mantz his proportion of Balance of proceeds of Sale upon his claims with Interest & Costs added, pt the Statement filed marked No 5	623.	32.	331.18
To Thos W. Smith W & Richard Johnson their proportion of Balance of proceeds of Sale, upon their claims with Interest and Costs added, pt the Statement filed & marked No 6	463.	85.	246.56
To John Gilmor & Thomas Hammond assignees their proportion of Balance of proceeds of Sale upon their claims, with Interest & Costs added pt the Statement filed & marked No 7	753.	52.	400.55
To Mary T Good her proportion of Balance of proceeds of Sale, upon her claims, with Interest added pt the Statement filed & marked No 8	141.	43½	75.20
To Dr John Ratzgell his proportion his proportion of Balance of proceeds of Sale upon his claims with Interest added, pt the Statement filed and marked No 9	27.	38.	14.60
To Dr John Ratzgell his proportion of Balance of proceeds of Sale, upon his claims with Interest added pt the Statement filed marked No 10	131.	25.	69.89
To Benjamin Brunner his proportion of Balance of proceeds of Sale, upon one half of the claims as paid by him, with Interest added, pt the Statement filed and marked No 11	648.	19.	344.48
To Benjamin Brunner, his proportion of Balance of proceeds of Sale, upon one half of the claims as paid by him, with Interest added, pt the Statement filed & marked No 12	648.	98.	344.95
Amt Forwd			

Amd bill forwd

		£	£
To the President and Directors of the Frederick County Bank their proportion of Balance of proceeds of Sale upon the Claims with Interest & Costs added by the Statement filed & marked	No 13	321. 6.2	171. 03/2
To Henry Conrad his proportion of Balance of proceeds of Sale upon his Claim for Costs as Trustee Suits Nos 172 & 182 This & 1826 as Exhibited	A	14. 07/5	7. 8.8
To the Farmers Bank of Maryland a proportion of Balance of proceeds of Sale upon the Claims with Interest and Costs added by No 181 This & 1825 and see Exhibit A		76. 8.1	41. 5
To Jacob Nicholas, Dr. for Pt paper 46 & N		59. 05	31. 8.0
Amt of Debts with Interest & not lying £391.17.			£ 6072. 88
By Amount of Sale made, and filed 25th October 1827, exclusive the Trustees Report			£ 6072. 88

Wm R King & ad
vs
Expandra Johnson & ad

In Frederick County Court as a Court of Equity January Term 1828, to Auditor to Frederick County Court Sitting as a Court of Chancery

I beg leave to report to the Honourable the Judges thereof, that in compliance with their order I gave to Creditors the usual notice to file their claims, and as the time Specified in said notice has expired I Have upon the proceedings filed, stated the aforegoing account. In this as in like Cases I Have allowed the Trustee for his Commissions and all Expenses and also allowed the Costs of the Court. And I have allowed the widow of said William Johnson of Jno a certain proportion of said proceeds of Sale under the order of this Honourable Court. To two Incumbrancers I have then allowed the Incumbrance, as lying upon the property Sold with Interest and Costs added the then Balance of proceeds of Sale I Have divided equally amongst the other Creditors of the said William Johnson of Jno. upon the Claims filed with me for that purpose I Have made a Calculation of Interest to this day, and the dividend upon the Claims, and Sums I find to be a fraction more than Fifty two and seven Eighth Cents in the Dollar. I Respectfully Submit the same to the Honourable the Judges aforesaid for Ratification. Henry Ashley Auditor

February 21st 1828

And the said Cause so standing Continued to February Term 1828. The Court Passed the following order of ratification viz Ordered that the within report of the auditor and

order of Ratifn

account accompanying the same (except Claims No 11 & No 12 be) and the same is hereby ratified and confirmed and the Trustee is hereby ordered to pay over to the several Claimants according ly with such proportion of Interest as has been or may be received by him. The said Claims No 11 & 12 being objected to by Counsel on the part of Copeland Johnson are reserved for further order Absm Shriver April 18th 1828

Test John Dabney Clerk

Maryland Frederick County to wit

At a County Court sitting as a Court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the first Monday of August in the year of our Lord Eighteen Hundred and Twenty five.

Present The Honourables John Buchanan Chief Judge
Absm Shriver } Associate
Hot Buchanan } Judges

Thomas Carter Esqr Sheriff
and John Dabney Clerk

Bill

Be it remembered of the several Courts amongst others and the following viz

The Bill of Complaint of Stephen Rowes, Barbara Rowes, Hannah Rowes, Esther Rowes and Margaret Rowes, all of the County of Frederick; most respectfully sheweth that Stephen Rowes late of the County aforesaid in his life time was seized & possessed of several lines of Land Situate, lying and being in the County of Frederick and so being seized on the Twenty ninth day of March Eighteen hundred and Ten made his last will & Testament and died without revoking the same as will fully appear by the will of the said Stephen here produced and Exhibited by Exhibit A which these Complainants pray together with all other Exhibits hereafter to be produced may be taken as part of this their Bill of Complaint These Complainants further state that by the said will the said Stephen devised the one half of all the Land he had to his son Jacob Rowes to be laid off to him with the buildings and Improvements which he the said Jacob then occupied in the manner mentioned in the said Will and the other half of all the Land of the said Stephen he devised to his other son Stephen, the said Lands to be equally devised between the said two sons of the Testator. These Complainants also state that the said Lands were devised between the said Jacob and Stephen Rowes according to the provisions of the said will and to their mutual Satisfaction and that each of the said Sons enjoyed their respective parts of the said Land quietly & undisturbed. These Complainants further state that the said Lands were charged with the payment of Legacies to

the Daughters of the said Stephen. to wit, to Elizabeth Kepler, and Elaine, Barbara Rowen. Hannah Rowen, whose share is to be paid to her Brother Stephen, Esther Rowen. Margaret Rowen. that Jacob Rowen one of the sureties of the said Stephen has lately died intestate leaving a widow called Elizabeth Rowen and five children to wit Margaret Bowen who married Thomas Cook, Daniel Rowen. Jacob Rowen. David Rowen. Elizabeth Rowen and Mary Rowen all of whom are infants under the exception of Mary who is now about Eighteen years of age. that Jacob Rowen in his life time did not pay to the Legatees (with the exception of Elizabeth Kepler and Anne Elaine) the legacies charged upon his moiety of the Land nor have his children since his death paid the same or any part thereof. but that the legacies payable to these Complainants are still due and unpaid. to whom Consideration and where of and for that your Complainants are remediless in the premises by the strict rules of Common Law. but relievable only in a Court of Equity. where matters of this nature and property Cognizable & the end therefore that the said Defendants may answer make to this their Bill of Complaint. may it please your Honours to grant to your Complainants the writ of subpoena to be directed to the said Thomas Cook and Margaret his wife, Daniel. Jacob. David. Elizabeth and Mary Rowen and Elizabeth the widow. Commanding them and every of them. to be and appear before your Honors, in this Honourable Court. and then and there to answer all and singular the premises aforesaid & to stand and perform and abide such order, direction & Decree therein as to your Honors shall seem meet and that your Complainants may have such further and other relief in the premises as the nature of the case shall require and as to your Honors shall seem meet. and your Complainants shall ever pray &c. W. Ross Solicitor for Complt.

Exhibit (A)

Exhibited & refused to be the within and aforegoing Bill of Complaint Contained in the following words, viz. Maryland ss. The State of Maryland To all persons to whom these presents shall come Greeting know ye that the last will and Testament Stephen Rowen of Frederick County Deceased hath in due form of law been exhibited proved and recorded in the office of the Register of Wills for Frederick County a copy of which is to these presents annexed and administration of all the goods Chattels and Credits of the Deceased is hereby granted and committed unto Jacob Rowen & Stephen Rowen the Executors by the said will appointed Witness John Dulany Esquire Chief Justice of the orphans Court of

Frederick County this 18th day of November 1811
Test Richard Ratlidge Regr of Wills Frederick County

In the Name of God Amen I Stephen Renner of Frederick County in the State of Maryland being in perfect Health of Body and of sound and disposing mind and understanding Considering the Certainty of death and the uncertainty of the time thereof and being desirous to settle my Worldly affairs and thereby be the better prepared to leave this world when it shall please God to call me Do ordain make and publish this my last will and Testament in manner and form following, viz
First and principally I Commit my soul in the hands of almighty God and my body to the earth to be decently buried at the direction of my Executors hereinafter named and after my debts and funeral charges are paid I devise and bequeath as follows Item I give and devise unto my Eldest Son Jacob one half of all the Land which I hold and possess or in any manner have claim to be laid off to him with the buildings & Improvements which he now occupy in the manner hereinafter described Item I give and devise unto my youngest Son Stephen the other half of all my Land which I hold as aforesaid to be laid off to him with the buildings and Improvements which he and myself now occupy to be laid off to them and to be divided between them in equal number of acres regard being had that it shall be divided to be most advantageous as far as may be to both parcels of the divided Land and to both parties in the following manner that is to say that if the said Jacob and Stephen can and shall not mutually agree on the mode manner of dividing the Land so as aforesaid in the course of three Months after my death then it shall be divided as soon as may be thereafter in the following manner the said Jacob and Stephen shall respectively choose two men of discretion and Integrity to meet together with the said Jacob & Stephen on the premises with a proper Surveyor and proceed to divide the Land as aforesaid but provided the men so as aforesaid Respectively chosen by the said Jacob and Stephen should not agree on the mode of dividing the land so as aforesaid then the said men so chosen as aforesaid or a majority of them may at their discretion choose a fifth man to act with them Impartially in the premises and their decision shall be final and conclusive and it is my will that the said Jacob & Stephen shall have and hold the said land to themselves their Heirs and Assigns respectively forever provided always that they shall pay to my Several daughters or their respective heirs, the several sums of money hereinafter to be mentioned in the manner and at the several times also to be hereinafter mentioned and it

by the true intent and meaning of this my said Testament that the Land before mentioned shall Guarantee the payment of the several sums. And each of them respectively hereinafter bequeathed to my Several Daughters. Item I bequeath to my Daughter Elizabeth Hopkins and her Heirs the sum of fifteen hundred Current money of Maryland to be to her as them paid by the said Jacob & Stephen Equally that is to say each of them shall pay the one half of the said sum of fifteen hundred and year after my Decease. Item I bequeath to my daughter Barbara the sum of two hundred pounds money aforesaid in the following manner and twenty pounds two years after my Decease twenty pounds six years after my Deceased and sixty pounds Ten years after my Deceased that is to say one half of each payment shall be paid by the said Jacob and the other half of each payment by the said Stephen to the said Barbara or to her Heirs in the manner aforesaid. Item I bequeath to my Daughter Esther the sum of Two Hundred pounds money aforesaid in the manner that is to say Seventy pounds Third years after my Deceased Seventy pounds Seven years after my Deceased and Sixty pounds Eleven years after my Deceased and half of each payment shall be paid by the said Jacob and the other half by the said Stephen to the said Esther or to her Heirs in the manner aforesaid. Item I bequeath to my Daughter Margaret the sum of Two Hundred pounds money aforesaid in the following manner Seventy pounds four years after my Deceased Seventy pounds eight years after my deceased and sixty pounds twelve years after my Deceased and half of each payment to be paid by the said Jacob and the other half by the said Stephen to the said Margaret or to Heirs in the manner aforesaid. Item I Bequeath to my Daughter Anne Blain (Executrix) of whom she hath already received of me the sum of Eighty five pounds money aforesaid that is to say forty pounds four years after my deceased and forty five pounds nine years after my deceased and half of each payment to be paid by the said Jacob and the other half by the said Stephen to the said Anne Blain or to their bodily heirs in the manner aforesaid. Item whereas my Daughter Hannah is in a state of mind which makes Incapable to provide for herself or to Conduct her own affairs, and being desirous that she should be permanently provided for I do nominate and appoint my trusty friend Stephen her Trustee & Guardian or by whatever name to Manage and to have the special Care of my said Daughter Hannah to provide for her & his family Table from and after the

Time of my Decease sufficient meat and drink and also to provide for her convenient Horse room and Lodging during her natural life or during her pleasure and to make him recompence for his Trouble and labour, I bequeath him Two Hundred pounds one hundred pounds of which he is to Consider as already had and received in the land hereinbefore to him bequeathed one Hundred pounds my Son Jacob shall pay to him the said Stephen for that purpose in five Equal annual payments Beginning one year after my decease with Interest for the same and he the said Stephen shall annually after my Decease pay to the said Hannah the sum of Twelve pounds during her life which money is Intended to enable her to provide for herself necessary wearing apparel — Item It is also my will that my Daughters Barbara, Hannah, Esther, and Margaret or any or either of them shall have during their life or time or during their any or either of their pleasure full possession of the one room or apartment which I now occupy and use of the Kitchen in Common with my son Stephen and his family and also to have the use of a part of the garden now standing and stay and that Stephen shall during the time aforesaid provide for them so as read the House sufficient firewood for their necessary use and to provide for them as aforesaid sufficient food and that is to say hay and pasture for one Cow during their any of their or either of their life or time or pleasure. Item I do further declare it my will that my Executors hereinafter named shall as soon as conveniently after my Decease disbose to the best advantage of all my personal Estate and after payment of my debts and discharging my funeral expenses shall of the residue make equal distributions among all my Children hereinbefore named And Lastly I do hereby Constitute and appoint my two Sons, Jacob & Stephen Executors of this my last will and Testament revoking and annulling all former wills by me heretofore made ratifying and Confirming this and none other to be my last will and Testament. In Testimony whereof I have hereunto set my Hand and affixed my Seal this 29th day of March Eighteen Hundred and Ten —

Signed Sealed published & Declared by Stephen Bomgardner the above named Testator and for his last will and Testament in the presence of us who at his request in his presence and in the presence of each other have Subscribed our names as Witnesses thereto, Jacob Crawford, David Steinmetz, John Kurtz

Nathan Bauer (Seal)

Test Copy Test Richard Rutter Register.

order for Commn.

Whereupon the Court passed the following order for Commission viz.

Rowed } In this Case the Defendants have been all
vs } summoned and so returned by the Sheriff on
Rowed } Motion of Complainants Solicitor the Court
directs a Commission to issue to James M Shellman Esquire to appoint a Guardian to take the answer of Mary Rowed an Infant Defendant in the above Case

Md Shriver,

Commn.

Whereupon the summoned of the above order the following Commission issued viz.

Maryland. To the State of Maryland. To James M Shellman Esquire of Frederick County. Greeting Whereas Stephen Rowed and others have lately exhibited their Bill before us in our County Court as a Court of Chancery against Elizabeth Rowed, Widow Mary Rowed and others Defendants and Whereas we have by our writ lately commanded the said Defendants to appear before us in our said Court as a Court of Chancery, at a certain day now past, to answer the said Bill, but for as much as the said Mary is an infant under age, and cannot answer the said Bill nor defend this suit, without having a guardian assigned in that behalf, Know ye therefore, that we have given unto you full power and authority in pursuance of the special order of our said Court, to assign and appoint a guardian for the aforesaid infant and to take the answer of the said infant by such guardian to the said Bill and therefore we Command you, that at such certain day and place as you shall think fit, you go to the said defendants if they cannot conveniently come to you, and assign and appoint a Guardian for the aforesaid infant and take the answers of the said infant by such Guardian, to the said Bill on such guardian's corporal oath upon the Holy Evangely, to be administered by you, the said answers being distinctly and plainly writ, and when you shall have so taken the said answers, you are to send the same, closed up under your Seal, together with your certificate of your having assigned and appointed such Guardian as aforesaid and this writ, unto us, in our said Court, Witness the Honourable John Buchanan Esquire Chief Judge of our said Court, the 7th day of August Anno Domini 1826. Issued the 8th day of August 1826.

John Sobley Clerk.

W Roß Solr

Whereupon the following Answer and Certificate of the Infant Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz

Infants Answer

The Seperate answer of Mary Bowers an Infant under the age of Twenty one years by L D W Balch her guardian to the Bill of Complaint of Stephen Bowers and others. The said Mary Bowers by her said Guardian, in answering the said Bill admits the several matters and things therein set forth and that it will be for the mutual benefit of all the parties that the Land should be sold as prayed for in the Bill of Complaint and that such Decree may be made in this Cause as may be Consistent with Equity and good Conscience hoping that as she is an infant, this Court will regard her Interest

L D W Balch Guardian to Mary Bowers.

Frederick County to Wit I do remember that on this 8th day of August A D 1826 personally appears L D W Balch before me the Subscriber the Commissioner named in the Commission for that purpose issued, and makes Oath that the several matters stated in the within answer are true as stated, to the best of his Knowledge.

Sworn Before Jas Shellman Comm.r

To the Honorable the Judges of Frederick County Court Sitting as a Court of Equity I the Subscriber, named in the within Commission, do certify that by virtue of the said Commission I have assigned and appointed L D W Balch Guardian for the said Mary Bowers, the said infant therein named, and have taken the answer of the said infant by her Guardian, in writing upon his Corporal Oath to the bill in the said Commission recited, which I herewith send enclosed. In Witness whereof I have hereunto set my hand & Seal this 8th day of August A D 1826.

Jas Shellman (Seal)

Answer of Thomas Cook & Wife &c

Whereupon the following Answer was filed viz

The Joint and Several answers of Thomas Cook Margaret his wife, Elizabeth Bowers the widow of Jacob Bowers, Daniel Bowers, Jacob Bowers, David Bowers and Elizabeth Bowers to the Bill of Complaint of Stephen Bowers and others filed in Frederick County Court Sitting as a Court of Equity. These Defendants admit that Stephen Bowers made his will, as stated by the Complainants in their Bill of Complaint & that the said will was duly executed and that the said Stephen died without revoking the same. These Defendants also admit that Jacob Bowers and of the devisees under the will of the said Stephen, is dead, and that he left Elizabeth Bowers, and of these defendants his widow and the other Defendants his children and who are his only Heirs and representatives. That the said Jacob died intestate, and that the legacies as stated in the said Bill of Complaint and charged on the moiety of the land devised to the said Jacob are still due and unpaid, and these

Defendants further answer and say that they are not able to buy the said Legacies with advantage to themselves unless by the Sale of the said Land, and of the Legacies are running upon Interest, have no objections to the Sale of the Land as soon as the Court may think proper all which matters & things these defendants are ready to aver and prove, as this Honourable Court shall direct & humbly pray to be hence dismissed with their reasonable Costs & Charges in that behalf most wrongfully sustained.

Elizabeth her ✕ mark Rowes.
Daniel his ✕ mark Rowes
David his ✕ mark Rowes.

Elizabeth her ✕ mark Rowes Jr.
Thomas Cook
Margaret Cook

State of Maryland to Frederick County to Wit to wit Memorandum that on the 21st day of October A.D. 1826. personally appeared before me a Justice of the Peace in and for the County aforesaid Elizabeth Rowes (widow) Daniel Rowes, David Rowes & Elizabeth Rowes Junr the within named Defendants and upon their Solemn affirmation taken according to Law do depose and say that the facts contained in the said answer and true as therein stated to the best of their knowledge and belief. Sworn Before me. A McDhonny.

State of Maryland to Frederick County to Wit to remember that on the 21st day of October A.D. 1826 personally appeared before me a Justice of the Peace in and for the County aforesaid Thomas Cook and Margaret his wife the within named Defendants and upon their Solemn Oath taken according to Law do depose and say that the facts Contained in the said answer are true as therein stated to the best of their knowledge and Belief.

Sworn Before me. Henry Baker.

Answer of Jacob Rowes

Whereupon the following Answer was filed viz

The Answer of Jacob Rowes to the Bill of Complaint of Stephen Rowes and others filed in Frederick County Court Sitting as a Court of Equity. This Defendant admits the several matters and things as stated in the said Bill of Complaint and has no objections to the Sale of the Land as prayed for in the said Bill all which matters & things this defendant is ready to aver and prove as the Honourable Court shall direct & humbly prays to be hence Dismissed with his reasonable Costs and Charges in that behalf most wrongfully sustained. C Birnie

Sol^{r} for the said Jacob Rowes

I agree to receive the above answer without oath of the Defts. 10th Rob. 17 Nov 1826.

Decree

Whereupon this Court passed the following Decree viz to.

Stephen Rowes & others
Elizabeth Rowes & others

In Frederick County Court Sitting as a Court of Equity The said Court

standing ready for hearing and being submitted the Bill, answer Exhibits and other proceedings read by the Court read and considered, &c it is thereupon this Seventeenth day of November in the year of our Lord Eighteen Hundred and Twenty Six by the Court adjudged, ordered and Decreed that the property in the proceedings mentioned shall be sold that Stephen Bowers be and is hereby appointed Trustee for making the said Sale and that the bond and manner of his proceedings shall be as follows to shall first file with the Clerk of this Court a Bond to the State of Maryland executed by himself & a surety or sureties approved by this Court in the penalty of three thousand Dollars Conditioned for the faithful performance of the Trust reposed in him by this Decree or which may be reposed in him by any other Decree or order in the premises. He shall then proceed to make Sale of the said property having first given three weeks public notice inserted in such newspaper or papers as he may think proper of the time place, manner and terms of Sale, which shall be one third in hand, the residue in two equal annual payments with Interest from the day of Sale or on the ratification thereof by this Court at the election of the purchaser And on the ratification of the Sale and on the payment of the whole purchase money and not before the Trustee shall by a good & sufficient Deed to be executed, acknowledged, and recorded agreeably to Law, convey to the purchaser or purchasers & his, her and their Heirs the property purchased, by him her and them free bleed and discharged from all claims of the Complainants or of the defendants or those claiming by from or under them or any of them and as soon as conveniently may be after the Sale the Trustee shall return to this Court a full and particular account of his proceedings relative to said Sale with an affidavit of the truth thereof and of the fairness of the said Sale thereunto annexed and shall bring into this Court the money arising from said Sale to be applied under the direction of this Court according to the rights of the parties interested in the same after deducting the Costs of this suit and such Commissions to the Trustee as this Court shall think proper to allow in consideration of the skill, attention and fidelity wherewith he shall appear to have discharged his Trust, Adm Shriner

Trustees Bond.

Whereupon the Trustee filed the following Bond Endorsed Approved Adm Shriner viz

Know all men by these presents that we Stephen Bowers, George Winters & Israel D Haines all of the County of Frederick in the State of Maryland are held and firmly bound unto the State of Maryland in the full and just sum of Three

Thousand Dollars Current money to be paid to the said State or its certain attorney to which payment well and truly to be made and done we bind ourselves and each and every of us and each and every of our Heirs Executors and administrators, Jointly and Severally firmly by these presents Sealed with our Seals and dated this Twenty third day of December AD 1826. Whereas Stephen Rowel by virtue of a Decree of Frederick County Court, sitting as a Court of Equity has been appointed a Trustee to sell the real Estate mentioned in the proceedings filed in this Court in the Bill filed by Stephen Rowel and others against Elizabeth Rowel & others No 739 and the Equity Docket now the Condition of the above obligation is such that if the above bounden Stephen Rowel do and shall well and faithfully perform the trust reposed in him as Trustee aforesaid by the said Decree or that may be reposed in him by any future Decree or order in the premises then the above obligation to be void otherwise to remain in full force and virtue in Law —

Signed Sealed and Delivered in the presence of
Jacob Yost, Michael Stonesifer,

Stephen Rowel (Seal)
George Winter (Seal)
Israel D Haines (Seal)

Trustees Report.

And the said cause is standing Continued to February Term 1827. the Trustee made the following Report viz:

Stephen Rowel & others
vs
Elizabeth Rowel & others,

In Frederick County Court
Sitting as a Court of Equity

To the Honorable the Judges of Frederick County Court sitting as a Court of Equity in pursuance of a Decree of the said Court, made in the above cause bearing date the twentieth of November in the year Eighteen Hundred and Twenty six. to me addressed. directed ordered and Decreed that the real Estate of Jacob Rowel, Deceased in the proceedings in the above cause mentioned should be sold and that Stephen Rowel, was appointed Trustee to sell the same I the subscriber by virtue of and pursuant to the said Decree, do hereby report that the real Estate of Jacob Rowel directed to be sold, was duly published as will appear by Exhibit A herewith Exhibited, and I do further report that on the 17th of February 1827 the day on which the said premises was advertised to be sold as aforesaid I attended at the place of sale, and that the said property was duly sold and was fairly struck off to the following persons to wit Joseph Rowel, Rachael Rowel, Esther Rowel and Margaret Rowel for the sum of Nineteen Dollars and fifty Cents per acre they being the highest bidders for the same and

Amounting in the aggregate to the sum of nineteen Hundred and fifty Dollars, which money and notes are now in my Hands, as the proceeds of the Sale of the said premises, all which I respectfully Submitt to this Honourable Court this 14th day of March 1827.

Stephen Bowers Trustee.

Frederick County to Wit Personally appeared before me the Subscriber one of the Justices of the Peace in and for the County aforesaid on this 14th March 1827 the above named Stephen Bowers the Trustee and upon his Solemn affirmation doth depose and say that the facts in the above report of Sales are true and that the Sale was fairly made. —

Sworn before me Henry Brish.

order of publication

Whereupon the Court passed the following order of Publication viz.

Stephen Bowers & others
vs
Elizabeth Bowers & others

In Frederick County Court Sitting as a Court of Equity ordered that the Sale made and reported by Stephen Bowers Trustee for the Sale of the real Estate of Jacob Bowers Decd be ratified and confirmed unless Cause be shewn to the Contrary before the first Monday of May next provided a Copy of this order be inserted in some newspaper in Frederick County three weeks in succession before the said first Monday of May. The Report States the amount of Sales at $1980.

Mor. Shriner Clerk March 15th 1827.

Printers Certificate

Whereupon the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz. I Hereby Certify that the annexed order of in the Case of S Bowers vs E Bowers was published in the Herald for four successive weeks previous to the first Monday of May Last. John S Thomson,

order of Ratified

And the said Cause as standing Continued to July Term 1827. the Court passed the following order of Ratification viz.

Stephen Bowers & others
vs
Elizabeth Bowers & others.

In Frederick County Court Sitting as a Court of Equity ordered by the Court that the Sale made by the Trustee in this Cause as reported by him be and is hereby ratified and confirmed. the order having been duly published as by Exhibit A here Exhibited The Trustee is allowed for his Commission & all Expenses the sum of ninety five Dollars, It is further ordered that the auditor of this Court State an account Between the said Trustee and the parties entitled, shewing the sums to which each of the parties shall be entitled out of the proceeds of the Sale. Mor. Shriner, Aug 2d 1827.

And the said Cause as standing Continued from Term to Term until February Term 1828 the Auditor made the following Report viz. Dr The Estate of Jacob Bowers Dec'd in Ac with Stephen Bowers Esquire Trustee &c

Auditors Report

To the Trustee for his commission and all expenses			90
" the attorney for his fee	3. 23½		
" the clerk for his fee	13. 12		
" the Sheriff for his fees	3. 06½		19. 52
To the auditor for his fees in stating & reporting to Court as set forth			9.
To Daniel Rowes assignee of David Bland and Ann his wife, legatees under the will of Stephen Rowes, the elder Deceased their proportion of that portion of the legacy to be paid by Jacob Rowes dec'd with the interest added to Sale, and the will and Exhibit marked A and paper marked W	168. 43½		167. 54
To Barbara Rowes, also a legatee under the will of Stephen Rowes dec'd the elder, her proportion of that portion of the legacy to be paid by Jacob Rowes Deceased with interest added to Sale, and the will Exhibit A	417. 86½		415. 66
To Stephen Rowes assignee of Hannah Rowes also a legatee under the will of Stephen Rowes Deceased the elder, his proportion of the legacy to be paid by Jacob Rowes Deceased with interest added to Sale, and the will Exhibit A	413. 20		410. 74
To Esther Rowes, also a legatee under the will of Stephen Rowes, the elder dec'd her proportion, of that portion of the legacy to be paid by Jacob Rowes dec'd with interest to Sale, and the will Exhibit A	401. 87		399. 73
To Margaret Rowes also a legatee under the will of Stephen Rowes the elder dec'd her proportion of that portion of the legacy to be paid by Jacob Rowes dec'd with interest added to Sale, and the will Exhibit A	385. 56		383. 81
Amt of legacies & Int added	1887. 38		1951.
By Amount of Sale, made the 17th day of February 1827, as by report of Trustee filed			1951.

Stephen Rowes & others
vs
Elizabeth Rowes & others

In Frederick County Court as a Court of Equity February Term 1828.

To the auditor to Frederick County Court Sitting as a Court of Equity I beg leave to report to the Honorable the Judges thereof that in complyance with their order I have examined the proceedings comprising this cause and thereupon state the aforegoing

account. In this as in like cases I have allowed the Trustee for his Commission and all Expenses and also allowed the Costs of this Court. I have next ascertained the amount of the Legacies yet due and unpaid. upon that part of the Estate devised to the said Jacob Rowes Deceased and which said Estate is subject to the payment of said Legacies as aforesaid by the said I have added Interest upon said Legacies unpaid to the day of the Sale by the Trustee, and the next Proceeds of Sale, I have apportioned to the said Legacies in part payment thereof, and find the dividend thereupon to be 99 the 4/5 Rules or a fraction in the Decrease from information that I have found time to time derived from the Rowers (parties Concerned) no part of the said Legacies were paid excepting the Legacy of £15. to Elizabeth Hopler which they represented, as having been fully paid and Satisfied by the said Jacob Rowes, prior to his decease, by a representation to Hopler W. to which he perceived that the Legacy to Ann Blair, was never paid by the said Jacob Rowes Deceased, but was in truth advanced by Daniel Rowes, to said Ann Blair. I have in Consequence upon the application W. audited the same to the use of the said Daniel Rowes, as the period when the Interest shall start has reference to the Death of the Testator the Trustee Stephen Rowes, states that Stephen Rowes the Elder died about November 1811, from which period I have made my Calculations of Interest. I Respectfully report this Cause to the Honourable the Judges aforesaid for ratification.

Henry Sahley Auditor May 5th 1828.

order of ratific^n

Whereupon the Court passed the following order of ratification viz^t February Term 1828 ordered by the Court that the aforegoing account as stated and reported by the auditor be and the same is hereby ratified and confirmed and that the Trustee pay over the proceeds of Sale as the same has or may be received to the parties respectively entitled to the same according to the distributions in said audit made.

Abm Shriver May 7th 1828

Test John Sahley Clerk

Maryland Frederick County to wit

At a County Court sitting as a Court of Equity Regular and Held for the Court House in Frederick Town in and for said County on the first Monday of February in the year of our Lord 1827.

Present The Honourable John Buchanan Esquire Chief Judge.

Abm Shriver & Esquires Associate
Thomas Buchanan 2d Judges
Thomas Carlton Esquire Sheriff
and John Sahley Clerk

In the record of proceedings of the same Court amongst others are the following viz^t

Bill

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity Humbly Complaining Sheweth unto your Honours your orators Adam Rowtzong & Elizabeth his wife Jacob Rowtzong & Catherine his wife. Michael Hoffman & Sophia his wife. Jacob Jones & Mary his wife Samuel Jones & Margaret his wife all of Frederick County That John Flight late of Frederick County now Deceased & who died intestate Lept at the time of his death a large real Estate to wit part of a tract of land called Pleasant Hill containing one hundred & twenty three acres. part of a tract called Keys yard & Rams Horns Cow. taining Twenty two acres part of a tract called Johns Holi bottoming known as three eighth of an one and part of a tract called Pleasant Hill containing Twenty one acres which land lay in a body & containg one hundred & Seventy three acres one rood & twenty perches of land more or Less also one other part of a tract of Mountain land called the nursery one part of Rodes Cellers Ramble Con taining Sixty two acres two roods & twenty six perches of land more or less & detatched from the herein before mentioned different tracts or parcel of land That said John Flight at the time of his death left the following children. his heirs at Law To wit Elizabeth Rowtzong Catherine Rowtzong. Sophia Hoffman. Mary Jones and Margaret Jones all of whom are herein before mentioned among your orators. also John Flight. Eleanor Flight. Henry Flight. & Hezekiah Flight who are minors being under the age of Twenty one years. That said John Flight left also a widow called Elizabeth Flight who is still alive your orators would further represent to your Honours That in Consequence of the number of Heirs or persons entitled to a proportional division of the Lands herein described land will not admit of an adequate division That they are obliged to rent it and that in Consequence thereof they believe it to be dimin. ishing in value That they believe it will be for the benefit of all parties interested in said land that it should be sold by a Trustee under a Decree of your Honours as herein after prayed In Consideration whereof & for as much as your orators are remediless at Common law & cannot have adequate relief save in a Court of Equity where matters of this & the like kind are properly Cognizable & relievable To the end therefore that the said John Flight. Eleanor Flight. Henry Flight & Hezekiah Flight may upon their Several and respective Corporal Oaths direct & perfect answer make to all & Singular the matters & things herein before

stated & Charged as fully & particularly as if the same were herein again repeated & they thereto distinctly interrogated & that to the best of their knowledge information hearsay and belief & that they & each of them may answer & set forth whether it will be for their advantage that said land should be sold as herein after prayed may it therefore please your Honours to decree that the aforementioned real Estate of John Flight deceased be sold by a Trustee appointed by this Honourable Court & the proceeds of said Sale when made be equally divided among the heirs at law of said Flight may it also please your Honours to grant unto your orator your writ of Subpoena to be directed to the said John Flight, Eleanor Flight, Henry Flight & Hezekiah Flight thereby commanding them at a certain day personally to be & appear before this Honourable Court and then & there to answer the premises and to stand to & abide by such order and decree in the premises as to your Honours may seem agreeable to Equity & good Conscience and may it please this Honoured Court to grant to your orator all such further relief in the premises as to your Honours may seem fit & hoped. and your orator will ever pray &c. Brice Sol^{r}

Sol^{r} for Compl^{t}.

Petition & order for Commission

Whereupon the foregoing Petition and order for Commission was filed viz^{t}. To the Honourable the Judges of Frederick County Court sitting as a Court of Chancery The Summons for John Henry, Eleanor & Hezekiah Flight as respondents to the Bill of Complaint of Adam Rentzen wife & others have been returned 'Summoned' & it appearing that said respondents are minors being under the age of twenty one years. This Honourable Court will please to grant that a Commission issue to Jacob Coblentz to appoint a Guardian & take the answers of said Infants. Brice Sol^{r} for Compl^{t}

Ordered by Frederick County Court Sitting as a Court of Chancery this a Commission issue to Jacob Coblentz authorising him to appoint a Guardian or Guardians to the above mentioned John Flight, Henry Flight, Eleanor Flight & Hezekiah Flight and to take the answer of said infants by their guardians when appointed, to the bill of Complaint of Adam Rentzen and wife & others.

Md. Test Thomas July 5th 1827.

Commission

Whereupon in pursuance of the above order the following Commission issued viz^{t}

Maryland to the State of Maryland. To Jacob Coblentz Esquire of Frederick County Greeting Whereas Adam Rentzel and Elizabeth his wife and others have lately exhibited their Bill of Complaint before us in our County Court as a Court of Chancery against John

Seal

Flight, Henry Flight, Eleanor Flight and Hezekiah Flight, Defendants now whereas we Have, by our writ lately Commanded the said Defendants to appear before us, in our said Court as a Court of Chancery at a certain day now past to answer the said Bill but for as much as the said John, Henry Eleanor and Hezekiah are infants under age and cannot answer the said Bill now depend this unto without having a Guardian assigned in that behalf know ye therefore that we have given unto you full power and authority in hereunto of the special trust in our said Court. to assign and appoint a Guardian for the aforesaid infants, and to take the answer of the said infants by such guardian to the said Bill and therefore we Command you, that at such certain day and place as you shall think fit, you go to the said Defendants if they cannot conveniently come to you, and assign and appoint a guardian for the aforesaid infants and take the answers of the said infants, by such guardian to the said Bill and such guardian sworn and took upon the Holy Evangely to be administered by you, the said answers being distinctly and plainly write and when you shall have so taken the said answers, you are to send the same, Closed up under your Seal together with your Certificate of your having assigned and appointed such guardian as aforesaid and this writ unto us in our said Court. Witness the Honourable John Buchanan Esquire Chief Judge of our said Court the 5th day of February anno Domini 1827. Issued the 5th day of July 1827.

John Ashley Clerk

(L.S.)

Whereupon the following Answer and Certificate of the Infant Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz. The Joint & several answer of John Flight Eleanor Flight, Henry Flight, & Hezekiah Flight infants under the age of Twenty one years by Peter Hoblentz their guardian to the Bill of Complaint of Adam Rentzong & Elizabeth his wife Jacob Rentzong Katherine his wife & others The said defendants coming & severing to themselves & each of them all & all manner of advantage of exceptions to the errors & uncertainties in said bill of Complaint Contained answer by Peter Hoblentz their guardian & say That the facts stated in said bill of Complaint are true. That they are willing the real Estate of John Flight in said bill mentioned should be Sold as therein prayed & that such Decree be made as may seem agreeable to equity & good Conscience hoping that as they are infants this Honourable Court will regard

Infants answer

their Interests, Peter Coblentz Guardian to said infants
On this 13th day of July in the year Eighteen hundred twenty seven
Came Peter Coblentz & took before me the Subscriber the Commissioner named in the Commission for that purpose issued out of Frederick County Court Sitting as a Court of Chancery and made Oath on the Holy Evangely of almighty God that the Several matters & things stated in the within annexed and Said to the best of his knowledge & belief.

Sworn before Jacob Coblentz Commissioner

To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery I Hereby Certify that by virtue of this Commission herewith enclosed I have assigned and appointed Peter Coblentz Guardian for the infants named in said Commission and have taken the answers of said infants by their said Guardian in writing upon his Corporal Oath to the bill in said Commission mentioned which I Herewith send enclosed In Testimony whereof I Hereto set my Hand and affix my seal this 13th day of July in the year Eighteen hundred and twenty seven. Jacob Coblentz (Seal)

And the said Cause so standing Continued to July Term 1827 the following Consent of the Widow to Sell the property &c was filed viz:, Adam Rentzeny & wife & others

vs

John Flight & others

Consent of the Widow to Sell

To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery The undersigned respectfully begs leave to state to this Honourable Court that in the above case she is stated to be the widow of John Flight Deceased for the Sale of whose real Estate said proceedings have been had that as the widow of said John Flight she is desirous & willing said real Estate should be sold as in said proceedings prayed hoping your Honours will regard her in the distributions of the proceeds of Sale when made,

Elizabeth her + Flight (Seal)
mark

Test Jacob Coblentz

On this 13th day of July 1827 personally appears Elizabeth Flight widow as above described before the Subscriber a Justice of the Peace & acknowledged the above signature to be her hand & Seal & she therewith to be Content,

acknowledged Before Jacob Coblentz.

On this 26th day of March in the year 1828 personally appears Isaac Jones Junr before the Subscriber a Justice of the Peace in & for Frederick County & makes Oath on the Holy Evangely of Almighty God that Elizabeth Flight the above respondent is of the age of fifty years to the best of his knowledge & belief,

Sworn Before me E Bartgis

Whereupon the Court Passed the following Decree. July 26th 1827 viz

Decree

Adam Rowtzong & Elizabeth his wife & others
vs
John Flight & others

No 794 Equity In Frederick County Court Sitting as a Court of Equity July Term 1827 The said Case standing ready for hearing and being submitted The Bill answers & Exhibits Proceedings read & examined. So it is therefore this 26th day of July in the year of our Lord Eighteen Hundred & twenty seven by Frederick County Court Sitting as a Court of Equity, adjudged ordered & decreed that the real Estate mentioned in the proceedings as late the property of John Flight Deceased shall be sold that Jacob Jones Junr & Adam Rowtzong be & are hereby appointed Trustees to make said Sale and the terms and manner of this proceedings shall be as follows they shall first file with the Clerk of this Court a Bond to the State of Maryland executed by themselves & a surety or sureties in the penalty of Two Thousand Dollars Current money to be approved by this Court Conditioned for the faithful performance of the Trusts reposed in them by this Decree or to be reposed in them by any future order or Decree in the premises They shall then proceed to sell either publickly or privately as may appear most advantageous first having given three weeks public notice in some newspaper printed in Frederick of the time place manner & terms of Sale The purchaser shall pay one third of the purchase money on the day of Sale or on the ratification thereof by this Court & give notes to the Trustees with Security to be approved by them for the payment of the residue in two equal payments of one & two years respectively from the day of Sale, as soon as Conveniently after the Sale the Trustees shall return to this Court a full & particular account of their proceedings relative to said Sale with an affidavit of the truth thereof & fairness of the Sale annexed upon the Sale being ratified by this Court & on payment of all the purchase Money & not before the Trustees shall by a good and Sufficient deed to be executed according to law, convey to the purchaser or purchasers his her or their heirs the property to him her or them sold free clear & discharged from all claims of the Complainants or Defendants & those claiming from by or under them. the said Estate shall be sold free clear & disincumbered from the widows right of Dower The Trustees shall on bring into this Court the money arising from said Sale to be applied under the direction of this Court after deducting the Costs of this suit & such Commission to the Trustees as this Court shall think proper to allow. Md Shriver.

Trustees Bond

Whereupon the Trustee filed the following Bond Endorsed approved & Ord. Which is viz:

Know all men by these presents that we Jacob Jones Junr. Adam Routzong, Jacob Jones Junr and Ludwick Routzong all of Frederick County and State of Maryland are held & firmly bound unto the State of Maryland in the full & just sum of Two Thousand Dollars current Money to be paid to the said State or its Certain attorney. to which payment well and truly to be made and done we bind ourselves. each and every of us our Heirs Executors or administrators Jointly and Severally firmly by these presents. Sealed with our Seals and dated this first day of August in the year of our Lord Eighteen hundred & twenty Seven. Whereas Jacob Jones Junr & Adam Routzong by virtue of a Decree of Frederick County Court Sitting as a Court of Chancery have been appointed Trustees to sell the real Estate of John Flight Deceased for the purpose in the proceedings mentioned Now the Condition of the above obligation is such that if the above bounden Jacob Jones Junr and Adam Routzong do Shall well & faithfully perform the Trust reposed in them as Trustees aforesaid by the said Decree or which may be repos'd in them by any future order or Decree in the premises then the above obligation to be void otherwise to be and remain in full force & virtue in Law —

Jacob Jones Junr (Seal) Adam Routzong (Seal)
Jacob Jones Junr (Seal) Test Wm J Van Zandt (Seal)

And the said Court is standing Continued from Term to Term until February Term 1828 the Trustee made the following Report viz To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery The Subscribers Trustees named & Decreed of this Honourable Court dated the 26th day of July 1827 for the Sale of the real Estate of John Flight Deceased beg leave to make Return to your Honours that after having given three weeks public notice in the Citizen & Frederick Town Herald of the time place and manner of Sale they proceeded to sell the said real Estate by public vendue on the 31st day of August in the year 1827 that Michael Hoffman became the purchaser of both tracts comprising said real Estate to wit The House farm containing 187 acres for the sum of Sixty Dollars per and amounting to the sum of Four Thousand Seven hundred & Two Dollars also the mountain Land containing 62 acres & and for the sum of Eight Dollars & one cent per and amounting to the sum of Four hundred & ninety six Dollars & sixty two Cents. These Trustees further return that said land was sold for the highest price which they believed could have been obtained therefor & that said Sale was fairly & honestly

Trustees Report

Mead. Jacob Toms Junr, Adam Rentzon.

On this 25th day of March 1828 personally appears Jacob Toms Junr & Adam Rentzon the Trustees above subscribing their names to the above report before the Subscriber a Justice of the Peace for Frederick County and make oath on the Holy Evangely of almighty God that the within report is true to the best of their Knowledge & belief.

Sworn Before me W. B. Bartgis

order of Publication

Whereupon the Court passed the following order of Publication viz.

In Frederick County Court Sitting as a Court of Chancery ordered this 25th day of March in the year 1828 that the Sale of the real Estate of John Flight Deceased as made and reported by Jacob Toms Junr & Adam Rentzon Trustees be ratified & Confirmed on the 20th day of April next if no objection appears to the Contrary provided a Copy of this order be published for three successive weeks in some newspaper printed in Frederick previous to the said 20th day of April next. The Amount of Sales is stated by the Trustees to be $5206.62 — Adm Shriner.

Printers Certificate

Whereupon the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz.

Frederick April 30th 1828 I Hereby Certify that the annexed order for ratification of Sale of real Estate of John Flight Deceased was published in the Herald for three successive weeks previous to 20th Instant. John P. Thomson.

order of Publication

Whereupon the Court passed the following order of Publication viz.

Adam Rentzon & Wife & others vs John Flight & others

February Term 1828 ordered by Frederick County Court Sitting as a Court of Chancery this 6th day of May in the year 1828 that the Sale of the real estate of John Flight Deceased as made and reported by Jacob Toms Junr & Adam Rentzon the Trustees be and the same is hereby ratified & confirmed legal notice having been given & no cause to the Contrary appearing the matter will proceed to State and account Returned the parties interested according to the rules & and practice of this Court & report the same to this Court he will allow the Trustees the sum of twenty Dollars for their Commission including all Expenses and to the widow of John Flight Deceased two Seventeenths of the nett proceeds of Sale. Adm Shriner.

Auditors Report

Whereupon the Auditor filed the following Report viz.

Dr The Estate of John Flight Deceased in a/c with Jacob Toms Junr & Adam Rentzon Surv Trustees &c

To the Trustee for their Commission & all Expenses			$ 70.00
" the attorney for his fee	$ 3.	33⅓	
" the Clerk for his fee	9.	04	
" the Sheriff for his fees	1.	57½	13.95
To the auditor for his fee in stating account reporting to Court &c			6.00
To Elizabeth Flight, the widow of the said John Flight Deceased, two Seventeenths of the nett proceeds of Sale in lieu of her right of Dower in the Land sold under the order of the Court			611.96
To John Flight, a son, and one of the heirs of said John Flight Deceased one ninth of Balance of proceeds of Sale, under the Bill Proceedings Composing this Cause			500.52½
To Henry Flight, a son and one of the heirs of said John Flight Deceased one ninth of Balance of proceeds of Sale, under the Bill Proceedings Composing this Cause			500.52½
To Magdalena Flight a Son, and one of the Heirs of said John Flight Deceased one ninth of Balance of proceeds of Sale, under the Bill Proceedings Composing this Cause			500.52½
To Eleanor Flight a Daughter, and one of the heirs of said John Flight Deceased one ninth of Balance of proceeds of Sale, under the Bill Proceedings Composing this Cause			500.52½
To Adam Rentzong & Elizabeth his wife Complainants & heirs of said John Flight Deceased one ninth of Balance of proceeds of Sale, under the Bill and Proceedings Composing this Cause			500.52½
To Jacob Rentzong and Catherine his wife Complainants and heirs of said John Flight Deceased one ninth of Balance of proceeds of Sale under the Bill & Proceedings Composing this Cause			500.52½
To Michael Hoffman and Sophia his wife Complainants and heirs of said John Flight Deceased one ninth of Balance of proceeds of Sale, under the Bill and Proceedings Composing this Cause			500.52½
To Jacob Long and Mary his wife Complainants and heirs of said John Flight Deceased one ninth of Balance of proceeds of Sale, under the Bill and Proceedings Composing this Cause			500.52½
To Samuel Long and Margaret his wife Complainants and heirs of said John Flight Deceased one ninth of Balance of proceeds of Sale, under the Bill and Proceedings Composing this Cause			500.52½
			$5206.62
By Amount of Sale made the 31st day of August 1827 as per report of Trustee filed			$5206.62

Adam Rontzong and others
vs
John Flight & others

In Frederick County Court as a Court of Equity February Term 1828 Of auditor to Frederick County Court Sitting as a Court of Equity I beg leave to report to the Honourable the Judges thereof that in Compliance with their order I have examined the proceedings Complaining this Cause and thereupon Stated the aforegoing account. In this as in like Cases I have allowed the Trustee for their Commissions and all Expenses and also allowed the Costs of the Court, and to the widow of the said John Flight Deceased two Seventeenths of the nett proceeds of Sale, by order of this Honourable Court and the Balance of proceeds of Sale. I have divided equally amongst the heirs and proper representatives of the said John Flight Deceased. under the Rule and proceedings Complaining this Cause and Respectfully submit the same to the Honourable the Judges aforesaid for Confirmation

Henry Ashley Auditor May 10th 1828.

Order of Ratifica. Whereupon the Court hoped the following order of Ratification viz. February Term 1828. ordered by the Court that the aforegoing account as stated and reported by the auditor be and the same is hereby ratified and confirmed & that the Trustee pay over the proceeds of Sale, as the same has or may be received to the parties respectively entitled to the same according to the distributions in said auditors report.

Test John Ashley Clerk.

Andw Shriver May 10th 1828.

Maryland Frederick County to wit
At a County Court Sitting as a Court of Equity Begun and Held for the County aforesaid in Frederick Town in and for said County on the first Monday of February in the year of our Lord Eighteen Hundred and twenty five.

Present the Honourable John Buchanan Esquire Chief Judge
Andw Shriver & Esqrs. Associate Judges
Thomas Buchanan
Thomas Carlton Esquire Sheriff
& John Ashley. Clerk.

In the record of proceedings of the same Court amongst others are the following viz.

Bill To the Honourable the Judges of the Frederick County Court Sitting as a Court of Equity Humbly Complaining sheweth unto your Honours your orator and oratrix. Jacob F. Miller, and Mary Ann Miller his wife. that Jonathan Levy late of Frederick County died intestate leaving your oratrix Rebecca Levy; Sarah Ann B Levy, Ann C Levy, Elizabeth Levy, Jonathan P Levy his children & heirs

At Law, that since the death of the said Jonathan Levy, Rebecca Levy intermarried with Lewis Hammond and your orator intermarried with Isaac T. Miller, that the said Rebecah Hammond Sarah Ann B Levy, Ann C Levy, Elizabeth Levy, Jonathan D Levy are all infants under the age of twenty one years, your Honours are informed that the said Jonathan Levy died the owner & possessed of a House and Lot of ground Situate in Patrick Street Frederick Town and for a further description of said real Estate your Honors are refered to true and certified Copies of the Title papers of said real Estate here Exhibited and Marked Exhibit No 1 which your orator and orators pray may be taken as a part of this bill of Complaint together with all other Exhibits, your Honors are informed that Elizabeth Levy the widow of the said Jonathan Levy is living and is entitled to one third part of the real Estate aforesaid for and during her natural life as her Dower right, your Honours are informed that the children and Heirs at Law of the said Jonathan Levy Deceased own and hold said House and Land as tenants in Common as aforesaid, which real Estate will not admit of a Division among the Complainants and defendants without injury to all the parties interested your Honors are informed that it would be for the advantage of all the parties interested in the aforesaid real Estate to have it sold by a Trustee appointed for that purpose by this Honorable Court in Equity Consideration whereof and for that your orator and orators, are remediless in the premises by the strict rules of the Common Law and relievable only in a Court of Equity where matters of this nature are properly Cognizable & this and therefore, that the said Lewis Hammond and Rebecah A Hammond his wife Sarah Ann B Levy, Ann C Levy Elizabeth Levy, Jonathan D Levy and Elizabeth Levy the widow may severally full, true direct and perfect answer make upon their respective Corporal Oaths according to the best of their knowledge information and belief to all & singular the charges and matters aforesaid as fully in every respect as if the same were here again repeated and they & every of them particularly interrogated may it please your Honours to order and decree that the said House & Land aforesaid be sold by a Trustee appointed by this Court for that purpose and may it please your Honours to grant unto your orator and orators the State of Maryland a writ of Subpoena to be directed to the said Lewis Hammond and Rebecah Hammond his wife Sarah Ann B Levy, Ann C Levy, Elizabeth Levy, Jonathan D Levy & Elizabeth Levy the widow, Commanding them and each of them to be and appear in this Honorable Court on a time day

Thereof to be cleared then and there to answer all and
singular the premises aforesaid and to stand to and
abide such order and Decree in the premises as to
your Honours shall seem meet, and grant to your
orators all such other relief in the premises as shall
appear just which in duty bound your orators will
ever pray. Josh Dalrymple Solicitor for Complainants

Exhibit No 1 Exhibit No 1 referred to in the within and aforegoing Bill
of Complaint Contained in the following Words viz
to the Request of Jacob Levy & others the following Deed
of Partition was recorded 10th November 1809 viz
This Indenture of Six parts made and Concluded this Thirtieth
day of October in the year of our Lord One Thousand Eight
Hundred and nine By and Between Jacob Levy and of
the sons of David Levy late of Frederick County in the
State of Maryland deceased of the one part Samuel Levy
another of the sons of the Deceased of the second part
Abraham Levy another of the sons of the Deceased of the
third part Jonathan Levy another of the sons of the Deceased
of the fourth part Francis Geiginger and Sarah Geiginger his
wife and one of the Daughters of the Deceased of the fifth
part and Adam Grabill and Rebecca Grabill his wife also
another of the Daughters of the Deceased of the sixth part
Whereas the said David Levy deceased late father of the said
Jacob, Samuel Abraham and Jonathan Levy. Sarah Geiginger
and Rebecca Grabill by his last will and Testament
bearing date on or about the fifteenth day of January
Eighteen Hundred and Two did thereby (after devising
specifick property to some of his children) devise and
bequeath all the rest and residue of his Estate both
real and personal to be equally divided among them
namely Jacob Valentine, Samuel Abraham & Jonathan
Levy Sarah Geiginger and Rebecca Grabill and Whereas
the said Valentine Levy one of the Devisees hath since
departed this life without issue whereby and agreeable
to the aforesaid will and testament the part of the said estate
so devised and bequeathed to the said Valentine Levy as
aforesaid descended to the said Jacob Samuel Abraham
and Jonathan Levy Sarah Geiginger Sarah Geiginger and
Rebecca Grabill in equal portions shares and shares alike
and whereas they the said Jacob Samuel Abraham
and Jonathan Levy. Francis Geiginger and Sarah his wife
Adam Grabill and Rebecca his wife do presently Have
and Hold the said Estate as devised and bequeathed
to them as aforesaid as Tenants in Common equal
Share and Share alike Now Therefore this Indenture
Witnesseth that the said parties have Concluded

To Hold and enjoy their respective parts of the said Estate as devised bequeathed and descended to them in Severalty. To therefore is Covenanted and agreed by and between all & every of the said parties for himself and herself and for his Heir and their heirs Executors and administrators and they do hereby Severally and respectively Covenant grant & agree to and with the others their Several and respective heirs and assigns that a partition of the said shall be and is hereby made and determined in manner following that is to say first that the said Jacob Levy his Heirs and assigns shall and may from henceforth hold hold possess & enjoy in severalty to the only proper use and behoof of the said Jacob Levy his heirs and assigns forever all that part or parcel or portion of ground situate lying and being in Beaty Town in the County aforesaid and premises with the appurtenances thereunto belonging which was Conveyed by a Certain John Ramsburg to the said David Levy Deceased by deed dated on or about the fourth day of april Seventeen Hundred and Eighty nine and recorded in Liber W.C. No 8 Folio 431 and 432 one of the land records of the County aforesaid, Also all that part of Two Lots pieces or portions of ground situate lying and being in Beaty Town designated by Nos 6 & 7 which was Conveyed by a Certain Thomas Beatty to the said David Levy Deceased by deed dated on or about the Eleventh day of april Seventeen Hundred and ninety five and recorded in Liber W.C. No 13 Folio 205 & 206 one of the Land records of the County aforesaid together with all and singular the buildings and improvements thereon & thereunto belonging and appertaining for the full part share or portion of him the said Jacob Levy of in & to the real estate herein before said and premises as devised and descended to them the said Jacob Samuel, Abraham and Jonathan Levy, Francis Spielmyer and Sarah his wife Hannah Graeff and Rebecca his wife (except that part of the Estate) of which the Deceased died seized Commonly called and known by the name of the Brick yard Lot of ground Secondly that the said Samuel Levy his Heirs and assigns shall and may from henceforth hold hold possess & enjoy in Severalty to the only proper use and behoof of the said Samuel Levy his Heirs and assigns forever all that part of two Lots pieces or portions of ground situate lying and being in Beaty Town in the County aforesaid and premises with the appurtenances thereunto belonging to being part of the said two Lots of ground the one Conveyed by a Certain Henry Sind and Margaret Sind his wife to the said David Levy Deceased by deed dated on or about the Thirteenth day of May Seventeen Hundred & Eighty Seven

shed recorded in Liber W R No 17 Folios 331 & 332 and of the Land records of the County aforesaid and the other of said Lots of ground being that conveyed by a certain Jacob Shelman and Catherine his wife by deed dated on or about the thirtieth day of January Seventeen Hundred & ninety to the said David Levy Deceased and recorded in Liber W R No 9 Folios 55 & 56 and of the Land records of said County the said party hereto or parcel of the aforesaid two Lots of ground hereby intended to be conveyed is contained within the following Limits metes and bounds viz Beginning at the South West corner of the brick House wherein the aforesaid Abraham Levy now lives and running thence westerly with the North edge of the stone to the middle of the partition wall between the brick Houses of the said Samuel and Jonathan Levys then Northerly with the middle of the said partition wall to the north side wall of said House and said northerly by a direct line to stone planted and marked No 3 then easterly to a stone planted and marked No 4 standing on the north West corner of the aforesaid Abraham Levys part of the Western Limits & bounds of the said Abraham Levys part of said Lots to the first mentioned beginning, Together with all and singular the buildings and improvements thereon and thereunto belonging or appertaining for the full part share or portion of him the said Samuel Levy of in and to the real Estate herein before recited and premises as devised and descended to them the said Jacob, Samuel Abraham and Jonathan Levy Francis Gritzinger and Sarah his wife Asaac Isaacs and Rebecca his wife (except that part of the estate of which the said David Levy died seized commonly called and known by the name of the Brick yard Lots of ground Thirdly that the said Abraham Levy his Heirs and assigns shall and may from henceforth have hold possess & enjoy in severalty to the only proper use and behoof of the said Abraham Levy his Heirs and assigns forever all those two of Two Lots pieces or portions of ground, situate lying and being on Rutty Town on the County aforesaid & premises with the appurtenances being part of the said two Lots of ground Conveyed by Henry Sein and Margaret his wife Jacob Shellman and Catherine his wife to the aforesaid David Levy Deceased as herein before said the said party pieces or parcels of the aforesaid two Lots of ground hereby intended to be Conveyed is Contained within the following limits metes and bounds viz Beginning at the South West corner of the brick House wherein the aforesaid Francis Gritzinger now lives & running thence Westerly along and with the north edge of

the Street to the South West Corner of the Brick House wherein the said Abraham now lives then northerly along by and with the West side of the Wally of the said Abrahams Buildings to the North West Corner of the Smoke House and still northerly by a direct line to a Stone planted and marked No 4 then Easterly to a Stone planted and marked No 2 standing to the North West Corner of the portion of ground herein after mentioned to be Conveyed to Sarah Gripings then Southerly along by and with the Western limits and bounds of the said Isaac Gripings's portion of ground aforesaid to the first mentioned Place of Beginning Together with all and Singular the buildings and improvements thereon and thereunto belonging or appertaining for the full hard clear or portion of him the said Abraham Levy of in and to the real Estate herein before said and premises as devised and demanded to them the said Jacob, Samuel Abraham and Jonathan Levy, Hannis Gripings and Sarah his wife, Adam Yeates and Rebecca his wife except that part of the Estate of which the said David Levy died seizia Commonly called and known by the name of the Brick Yard Lot of ground Fourthly that the said Jonathan Levy his Heirs and Assigns shall and may from henceforth Have hold Posess and enjoy in Severalty to the only proper use and behoof of the said Jonathan Levy his Heirs & Assigns forever all that part of the Lot of ground Situate lying and being in Berks Town aforesaid in the said County being part of the Lot of ground Conveyed by the said Jacob Shellman and Catharine his wife to the said David Levy Deceased as aforesaid & premises with the appurtenances the said hard hired or parcel of the aforesaid Lot of ground hereby intended to be Conveyed being Contained within the following limits mates and bounds viz Beginning at the said South West bounds of Samuel Levys hard or portion of ground & premises herein before described and running thence Westerly along and with the North edge of the Street to the South West Corner of the aforesaid Lot of ground Conveyed by the said Shellman and wife to the said David Levy Deceased then Northerly with the Western limits and bounds of said Lot to the North West Corner thereof then Easterly with said Lot to a Stone planted and marked No 6 standing on the North West Corner of Samuel Levys portion of ground aforesaid then Southerly along by and with the Western limits and bounds of the said Samuel Levys portion of ground aforesaid to the first mentioned place of Beginning Together with all and Singular the buildings and improvements thereon and thereunto belonging or appertaining for the full hard clear as

portion of him the said Jonathan Levy of in and to the real Estate herein before said and premises do convey & descended to them the said Jacob Samuel Abraham and Jonathan Levy, Francis Geiginger and Sarah his wife Adam Zeller and Rebecca his wife (except that part of the latter of which the said David Levy died seized commonly called and known by the name of the Brick Yard Lot of ground Fifthly that the said Sarah Geiginger wife of Francis Geiginger shall and may from henceforth have hold hopeys and enjoy in Severalty to the only proper use and behoof of the said Sarah Geiginger his heirs and assigns forever all that part of the lot of ground Situate lying and being in Reading Town aforesaid and premises with the appurtenances thereunto belonging Being part of the lot of ground conveyed by the said Henry Sims and Margaret his wife to the said David Levy Deceased as aforesaid the said part piece or portion of ground hereby intended to be conveyed being contained within the following limits mates and bounds viz Beginning at the South West corner of the two Storied lot of ground and running thence Westerly along and with the north edge of the street to the South West corner of the Brick House wherein the said Francis Geiginger now lives then Northerly with the West side of the wall of said House to the North west corner thereof from thence by a direct line to a stone planted and marked No 1 Standing close to and on the South side of the Brick Stable near and from thence still Northerly by a direct line to a Stone planted and marked No 2. then Easterly to a Stone planted marked No 3 then Easterly until it intersects the western limits of the two Storied lot aforesaid then with the Western limits of the two Storied lot aforesaid then with the Western limits thereof Southerly to the first mentioned place of Beginning Together with all and singular the Buildings and improvements thereon and thereunto belonging or appertaining for the full half share or portion of her the said Sarah Geiginger of in and to the real Estate herein before mentioned and premises as devised and descended to them the said Jacob, Samuel, Abraham and Jonathan Levy, Francis Geiginger and Sarah his wife Adam Zeller and Rebecca his wife (except that part of the estate of which the said David Levy died seized commonly called and known by the name of the Brick yard Lot of ground Sixthly and lastly that the said Adam Zeller and Rebecca Zeller his wife their Heirs and assigns shall and may from henceforth have hold hopeys and enjoy in Severalty to the only

Proper use and behoof of the said Adam Zeacen and Rebecca Zeacen his wife and their Heirs and assigns forever all that remaining half of the Lot of ground situate lying and being in Fredericks Town in the County aforesaid fronting on Patrick street and premises with the appurtenances thereunto belonging to being the remaining half of Lot number Seventy one which was Conveyed by John Tyler to the aforesaid David Levy Deceased by deed dated the Twenty third day of January Seventeen Hundred & ninety Seven that is to say all that remaining half of the said Lot Number Seventy one and Three Story Brick House & other buildings with the appurtenances which the said David Levy Deceased hath not heretofore by deed dated the Twenty ninth day of October Eighteen Hundred and one Conveyed to David Levy Junior Together with all and singular the rights and privileges in the said deed retained & reserved by the said David Levys Deceased Together also with all and singular the buildings and Improvements thereon & thereunto belonging or appertaining for the full half share or portion of them the said Adam Zeacen & Rebecca Zeacen his wife of in and to the said real estate herein foresaid and premises as devised and demised to them the said Isaac Samuel Abraham and Jonathan Levy, Francis Geiginger and Sarah his wife Adam Zeacen and Rebecca his wife except that half of the estate of which the said David Levy died seized Commonly called and known by the name of the Brick yard Lots of ground and the said Samuel Abraham and Jonathan Levy, Francis Geiginger and Sarah his wife Adam Zeacen and Rebecca his wife do and each of them doth by these presents grant assign release and confirm unto the said Isaac Levy his Heirs and assigns the said pieces or portions of ground and premises with the appurtenances as herein before described is as aforesaid agreed to be held of aforesaid as his full share or portion of the Estate aforesaid devised and demised as aforesaid to the said Isaac Samuel Abraham and Jonathan Levy, Francis Geiginger and Sarah his wife Adam Zeacen and Rebecca his wife and all the Estate right title Interest claim Clearing and demand whatsoever of them the said, Samuel Abraham and Jonathan Levy Francis Geiginger and Sarah Geiginger his wife Adam Zeacen & Rebecca his wife of in and to the said pieces or portions of ground and premises before mentioned and hereby released to the said Isaac Levy as aforesaid To Have and to Hold the said pieces or portions of ground & premises with the appurtenances hereby released & confirmed or meant mentioned or intended so to be unto him the said Isaac Levy his Heirs and assigns forever to the only

proper use and behoof of him the said Isaac Levy his Heirs and
assigns forever and to and for no other use intent or
purpose whatsoever and the said Isaac Abraham & Jonathan
Levy, Francis Gaisinger and Sarah his wife Adam Gratz &
Rebecca his wife do and each of them doth by these presents
grant assign release and confirm unto the said Samuel
Levy his Heirs and assigns the said three or portions of
ground and premises with the appurtenances as herein
before described as aforesaid agreed to be held as aforesaid
as his full share or portions of the estate aforesaid devised
and descended as aforesaid to the said Isaac Samuel
Abraham and Jonathan Levy Francis Gaisinger and Sarah
his wife Adam Gratz and Rebecca his wife and all the
estate right title interest claim challenge and demand
whatsoever of them the said Isaac Abraham and Jonathan
Francis Gaisinger and Sarah his wife Adam Gratz and
Rebecca his wife of in and to the said three or portions
of ground and premises aforesaid and hereby released to
the said Samuel Levy as aforesaid to have and to hold
the said three or portions of ground and premises with the
appurtenances hereby released and confirmed or meant men-
tioned or intended so to be unto him the said Samuel
Levy his Heirs and assigns to the only proper use & behoof
of him the said Samuel Levy his Heirs and assigns forever
and to and for no other use intent or purpose whatsoever
and the said Isaac Samuel and Jonathan Levy, Francis
Gaisinger and Sarah his wife Adam Gratz & Rebecca
his wife do and each of them doth by these presents
grant assign release and confirm unto the said Abraham
Levy his Heirs and assigns the said three or portions of
ground & premises with the appurtenances as herein
before described as aforesaid agreed to be held as
aforesaid as his full share or portions of the estate
aforesaid devised and descended to them the said Isaac
Samuel, Abraham and Jonathan Levy, Francis Gaisinger
and Sarah his wife Adam Gratz and Rebecca his wife
and all the estate right title interest claim challenge and
demand whatsoever of the said Isaac, Samuel & Jonathan
Levy, Francis Gaisinger and Sarah his wife Adam Gratz
and Rebecca his wife of in and to the said three or
portions of ground and premises aforesaid and hereby
released to the said Abraham Levy as aforesaid To Have and
to Hold the said three or portions of ground and premises
with the appurtenances hereby released & confirmed or meant
mentioned or intended so to be unto the said Abraham
Levy his Heirs & assigns to the only proper use and
behoof of him the said Abraham Levy his Heirs and

Assigns forever and to and for no other use or purpose whatsoever and the said Jacob Samuel and Abraham Levy, Francis Geisinger and Sarah his wife Adam Zeller and Rebecca his wife do and each of them doth by these presents grant release and confirm unto the said Jonathan Levy his Heirs and Assigns the said piece or portion of ground and premises with the appurtenances as herein before described as aforesaid agreed to be held as aforesaid as his full share or portion of the estate aforesaid devised and descended as aforesaid to the said Jacob Samuel Abraham and Jonathan Levy Francis Geisinger & Sarah his wife, Adam Zeller and Rebecca his wife and all the estate right title interest claim challenge and demand whatsoever of them the said Jacob Samuel and Abraham Levy, Francis Geisinger and Sarah his wife Adam Zeller and Rebecca his wife of in and to the said piece or portion of ground and premises aforesaid and hereby released to the said Jonathan Levy as aforesaid To Have and to Hold the said piece or portion of ground and premises with the appurtenances hereby released and confirmed or meant mentioned or intended so to be unto him the said Jonathan Levy his Heirs and Assigns forever to the only proper use and behoof of him the said Jonathan Levy his Heirs and Assigns forever and to and for no other use intent or purpose whatsoever and the said Jacob Samuel Abraham and Jonathan Levy, Francis Geisinger Adam Zeller and Rebecca his wife do and each of them doth by these presents grant assign release and confirm unto the said Sarah Geisinger her Heirs and Assigns the said piece or portion of ground and premises with the appurtenances as herein before described as aforesaid agreed to be held as aforesaid as her full share or portion of the estate aforesaid devised and descended as aforesaid to the said Jacob, Samuel Abraham and Jonathan Levy, Francis Geisenger and Sarah his wife Adam Zeller and Rebecca his wife and all the estate right title interest claim challenge and demand whatsoever of them the said Jacob, Samuel, Abraham and Jonathan Levy Francis Geisinger, Adam Zeller and Rebecca his wife of in and to the said piece or portion of ground & premises aforesaid and hereby released to the said Sarah Geisinger as aforesaid To Have and to Hold the said piece or portion of ground and premises with the appurtenances hereby released and Confirmed or meant mentioned or intended so to be unto her the said Sarah Geisinger her Heirs and Assigns to the only proper use and behoof of her the said Sarah Geisinger her Heirs and Assigns forever and to and for no other use intent or purpose whatsoever and the said Jacob, Samuel Abraham and Jonathan Levy Francis Geisinger and Sarah his wife do and each of them doth

By these presents grant assign release and Confirm unto the said Adam Yeakel and Rebecca his wife and their Heirs and assigns the said Messuage or portion of ground premises with the appurtenances as herein before described as aforesaid agreed to be held as aforesaid as their full share or portion of the estate aforesaid devised and descended as aforesaid to the said Jacob Samuel Abraham & Jonathan Levy Francis Geiginger and Sarah his wife Adam Yeakel and Rebecca his wife and all the estate right title interest claim challenge & demand whatsoever of them the said Jacob Samuel Abraham & Jonathan Levy Francis Geiginger and Sarah his wife of in and to the said Messuage or portion of ground and premises aforesaid and Hereby released to the said Adam Yeakel and his wife Rebecca as aforesaid To Have and to Hold the said Messuage or portion of ground and premises with the appurtenances hereby released and Confirmed or meant mentioned or intended so to be unto them the said Adam Yeakel and Rebecca his wife and their Heirs and assigns to the only proper use and behoof of them the said Adam Yeakel and Rebecca his wife and their Heirs and assigns forever and to and for no other use intent or purpose whatsoever and the said Samuel Abraham and Jonathan Levy Francis Geiginger and Sarah his wife Adam Yeakel and Rebecca his wife do severally and each and not Jointly and for their several and respective Heirs Executors & administrators Covenant grant and agree to and with the said Jacob Levy his Heirs and assigns that he the said Jacob Levy his Heirs and assigns shall and may from Hence forth forever hereafter peaceably and quietly Have hold occupy possess and enjoy the said Messuage or portion of ground as herein before described and so allotted and released to him the said Jacob Levy for his part or share as aforesaid without the Lawful Let suit trouble hindrance molestation Interruption eviction or disturbance of them the said Samuel Abraham & Jonathan Levy Francis Geiginger & Sarah his wife Adam Yeakel and Rebecca his wife their or either of their or assigns or any other person or persons Lawfully claiming or to claim by from or under them or any of them and the said Jacob, Abraham and Jonathan Levy Francis Geiginger and Sarah his wife Adam Yeakel and Rebecca his wife do severally and each and not Jointly and for their several & respective Heirs Executors and administrators Covenant grant and agree to and with the said Samuel Levy

his Heirs and apigns that he the said Samuel Levy his Heirs and apigns shall and may from henceforth forever hereafter peaceably and quietly Have Hold occupy hopefs and enjoy the said pieces or portions of ground as herein before described & allotted and released to him the said Samuel Levy for his part or share as aforesaid without the lawful let or trouble hinderance molestation interruption mistake or disturbance of them the said Jacob, Abraham and Jonathan Levy Francis Gripings and Sarah his wife Adam Gratten and Rebecca his wife them or either of their Heirs or apigns or any other person or persons lawfully claiming or to claim by from or under them or any of them And the said Jacob, Samuel & Jonathan Levy, Francis Gripings and Sarah his wife Adam Gratten and Rebecca his wife do severally and apart and not jointly and for their several and respective Heirs Executors & administrators Covenant grant and agree to and with the said Abraham Levy his Heirs and apigns that he the said Abraham Levy his Heirs and apigns shall and may from henceforth forever hereafter peaceably and quietly Have Hold occupy hopefs and enjoy the said pieces or portions of ground herein before described & allotted and released to him the said Abraham Levy for his part & share as aforesaid without the lawful let or trouble hinderance molestation interruption mistake or disturbance of them the said Jacob Samuel and Jonathan Levy Francis Gripings and Sarah his wife Adam Gratten and Rebecca his wife them or either of their Heirs or apigns or any other person or persons lawfully claiming or to claim by from or under them and the said Jacob Samuel & Abraham Levy Francis Gripings and Sarah his wife Adam Gratten and Rebecca his wife do severally and apart and not jointly and for their several & respective Heirs Executors and administrators Covenant grant and agree to and with the said Jonathan Levy his Heirs & apigns that he the said Jonathan Levy his Heirs and apigns shall & may from henceforth forever hereafter peaceably and quietly have hold occupy hopefs and enjoy the said piece or portion of ground herein before described & allotted and released to him the said Jonathan Levy for his part or share as aforesaid without the lawful let or trouble hinderance molestation interruption mistake or disturbance of them the said Jacob Samuel and Abraham Levy Francis Gripings & Sarah his wife Adam Gratten and Rebecca his wife them or either of their Heirs or apigns or any other person or persons claiming or to claim by from or under them or any of them and the said Jacob, Samuel Abraham & Jonathan Levy Adam Gratten and Rebecca his wife do severally & apart and not jointly and for their several & respective

Heirs Executors and administrators Covenant grant and agree to and with the said Sarah Geipinger his Heirs and assigns that she the said Sarah Geipinger her Heirs and assigns shall and may from henceforth and forever hereafter peaceably and quietly have hold occupy possess and enjoy the said piece or portion of ground and premises as herein before described & allotted and released to her the said Sarah Geipinger for her part & share as aforesaid without the lawful let suit trouble hindrance molestation interruption eviction or disturbance of them the said Jacob Samuel Abraham and Jonathan Levy Francis Geipinger Adam Zeller & Rebecca his wife them or either of their Heirs or assigns or any other person or persons claiming or to claim by from or under them or any of them and the said Jacob Samuel Abraham and Jonathan Levy Francis Geipinger and Sarah his wife do severally and each and not jointly and for their several heirs Executors and administrators Covenant grant and agree to and with the said Adam Zeller and Rebecca his wife and their heirs and assigns that they the said Adam Zeller and Rebecca his wife and their Heirs and assigns shall and may from henceforth forever hereafter peaceably and quietly have hold occupy possess and enjoy the said piece or portion of ground and premises with the appurtenances hereinbefore described & allotted and released to them the said Adam Zeller and Rebecca his wife for their part & share as aforesaid without the lawful let suit trouble hindrance molestation interruption eviction or disturbance of them the said Jacob Samuel Abraham and Jonathan Levy, Francis Geipinger and Sarah his wife them or either of their Heirs or assigns or any other person or persons claiming or to claim by from or under them or any of them and further that they the said Samuel Abraham & Jonathan Levy Francis Geipinger and Sarah his wife, Adam Zeller & Rebecca his wife and their Heirs shall and will at all times hereafter upon the reasonable request and at the proper cost and charges of him the said Jacob Levy his Heirs and assigns make do suffer and execute any other or further Deed assurance or conveyance for the further better and more perfect granting conveying confirming and assuring the said Jacob Levys part & share as herein before described and every part and parcel thereof unto him the said Jacob Levy his Heirs and assigns as by the said Jacob Levy his Heirs or his or their Council learned in the law shall be reasonably advised devised or required and further that

they the said Jacob Abraham and Jonathan Levy Francis Geisinger and Sarah his wife Adam Gealer and Rebecca his wife and their Heirs shall and will at all times hereafter upon the reasonable request and at the proper Cost and charges of him the said Samuel Levy his Heirs and assigns make do suffer & execute any other and further Act assurance or Conveyance for the further better and more perfect granting Conveying releasing Confirming and assuring the said Samuel Levys part or Share as herein before described and every part thereof unto him the said Samuel Levy his Heirs and assigns as by the said Samuel Levy his Heirs and assigns or his or their Council learned in the law shall be reasonably advised devised or required and further that they the said Jacob Samuel and Jonathan Levy Francis Geisinger and Sarah his wife Adam Gealer and Rebecca his wife and their Heirs shall and will at all times hereafter upon the reasonable request and at the proper Cost and charges of him the said Abraham Levy his Heirs and assigns make do suffer and execute any other and further Act assurance or Conveyance for the further better and more perfect granting Conveying releasing Confirming & assuring the said Abraham Levys part or Share as herein before described and every part & parcel thereof unto him the said Abraham Levy his Heirs and assigns as by the said Abraham Levy his Heirs and assigns or his or their Council learned in the law shall be reasonably advised devised or required and further that they the said Jacob Samuel & Abraham Levy Francis Geisinger and Sarah his wife Adam Gealer & Rebecca his wife and their Heirs shall and will at all times hereafter upon the reasonable request and at the proper Cost and charges of him the said Jonathan Levy his Heirs and assigns make do suffer and execute any other and further Act assurance or Conveyance for the further better and more perfect granting Conveying releasing Confirming and assuring the said Jonathan Levy part or share as herein before described & every part and parcel thereof unto him the said Jonathan Levy his Heirs and assigns as by the said Jonathan Levy his heirs and assigns or his or their Council learned in the law shall be reasonably advised devised or required and further that they the said Jacob Samuel Abraham and Jonathan Levy Francis Geisinger Adam Gealer and Rebecca his wife and their Heirs shall and will at all times hereafter upon the reasonable request and at the proper Cost and charges of her the said Sarah Geisinger her Heirs and assigns make do suffer & execute any other and further Act assurance &

Conveyanced for the further better and more perfect granting
Conveying releasing confirming and assuring the said
Sarah Geipinger's said as shall be devised before described
and every part and parcel thereof unto her the said
Sarah Geipinger her Heirs and assigns as by the said
Sarah Geipinger her Heir or assigns or her or their
Counsel learned in the Law shall be reasonably advised
devised or required and further that they the said Jacob
Samuel Abraham and Jonathan Levy, Francis Geipinger
and Sarah his wife and their Heirs shall and will at all
times hereafter upon the reasonable request and at the
proper Cost and Charges of them the said Adam Zeallen
and Rebecca his wife their Heirs and assigns make do
suffer and execute any other and further deed assur-
ance or Conveyance for the further better and more
perfect granting conveying releasing confirming and
assuring the said Adam Zeallen and Rebecca his wife's
said or shall be devised before described and every part
and parcel thereof unto them the said Adam Zeallen and
Rebecca his wife their Heirs or assigns as by the said
Adam Zeallen and Rebecca his wife their Heirs and
assigns or his her or their Counsel learned in the
Law shall be reasonably advised devised or required
and lastly it is further Covenanted and agreed
by and among all the parties aforesaid that the said
Jonathan Levy his Heirs and assigns shall and may
have and enjoy the full and unmolested use and
privilege in Common with the said Samuel Levy
his Heirs and assigns of the passage or entry between
the property herein Conveyed to the said Samuel and
Abraham Levy with the right and privilege of ingress
egress and regress into and out of the property hereby
Conveyed to the said Jonathan and the aforesaid Sarah
Geipinger her Heirs and assigns shall and may have
and enjoy the full and unmolested use and privilege
in Common with the said Abraham Levy his Heirs
and assigns of the passage or entry between the property
herein Conveyed to said Abraham Levy and Sarah Geipinger
with the right and privilege of ingress egress and regress
into and out of the said Sarah Geipinger's property In Witness
Whereof the parties to these presents have hereunto interchange-
ably subscribed their names & affixed their seals the day
& year first within written.

Signed Sealed and Delivered in presence of Peter Burkhard Fred^k Kirby

Jacob Levy (Seal)
Samuel Levy (Seal)
Abraham Levy (Seal)
Jonathan Levy (Seal)

Francis Geipinger (Seal)
Sarah Geipinger (Seal)
Adam Zeallen (Seal)
Rebecca Zeallen (Seal)

State of Maryland Frederick County to wit Be it remembered that on this 30th day of October 1819 personally appears Isaac Levy, Samuel Levy Abraham Levy and Jonathan Levy. Francis Geipinger and Adam Graeter the parties within named before us the Subscribers two of the Justices of the Peace for the County aforesaid and acknowledge the within deed or Instrument of writing to be their act and deed according to the purport true intent and meaning of the said Deed or Instrument of writing and of the act of Assembly in such Case made and provided and at the same time also appears Sarah Geipinger wife of the said Francis Geipinger and Rebecca Graeter wife of the said Adam Graeter before us the Justices aforesaid and acknowledges the said deed or Instrument of writing to be their act and deed and the said Sarah Geipinger and Rebecca Graeter being by us privately examined apart from and out of the hearing of their respective Husbands whether they do make this acknowledgment of the same willingly and freely and without being induced thereto by fear or threats of or ill usage by their respective husbands or for fear of their displeasure acknowledge that they do make this acknowledgment of the same willingly and freely and without being induced thereto by fear or threats of or ill usage by their respective husbands or fear of their displeasure

acknowledged Before me Peter Burkhart,
Fred'k Co. Wm Hinkley,

State of Maryland Frederick County to. I Hereby Certify that the within and aforegoing is a true copy taken from Liber W B No 35 folios 622. 623. 624. 625. 626. 627. 628. 629. 630 631. 632. 633. 634 and 635 one of the land records of Frederick County. In Testimony Whereof I Have Hereunto subscribed my name and affixed the Seal of my office this 14th day of April 1826.

(Seal)

John Ashley Clk Fred'k County Ct

order for Commn

And the said Cause as standing Continued to July Term 1825 the Court passed the following order for Commission viz

Isaac I & Miles & Mary Ann his wife & Lewis Hammond and Rebecca his wife, Sarah Ann B Levy, Ann L Levy, Elizabeth Levy, Jonathan I Levy, Elijah Levy (Widow) & Elizabeth Levy (Widow)

In the Frederick County Court as a Court of Equity July Term 1825 to wit

It appearing to the Satisfaction of this Court that the Defendants in the above Case have been summoned by the Sheriff to is thereupon this 14th day of July 1825 and on motion of the Complainants Solicitor ordered by this Court that a Commission issue to H G Ewalt authorizing him to appoint a guardian and take the answers of the infants named in said Bill of Complaint — Attest Shriver,

Summons

Whereupon in pursuance of the within order this following Commission issued viz^t

Maryland to the Sheriff of Maryland. To Henry Ly Order of

Frederick County Greeting Whereas Jacob F. Miller

and Mary Ann his wife have lately Exhibited

this Bill before us in our County Court as a Court

of Chancery against Lewis Hammond, and Rebecca his wife

Sarah Ann A. Levy, Ann C. Levy, Elizabeth Levy, Jonathan

A. Levy and Elizabeth Levy widow Defendants & whereas

we have by our writ lately Commanded the said Defendants

to appear before us in our said Court as a Court of

Chancery at a certain day now past, to answer the

said Bill, but for as much as the said Rebecca Hammond

Sarah Ann A. Levy, Ann C. Levy, Elizabeth Levy & Jonathan

A. Levy are infants under age and cannot answer the said

Bill nor defend their suit, without having a Guardian

assigned in that behalf, know ye therefore, that we have

given unto you full power and authority in pursuance

of the several orders in our said Court to assign and appoint

a Guardian for the aforesaid infants and to take the

answer of the said infants by such Guardian to the said

Bill and therefore we Command you, that at such day

and place as you shall think fit you go to the said

Defendants if they cannot conveniently come to you

and assign and appoint a Guardian for the aforesaid

infants and take the answers of the said infants by

such Guardian to the said Bill on such Guardian's

corporal oath upon the Holy Evangely, to be adminis-

tered by you, the said answers being distinctly and

plainly written and when you shall have so taken the

said answers you are to send the same, Closed up under

your seal together with your Certificate of your having

assigned and appointed such Guardian as aforesaid, and

this writ unto us in our said Court Witness the Honour-

able John Buchanan Esquire Chief Judge of our said Court

the 7th day of February Anno Domini 1825. Issued the 15th

July 1825. (Jno Palmer Sol^r) John Scholey Cl^k

Infants answer

Whereupon the following Certificate and answer of the Infants

Defendants by their Guardian regularly appointed together

with the above Commission thereto annexed was filed viz^t

The joint and Several answers of Lewis Hammond and

Rebecca Hammond his wife, Sarah A. A. Levy, Ann C. Levy

Elizabeth Levy, Jonathan P. Levy infant defendants to

the Bill of Complaint of Jacob F. Miller and Mary

Ann Miller his wife in the Frederick County Court sitting

as a Court of Equity these Defendants saving to themselves

and each of them all and all manner of advantage of

Condition to the many untruths errors uncertainties and other imperfections in the said Bill of Complaint contained for answer thereunto or to so much thereof as these Defendants are advised is material for them to make answer unto they answering by Frederick Stembel their Guardian severally say that the Complainants and Defendants in this Case hold the real estate specified in said Bill of Complaint as tenants in Common, that Jonathan Levy died intestate leaving said real Estate and that Mary Ann Miller one of the Complainants and these defendants (except Lewis Hammond) are the Heirs at Law of the said Jonathan Levy Deceased that Jacob F. & Miller and Lewis Hammond did intermarry with Mary Ann Levy and Rebecca Levy two of the Heirs at Law of Jonathan Levy Deceased as stated in said Bill of Complaint. These Defendants further answer & say that the real Estate will not admit of a division among all the tenants in Common without loss & injury to all the parties interested and that said real estate ought to be sold as prayed, these Defendants admit that they are infants under the age of twenty one years and that Elizabeth Levy is the Widow of Jonathan Levy Deceased, and that she is entitled to dower in said estate these defendants admit all the facts stated in said bill of Complaint

..... friday of January Guardian

State of Maryland Frederick County to wit on this 15th day of September 1825 personally appears before me the Subscriber the Commissioner named in the Commission for that purpose issued from the Frederick County Court Sitting as a Court of Equity Frederick Stembel the guardian and makes oath on the Holy Evangely of almighty God that the annexed matters stated in the within answer are true as stated to the best of his knowledge information and belief.

..... Sworn before me Horatio G Duvall

To the Honorable the Judges of the Frederick County Court Sitting as a Court of Equity By virtue of the Commission hereunto annexed I Hand this 15th day of September 1825 caused the infants herein named to come before me and have assigned and appointed Frederick Stembel Guardian to the infants named in said Commission and have taken their answers by their said Guardian upon his Corporal Oath to the bill of Complaint in said Commission mentioned which I herewith send sealed to your Honours In Witness whereof I Hand Hereunto set my Hand and affixed my seal this 15 day of September 1825

Horatio G Duvall (Seal)

Whereupon the following answer was filed viz

Answer of Elizabeth Levy

The Separate answer of Elizabeth Levy one of the Defendants to the Bill of Complaint of Jacob T. Miller and Mary Ann Miller his wife in the Frederick County Court Sitting as a Court of Equity this Defendant saving and reserving to herself now and at all times all and all manner of advantage of Exception to the many untruths errors uncertainties and other imperfections in the Complainants said Bill of Complaint answereth & saith that she is the widow of Jonathan Levy late of Frederick County Deceased that she is Forty three years of age and is Ready Knoth that she is willing that the real estate specified in said Bill of Complaint shall be sold as prayed the Honorable Court allowing her such sum of money out of the proceeds of Sale as shall seem just and equitable this Defendant admits all the facts stated in said Bill of Complaint and states that she is willing that a Decree shall pass as prayed and that the real estate specified in said Bill shall be sold by a Trustee free and discharged of any right of Dower in and to the same as Witness my Hand Signed Elizabeth Levy by Mr by Counsel.

State of Maryland Frederick County to wit On this 29th day of September 1825 personally appear Elizabeth Levy the widow of Jonathan Levy before me the Subscriber a Justice of the Peace in and for said County and make oath that the facts stated in the foregoing answer are true to the best of her knowledge and Belief.

Sworn Before me Isaac Coblentz

And the said Cause as standing continued from Term to Term until February Term 1826 the Court passed the

Decree following Decree viz

Jacob T. Miller and Mary Ann his wife vs Lewis Hammond & Rebecca his wife and others

In the Frederick County Court Sitting as a Court of Equity February Term 1826 This Cause standing ready for Trial and being submitted upon the Bill and answers and Exhibits and the same being read and Considered by the Court So it is thereupon this 19th day of April 1826 by the Frederick County Court Sitting as a Court of Equity and by the authority of said Court ordered adjudged and Decreed that the Mines and Lots of ground specified in said Bill and liability late the property of Jonathan Levy Deceased be sold as prayed that Joseph M. Palmer be and he is Hereby appointed Trustee for making said Sale and that the Terms and manner of his Bondings be as follows viz. He shall file his Bond with the Clerk of this Court payable to the State of Maryland in the penal

Sum of fifteen Hundred Dollars conditioned for the faithful performance of the Trusts reposed in him by said Decree executed by himself and a good Security to be approved by this Court he shall proceed to make Sale of the said House and Lot having first given three weeks public notice in some newspaper printed in Frederick of the time place and terms of Sale which Terms shall be as follows to wit one third of the purchase money to be paid to the Trustee on the day of Sale the other two thirds in two equal annual payments with Interest for which two last payments the purchaser or purchasers shall give Bonds with Security to be approved by the Trustee and on the ratification of the Sale and on the payment of all the purchase money and not before the Trustee shall by a good sufficient deed of bargain and Sale to be executed acknowledged and recorded agreeable to law convey to the purchaser or purchasers his her or their heirs the property purchased by him her or them clear and discharged from all claim of the Complainants or of the Defendants or either claiming by from or under them and as soon conveniently may be after the Sale the Trustee shall return to this Court a full & settled account of his proceedings relative to such Sale with an affidavit of the Truth thereof and shall bring into this Court the money arising from said Sale to be applied under the direction of this Court according to the several rights of the parties interested after deducting the costs of this suit & such Compensation to the Trustee as this Court shall think proper to allow in Consideration of the skill attention and fidelity wherewith he shall appear to have discharged his trust provided always that all the rights & privileges to which the infants Defendants in this are entitled to by law to be reserved and secured to them, Above Shrived.

Trustees Bond

Whereupon the Trustee filed the following Bond indorsed approved Above Shrived viz^t

Know all men by these presents that we Joseph M Palmer and Stuart Smith of Frederick County and State of Maryland are held and firmly bound unto the State of Maryland in the full and just sum of fifteen Hundred Dollars Current Money to be paid to the said State or its Certain Attorney or assigns to which payment well and truly to be made we bind ourselves and each of us our and each of our Heirs Executors and administrators Jointly & severally firmly by these presents Sealed with our Seals and Dated this day of March Eighteen Hundred and Twenty Seven Whereas Joseph M Palmer by virtue of a Decree of the Frederick County Court Sitting as a Court of Equity has been appointed Trustee to sell the real Estate of Jonathan Grey Deceased late of Frederick County for the Benefit of the Heirs at Law of the

said Levy save the contained of the above obligation is such that if the above bounden Joseph M Palmer do and shall well and faithfully perform the trust reposed in him as Trustee aforesaid by the said Decree or that may be reposed in him by any further Decree or order in the premises then the above obligation to be void otherwise to be and remain in full force & virtue in law.

Signed Sealed & Delivered
in the presence of
A Hunt,

Jos M Palmer (Seal)
Edward Gaither (Seal)

Trustees Report

And the said Cause as standing Continued to February Term 1827 the Trustee made the following Report viz To the Honorable the Judges of the Frederick County Court Sitting as a Court of Equity Joseph M Palmer the Trustee appointed by the Decree of this Court bearing date the day for the purpose of selling a House and Lot of the real Estate of which Jonathan Levy died seized & possessed lying Situate in the Town of Frederick called Beatty Town begs leave to report that according to the Trust Confided in him by virtue of said Decree he did on the 22d day of March 1827 expose the said House and Lot to public Sale after having first given three weeks public notice as directed in said Decree at which Sale a certain Richard English became the highest bidder and purchaser of said House and Lot at the price and for the sum of Seven Hundred Dollars. Jos M Palmer Trustee.

State of Maryland Frederick County to wit on this 24th day of March 1827 personally appeared before me the Subscriber a Justice of the Peace in and for said County Jos M Palmer and made oath that the facts contained in the foregoing report are true to the best of his knowledge information and belief.

Sworn before me E Beatty

order of publication

Whereupon the Court passed the following order of publication viz In the Frederick County Court Sitting as a Court of Equity February Term 1827. ordered by the Court that the Sale of the House and Lot the real Estate of Jonathan Levy Deceased as reported by Joseph M Palmer the Trustee be ratified and Confirmed unless cause be shewn to the contrary on or before the 24th day of April next provided a Copy of this order be inserted in some newspaper printed in Frederick for three successive Weeks before the 21st day of April next The Report states the amount of Sales to be $700 Attest Shriner.

Whereupon the following Certificate of the printer together with a printed Copy of the above order thereto annexed was filed viz. I Hereby Certify that the annexed notice

Printers certificate

was inserted in the Citizen for three weeks in succession before the 21st day of April 1827. G. Wolhart,

Affidavit of Widows age

whereupon the following Affidavit of the widows age was filed viz State of Maryland Frederick County to wit on the 11th day of February 1828 personally appears before me the Subscriber a Justice of the Peace in and for said County Mr. Jacob Hoffman and makes oath that he is acquainted with Elizabeth Levy the widow of Jonathan Levy deceased and that she is about forty five years of age, and in very delicate health, sworn before Jacob Coblentz

Order of ratified

whereupon the Court passed the following order of ratification viz Jacob F. Miller and Mary Ann his wife & Lewis Hammond and Rebecca his wife & others, by the Frederick County Court Sitting as a Court of Equity ordered that the Sale made and reported in the within Case be ratified & confirmed no cause to the contrary hath been shewn notwithstanding notice given the Trustee is allowed fifty one Dollars for his Commission and personal expenses and Elizabeth Levy widow in Lieu of Dower the two Seventenths of the nett proceeds of Sale the auditor is directed to proceed to state an account in this Case; Ad. Shriner

Auditors Report

whereupon the Auditor filed the following Report viz To the Estate of Jonathan Levy Deceased in Acct with Joseph H. Palmer Esquire Trustee

		Dr.	Cr.
To the Trustee for his Commission and all Expenses			51. —
" the attorney for his fee	$ 3.33⅓		
" the Clerk for his fees	28.92⅓		
" the Sheriff for his fees	2.68⅓		34.94
To the auditor for his fees in stating account reporting to Court and setting			6. —
To Lewis Hammond & Rebecca his wife a daughter of said Jonathan Levy Deceased & heirs and Distributees of Proceeds of Sale, first deducting to widow for dower, under the proceedings Composing this Cause			89.42½
To Sarah Ann B. Levy a Daughter and heir of said Jonathan Levy Deceased, and Distributee of Proceeds of Sale (first deducting to widow for Dower under the proceedings composing this Cause			89.42½
To Ann E. Levy a Daughter and heir of said Jonathan Levy Deceased and Distributee of Proceeds of Sale first deducting to widow for dower) under the proceedings Composing this Cause			89.42½
To Elizabeth Levy a Daughter and heir of said Jonathan Levy Deceased and Distributee of Proceeds of Sale (first deducting to widow for			

Third Folio

Amt brot Forward £

Deed under the proceedings Composing this Cause — 89. 12/1
To Jonathan P Levy a Son and heir of said Jonathan
Levy Deceased and sixth of Balance of proceeds
of Sale (first deducting to widow for dower,
under the proceedings Composing this Cause — 89. 12/1
To Isaac T Miller & Mary Ann his wife Complainants also a Daughter of said Jonathan
Levy Deceased and Heir and sixth of Balance of
proceeds of Sale (first deducting to widow for dower
under the proceedings Composing this Cause — 89. 12/1
To Elizabeth Levy the widow of said Jonathan Levy
Deceased two Seventeenths of the nett proceeds of
Sale in lieu of her right of Dower in the Lands
Sold under the order of the Court 71. 5/1
700. —

By Amount of Sales made the 28th day of March
1837 as pr report of Trustee filed . . . £ 700. —

Miller & Wife
vs
Hammond & wife
and others

In Frederick County Court as a Court of Equity February Term 1838 To auditor to Frederick County Court sitting as a Court of Chancery & by law to report to the Honorable the Judges thereof Had in Complainant with their order I Have examined the proceedings Composing this Cause and thereupon Stated the foregoing account. In this as in like Cases I Have allowed the Trustee for his Commission and all Expenses and also allowed the Costs of the Court I Have also allowed to the widow of the said Jonathan Levy Deceased under the order of the Court two Seventeenth of the nett proceeds of Sale, in lieu of her right of Dower in the land sold, and the Balance of proceeds of Sale I Have divided equally amongst the Heirs of the said Jonathan Levy Deceased as pr the Bill and proceedings Composing this Cause. I Respectfully Submit the same to the Honorable the Judges aforesaid for ratification — Henry Sehley Auditor
April 28th 1838.

order of ratification

Whereupon the Court passed the following order of ratification viz In the Frederick County Court sitting as a Court of Equity February Term 1838. ordered this 5th day of May that the foregoing report of the auditor be and the same is Hereby ratified and Confirmed and that the Trustee pay over the proceeds of Sale as the same has or may be received to the parties respectively entitled thereto according to the distributions in said audit made.

Absm Shriner.

Test — Henry Sehley Clerk

Maryland Frederick County Sct

At a County Court sitting as a Court of Equity Regular and held at the Court House in Frederick Town in and for said County on the first Monday of February in the year of our Lord one Thousand Eight Hundred and Twenty six.

Present The Honourable John Buchanan Esquire Chief Judge
Abraham Shriver } Esquires Associate
Thomas Buchanan } Judges
Thomas Carlton Esquire Sheriff
and John Ashley Clerk

In the record of proceedings of the said Court amongst others are the following viz^t

Bill

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity Humbly Complaining sheweth unto your Honours your orator Isaac Slifer of Frederick County That a certain Peter Slifer late of said County Deceased, being in his life time seized and possessed of a Tract or part of a Tract of Land called Lying and being in Frederick County and having thereon a Valuable mill and other Improvements containing about acres of land more or less died on or about the Twenty sixth day of November Eighteen Hundred and Twenty three after having in due form of Law made and Executed his last will and Testament a Copy whereof is herewith Exhibited marked No 1 and which with all other Exhibits hereinafter referred to, your orator prays may be received and taken as a part of this his Bill of Complaint That by said last will and Testament Samuel Slifer his Executor therein named is authorized within twelve months after the decease of the Testator to sell at public Sale the mill with its appurtenances, and as much land as might be necessary to secure the water right to the same and out of the proceeds of said Sale to discharge the debts of the Testator and the balance to distribute amongst his children your orator represents that Samuel Slifer, the Executor named in said will took upon him the burthen of said Trust, by suing out Letters Testamentary upon said Estate but that he has omitted to Execute the powers contained in said will, and that the property authorized to be disposed of by him remains unsold, your orator further represents to your Honours that the said Peter Slifer at the time of his death was indebted to your orator in a large amount upon Bonds and notes as follows viz in the sum of one Hundred and Twenty five Pounds upon Bond dated 1st day of May 1814 upon Bond dated 1st May 1815 in the like sum of one Hundred and Twenty five pounds, upon note dated 4th May 1812 in the sum of Sixty three pounds upon note dated 11th August 1820 in the sum of

Two Hundred and ninety Dollars forty three cents upon note
dated 1st May 1830 in the sum of Two Hundred Dollars. upon
note dated 1st May 1831 in the sum of Three Hundred Dollars
upon note dated 1st May 1832, in the sum of one Hundred
thirty nine Dollars. ninety one Cents with Interest on said
Bonds & notes as will be shewn by them respectively your
Orator represents. that the personal estate of said Peter Slifer
will be largely insufficient to pay his debts and that the
Sale of his whole real Estate will be necessary for that
purpose. your orator further represents that the said Peter
Slifer left a widow Catharine Slifer who survived under
said will and is entitled to Dower in the Estate of her
Deceased husband and the following Children as his Heirs
at Law viz Emanuel, David, Elizabeth, Thomas, Joshua
and Hannah all of whom are Infants under the age of
Twenty one years your orator is advised that the personal
Estate of said Peter Slifer being insufficient for the payment
of his debts this Court is Competent to Decree a Sale of his
real Estate for that purpose. and that Samuel Slifer the
Executor named said will not having Executed the Power
in relation to the said real Estate authorized to be sold
according to the provisions of said will it was, in Compli-
ance to effectuate the same without the aid of this Hon-
orable Court. your orator is ready to produce said Bonds
and notes by which said Peter Slifer is indebted. whenever
required thereunto by this Court Is tender Consideration
whereof and for as much as your orator is remediless
in the premises elsewhere than in this Honorable Court
Sitting as a Court of Equity and to the end that said
real Estate or so much thereof as may be necessary
for that purpose may be sold and the proceeds applied
to the payment of the Claims of your orator and other
Creditors of the said Peter Slifer may it please your
Honors to grant to your orator the States most gracious
writ of Subpoena to the said Samuel Slifer Executor
of Peter Slifer, Emanuel Slifer, David Slifer Elizabeth
Slifer, Thomas Slifer, Joshua Slifer and Hannah Slifer to be
directed Commanding them and each of them to be
and appear in this Honorable Court by some day
therein to be named to answer in the premises and to
shew Cause if any they have why a Decree should not
be passed as prayed and may it please your Honors to
grant to your orator a Subpoena to the said Catharine
Slifer to be directed commanding her to answer in the
premises and to shew whether she will relinquish her
Dower in said Estate. upon receiving as an equivalent
a Suitable proportion of the proceeds of Sale and may it

Please your Honours to cause the answers of said Infants to be taken by guardian according to the usage and practice of this Court, and to extend to your orator all other & further relief in the premises which may consist with Equity and good Conscience and your orator will ever pray &c.

John Nelson Solr for Complainant

Exhibit No 1

Exhibit No 1 referred to in the within and aforegoing Bill of Complaint Contained in the following Words viz.

In the name of God Amen I Peter Slifer of Frederick County Maryland being sick in Body but of a sound disposing mind memory and understanding do make and ordain this to be my last will and testament hereby revoking all other Wills heretofore made by me Imprimis It is my will and desire that the whole of my estate real & personal shall be kept together until my saw mill is built and finished and in the mean time all my horses & stock shall be maintained at the expence of the Estate and when the saw Mill is fully completed then it is my desire that my property be divided in manner following I give to my wife Catharine Slifer the Choice of three Cows and all such bedding as she may choose to keep, and the flax and wool in my possession and the chairs and tables in the House & the bureau in the House with all its Contents & ten Plate Stone out of the mare, three Cows and a heifer of her choice, the two Chests all the linen and linsey on hand, and third of all the meat provisions fifty Bushels of wheat and twenty five Barrels of Corn and of the present crop - Item it is my further will and desire that my Executors hereinafter named shall within Twelve Months after my Decease sell at public Sale my Mill with its appurtenances and so much land as may be necessary to secure the water right to the same and out of the proceeds of said Sale to discharge all my just debts, and the Balance of any to divide equally among my Children. Item I do hereby authorize & empower my Executors to lay off and divide the land which I hold in Common with my Brother Jacob Slifer and in case he cannot agree with my said Brother Jacob Slifer then I hereby authorize and empower my Executors to appoint Jointly with my said Brother three disinterested men to lay off and divide the same whose division and apportionment shall be conclusive upon my Heirs. Item it is my further will and desire, after the payment of my just debts that the residue of my property real and personal shall be equally divided among my children share and share alike Item it is my further will and desire that my wife Catharine Slifer shall have the use and benefit of the garden and Spring House, and hay and pasturage for the Stock I have bequeathed to her Item. I do hereby constitute

and appoint my brother Samuel Slifer Executor to this my last will and testament In Witness Whereof I have hereunto set my Hand and affixed my seal this nineteenth day of November in the year one thousand eight Hundred and twenty three.

Signed Sealed & published as his last will & Testament in the presence of us. who in the presence of each other and in the presence of the testator have set our Names as Witnesses thereto this nineteenth of Nov.r 1823. J. Lee. John Slifer Junr Jacob Slifer

Peter Slifer (Seal)

Frederick County to wit on the 23d day of December 1823 then Came Samuel Slifer and Solemnly Sincerely & truly affirmed and declared that the foregoing instrument of writing is the true whole will and testament of Peter Slifer late of Frederick County Deceased that Came to his Hands and possession and that he doth not know of any other.

Test Henry Steiner Regr

Frederick County to wit on the 23d day of December 1823 then Came John Slifer and Jacob Slifer two of the Subscribing Witnesses to the foregoing last will and Testament of Peter Slifer late of Frederick county Deceased and Solemnly Sincerely and truly affirmed & declared that they did see the testator therein named sign and seal this will that they heard him publish pronounce and declare the same to be his last will and testament that at the time of his so doing he was to the best of their apprehensions of a sound and disposing mind memory and understanding and that they together with John Lee the other Subscribing Witness to said will respectively subscribed their names as Witnesses to this will in the presence and at the request of the Testator and one in the presence of each other. Test Henry Steiner Register

Frederick County to wit I do hereby Certify that the foregoing is a true Copy of the original filed 23d Decr 1823 in the office of Regr of Wills for County aforesaid.

In Testimony Whereof I have hereunto set my Hand and affixed the Seal of office this 17th day of May 1826. G. W. Eichelberger Regr of Wills for Fredk County Courts

(Seal)

order for Commn

Whereupon the Court hoped the following order for Commission to Issue viz

In Frederick County Court as a Court of Equity February Term 1826 ordered that a Commission to appoint a Guardian to

Slifer

vs

Samuel & al Peter Slifer & others

Answer for the Infant Defendants in the above case. Jacob Grove Esquire. May Term June 8th 1826.

Whereupon in pursuance of the above order the following Commission issued viz

Commission.

Maryland ss The State of Maryland. To Jacob Grove Esquire of Frederick County Greeting Whereas Isaac Slifer hath lately exhibited his Bill of Complaint before us in our County Court as a Court of Chancery, against Samuel Esqr. Peter Slifer, Catherine Slifer and others Defendants and whereas we have, by our writ, lately commanded the said Defendants to appear before us in our said Court as a Court of Chancery on a certain day now past, to answer the said Bill, but for as much as Emanuel Slifer, David Slifer, Elizabeth Slifer, Thomas Slifer Joshua Slifer & Hannah Slifer are infants under age and Cannot answer the said Bill nor defend this suit, without having a guardian assigned in that behalf, know ye therefore that we have given unto you full power and authority in pursuance of the aforesaid order in our said Court, to assign and appoint a Guardian for the aforesaid infants, and to take the answer of the said infants, by such guardian to the said Bill & therefore we Command you, that on such certain day and place as you shall think fit, you go to the said Defendants if they cannot conveniently come to you, and assign & appoint a Guardian for the aforesaid infants, and take the answers of the said infants, by such Guardian, to the said Bill on such Guardian corporal oath upon the Holy Evangels by to be administered by you, the said answers being distinctly and plainly wrote and when you shall have so taken the said answers, you are to send the same, closed up under your Seal, together with your Certificate of your having assigned and appointed such Guardian as aforesaid and this writ, unto us, in our said Court Witness the Honourable John Buchanan Esquire Chief Judge of our said Court the 6th day of February Anno Domini 1826. John Schley Clk 8th June 1826

Whereupon the foregoing Certificate and Answers of the Infant Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity I Hereby Certify that by virtue of the Commission herewith enclosed I have assigned & appointed Jacob Shaaf Guardian for the said Infant Defendants therein named and have taken their answers by their said Guardian in Writing, upon his Corporal Oath to the Bill in the said Commission recited, and which

I Herewith send inclosed his Witness whereof I have Hereunto
set my Hand and Seal this fourteenth day of June Eighteen
Hundred and Twenty Six. Jacob Grove (Seal)

Infants amend

His Leave and Licence aforesaid, David, Elizabeth
Thomas, Joshua and Hannah Slifer Infants under the age of Twenty
one years to the Bill of Complaint of Jacob Slifer in Frederick
County Court as a Court of Equity exhibited Then Defendants
in answering the said Bill by Jacob Shatt their Guardian
say that so far as is stated in said Bill that Peter Slifer
died seized and possessed of the Lands mentioned in the Com-
plainants Bill after having in due form of Law made
his last Will and Testament a Copy whereof is likewise
exhibited by the Complainant with his said Bill These
Defendants admit that the said Peter Slifer died much in
Debt and that his personal Estate will be insufficient
to satisfy the Claims of his Creditors They likewise admit
that Jacob Slifer is one of the Executors of the said Peter
Slifer that these Defendants are the Children and Heirs at Law
of the said Peter Slifer They believe that a Sale of the real
Estate of the said Peter Slifer will be indispensable for
the payment of his debts and have no objection that a
Decree for that purpose may be passed by this Honorable
Court hoping that as they are Infants this Honorable
Court will protect their Interest's

Jacob Shatt Guardian

Maryland Frederick County to wit on this fourteenth day
of June Eighteen Hundred and Twenty Six appeared before the
Subscriber Commissioner named in a Commission for that
purpose issued out of Frederick County Court sitting as a Court
of Equity Jacob Shatt Guardian within named and made
oath that the facts stated in the within answer are true
to the best of his knowledge information and belief.

Sworn Before Jacob Grove.

Catharine Slifers answer

Whereupon the following Answer was filed viz
The Separate answer of Catharine Slifer to the Bill of
Complaint of Jacob Slifer in Frederick County Court as a
Court of Equity Exhibited This Defendant admits the
death of Peter Slifer after having in due form made
his last will and Testament a Copy of which is shewn
by the Complainant. This Defendant is the widow of
said Peter Slifer and as such hath heretofore renounced
the will of her late Husband. This Defendant is not
willing to relinquish her Dower in said real Estate
for an equivalent to be allowed her by the Court
but prefers to retain her Interest in said Estate of the
Debts of the said Peter Slifer this Defendant hath
no account information, but believes that he was

Jw died at the time of his death and that Jacob Slifer the Complainant is one of his Creditors: This Defendant prays leave to be dismissed &c

Signed in presence of
Patrick McGlicd Dept

Catherine her + Slifer mark

I agree to waive the above without oath. J Nelson for Complt

Answer of Samuel Slifer

Whereupon the following Answer was filed viz^t

The Separate answer of Samuel Executor of Peter Slifer to the Bill of Complaint of Jacob Slifer in Frederick County Court Sitting as a Court of Equity Exhibited This Defendant saith the saith of Peter Slifer and the Executors in due form of law of his Testament and last will & Coby whereof is shewn by the Complainant with his said Bill. That he said without having altered or revoked said will. That Letters Testamentary upon his Estate was granted by the Orphans Court of Frederick County to this Defendant a Certificate whereof is herewith exhibited marked No 1. as part of this answer This Defendant saith that no part of the real Estate of said Peter Slifer has yet been sold. That the personal Estate will be wholly inadequate to pay the debts of said Decd and that a Sale of his Estate will be necessary for that purpose This Defendant saith the Complainant to be a Creditor of said Peter Slifer as stated in his said Bill and that the said Peter Slifer left the Children named in said Bill as his Heirs at Law. Samuel Slifer

Maryland Frederick County to wit on this 19th day of June 1826 appeared Samuel Executor of Peter Slifer the Defendant above named before the Subscriber a Justice of the Peace and Solemnly and Sincerely affirmed and declared that the facts Stated in the foregoing answer are true to the best of his Knowledge and belief.

affirmed before George Rohr,

And the said Cause as standing Continued to August Term 1826 the Court passed the following Decree viz^t

Decree

Jacob Slifer
vs
Samuel Slifer Exr of Peter Slifer & others

In Frederick County Court Sitting as a Court of Equity August Term 1826 The said Cause standing ready for hearing and being submitted the Bill answer Exhibits and all other proceedings were by the Court read and Considered and it appearing to the Satisfaction of the Court from the answer that the relief prayed for by the Complainants is reasonable and ought to be granted It is thereupon on this 24th day of August Eighteen Hundred and Twenty six by Frederick County Court Sitting as a Court of Equity ordered adjudged and Decreed that so much of the real Estate of Peter Slifer mentioned in the proceedings as may be necessary to pay his debts

Shall be sold. That for the purpose of making said Sale Samuel Slifer be and he is hereby appointed Trustee and that the Course and manner of his proceedings therein and thereto relative shall be as follows He shall first file his Bond with the Clerk of this Court in the penalty of five thousand Dollars to be executed by himself and a surety or Sureties to be approved by this Court and Conditioned for the faithful discharge of the Trust reposed in him by this Decree or to be reposed in him by any future order or decree in the premises. He shall then proceed to sell said real Estate at Public auction after giving 30 days thirty weeks public notice by advertisement in some newspaper printed in Frederick Town, or otherwise as the said Trustee may deem most expedient of the time place manner and terms of Sale which shall be that the purchaser or purchasers pay one third of the purchase money in hand or upon the ratification of the sale by this Court and the residue in two equal annual payments with Interest from the day of Sale, said payments to be secured by Bond with a surety or Sureties to be approved by the said Trustee and the Trustee shall as soon as Conveniently after any Sale by him made report the same to this Court with an affidavit of the fairness of the sale annexed to said report. and upon the ratification of said Sale and the payment of the whole purchase money and not before the Trustee shall by a good and sufficient Deed to be Executed acknowledged and recorded according to Law convey to the purchaser or purchasers. and his her or their heirs the right and title of the Complainants and Defendants in this behalf to the real Estate aforesaid and the said Trustee shall bring into this Court the money and Bonds arising from said Sales, to be distributed under the direction of this Court. after deducting the Costs of this suit and such Compensation to the Trustee as the Court may think proper to allow the Trustee in making said Sales shall declare the same to be subject to the Widows Dower unless the said widow shall by writing under her Hand and seal, agree to the Sale of said Estate, free and unincumbered of her said dower in Consideration of such proportion of the proceeds of Sale as this Court may in its discretion allow her in lieu and stead of her said Dower. And it appearing Whereupon the Trustee filed the following Bond Executed approved &c. to wit

Trustees Bond

Know all men by these presents that we Samuel Slifer Abraham Stepping and John Bird of Frederick County and the State of Maryland are held and firmly bound unto the said State in the sum and full sum of Five Thousand

Dollars current money to be paid to said State or its certain attorney to which payment well and truly to be made we bind ourselves, and each of us our and each of our Heirs Executors and administrators in and for the whole, jointly and severally firmly by these presents. Sealed with our Seals & dated this 14th day of October Eighteen Hundred and Twenty six Whereas the above bound Samuel Slifer by Decree of Frederick County Court Sitting as a Court of Equity hath been appointed a Trustee to sell and dispose of the real estate of Peter Slifer of Frederick County Deceased for the payment of his debts now the Condition of the above obligation is such that if the above Bound Samuel Slifer do and shall well and truly perform the Trusts reposed in him as Trustee as aforesaid by the Decree aforesaid or that may be reposed in him by any future order or Decree in the premises then the above obligation to be void else to remain in full force and virtue in law,

Signed Sealed & Delivered
in the presence of
Michael Cartzdafner, Elizabeth Biser
and the said Cause is standing Continued from Term to Term

Samuel Slifer (Seal)
Abraham Klepinger (Seal)
John Biser (Seal)

until February Term 1827. the Trustee makes the following Report viz

Trustee Bond

To The Honorable the Judge of Frederick County Court Sitting as a Court of Equity The Trustee appointed by the Decree of this Honorable Court bearing date on the 24th day of August Eighteen Hundred and Twenty six, to sell the real Estate of Peter Slifer Deceased reports that after filing his Bond approved as by said Decree is required he caused said real Estate to be advertised for sale by notice inserted in the Frederick Town Herald and Political Examiner to which time under before the day of 1826 and on said day offered said Land at public auction but did not then see the same for the want of bidders. That subsequently they to wit on the 1st day of January Eighteen Hundred and Twenty seven The Trustee sold said real Estate consisting of one Hundred acres of Land to John Slifer Junr of Frederick County at the price and for the sum of Twenty five Dollars per acre that the same was sold subject to the widows Dower the amount of Sales is Two Thousand five Hundred Dollars The Trustee pertains to Expenses and Estimated to all which is submitted for the Courts ratification by. Samuel Slifer Maryland Frederick County to wit on this 4th day of May 1827 appeared Samuel Slifer Trustee above named before the Subscriber and Solemnly affirmed that the Sale above reported was bona fide and fairly made. Before Lyon Rohr whereupon the Court hoped the following order of Publication viz

Order of Publication

Jacob Slifer
vs
Samuel Slifer Exr &c
Peter Slifer & others

In Frederick County Court as a Court of Equity February Term 1827 ordered that the said mason and reported by Samuel Slifer Trustee in the above case be ratified and confirmed, unless cause to the contrary be shewn on or before the 10th day of June next Provided a Copy of this order be inserted in some newspaper printed in Frederick Town for three successive weeks before the said 10th day of June next the Trustee reports the sale of the property mentioned in the proceedings to John Slifer Junr of Frederick county, at the price and for the sum of Two Thousand five Hundred Dollars. Abm Shriner Clerk May 10th 1827.

Printers Certificate

Whereupon the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz I Hereby Certify that the annexed notice was inserted in the Citizen for three weeks in succession before the 10th day of June inst. G W Sharp.

Whereupon this Court passed the following order of ratification viz Jacob Slifer vs Samuel Slifer Exr &c In Frederick County Court as a Court of Equity February Term 1827. ordered that the sale mased and reported by the Trustee in the above case be ratified and Confirmed no Cause to the Contrary having been shewn notwithstanding notice given the Trustee is allowed for his Commissions and all Expenses one Hundred and twelve Dollars fifty Cents. The auditor is directed to give the usual notice to Creditors to produce their Claims and to audit and report on this Case, to this Court. Abm Shriner.

And the said Cause as standing Continued from Term to Term until February Term 1828 the Auditor made the following Report viz

Dr The Estate of Peter Slifer Deceased in Acct with Samuel Slifer Exr Cr

To the Trustee for his Commission & all Expenses		112.50
" the attorney for his fee	3.33⅓	
" the Clerk for his fee	13.15	
" the Sheriff for his fees	3.06⅔	19.55⅓
To the auditor for his fees in stating account reporting to Court giving notice to Creditors		7.—
To Jacob Slifer, Surviving Executor of John Slifer Junr Deceased one half the amount of the entire Debt, with Interest added as per Claim marked Exhibit	No 1	586.66⅔
To Jacob Slifer, Surviving Executor of John Slifer Junr Deceased one half the amount of the entire Debt, with Interest added as per Claim marked Exhibit	No 2	566.66⅔

Auditors Fees

Amt brot Forward	
To Isaac Slifer Surviving Executor of John Slifer Decd Demand the entire Amount of his claim with Interest added agst the note filed and marked No 3	402.26
To Isaac Slifer Surviving Executor of John Slifer Decd Demand the entire Amount of his claim with Interest added agst the note filed marked No 4	315.72
To Isaac Slifer Surviving Executor of John Slifer Decd Demand the entire amount of his claim with Interest added agst the account filed marked No 5	12.39
To Isaac Slifer the entire amount of his claim with Interest added agst the account filed marked No 6	13.71
To Isaac Slifer the entire amount of his claim with Interest added agst the note filed marked No 7	280.—
To Emanuel Slifer, Son & Heir of Peter Slifer Decd one sixth of Balance of proceeds of Sale &c Real and proceeding	30.58 4/7
To Daniel Slifer, Son & Heir of Peter Slifer Decd one sixth of Balance of proceeds of Sale &c Real & proceeding	30.58 4/7
To Elizabeth Slifer daughter and Heir of Peter Slifer Decd one sixth of Balance of proceeds of Sale &c Real and proceedings	30.58 4/7
To Thomas Slifer, Son and Heir of Peter Slifer Decd one sixth of Balance of proceeds of Sale, &c Real and proceedings	30.58 4/7
To Cochran Slifer, Son and Heir of Peter Slifer decd one sixth of Balance of proceeds of Sale agst Real and proceedings	30.58 4/7
To Hannah Slifer, daughter and Heir of Peter Slifer Decd one sixth of Balance of proceeds of Sale agst Real and proceedings	30.58 4/7
	$2500.—
By Amount of Sales made the 1st day of January 1828 agst reports of the Trustee filed	$2500.—

Isaac Slifer
vs
Samuel Slifer
&c Peter Slifer & others

In Franklin County Court as a Court of Equity February Term 1828 As an Addition to Franklin County Court sitting as a Court of Equity I beg leave to report to the Honorable the Judges thereof that in Compliance with their order I gave to the Creditors of the said Peter Slifer Decd notice to file their claims and after the expiration of said notice proceeded to state the foregoing account & this as in like cases I have allowed the Trustee for his Commission and all Expences and also allowed the Costs of the Court and next the claims as filed with Interest added to day of Sale and the Balance of proceeds of Sale I have divided equally amongst the

Heirs and proper representatives of the said Peter Shiffer Deceased. as p[er] the Rule and proceedings Comprising this Cause the said Sale, is reported as having been made subject to the guidance Dower, & Respectfully Submits the same to the Honourable the Judges of session for ratification, Henry Schley Auditor May 13th 1828

order of ratification

whereupon the Court passed the following order of ratification viz[t] February Term 1828 ordered by the Court that the aforegoing account as stated and reported by the auditor be and the same is hereby ratified and Confirmed, and that the Trustee pay over the proceeds of sale as the same has so may be ordered to the parties respectively entitled to the same according to the distributions in said audit made. Attest Shriver May 16th 1828.

Test John Schley Clerk

Maryland Frederick County to wit

At a County Court Sitting as a Court of Equity Regular and Held at the Court House in Frederick Town in and for said County on the first Monday of July in the year of our Lord Eighteen Hundred and Twenty Seven.

Present The Honourable Abraham Shriver Esq[r] Associate Judge

Thomas Carlton Esquire Sheriff

and John Schley Clerk

In the case of proceedings of the same Court amongst others on the following viz[t]

Bill

To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery Humbly Complaining shewith your Honours your orator Thomas Dorsey (Executor of the Testament and last will of William Dorsey late of Frederick County Deceased, and Gilbert Davis, both of Frederick County in the State of Maryland, that heretofore to wit on the Eighth day of June in the year one thousand Eight Hundred and Eighteen a certain Samuel Dorsey, since Deceased, in his life time by his certain deed of Mortgage bearing date the day and year aforesaid and executed acknowledged and Subsequently recorded according to law after reciting that he the said Samuel was indebted to one Virgil Bottgeer in the sum of nine Hundred and Sixty two Dollars Current money for which he had given his four Several Bonds or obligations in which said bonds the said William and Gilbert had become his Securities, he the said Samuel Conveyed and transferred to them the said William & Gilbert in the life time of the said William their Heirs and assigns all his the said Samuel's Estate right title and interest in and to two lots of ground

and premises in Chagres Town, known and distinguished on the plan of the said Town by the number forty five and forty six upon the condition nevertheless that the said mortgage should be utterly null and void upon payment by the said Samuel his Heirs Executors or administrators to the said George Pattyson his Heirs or assigns, the said full sum of nine hundred and sixty two Dollars Current money with all interest and costs that then had accrued or might thereafter accrue thereon according to the Condition of said Bond or obligations without any diminution or abatement whatsoever as will at large appear upon reference to said deed of Mortgage Herewith shown as a part of this bill marked Exhibit A and which with all other Exhibits hereinafter to be produced, your orators pray may be taken and considered as a part of this their Bill of Complaint. That the said Bond having severally become due and payable the said George Pattyson the obligee aforesaid instituted his several suits in Providence County Court as a Court of Law, and at February Term in the year eighteen Hundred and Twenty six, to wit on the Seventh day of February in the year Eighteen Hundred and Twenty six, in the life time of both the said Samuel and William, recovered his several judgements against the said Samuel William and your Orator Gilbert, upon two of the said four bonds, the debt interest and Costs upon the other two bonds having been paid and discharged by the said Samuel Duvall, in his life time, before Judgements thereon had; the said several Judgements so obtained, being each for the sum of two hundred and forty two Dollars Current money, debt with Interest thereon from the first day of May in the year eighteen hundred and eighteen in each case and eight dollars and seventy three and one third cents Costs, in each case - as upon reference to the said Judgments will appear, short Copies whereof and herewith shown marked exhibit B your orators further shew that shortly after the rendition of the said two Judgements the said William Duvall departed this life, having previously made and executed his and found of law his Testament and last will whereby he appointed your orator Thomas Duvall the sole Executor thereof and that Letters Testamentary were thereupon duly granted to your orator the said Thomas as appears by an exemplification thereof herewith shown marked Exhibit C; That the said Samuel lately and since the rendition of said Judgments departed this life, intestate leaving a Widow named Mary Duvall and the following named Children all infants under the age of twenty one years his representatives & Heirs at law to wit, Allen Duvall, Jeremiah Duvall, William Duvall, Harriett Duvall, Mary Duvall and Samuel Duvall,

that the said Samuel Dorsey died greatly involved having an unascertainable personal estate wholly inadequate to the payment of his debts that the amount of the said two Judgements hereinbefore mentioned and of which said Exhibited B, is a short copy, are wholly unsatisfied and unpaid to the said George Ratzell, who is demanding the same from your Complainants in virtue of the said mortgage that the said Samuel in his life time having failed to discharge the said debt to the said George Ratzell according to the condition of his said bond or obligation as he ought to have and thereby forfeited the equity of redemption reserved by said Mortgage, and was liable in his life time, to be foreclosed thereof that your orator after requested him either to discharge the residue of said debt with the interest and costs thereon, or else to surrender and deliver up the mortgaged premises aforesaid but that the said Samuel in his life time constantly neglected so to do, and died leaving said debts unsatisfied, that since his death your orator have made unavailing applications for the discharge of said debts or in the alternative, for the surrender of said Mortgaged premises: And now so it is may it please your Honours, that without the aid and interposition of your Honorable Court, sitting as a Court of Chancery, your orator are wholly without remedy and relief. To the end therefore that a Decree may be passed and made requiring the payment of said money by a day to be limited for that purpose in discharge of your Complainants, and in default thereof, adjudging a sale of said premises to be made, by some suitable person, to be appointed a Trustee for that purpose, may it please your Honours, to grant unto your orator the writ of the State of Maryland of subpoena, in the usual form, to be directed to the said Mary Dorsey, widow of the said Samuel Dorsey and the said Allen Dorsey, Jarvis Dorsey, William Dorsey Hanson Dorsey, Mary Dorsey the younger and Samuel Dorsey, Commanding them and each of them, against a day to be named for that purpose to be and appear in your Honorable Court and then and there, upon their Corporal oaths to answer this Bill and the several matters and things therein stated and contained, and to show cause, if they can why a Decree should not pass as prayed and may it please your Honours to grant unto your orator such other and further relief as the nature of the Case may require and as may be consistent with equity and good conscience and as in duty bound they will ever pray &c. Before. Brn Schley. Solr for Compl.ts

Exhibit (A) Exhibit A referred to in the within and aforegoing Bill of Complaint Contained in the following Words viz^t

This Indenture made this Eighth day of June in the year of our Lord one thousand Eight Hundred and Eighteen Between Samuel Duvall of Frederick County and State of Maryland of the one part and William Duvall & Gilbert Davis of the County and State aforesaid of the other part Whereas the said Samuel Duvall by his four several Bonds or obligations, dated the 19th day of May 1818 stands bound unto George Rattyer in the sum of nine Hundred and Sixty Eight Dollars Current money as by the said Bonds may more fully appear and whereas also the said William Duvall and Gilbert Davis have become Securities for the said Samuel Duvall in the above recited Bonds or obligations Now This Indenture Witnesseth that the said Samuel Duvall in Consideration of the premises and also in Consideration of the sum of one Dollar Current money of the United States by them the said William Duvall and Gilbert Davis to him the said Samuel Duvall in hand well and truly paid at or before the sealing and delivery of these presents the receipt whereof the said Samuel Duvall doth hereby acknowledge, hath granted, bargained sold released and Confirmed and by these presents doth grant bargain sell release and Confirm unto the said William Duvall and Gilbert Davis their Heirs and assigns all his the said Samuel Duvall's Estate right Title and Interest of in and to two lots of ground in Bruges Town, Frederick County and State of Maryland and known on the Plat of said Town by the numbers forty five and forty six, they being the same Two Lots Heretofore Conveyed by George Rattyer and Dorothy Shafer to the said Samuel Duvall with all and singular the improvements whatsoever with the appurtenances to the said two Lots of ground and premises belonging or in any wise appertaining To Have and To Hold the above described two Lots or parcels of ground and premises with the appurtenances and every part and parcel thereof unto them the said William Duvall and Gilbert Davis their Heirs & assigns forever and to and for no other use intent or purpose whatsoever Provided always and it is the true intent and meaning of these presents and of the parties hereunto, that if the said Samuel Duvall his Heirs Executors or administrators do and shall well and truly pay or cause to be paid unto the said George Rattyer his Executors administrators or assigns the said full sum of nine hundred & Sixty Eight Dollars Current money with all interest and Costs that have or may accrue thereon, according to the Condition of the above in part recited bond or obligation

without any addition or abatement whatsoever. Then and from thenceforth this present and every matter and thing therein contained shall be and remain in full force and virtue any thing herein contained to the contrary hereof in any wise notwithstanding In Witness whereof, he the said Samuel Duvall hath hereunto set his hand and affixed his seal the day and year first within written. Signed Sealed & Delivered in the presence of } Samuel Duvall (Seal)
Thos. W. Morgan Mich'l Hainer,

Maryland Frederick County to wit on the day and year first within written came the within named Samuel Duvall before us the subscribers two Justices of the peace for the County aforesaid and acknowledged the within Instrument of writing to be his act and deed and the lots of ground and premises above described and thereby granted to be the right and estate of the within named William Duvall and Gilbert Davis their Heirs and Assigns forever according to the purport true intent and meaning of the above mentioned and of the acts of assembly in such case made and provided. Thos. W. Morgan
acknowledged Before } Mich'l Hainer

(Exhibit 19

Exhibit (B) George Babylee
vs
Samuel Duvall
William Duvall
& Gilbert Davis

No 114 This F. C. 1826. 1826 February 7th
Judgment Debt ..... $ 242.-
Interest 1st May 1818 till paid to sale ——— 139.75
Costs 8$/73/ 8.73
Test John Schley Ct $ 390.48

George Babylee
vs
Samuel Duvall
William Duvall
& Gilbert Davis

No 115 This F. C. 1826. February 7th
Judgment Debt. —— $ 242.-
Interest 1st May 1818 till paid to sale 139.75
Costs 8$/73/ 8.73
Test John Schley Ct $ 390.48

Exhibit (C) refused to in the within and aforegoing Bill of Complaint and Answer filed in the proceedings.

And the said Cause as standing Continued to August Term 1827 the Court hoped the following order for Commission viz

order for Commission

Thomas Bay William Duvall & Gilbert Davis
vs
Mary Duvall widow, & Allen Jeremiah, William Harriet Mary & Samuel Duvall, Children & representatives of the late Samuel Duvall, Deceased.

No 824 Equity In Frederick County Court Sitting as a Court of Chancery August Term 1827 On Motion ordered that a Commission issue in the above Case to Daniel Duvall

Esquire to appoint a Guardian to answer for the Infants defendants

Mon. Sworn September 25th 1827.

Whereupon we hereunto of the above named the following

Commn. Commission Issued viz.

Maryland to the State of Maryland. To Daniel Duvall Esqr. of Frederick County. Greeting Whereas Thomas Duvall Executor of William Duvall Deceased & Gilbert Davis hath lately Exhibited their Bill before us in our County Court as a Court of Chancery against Mary Duvall Widow, Alex Duvall, Jeremiah Duvall, William Duvall, Harriet Duvall Mary Duvall and Samuel Duvall Defendants and Whereas we have, by our writ, lately Commanded the said Defendants to appear before us in our said Court as a Court of Chancery, at a certain day now last, to answer the said Bill but, for as much as the said Alex. Jeremiah William Harriet Mary & Samuel are infants under age, and cannot answer the said Bill nor defend this suit without having a Guardian assigned in that behalf, Know ye therefore that we have given unto you full power and authority in hereunto of the special order in our said Court, to assign and appoint a Guardian for the aforesaid infants and to take the answer of the said infants, by such guardian to the said Bill and therefore we Commend you, that at such certain day and place as you shall think fit, you go to the said Defendants if they cannot conveniently come to you, and assign and appoint a guardian for the aforesaid infants and take the answers of the said infants, by such Guardian, to the said Bill on such guardian sworn upon the Holy Evangely, to be administered by you, the said answers being distinctly and plainly made and when you shall have so taken the said answers, you are to send the same, Closed up under your seal, together with your Certificate of your having assigned & appointed such guardian as aforesaid, and this writ, unto us in our said Court Witness the Honourable John Buchanan Esquire Chief Judge of our said Court the 6th day of August Anno Domini 1827. Issued this 25th day of September 1827.

Wm Sobley Solr. John Sobley Clerk

Whereupon the following Answer and Certificate of the Infant Defendants by their guardian regularly appointed together with the above Commission thereto annexed was

Infants answer filed viz.

The answers of Jeremiah Duvall, William Duvall, Harriet Duvall Mary Duvall, and Samuel Duvall, all infants under the age of twenty one years, by Mary Duvall their guardian and next friend in this behalf to the bill of Complaint of Thomas Duvall, Executor of William

Dunaud Deceased, and Gilbert Davis in Frederick County Court as a Court of Chancery, against them defendants Exhibited the said Infants by the said Guardians in answering the said Complainants said bill of Complaint, admit the truth of the several matters and things therein contained and stated and Consent to the Passage of such Decree as the nature of the Case and Equity and good Conscience may require having nevertheless that as they are infants, this Honourable Court will protect their interests according to the Provisions of the Law in such Case made and provided and they pray them to be Dismissed and so forth, Mary Law & Dunaud.

Maryland Frederick County to wit on this Ninth day of November in the year 1827 personally appears before me the Subscriber Mary Dunaud the guardian above named and by whom the above answer is now made in my presence and makes oath on the Holy Evangely of almighty God, that the facts therein stated are true as therein set forth to the best of her knowledge and belief.

Sworn to Before Daniel Dunaud

The Separate answer of Allen D Dunaud an Infant under the age of twenty one years by Samuel Barnes his Guardian ins this behalf to the bill of Complaint of Thomas Dunaud Executor of William Dunaud, and Gilbert Davis in Frederick County Court as a Court of Chancery, against him and others exhibited the said Infant by his said guardian in answering the said Complainants bill of Complaint admits the truth of the several matters and things therein Contained and stated, and Consents to the passage of such Decree as the nature of the case and Equity and good Conscience may require, hoping nevertheless that as he is an infant this Honourable Court will protect his interest according to the provisions of the Law in such Case made and provided and he prays them to be Dismissed thereof.

Saml Barnes,

Maryland Frederick County to wit on this Ninth day of November in the year 1827 personally appears before me the Subscriber Samuel Barnes the guardian above named and by whom the above answer is now made in my presence and makes oath on the Holy Evangely of almighty God that the facts therein stated are true as therein set forth to the best of his knowledge and belief.

Sworn to Before Daniel Dunaud,

To the Honourable the Judges of Frederick County Court sitting as a Court of Chancery By virtue of the Commission herewith returned and to me Directed for that purpose I caused the several Infants in said Commission named

to be brought before me on that purpose. and on the Ninth day of November in the year 1827 aforesaid did appointed Mary Duvall guardian of Jeremiah Duvall. William Duvall. Harriett Duvall. Mary Duvall and Samuel Duvall some of the infant defendants in the said Commission named and thereupon took the answer of these said infants by their said guardian. upon his Corporal Oath. as by the said Commission I am directed. and also on the Ninth day of November in the year 1827 aforesaid did appointed Samuel Barnes guardian of Allen P Duvall the other infant defendant in said Commission named and thereupon took the answer of said infants by his said guardian upon his corporal oath, as by the said Commission I am directed, which said answers together with the said Commission I herewith return to your Honourable Court as by the said Commission I am directed all which am respectfully submitted and returned given under my hand and seal as by the said Commission I am directed.

Daniel Duvall Commissioner (Seal)

Petition to amend Bill

thereupon the following Petition to amend Bill of, was filed viz

To the Honourable the Judges of Frederick County Court sitting as a Court of Chancery the Petition of Thomas Duvall & Gilbert Davis, humbly sheweth, that on the 1st day of August last they exhibited in your said honourable court. their certain Bill of Complaint against the Widow and Children of the late Samuel Duvall who had then some time previously departed this life, that at the time of the filing of said Bill no administration had been granted upon the personal Estate of the said Deceased that a certain George Hall has been recently appointed administrator of all & singular the goods and Chattels rights and credits which were of the said Deceased at the time of his death your said Petitioners state that he is advised that it is expedient and necessary that said Hall should be made a party defendant to said Bill, and be compelled to answer the matters therein set forth your said petitioners therefore pray your Honours for leave to amend their said Bill. by setting forth the grant of administration to said Hall and by making him a party Defendant to said Bill and so forth and as in duty Bound they will ever pray and so forth

Wm Schley Solr for Compt.

Courts order

Whereupon the Court passed the following order viz

By Frederick County Court Sitting as a Court of Chancery August Term 1827 ordered, that the Complainants have leave to amend their said Bill according to the prayer of their above petition, Abm Shriner. H. Buchanan.

Answer of Mary Dunaed

Whereupon the following Answer was filed viz^t
The Separate answer of Mary Dunaed relict of the late Samuel Dunaed Deceased to the Bill of Complaint of Thomas Dunaed Executor of William Dunaed Deceased and Gilbert Davis, against the said Defendant & others in the Frederick County Court, as a Court of Chancery Exhibited the said Defendant, in answering the said Complainants said Bill of Complaint, admits the truth of the several matters and things therein contained and stated, and consents to the Decree as is prayed for in and by the said Bill and as the Widow of the said Deceased Samuel Dunaed, she consents to the Sale of said Property free from the incumbrance of her Dower hereby electing to take, in lieu thereof such part or portion of the purchase money, as to this Honorable Court, may seem equitable and meet and she prays Hence to be Dismissed with her reasonable Costs and Charges &c

Witness John B Curtis
Jerome Ann Dunaed

Mary her + mark Dunaed (Seal)

I agree to take the above answer without oath,
Wm Sohey Defts Attorney.

Answer of Geo Hall

Whereupon the following Answer was filed viz^t
The Separate answer of George Hall, one of the Defendants to the Bill of Complaint of Thomas Dunaed, as Executor of the Testament and last will of the late William Dunaed Deceased and Gilbert Davis, against this Defendant and others in the Frederick County Court as a Court of Chancery Exhibited this Defendant, in answering the said Bill, admits the truth of the several matters and things therein Contained and stated and saith that he is the administrator of all and singular the goods and chattels rights and Credits which were of the said Samuel Dunaed Deceased, in the said Complainants Bill mentioned at the time of his death that the assets which have come to his hands as said administrator are very inconsiderable and greatly inadequate to the payment of his debts or even of the Judgments at law against the said intestate and he prays Hence to be Dismissed and Soforth. George Hall.
I agree to take the above answer without oath
Wm Sohey Defts Atty.

Decree

Whereupon the Court passed the following Decree viz^t
Thomas Dunaed Ex^r of Wm Dunaed & Gilbert Davis vs Mary Dunaed and others } No 824 Equity In Frederick County Court Sitting as a Court of Chancery August Term 1837 The above cause

Being ready for hearing and being submitted, the Bill Answers Exhibits and Depositions were by the Court here read Considered It is thereupon this 15th day of November in the year of our Lord Eighteen Hundred and Twenty Seven, by Frederick County Court Sitting as a Court of Chancery adjudged ordered and decreed that the said defendants or some of them, pay to the said George Baltzell or bring into this Court in discharge of the said Complainants, on or before the first day of December next, the full amount of the principal money and interest and costs due and owing to the said George upon the Judgments aforesaid and to him bequeathed, as is set forth and stated in the said Complainants bill of Complaint, and that the same together with the costs of this suit which are to be paid to the said Complainants shall be computed and taxed by the auditor under the direction of this Court, Sitting as aforesaid that in default of such payment or bringing into Court the Mortgaged premises, mentioned in the said Complainants bill of Complaint be Sold for the purpose of satisfying said debts that Daniel Dewall be and he is hereby appointed a trustee to make said Sale, and that the Course and manner of his proceedings be as follows to wit he shall first file his bond with the Clerk of this Court, to be Executed by himself, and two approved Surety in the penalty of two Thousand Dollars Current money, 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 to make said Sale either at public or private Sale, as to him may seem most Expedient, the same being Subject to the ratification or rejection of this Court, having first given at least four weeks public notice of the time, place and terms of Sale, which said terms shall be as follows to wit, Cash in hand in Cash and the residue upon Credit, to be secured by notes with approved Sureties if the Trustee shall deem it most expedient to sell in this latter way, and as Soon as Convenient may be after the making of the said Sale the said Trustee shall report to this Court here upon Oath, a full and particular account of his proceedings under this decree with the name of the purchaser or purchasers, and the price, and he shall bring into Court here the money by him received, to be distributed according to the rights of the parties interested retaining thereout, nevertheless the Costs of this suit and such Commission for his trouble, as this Court may see proper to allow him, in Consideration of the skill and fidelity wherewith he shall

appear to have discharged his trust and upon payment of all the purchase money, and not before he shall convey the said property to the purchaser or purchasers thereof, by a good and sufficient deed, to be executed, acknowledged and recorded in all respects, according to law, free clear and discharged of and from all claim and demand of the said George Baltzell and of the said complainants and defendants in this cause and of all claiming or to claim by from or under him them or any of them, saving nevertheless to the infant Defendants the rights and privileges secured to them by law, And Whereupon the Trustee filed the following Bond endorsed approved And Ordered &c.

Trustees Bond

Know all men by these presents that we Daniel Duvall & Thomas Duvall both of Frederick County in the State of Maryland, are held and firmly bound unto the said State in the just and full sum of Two Thousand Dollars Curr. and money to be paid to the said State or its certain attorney, to which payment well and truly to be made and done we bind ourselves and each of us our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated this seventeenth day of November in the year Eighteen Hundred Twenty three whereas by a Decree of Frederick County Court Sitting as a Court of Chancery, passed and made in No. 1828 Equity and bearing date the 15th day of November instant, the above bound Daniel Duvall was appointed a Trustee and authorized and empowered to sell the real estate in the proceedings in said case mentioned and whereas by the Terms of the said Decree it is necessary that a Bond should be executed in the penalty above mentioned Conditioned for the faithful performance of his said Trust Now the condition of the above obligation is such, that if the above bound Daniel Duvall do and shall well and truly discharge the Trust reposed in him by said Decree or which may or shall be reposed in him by any future decree or order in the premises then the above obligation to be void and of no effect else of full force and virtue in Law.

Signed Sealed & Delivered in the presence of Plummer Ijams.

Daniel Duvall (Seal)
Thos Duvall (Seal)

Trustees report

Whereupon the Trustee made the following Report viz

To the Honorable the Judges of Frederick County Court Sitting as a Court of Chancery. I Daniel Duvall who was appointed by a Decree of your said Honorable Court bearing date the 15th day of November last, passed

And made in No. 924 Equity) as Trustee to make Sale of the Mortgaged premises in the Proceedings in said Case mentioned, beg leave to report that having first filed an approved Bond, as by the said Decree is required and having given more than four weeks previous notice of the time place and terms of Sale, as by the said Decree is also required, by advertisement thereof in the Political Examiner, a newspaper printed in Frederick (See exhibit P.) I attended on the premises agreeably to said notice on the 15th day of December instant when & where Mary Duvall was the highest bidder and became the purchaser of said property at and for the sum of three Hundred and thirty eight Dollars current money I would respectfully beg leave further to state, that the said property was sold discharged of the Widow Dower, she having previously assented to the sale agreeably to the form of law, and Consented to receive in lieu of her Dower such portion of the purchase money as your Honours may seem proper to allow her and I beg in Conclusion that said Sale may be ratified according to the practice of your Honourable Court, and that I may be allowed for my Commission and reasonable expenses such sum as to your Honours may seem meet all which is respectfully submitted.

Daniel Duvall

Maryland Frederick County to wit on this 27th Decr 1827, personally appeared Daniel Duvall before the Subscriber one of the Justices of the State of Maryland in and for Frederick County and made oath on the Holy Evangely of almighty God that the facts set forth in the above report are true as therein stated to the best of his knowledge and belief, sworn to Before George Rohr.

Order of Publication

Whereupon the Court passed the following order of Publication viz. By Frederick County Court Sitting as a Court of Chancery August Term 1827, ordered that the Sale of the real property of the late Samuel Duvall Deceased, which was Mortgaged in his life time to William Duvall (now also Deceased & Gilbert Davis made and reported by Daniel Duvall, the Trustee be ratified and Confirmed, unless Cause be shown to the contrary thereof on or before the 28th day of January next provided a Copy of this order be inserted in some newspaper printed in Frederick for three successive weeks previous to said limited day the report States the Payment of Sales to be $338. Attest Shriver Dr. Reg. 27th 1827.

And the said Cause is standing Continued to January Term 1828 the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz. Frederick January 28th 1828 I Hereby

Printers Certificate

Certify that the annexed advertisement was regularly published in the Examiner once in each of three

Succeeding courts previous to this date. Saml Harry.

affidavit of Widows age

Whereupon the following affidavit of the Widow age was filed viz State of Maryland Frederick County to wit On this 14th day of January 1828 personally appears before me the Subscribed one of the Justices of the Peace for Frederick County James Liggett. and made Oath on the Holy Evangely of almighty God that he has been acquainted with Mary Dunaed widow of the late Samuel Dunaed for the last five years past and believes her to be about thirty eight years of age of sound Constitution and in good health to the best of his information knowledge and Belief. Sworn to Before. John R Curtis

order of ratification

Whereupon the Court hafer the following order of ratification viz By Frederick County Court. Sitting as a Court of Chancery January Term 1828 ordered that the Sale of the real property of the late Samuel Dunaed. Deceased. which was Mortgaged in his life time to William Dunaed (now also Deceased and Gilbert Davis. made and reported by Daniel Dunaed. the Trustee, be ratified and Confirmed no Cause having been shewn to the Contrary thereof although notice has been given agreeably to the above order, the Trustee is allowed for his Commission and his Expenses for Printing the sum of twenty five Dollars and fifty Cents and the Widow is allowed in lieu of her right of Dower one Eighth of the net proceeds of Sale the Auditor is directed to State an account between the Trustee and the parties interested. and to report the same for ratification

Abm Shriner May 6th 1828.

Auditors Report

Whereupon the Auditor made the following Report viz

Dr The Estate of Samuel Dunaed Deceased in % with Daniel Dunaed Acquired Trustee Cr

To the Trustee for his Commission and Expenses			25.50
. the Attorney for his fee	8.33⅓		
. the Clerk for his fee	13.60		
. the Sheriff for his fee	2.68⅔		15.62
To the auditor for his fee in stating & reporting to Court			5.—
To Mary Dunaed the widow of the said Samuel Dunaed Deceased one Eighth of the net proceeds of Sale. by order of the Court. in lieu of her right of Dower in the land sold			36.35¼
To Lyon & Bateyer a Judgment Creditor of the said Samuel Dunaed Deceased Cr the Balance B. the Balance. of proceeds of Sale in part Satisfaction of his two Judgments Interest to Sale and Costs as Cr the proceedings which Balance does not Satisfy the Claims as here			

Sent back Forward $

	554	49 ¾
	338	50
	338	50

Shews
Amount of Debt, Interest to Sale
and Costs $710.96.
By Amount of Sale made the 15th day of December 1827
ask report of Trustee filed

Thomas Bat of Wm Duvall & others
vs
Mary Duvall & Ellen

In Frederick County Court as a Court of Equity February Term 1828. I beg leave as auditor to report to the Honourable the Judges of Frederick County Court sitting as a Court of Equity that in Compliance with their order, I have upon examination of the proceedings Conducing this Cause, stated the aforegoing account. In this as in like Cases, I have allowed the Trustee for his Commission and all Expences and also allowed the Cost of the Court and to the widow of the said Samuel Duvall Deceased by order of the Court, I have allowed one eighth of nett proceeds of Sale, and the then Balance of proceeds of Sale I have awarded to George Baltzell a Judgment Creditor in part Satisfaction of his Claim with Interest added Cost as within shewn in Compliance with all the proceedings Conducing this Cause I Respectfully submit the same to the Honourable the Judges aforesaid for ratification. Henry Ashby Auditor
15th May 1828.

February Term 1828 ordered by the Court, that the aforegoing account as stated and reported by the auditor be and the same is hereby ratified and Confirmed and that the Trustee pay over the proceeds of Sale as the same has or may be received, to the parties respectively entitled to the same, according to the distributions in said audit made.

Abm Shriver May 16th 1828.
Test John Ashby Clk

Maryland Frederick County to wit

At a County Court Sitting as a Court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the first Monday of February in the year of our Lord Eighteen Hundred and Twenty five.

Present The Honourable John Buchanan Esqr Chief Judge
" " " Abraham Shriver & Esquires
Thomas Buchanan & Associate Judges
Thomas Barton Esqr Sheriff
and John Ashby Clerk

Bill To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity Humbly Complaining shew unto your Honours your Orator Isaac Rupert of Abel

Rupell both of Frederick County, and the Executors of the last will and testament of John Rupell Junr deceased that the said Executors were authorized by the said will and testament of said John Rupell to sell and convey his real Estate that in pursuance of said authority they did sell to John Rupell Junior one of the said John Rupell Junr the real estate of said Deceased at the price and for the sum of Two thousand nine Hundred and fifty four Dollars & 12/p Cents and conveyed the same to said purchaser by their deed of bargain and sale duly executed acknowledged and recorded and herewith Exhibited marked No 1, and which together with all other Exhibits hereafter to be made by your orator, they pray may be taken & considered by your Honours as a part of this their Bill of complaint your orator further represents unto your Honours that the said purchaser not being able to pay all said purchase money at the time he purchased said land, gave his notes or single bills to your orator and which are herewith Exhibited marked No. 2. 3. 4. 5 for the payment of the balance of said purchase money, all which said single bills or obligations are due, and the money mentioned in each except the credits to be found entered on each note, still owing as is much of said purchase money to your orator from said purchaser, your orator further represents unto your Honours that some time in the month of December in the year 1824 the said John Rupell Junior died intestate leaving a widow named Ruth and two children or Infants named Joseph and John that Letters of administration on the personal Estate of said John Rupell Junr have been granted by the orphans Court of Frederick County to Abel Rupell and of your orator that the personal estate of said Deceased is greatly insufficient to pay his debts owing many other persons besides your orator your orator are advised and so claim that the said purchase money still due to them as aforesaid is a lien on said real Estate and entitled to be paid by a Sale of said land in preference to all other claims to the end therefore that the said real estate of said John Rupell Jr deceased and which is all the real estate owned by said Deceased may be sold under a Decree of this Honourable Court to pay and satisfy the said claims of your orator and that your orator may have such other and further relief in the premises, as the nature of this Case and Justice and equity may require and that the said heir at law may answer this bill on oath may be pleased your Honours to grant to your orator the States writ of Subpoena in the

usual form to be directed to the said Joseph Ruppell and John Ruppell commanding them to be and appear in your Honours Court to answer this Bill and to stand to and abide by such Decree or order in the premises as your Honours may think proper to pass. Fredk A Schley. Now for complete

Exhibit No 1 Exhibit No 1 referred to in the within and foregoing Bill of Complaint contained in the following Words viz.

This Indenture made this Twenty second day of March in the year of our Lord one Thousand Eight Hundred and Seventeen Between Jesse & Abel Ruppell Executors of the last will and Testament of John Ruppell late of Frederick County in the State of Maryland Deceased of the one part and John Ruppell of the County and State aforesaid of the other part Witnesseth that Whereas the said John Ruppell Deceased by his last will and testament bearing date the Sixteenth day of the Eighth Month Eighteen Hundred and thirteen and recorded in the office of the Register of Wills in Frederick County as will appear by reference thereto being had did authorize and empower Jesse and Abel Ruppell his Executors to dispose of and convey his Estate for the purposes expressed in his said will Now this Indenture Witnesseth that the said Jesse and Abel Ruppell Executors aforesaid as well by virtue of the power and authority to them given as aforesaid as in Consideration of the sum of Two Thousand nine Hundred and fifty four Dollars twelve and a half Cents Current money of the United States to them in Hand paid by the said John Ruppell the receipt whereof they do hereby acknowledge Hath granted bargained and sold and do hereby in said Capacity grant, bargain and sell convey and confirm unto him the said John Ruppell his heirs and assigns forever all the following described Tract of land situate in Frederick County aforesaid and Composed of parts of four tracts of land called as follows viz firstly part of the Resurvey on Pleasant Valley Conveyed to the said John Ruppell Deceased by Charles & William Stephens as is above the 2d of December 1795 secondly part of the resurvey on Hells choice Granted for 874 acres Conveyed to the said Deceased by Thomas Turner as is above the 27th of December 1798, thirdly part of Pleasant orchard Conveyed to the said Deceased by William Turner as is above the 2d April 1799 fourthly part of the resurvey on Hells choice Granted for 1054 acres Conveyed to the said Deceased by Benjamin Hall as is above the 1st of February 1806 & enrolled among the records of Frederick County aforesaid reference being thereunto had will more fully appear Beginning for the said lines of the tract of land hereby Conveyed at the end of forty perches on the twenty

Said line of the whole tract called the resurvey on Pleasant Valley where there is a stone planted and running with said line North Sixteen and a Half Degrees East one Hundred thirty seven and a quarter perches to intersect the North sixty nine degrees West line of the resurvey on Wells choice granted for eight Hundred and seventy four acres where a stone is planted and with said line reversed South sixty eight and three quarters Degrees East seventy perches then North twenty one Degrees East two perches to the forty second line of the resurvey on Wells choice granted for one thousand and fifty four acres and with said line Corrected to measure the East to Turners Lot North sixty six Degrees West one Hundred thirty three and a half perches to a stone Heretofore agreed to as a Corner stone Returned the said John Rupert Deceased and John Smith then North two Degrees West one Hundred fourteen and a Half perches to a stone set South eighty five Degrees West seventy and a half perches to a stone set South one Degree East eighteen perches to the Beginning line of Turners Lot South a half degree East forty seven and a quarter perches to a stone set South sixty five Degrees East fifty one perches to a stone planted at the end of thirteen and three quarter perches on the twenty Seventh line of the aforesaid resurvey on Pleasant Valley and with said line South nineteen and a quarter Degrees West one Hundred four and a quarter perches to a stone set at the end thereof then South fifty six degrees West ten perches to a stone set on the twentieth line of Hunting Lot and with said line South twenty nine degrees East forty five and a half perches to a stone set then North fifty four degrees East twenty six perches to a stone set then by a straight line to the Beginning Containing one Hundred thirty six and a half acres of Land more or Less Legal Mease and to Hold the same with all the privileges and appurtenances thereunto Belonging to him the said John Rupert his Heirs and assigns forever and the said Isaac and Abel Rupert do Hereby in the Capacity aforesaid Covenant with the said John Rupert his Heirs and assigns that the said John Rupert shall enjoy the premises that they the said Isaac and Abel Rupert were duly authorized by the said will to make sale thereof and that it was sold for the purpose therein expressed that they gave public notice thereof according to the directions of the testator and that the said John Rupert was the highest bidder for the said premises and the same was thereupon struck off to him for the sum aforesaid as a public Vendue held

On the Land on the Twenty eighth day of October Eighteen Hundred and fifteen and the said Lepe and Abel Rupell do further in the Capacity aforesaid Covenant to and with the said John Rupell his Heirs and Assigns, that the premises are free of all incumbrances and that they the said Lepe and Abel Rupell will warrant Secure and defend the same to him the said John Rupell his Heirs and Assigns, against the lawfull claims and demands of all persons claiming from by or under them or either of their lawful representatives In Witness whereof the said Lepe and Abel Rupell have hereunto subscribed their names and affixed their seals the day and year first herein before written. Signed Sealed and Delivered in presence of
Lepe Wright. Balo Brashear

Lepe Rupell (Seal)
Abel Rupell (Seal)

Maryland Fredrick County to wit On this Twenty Second day of March in the year of our Lord Eighteen Hundred and Seventeen personaley appears Lepe Rupell of Adams County Pennsylvania and Abel Rupell of Fredrick County being the party granter above named before us two Justices of the Peace of aforesaid and acknowledge the within deed or instrument of writing to be his act and deed and the lands and premises therein mention and thereby bargained and sold to be the right and estate of the within named John Rupell party Granted also therein named his Heirs and Assigns forever according to the purport true intent and meaning of the said deed or instrument of writing and the acts of Assembly in such case made and provided.

Lepe Wright
Balo Brashead.

acknowledged Before

(Exhibited No 2)

Exhibited No 2)

One year after date I promise to pay to Lepe and Abel Rupell Executors of John Rupell Deceased the Sum of five Hundred Dollars Current money of Maryland with interest from this date for Value of them received as Witness my Hand and Seal this first day of the fourth Month Eighteen Hundred and Sixteen

Test Mary Roberts

John Rupell (Seal)

4 Mo. 24th 1817 Received of John Rupell fourteen Hundred Dollars in part of the within note, Abel Rupell
3d Mo. 20th Received of John Rupell forty Seven Dollars in part of the within note, Abel Rupell
5 Mo. 13th 1819 Received of John Rupell one Hundred and fifty Dollars in part of the within note. Abel Rupell
2d Mo. 12th 1820 Received one Hundred & fifty Dollars of the within note, Abel Rupell.
2d Mo. 1st 1822 Received of John Rupell 200 Dollars in part of the within note, Abel Rupell.

Received 4th Mo 1st 1824 of John Ruperd two Hundred thirty and Dollars Seventy two Cents 72 being the Interest on the within Bond to this date. Abel Ruperd

Rec'd 10 Dollars of the within note. Abel Ruperd.

(Exhibit No: 3)

Exhibit No:3

Two years after date I promised to pay or cause to be paid to Lepe and Abel Ruperd Executors of John Ruperd Deceased the sum of two thousand Dollars Current money of Maryland with Legal interest from date for Value received. Witness my Hand and Seal this first day of the fourth month one thousand Eight Hundred and Sixteen. 1816

Test Mary Roberts. John Ruperd (Seal)

1824 4 Mo 1st received of John Ruperd nine Hundred Sixty Dollars 60 being the Interest on the within Bond

Abel Ruperd

Exhibit No 4

(Exhibit No 4)

Exhibit No 4

Three years after date I promised to pay to Lepe and Abel Ruperd Executors of John Ruperd Deceased the Just sum of Two thousand Dollars Current money of Maryland with Legal interest from this date for Value of them received as Witness my Hand and Seal this first day of the fourth Month Eighteen Hundred and Sixteen.

Test Mary Roberts John Ruperd (Seal)

1824 4 Mo 1st received of John Ruperd nine Hundred Sixty Dollars 60 being the Interest on his Bond to this date 960/.

Abel Ruperd.

(Exhibit No 5)

Exhibit No 5

Four years after date I promised to pay to Lepe and Abel Ruperd Executors of John Ruperd Deceased the Just sum of nine Hundred and fifty four Dollars Current money of Maryland with interest from this Date for value of them received as Witness my hand and Seal this first day of the fourth month Eighteen Hundred and Sixteen.

Witness Mary Roberts John Ruperd (Seal)

1824. 4th Mo. 1st received of John Ruperd four Hundred and fifty Seven Dollars ninety two Cents 92 being the Interest on the within Bond to this date.

457/92 Abel Ruperd

And the said Cause as standing Continued to July Term 1825 the Court passed the following order for Commission viz/

order for Commn.

Lepe and Abel Ruperd } 637 Equity To the Honorable the
John [illegible] Joseph Ruperd } Judges of Frederick County Court
Sitting as a Court of Equity &c.

the above Cause the Defendants being infants and returned Summons the Complainants prays your

Honours to ispue a Commissipion to some suitable person to take the answer of said infants by a guardian to be appointed for that purpose. Frederick A Sahley for Complainants

ordered that the Clerk of this Court ispue a Commissipion to William Cole for the purpose above prayed

Attest Schriver July 18th 1825.

Whereupon in pursuance of the above order the following Commissipion Ispued viz

Commn Maryland to wit The State of Maryland. To William Cole of Frederick County greeting Whereas Isaac Rupell and Abel Rupell have lately exhibited their Bill before us in our County Court as a Court of Chancery, against John Rupell and Joseph Rupell Defendants and whereas we have, by our writ, lately Commanded the said Defendants to appear before us, in our said Court as a Court of Chancery at a Certain day, now past to answer the said Bill but, for as much as the said John and Joseph are infants under age, and Cannot answer the said Bill nor defend this suit without having a Guardian assigned in that behalf, Know ye therefore that we have given unto you full power and authority in pursuance of the several orders in our said Court to assign and appoint a Guardian for the aforesaid infants and to take the answers of the said infants, by such Guardian to the said Bill and therefore we Command you that at such Certain day and place as you shall think fit you do go to the said Defendants if they Cannot Conveniently Come to you, and assign and appoint a Guardian for the aforesaid infants and take the answers of the said infants by such Guardian to the said Bill in such Guardian Corporal oath upon the Holy Evangely to be administered by you the said answers being distinctly and plainly written and when you shall have so taken the said answers, you are to send the same, closed up under your seal together with your Certificate of your having assigned and appointed such Guardian as aforesaid and this writ, unto us in our said Court Witness the Honourable John Buchanan Esquire Chief Judge of our said Court, this 7th day of February Anno Domini 1825. Ispued the 18th day of July 1825.

F A Sahley Solr John Sahley Clerk

Whereupon the following Answer and Certificate of the Infant Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz

Infants answer The Joint and Seperate answer of John and Joseph Rupell infants by John Talbot their Guardian ad litem to the Bill of Complaint of Isaac & Abel Rupell filed in Frederick County Court Sitting as a Court of Equity against them the said

Infants by their said guardian for answer to said Bill of Complaint admits the several matters and things therein set forth and are willing a Decree shall pass for the sale of the real Estate of their said Deceased father or as much thereof as may be necessary to pay the Debts due to the Complainants as also the just debts of their said father and they pray such Decree will be passed in the case as may be consistent with Equity and good Conscience

John Talbott Guardian to said infants

On this 19th day of July 1825 the above named John Talbott Junr appeared before the Subscriber the Commissioner named in the Commission for that purpose issued from Frederick County Court sitting as a Court of Equity and voluntarily sincerely & truly affirmed that the several matters stated in the above answer are true to the best of his knowledge & Belief. William Coale Commissioner.

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity I Hereby Certify that by virtue of the Commission hereunto annexed I have assigned and appointed John Talbott Junr Guardian for the said Infants therein named and have taken the answer of the said infants by their said guardian in Writing upon his corporal Oath to the Bill in said Commission mentioned Which I herewith send enclosed In Witness whereof I have hereunto subscribed my name and affixed my Seal this 19th day of July 1825. William Coale Commr (Seal)

And the said cause as standing continued to August Term 1825 the Court passed the following Decree viz

Decree

Isaac Russell & Abel Russell vs Joseph Russell & John Russell

In Frederick County Court sitting as a Court of Equity August Term 1825 This cause standing ready for a hearing and being submitted this Bill answer Exhibits and all other proceedings were by the Court read and considered. It is therefore this first day of November 1825 by the Court adjudged, ordered and decreed that the land and premises mentioned in the proceedings be sold That Abel Russell be and he is Hereby appointed the Trustee to make said sale and that the bond and manner of his proceedings shall be as follows He shall first file with the Clerk of this Court a Bond to the State of Maryland in the penalty of five thousand Dollars to be executed by himself and a surety or sureties to be approved by this Court conditioned for the faithful performance of the Trust reposed in him by this decree or which may hereafter be reposed in him by any future decree or order in the premises He shall then proceed to make said sale

After having first given 20 days notice by three weeks insertion in some newspaper or papers printed in Frederick of the time place and terms of Sale, which shall be that the purchaser or purchasers shall pay one third of the purchase money on the ratification of the Sale and the residue in two equal payments to be secured by notes with good security to be approved by the Trustee and after the ratification of the Sale by this Court & the payment of the whole of the purchase money and not before the Trustee shall by a good and sufficient deed to be executed and acknowledged by him and recorded according to law convey to the purchaser or purchasers the property sold to him her or them free clear and discharged from all claims of the complainants and Defendants and those claiming by from or under them or either of them and the said Trustee shall report to this Court the said Sale with an affidavit thereto annexed of the fairness of the same he shall also bring into this Court the money and notes arising from said Sale to be applied under the further order of this Court after deducting therefrom the Costs of this suit and such Commission to the Trustee as the Court shall think proper to allow him. Abm. Shriver. R. Buchanan.

Trustees Bond

Whereupon the Trustee filed the following Bond endorsed approved Abm. Shriver viz

Know all men by these presents that we Abel Rupell & William Monnett of Frederick County and State of Maryland are held and firmly bound unto the said State of Maryland in the sum of two Thousand Dollars, current money to be paid to said State or its certain attorney to which payment well and truly to be made, we bind ourselves, our Heirs, Executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this Twenty third day of November 1825 Whereas the said Abel Rupell was by a Decree of Frederick County Court sitting as a Court of Chancery appointed a Trustee to sell the real estate of John Rupell Deceased for the benefit of his creditors now the Condition of the above obligation is such that if the above bound Abel Rupell, do and shall well and truly perform the trust reposed in him by said decree or which may hereafter be reposed in him by any future order or Decree of said Court in the premises then the above obligation shall be null and void,

Signed Sealed & Delivered in the presence of John Talbott

Abel Rupell (Seal)
William Monnett (Seal)

And the said Cause as standing Continued from Term to Term until February Term 1826 the Trustee made the following report viz

Trustees Report

To the Honorable the Judges of Frederick County Court Sitting as a Court of Equity The report of Abel Rupell the Trustee

Appointed by your Honours to sell the real estate of John Rupert Deceased respectfully sheweth that the said Trustee in pursuance of the Decree under which he acted advertised the property aforesaid for sale by causing a notice of which the paper hereunto exhibited marked N 1 is a copy setting forth the day of sale to be inserted for more than 3 weeks successively in the newspapers printed in Frederick before the day fixed in said notice for sale That on the said day and place named in the notice the Trustee attended & offered for sale the said real estate but no person would bid for the same. That the Trustee then postponed the sale to a future day of which he also gave a second notice & attended accordingly, but no person would bid for the same That the Trustee then gave notice a third time of the time, place and terms of sale of said property by causing the notice of which said paper marked N 1 is a copy to be inserted in the Frederick Town Herald and the Political Examiner two newspapers printed in Frederick that the Trustee attended at the time and place specified in said notice and again offered said real estate for sale on the terms mentioned in the Decree when again there was no bid made for the same having then frequently failed to effect a sale of said property at Public Sale and on the terms stated in the Decree the said Trustee has since sold the said real estate to one Benjamin Benton at the price and for the sum of twenty five Dollars per acre the said estate containing one Hundred and thirty six acres and one half of an acre of land at private sale and on the following terms to wit Fifteen Hundred Dollars of the purchase money to be paid in cash on the day said sale is ratified and the residue of said purchase money in three equal annual payments with interest on the same from the day of sale which was on the second month February the Sixteenth day in the year 1828 The said Trustee further states that the said Sale, thus made by him is a fair sale and he prays that the same may be ratified and confirmed by this Honorable Court He further states that he sold said property free of the incumbrance of Dower. Abel Rupert Trustee

On this 18th day of February 1828 Abel Rupert appeared before the Subscriber a Justice of the Peace for Frederick County and solemnly sincerely & truly affirmed that the facts stated in the aforegoing report of Sale are true as stated to the best of his recollection and belief

affirmed Before Me C Bartgis

order of publication

Whereupon this Court doth pass the following order of publication viz ordered that the sale of the real estate of John Rupert Deceased made and reported by Abel Rupert the Trustee

Be ratified and confirmed unless cause be shewn to the contrary on or before the 18th day of March next Provided a Copy of this order be inserted for three weeks successively in some newspaper printed in Fredericks before said day The report states the amount of Sales to be 3412 Dollars & 50 Cents and that Benjamin Renton is the purchaser of said real Estate

Abm Shriver. Feby 18th 1828.

Printers Certificate

Whereupon the following Certificate of the printer together with a printed Copy of the above order thereto annexed was filed viz Frederick April 18th 1828 I Hereby Certify that the annexed order for ratification of Sale of the real estate of John Rupert Deceased. was published in the Herald for three successive Weeks previous to the 18th of last Month

John P Thomson.

Order of ratified

Whereupon the Court passed the following order viz, ordered that the above Sale of made and reported be and the same is hereby ratified and confirmed, no cause having been shewn to the contrary although notice has been given according to the above order. It is further ordered that Ruth Rupert the widow of John Rupert Deceased. receive and she is hereby allowed two fifteenths of the net amount of the proceeds of Sale, in lieu of her right of Dower in the property Sold. The Trustee is allowed for his Commission & all expenses the sum of one hundred and forty six Dollars & 37 Cents & it is further ordered that the auditor of this Court proceed to state an account in this case according to the rules of this Court & report the same for further order,

Abm Shriver April 18th 1828

Auditors Report

Whereupon the Auditor made the following Report viz

The Estate of John Rupert late Deceased in Account with

Abrm Rupert Esquire Trustee

			Cr
By the Trustee for his Commission & all Expenses			146. 37
" the attorney for his fee	$	5. 33⅓	
" the Clerk for his fees		14. 34	
" the Sheriff for his fees		76⅔	15. 44
By the auditor for his fee in stating & reporting to Court &c			6. —
By Ruth Rupert the widow of said John Rupert Deceased two fifteenths of the nett proceeds of Sale under the order of this Court in lieu of her right of Dower in the land sold			432. 23
By Isps Rupert & Abrm Rupert the Complainants their proportion of Balance of proceeds of Sale in hand of their late Trustee with Interest to Sale day now		No 2	199. 19 55/76
By Isps Rupert & Abrm Rupert the Complainants their proportion of Balance of proceeds of Sale			

And brot forward

Amt brot Forward			$
Their proportion of their 2d claim with Interest to Sale 4th now	No 3	2465	109.38
To Isps Rupell & Abel Rupell the Complainants their proportion of Balance of proceeds of Sale, their proportion of their 3d claim with Interest to Sale 4th now	No 4	2466	109.38
To Isps Rupell & Abel Rupell the Complainants their proportion of Balance of proceeds of sale their proportion of their 4th claim with Interest to Sale 4th now	No 5	1175 81/2	533.94
			$ 3412.54
Amt of claims yet due with Interest to Sale $6304.99 1/2			
By Amount of Sale made the 16th February 1828 as per report of Trustee filed			$ 8412.54

Isps Rupell & Abel Rupell
vs
Joseph Rupell & John Rupell

In Frederick County Court as a Court of Equity February Term 1828 As Auditor to Frederick County Court Sitting as a Court of Equity I beg leave to report to the Honourable the Judges thereof that in Compliance with their order I have examined the proceedings Composing this cause and therefrom stated the aforegoing account in this as in like cases I have allowed the Trustee for his Commission and all Expenses and also allowed the Costs of the Court. I have next allowed to the widow of said Abel Rupell Deceased two fifteenths of the nett proceeds of Sale, under the order of this Court in lieu of her right of Dower in the lands Sold, and the Balance of proceeds of Sale, I have appointed to the several claims, yet due and owing to Isps Rupell & Abel Rupell the Complainants in this Cause, with Interest added to day of Sale as in the aforegoing account particularly specified To days upon the amount of claims and Interest upon the same added to days of Sale, Forty four and an half Cents and a fraction in the Dollar. I Respectfully Submit the same to the Honourable the Judges aforesaid for ratification

Henry Sakley Auditor May 8th 1828.

order of ratification

Whereupon the Court passed the following order of ratification viz In Frederick County Court Sitting as a Court of Equity February Term 1828 ordered that the within report of the auditor be and the same is hereby ratified and confirmed and the Trustee is directed to pay over and apply the proceeds of Sale accordingly with interest on said claims as it has been or may be received.

Adm Spurrier May 23d 1828

Test John Sakley Clerk

Maryland Frederick County to
At a County Court Sitting as a Court of Equity Begun and Held
at the Court House in Frederick Town in and for said County
on the first Monday of January in the year of our Lord One
Thousand Eight Hundred and twenty seven
Present The Honourable Abraham Shriver Esquire Associate Judge
Thomas Carlton Esquire Sheriff
and John Bakley Clerk
In the record of proceedings of the said Court amongst
Bill others are the following viz
To the Honourable the Judges of Frederick County Court Sitting as
a Court of Chancery Humbly Complaining sheweth unto your
Honours your orators Thomas Jones and Elizabeth his wife and
Philip Hand of Frederick County and John Jones and Catherine his
wife and John Hann now residents of the State of Maryland That
a certain Henry Hann late of Frederick County Deceased was
during his life and at the time of his death seized in fee of
a large real estate lying and being in the County aforesaid
known by the name of The addition to Brooks Discovery and
the rich Land Containing about one hundred and fifty eight
and three quarters acres of Land That being so seized & possessed
said Henry Hann died intestate having the following Heirs
at law To wit William Hann, Henry Hann, Philip Hann one
of your orators Catherine Jones who intermarried with John
Jones two of your orators Ann Anders who intermarried with
Adam Anders, Elizabeth Jones who intermarried with Thomas
Jones and one two other of your orators Jacob Clabaugh who
intermarried with Sarah Clabaugh and John Hann one other
of your petitioners That soon after the death of the aforesaid Henry Hann intestate two of your orators Thomas Jones &
Philip Hann purchased from Henry Hann the share of the said
real Estate to which he was entitled as heir to the aforesaid
Henry Hann intestate which appears by a deed of Conveyance
marked Exhibit A herewith Exhibited which your orators
pray may be taken together with all other Exhibits hereinafter mentioned as part of this their Bill of Complaint
also that Thomas Jones one of your orators has since the death
of the aforesaid Henry Hann intestate purchased from Jacob
Clabaugh & Sarah his wife herein before mentioned all the
right title interest & Estate which said Sarah as Daughter to
the before mentioned intestate became entitled to at her
fathers death as appears by a deed of Conveyance therefor by
Exhibit B. That William Hann Conveys his share in said real
Estate to Henry Hann, as appears by Exhibit C, who Conveyed
the same share together with his own to two of your petitioners Thomas Jones and Philip Hann your orators further
represent That in addition to themselves the only other heirs

entitled to a legal interest in the before mentioned real estate and Ann Audrey & Adam her Husband who reside in the State of Indiana & whose desire respecting their interest is unknowned to your orators that in Consequence of Many of your orators being now residents of the State of Maryland & believing that the aforesaid real estate will not admit of an advantageous division among all parties interested your orators' are desirous to have said real estate sold as herein after prayed and for the purpose to be therein mentioned That the personal estate of the aforesaid intestate was adequate to the payment of his debts in Consideration of the premises and inasmuch as your orators cannot have relief by the strict rule of Common Law neither in any other manner save through a Court of Equity where matters of this and the like nature are properly Cognizable and relievable to the end therefore that the said Adam Audry and Ann his wife may upon their Sacred and respective Corporal oaths full true direct & perfect answer make to all and singular the matters herein before stated and charged as fully and particularly as if the same were herein repeated and they thereto distinctly interrogated and not only to the best of their Knowledge and remembrance but also to the best of their respective information hearsay and belief and more especially that they may answer and set forth whether they have any reason to assign why the aforesaid land should not be sold as herein after prayed your orators pray your Honours to Decree that the aforesaid real estate may be sold by a Trustee by your Honours to be appointed and that the amount of said sale when made be distributed among all persons entitled each according to their interest to attend to your orators all other and further relief which may seem agreeable to equity and good Conscience and your orators further pray that such notice be given to the aforesaid Adam Audrey and Ann his wife as to your Honours may seem proper requiring them personally to be and appear before this Honourable Court on a particular day therein to be mentioned to answer the premises and stand & abide such order & Decree therein as to your Honours may seem agreeable to Equity & good Conscience and your orators will ever pray &c

Kinsid Solr for Complainants,

Exhibit (A)

Exhibit A referred to in the above and aforegoing Bill of Complaint Contained in the following Words viz
This Indenture made this fourteenth day of March in the year of our Lord Eighteen Hundred and Twenty three

Between Henry Hawn of Frederick County in the State of Maryland of the one part and Philip Hawn and Thomas Lowes Junr both of Frederick and State aforesaid of the other part Witnesseth that the said Henry Hawn for and in Consideration of the sum of Eight Hundred and fifty Dollars Lawful money of the United States to him in hand paid by the said Philip Hawn & Thomas Lowes Junr before the sealing and delivery of these presents the receipt whereof he the said Henry Hawn doth hereby acknowledge and from every part thereof doth hereby acquit and discharge the said Philip Hawn and Thomas Lowes Junr their Heirs Executors and administrators he the said Henry Hawn hath granted bargained sold aliened enfeoffed and confirmed & by these presents doth grant bargain sell alien enfeoff and confirm unto the said Philip Hawn and Thomas Lowes Junr their Heirs and assigns two equal eighth shares or parts of all that undivided Tract tract or parcel of land lying and being in the County and State aforesaid which said Tract tract or parcel of Land a certain Henry Hawn late of said County died seized being part of a Tract of Land called the addition to Brookes Discovery on the Red Lands and which said Tract tract or parcel of Land contains one Hundred and fifty eight acres and three fourths of an acre of Land as conveyed by a certain Andrew Shuly late of Frederick County aforesaid deceased to the aforesaid Henry Hawn late of said County Deceased by deed bearing date twelfth day of april eighteen hundred and six and Recorded in Liber W B No 28 folios 496.497. & 498 one of the Land Records of said County as referred thereunto will more fully appear Together with all and singular the improvements hereditaments and appurtenances whatsoever thereunto belonging or in any wise appertaining and the rents issues and profits thereof and all the estate right title & interest whatsoever of him the said Henry Hawn both at Law and in Equity of in to and out of the said two equal eighth Shares or parts of the said Tract tract or parcel of land and premises Hereby bargained and sold or meant or intended so to be and every part and parcel thereof To Have and to Hold the said two equal eighth Shares or parts of the said Tract tract or parcel of land as aforesaid described or by whatsoever name or description the same may be called or known together with the improvements and appurtenances and all and singular other the premises hereby bargained and sold and every part thereof with their and every of their appurtenances unto the said Philip Hawn and Thomas Lowes Junr their Heirs & assigns forever and to and for no other use intent or purpose whatsoever and the said Henry Hawn for himself and his Heirs Executors and administrators doth hereby Covenant

And agrd to and with the said Philip Hamd and Thomas Jones Junr their Heirs Executors administrators and assigns that he the said Henry Hamd and his heirs the said two equal eighth shares or parts of the said Tract piece or parcel of Land and premises hereby granted bargained and sold and every part thereof with the appurtenances thereunto belonging to them the said Philip Hamd and Thomas Jones Junr their Heirs and assigns against him the said Henry Hamd and his Heirs and against all and every person or persons whatsoever claiming or to claim any right title or interest in and to the same or any part thereof by from or under him them or either of them shall and will warrant and forever defend by these presents In Witness whereof the said Henry Hamd hath hereunto subscribed his name and affixed his seal the day and year first herein before written.

Signed Sealed & delivered
in the presence of
Hol. Jones. John Gillelan

Henry Hamd (Seal)

Maryland Frederick County to wit on this day of March 1823 personally appears Henry Hamd of the said County being the party Granted above named before us the Subscribers two Justices of the peace for said County and acknowledges the foregoing Deed or Instrument of writing to be his act and Deed and the Land and premises therein mentioned & thereby bargained and Sold to be the right and estate of the within named Philip Hamd and Thomas Jones Junr party Grantees also therein named their Heirs and assigns forever according to the purport true intent and meaning thereof and of the said Deed or Instrument of writing and the acts of assembly in such case made and provided and now at the same time also personally appears Lucy Hamd, wife of the said Henry Hamd before us two Justices as aforesaid and acknowledges the said Deed or Instrument of writing to be her act and Deed and the Land and premises therein mentioned & thereby bargained and Sold to be the right and estate of the within named Philip Hamd and Thomas Jones Junr their Heirs and assigns forever and the said Lucy Hamd being by us privately examined apart from and out of the hearing of her Husband whether she doth make the acknowledgment of the same willingly and freely without being induced thereto by fear or threats of or ill usage by her Husband or fear of his Displeasure acknowledges that she doth make her acknowledgment of the same willingly and freely and without being induced thereto by fear or threats of or ill usage by her

Husband or few of his Dischearsure taken and certified the day and year above written. Thos Jones, Solid Gilbert.

Exhibit (D)

(Exhibit D)

This Indenture made this Twenty Second day of March in the year of our Lord Eighteen hundred and Twenty four Between Jacob Clabaugh and Sarah Clabaugh wife of the said Jacob Clabaugh and one of the Daughters and Heirs of Henry Hand late of Frederick County deceased (of Frederick County in the State of Maryland of the one part and Thomas Jones Junior of the County and State aforesaid of the other part Witnesseth that the said Jacob Clabaugh and Sarah Clabaugh for and in Consideration of the sum of Two Hundred and fifty Dollars current money of the United States to them the said Jacob Clabaugh and Sarah Clabaugh by the said Thomas Jones Junior in Hand paid at or before the sealing & delivery of these presents the receipt whereof they the said Jacob Clabaugh and Sarah Clabaugh do hereby acknowledge and have granted bargained Sold aliened released enfeoffed and Confirmed and by these presents do grant bargain sell alien release enfeoff and confirm unto the said Thomas Jones Junior his Heirs Executors administrators and assigns one undivided eighth part of all that tract or parcel of Land lying and being in Frederick County aforesaid being part of a Tract of Land called the addition to Rookes Discovery on the Rich Land Beginning for said part at a post and small heap of Stones at the end of about ninety nine perches on the second line of a Deed from Martin Adams to Jacob Shuly and Andrew Shuly and running thence North one quarter of a Degree West twenty eight perches to a post & Stones North fifty one and three quarter Degrees East Twenty nine perches to a post and Stones South Thirty five & three quarter Degrees East Thirty perches to a post and Stones South Seventy Seven and three quarter Degrees East one Hundred & Two and a half perches to a post and Stones North thirty and one quarter degrees East ninety three perches to a post and Stones North twenty five and a quarter Degrees West Twenty five and a quarter perches to a post and Stones North forty two and a quarter degrees East Thirty two perches to the end of the eleventh line of the aforesaid Deed as surveyed with an allowance of two and three quarter degrees for variation then with said Deed reversed to the Beginning Containing one Hundred and fifty eight and three quarter acres of Land Together with all rights proffits privileges benefits & advantages to the said one undivided eighth part Belonging or in any wise appertaining To Have and to Hold the said one undivided eighth part of the said Tract of Land as aforesaid described and hereby bargained and

Sold and premises and appurtenances thereunto belonging unto the said Thomas Jones Junior his Heirs and assigns forever and the said Jacob Blabaugh and Sarah Blabaugh for themselves and their Heirs Executors & administrators do hereby Covenant and agree to and with the said Thomas Jones Junior his Heirs Executors administrators or assigns that they the said Jacob Blabaugh and Sarah Blabaugh and their Heirs the said and undivided eighth part of the said Tract or parcel of Land and premises aforesaid described bargained and sold and every part thereof with the appurtenances, to him the said Thomas Jones Junr his Heirs and assigns against them the said Jacob Blabaugh and Sarah Blabaugh and their Heirs and against all and every person or persons whatsoever claiming or to claim any right title or interest in and to the same or any part thereof by from or under them the said Jacob Blabaugh & Sarah Blabaugh or either of them shall and will hereafter warrant and forever defend by these presents. In Witness whereof the said Jacob Blabaugh and Sarah Blabaugh have hereunto subscribed subscribed their names & affixed their seals the day and year above written.

Signed Sealed & delivered
in the presence of
Thos Jones, John Gillelen

Jacob Blabaugh (Seal)
Sarah Blabaugh (Seal)

State of Maryland Frederick County to wit on this twenty Second day of March 1824 personally appears, Jacob Blabaugh & Sarah Blabaugh of the County and State aforesaid being the Grantors named in the foregoing deed or Instrument of writing before us the Subscribers two Justices of the Peace in and for said County & acknowledges the above Deed or instrument of writing to be their act and Deed and the Lands and premises therein mentioned and thereby bargained and sold to be the right and Estate of the within mentioned Thomas Jones Junior party Grantee also therein named his Heirs & assigns forever according to the purport true intent and meaning of the said Instrument of writing and the act of assembly in such case made and provided and at the same time also personally appears Sarah Blabaugh wife of the said Jacob Blabaugh before us the Subscribers two Justices aforesaid and acknowledges the said Deed or Instrument of writing to be her act and Deed and the Lands and premises therein mentioned to be the right and Estate of the within named Thomas Jones Junior his Heirs and assigns forever and the said Sarah Blabaugh being by us privately Examined apart from and out of the hearing of her Husband acknowledges

that she Doth make Her acknowledgment of the same willingly and freely and without being induced thereto by fear or threats of or ill usage by her Husband or fear of his Displeasure

Thomas Lowe, John Gillerd.

Exhibit (b)

(Exhibit b)

This Indenture made this third day of April in the year of our Lord Eighteen Hundred and fifteen between William Hann of Frederick County and State of Maryland of the one part and Henry Hann of County and State aforesaid of the other part Whereas a Certain Henry Hann father of the above named parties died intestate seized of a tract or parcel of Land lying and being in the County aforesaid on Piney Creek containing about one hundred and sixty acres of land more or less being part of a Tract or parcel of land called Brookes Discovery on the Creek Land and the said William Hann and Henry Hann and their Brothers and Sisters being eight in number Sons and Daughters of said Deceased are equal Shares in said Land and the said Henry Hann having bargained with the said William Hann for the purchase of his the said William Hanns' property of the said parcel of land being undivided and which the said William Hann is entitled to, Witnesseth that the said William Hann for and in Consideration of the sum of Eight Hundred dollars Current money to him in Hand paid by the said Henry Hann the receipt whereof he the said William Hann doth hereby acknowledge Himself therewith to be fully Contented Satisfied and paid hath given granted bargained Sold aliened released enfeoffed and confirmed and by these presents doth give grant bargain Sell alien release enfeoff and Confirm unto the said Henry Hann his Heirs and assigns forever all his the said William Hann's right title claim and proportion of in and to the aforesaid undivided parcel of land Together with all rights profits Benefits and advantages to the same belonging or in any wise appertaining To Have and To Hold, Take receive & enjoy the said Share or portion of land with the appurtenances unto the said Henry Hann his Heirs and assigns forever, and the said William Hann for himself his Heirs Executors and administrators doth Covenant grant promise and agree to and with the said Henry Hann his Heirs and assigns that he the said William Hann his Heirs Executors and administrators the aforesaid bargained share or proportion of the premises with the appurtenances unto the said Henry Hann his Heirs and assigns, against all manner of persons claiming or to claim by the said William Hann his Heirs or assigns shall and will warrant and forever defend by these presents In Witness whereof the said William Hann hath to these presents set his Hand and affixed his Seal

the day and year above written
Signed Sealed and Delivered
in presence of
Lot Sim Smith, Joseph Taney

William Hand (Seal)

State of Maryland Frederick County to Wit I do remember that on this third day of April 1815 personally appears William Hand the party grantor within named before me the subscribers Justices of the peace for said County and acknowledged the within deed or instrument of writing to be his act and deed and the land and premises therein mentioned and thereby bargained and sold to be the right and estate of the within named Henry Hand party grantee also therein named his heirs and assigns forever according to the purport true intent and meaning of the said deed or Instrument of writing and the acts of assembly in such case made and provided and now to the same time hereunto appears Mary Hand wife of the said William Hand before us the subscribers Justices of the peace for said County and acknowledged the said deed or instrument of writing to be her act and deed and the land and premises therein mentioned to be the right and estate of the within named Henry Hand his heirs and assigns forever and the said Mary Hand being by us privately examined apart from and out of the hearing of her husband whether she doth make her acknowledgment of the same willingly and freely and without being induced thereto by fear or threats of or ill usage by her husband or fear of his displeasure acknowledges and declares that she doth make her acknowledgment of the same willingly and freely and without being induced thereto by fear or threats of or ill usage by her husband or fear of his displeasure Sworn Taken and Certified the day and year above written, Lot Sim Smith. Joseph Taney.

order of publication

Which now the Court doth the following order of publication
viz, Philip Hand. Thomas In Frederick County Court Sitting
Evans & wife and others as a Court of Chancery The object
of the Bill of Complaint in
vs this case is to obtain a sale by
Trustee of the real Estate of
Adam Anders and Frederick County Deceased since
Anne his wife intestate to states that said real estate will not admit
of an advantageous division among the Heirs of said
Hand That many of the Complainants do not reside
in the State of Maryland and that the only Defendants
Adam Anders and Anne his wife are residing in the
State of Indiana It is ordered therefore to bound in and
answer said Bill and to abide by whatever Decree

may be hoped relative thereto so is thereupon this 24th day of January 1827 ordered by Frederick County Court Sitting as a Court of Equity that the above mentioned Adam Anders and Ann his wife be and appear before this Court on or before the first day of June next to answer said Bill of Complaint otherwise the same will be taken pro Confesso against them provided a Copy of this order & the above Statement be published three successive weeks in a newspaper printed in Frederick before the 20th day of February next.

Abm Shriver,

and the said Cause is standing Continued to February Term 1827

Printers Certificate

the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz

I Hereby Certify that the annexed notice was inserted in the Citizen for three weeks in succession before the 20th day of February 1827. by W Sharp.

affidavit of non residents

Whereupon the following affidavit was filed viz

On this 27th June 1827 personally appears before me Benja Gantz one of the Subscribers a Justice of the Peace for Frederick County and makes oath on the Holy Evangely of almighty God that to the best of his knowledge and belief Adam Anders & Ann his wife defendants mentioned in the annexed notice are now residents of the State of Maryland.

Sworn Before me B Gantz.

Decree

whereupon the Court passed the following Decree viz

Thomas Jones & others
vs
Adam Anders wife

In Frederick County Court Sitting as a Court of Equity the said Case standing ready for a hearing and being submitted the Bill & all Exhibits and other proceedings read by Frederick County Court Sitting as a Court of Chancery read and considered do is therefore this 28th day of June in the year of our Lord Eighteen Hundred and twenty seven by Frederick County Court Sitting as a Court of Chancery aforesaid ordered and decreed that the Bill of Complaint be taken pro Confesso against the absent defendants that the real estate of Henry Hann in the proceedings mentioned shall be sold that Abraham Liesenmeister, be and is hereby appointed Trustee to make said Sale the Terms and manner of his proceedings shall be as follows he shall first file with the Clerk of this Court a Bond to the State of Maryland Executed by himself and a Surety or Sureties in the penalty of Eight Thousand Dollars Current money, to be approved by this Court conditioned for the faithful performance of the trust in him reposed by this decree or to be reposed in him by any future order or Decree in this premises he shall then proceed to sell either publickly or privately as may appear to be most advantageous having

First given three weeks successively notice in a newspaper printed in Frederick Town of the time place terms and manner of Sale The Terms shall be one third of the purchase money shall be paid on the day of Sale or ratification thereof by this Court and the Balance in one and two yearly payments without Interest to be secured by Bonds or notes with Security to be approved by the Trustee payable in one and two years respectively from the day of Sale the Trustee shall return as soon as practicable after the said Sale a full and particular account thereof with an affidavit of its fairness & truth annexed and when the Sale shall be ratified and all the purchase money paid and not before the Trustee shall by a good and sufficient and legally executed Convey to the purchaser or purchasers his her or their Heirs or representatives the property to him her or them sold, free clear & discharged from all claims of the Complainants or Defendants or those claiming from by or under them and the Trustee shall bring into this Court the money arising from said Sale to be applied as this Court shall direct after deducting the costs of this suit and such Commission to the Trustee as this Court may think proper to allow.

Abm Shriver,

And the said Cause is standing Continued to August Term 1857 the Trustee files the following Bond Endorsed approved Abm Shriver " viz

Trustees Bond

Know all men by these presents that we Abraham Lichtenwalter Abraham Null and Joseph Shunk of Frederick County in the State of Maryland are held and firmly Bound unto the State of Maryland in the full and just sum of Eight Thousand Dollars Current money to be paid to the said State or its certain attorney to which payment well and truly to be made and done we bind ourselves our Heirs Executors Administrators Jointly and Severally firmly by these presents Sealed with our Seals and dated this first day of October in the year Eighteen Hundred and Twenty seven Whereas Abraham Lichtenwalter by virtue of a Decree of the Honorable Chancery Court of Frederick County Maryland have been appointed Trustee to sell the real Estate of Henry Hand late of Frederick County Deceased for the payment of his Debts Now the Condition of the above obligation is such that if the above bounden Abraham Lichtenwalter do and shall well and faithfully perform the Trust reposed in him as the Trustee aforesaid by the said Decree or that may be reposed in him by any further Decree or order in the premises then the above obligation to

be void otherwise to be and remain in full force and virtue in Law, Signed Sealed in presence of Joseph Baer. } Abm Lichtenwalter (Seal) Abraham Nuel (Seal) Joseph Shunk (Seal)

Trustees Report

And the said Cause as standing Continued to January Term 1828 the Trustee made the following Report viz: To the Honorable the Judges of Frederick County Court Sitting as a Court of Chancery The Subscriber Trustee appointed by a Decree of said Court to sell the real Estate of Henry Hamd late of Frederick County Deceased to wit a Tract or parcel of Land, begs leave to report that in pursuance of said Decree bearing date the 26th day of June 1827 having first Given four weeks public notice in the Intelligencer examined and by said Rules of the Time Place manner and Terms of Sale, he did on the 26th day of October Last at public auction offer the said Estate for Sale and Sold the said Farm according to the Terms & Conditions of the said Decree to Elias Grimes the highest bidder for the Sum of Eighteen Hundred and Sixty Eight Dollars and Two and a half Cents Current Money

Abm Lichtenwalter,

Maryland Frederick County to wit on this 7th day of December 1827 before me the Subscriber one of the Justices of the Peace for said County personally appears Abraham Lichtenwalter whose name above Subscribed and make Oath on the Holy Evangely of Almighty God that the facts Stated in the above report are True and that the Sale of said Farm was conducted Truly to the best of his Knowledge and Belief, Geo. Price,

order of publication

Whereupon the Court passed the following order of Publication viz: Thomas Jones & Wife and others vs Adam Anders } January Term 1828 Chancery Docket No 774 ordered by Frederick County Court Sitting as a Court of Chancery that the Sale of the real estate of Henry Hamd as made and reported by Abraham Lichtenwalter the Trustee be ratified on the tenth day of February next unless Cause be shewn to this Court to the Contrary, provided a Copy of this order be published for three Successive Weeks in a newspaper printed in Frederick previous to the said tenth day of February next The amount of Sale is stated by the Trustee to be $1868.02 Abm Shriner Jany 10th 1828.

And the said Cause is standing Continued to February Term 1828 the following Certificate of the Printer together with a printed Copy of the above order therein annexed was filed viz:

Printers Certificate

Frederick March 6th 1828 I Hereby Certify that the annexed order for ratification of Sale of the real Estate of Henry Hamd was published in the Herald for three Successive Weeks previous to the 10th of February last. John N Thomson,

order of ratifd^{no}

Whereupon the Court passed the following order of ratification viz
In Frederick County Court Sitting as a Court of Chancery
passed this 6th day of May 1828 by Frederick County
Court Sitting as a Court of Chancery that the sale of
the real Estate of Philip Hamd Deceased as made and
reported by Abraham Lichtenwalter the Trustee be and the
same is hereby ratified and confirmed legal notice to
objections having been issued and no objections having
been filed in this Court The auditor will proceed to
State an account in said case agreeably to the rules and
practice of this Court and allow to the Trustee the sum
of one Hundred and two Dollars and fifty four Cents for
his Commission & all Expenses. Now Viz.

Whereupon the Auditor made the following Report viz

Auditors Report

Dr The Estate of Henry Hamd Deceased in a/c with Abraham
Lichtenwalter Esquire Trustee

		Cr
To the Trustee for his Commission & all Expenses		102.54
" the attorney for his fee	$3.38¾	
" the Clerk for his fee	11.11¾	14.43¾
To the Auditor for his fees in Stating a/c reporting to Court &c		3.—
To Philip Hamd. one of the Heirs of said Henry Hamd Deceased one Eighth of nett proceeds of Sale &c proceedings		218.50¾
To John Jones & Catharine his wife heirs as aforesaid one Eighth of nett proceeds of Sale &c proceedings		218.50¾
To Adam Anders and Ann his wife. heirs as aforesaid one Eighth of nett proceeds of Sale &c proceedings		218.50¾
To Thomas Jones & Elizabeth his wife. heirs as aforesaid, one Eighth of nett proceeds of Sale &c proceedings		218.50¾
To John Hamd. one of the Heirs as aforesaid one Eighth of nett proceeds of Sale &c proceedings		218.50¾
To Thomas Jones. assignee Isaac Blakeney & Sarah his wife. heirs as aforesaid. one Eighth of nett proceeds of Sale &c proceedings		218.50¾
To Thomas Jones & Philip Hamd assignees of Henry Hamd who was assigned of Wm Hamd. one heir as aforesaid one Eighth of nett proceeds of Sale as &c proceedings		218.50¾
To Thomas Jones & Philip Hamd assignees of Henry Hamd one heir as aforesaid one Eighth of nett proceeds of Sale &c proceedings		218.50¾
	$1568.02¾	
By Amount of Sale made 26th October 1827 as &c reported Trustee filed		$1868.12½

Thomas Jones and others
vs
Adam Anders & others

In Frederick County Court as a Court of Equity February Term 1828 As auditor to Frederick County Court Sitting as a Court of Equity I beg leave to report to the Honourable the Judges thereof that in Compliance with their order I have Examined the proceedings Composing this Cause & thereupon Stated the aforegoing account, in this as in like Cases I have allowed the Trustee for his Commission and all Expenses, and also allowed the Costs of the Court and the Balance of proceeds of Sale I have divided amongst the Heirs and Legal representatives of the said Henry Hann Deceased according to the rights of the Several parties as respectively shewn & set forth in the proceedings Composing this Cause I Respectfully Submit the Same to the Honourable the Judges aforesaid for ratification. Henry Schley Auditor May 17th 1828,

order of ratifica

Whereupon the Court passed the following order of ratification viz February Term 1828 ordered by the Court that the aforegoing account as Stated and reported by the auditor be and the Same is hereby ratified and confirmed, and that the Trustee pay over the proceeds of Sale as the same has or may be received to the parties respectively entitled to the same according to the distributions in said audit made,

Absw Shriner May 22d 1828,

Test John Schley Clerk

Maryland Frederick County Sct

At a County Court Sitting as a Court of Equity Begun and held at the Court House in Frederick Town in and for said County on the first Monday of February in the year of our Lord one thousand Eight Hundred & twenty Second,

Present The Honourable John Buchanan Esquire Chief Judge
Abraham Shriner & Esquires Associate
Thos Buchanan & Judges
Thomas Carlton Esquire Sheriff
and John Schley Clerk

In the record of proceedings of the same Court amongst others are the following viz

Filed

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity Humbly Complaining shew unto your Honours your orator Samuel Fleming and Lyon Reid of Frederick County That a certain Joseph Fleming of A, of said County being seized and possessed of the House and Lot herein after mentioned, on or about the day of Eighteen Hundred & Twenty Departed this life, intestate leaving a Widow Lucy Fleming and two Children as his heirs at law to wit Joseph Daniel Fleming and Arthur Fleming both of whom are Infants under the age of Twenty one years your orator

Represent that soon after the death of the said Joseph Fleming letters of administration on his personal Estate were granted by the Orphans Court of Frederick County to Cyrus Hull (one of your orators) by whom said Estate hath been fully administered That your orator Cyrus Hull in the Settlement of said Estate hath now had the same to the amount of one Hundred and forty three Dollars and fifty two Cents as will appear by the Certificate of the Register of said Court herewith shewn marked A and which with the other Exhibits hereinafter referred to; your orators pray may be received and taken as a part of this their Bill of Complaint your orators Samuel Fleming represents, that on the thirteenth day of April Eighteen Hundred and Twenty five the said Joseph Fleming was indebted to your orator in the sum of five Hundred Dollars for which he gave to your orator his single Bill herewith shewn marked B, That the same thereby expressed together with the Interest thereon is due and to your orator, subject to the Credits shewn by the payments thereon written and indorsed your orator further represents that at the time of the death of the said Joseph Fleming, he was seized and possessed of the real Estate following to wit, of one House and two Lots of ground in Woodsborough, Frederick County particularly described in the Deed therefor herewith shewn marked C as of one undivided fifth part of a House and Lot in Frederick Town Frederick County inherited by him from his mother Sarah Fleming That said undivided fifth part of the Lot in Frederick Town was sold by Samuel Fleming one of your orators, under a Decree of this Honorable Court, upon proceedings had in No 688 on the Equity Docket thereof, and the proceeds of said Sale distributed under the direction of this Court, That after deducting the proportion allowed by this Court to Lucy Fleming, in lieu of her Dower there upon ascertained to be due to each of the Children of the said Joseph Fleming the sum of one Hundred and fifty three Dollars and fifteen and an half Cents all which will appear upon reference had to the proceedings in said Case to which for greater Certainty your orator refer your orator represents that said money arising from the Sale of said House and Lot in Frederick Town remains in the hands of Samuel Fleming one of your orators your orators are advised, that the personal Estate of the said Joseph Fleming being insufficient for the payment of his debts, that his real Estate may be made answerable therefor and that the money in the hands of Samuel Fleming one of your orators as aforesaid, may

under the direction of this Court to be applied to their extinguishment
and be under consideration whereof and for as much as your
orator can remedy in the premises elsewhere, than in this
Honourable Court sitting as a Court of Equity and to the end
that said House and Lots, may be sold and the proceeds thereof
together with the fund now in the hands of your orator Samuel
Fleming may be applied to the Satisfaction of the debts
of the said Joseph Fleming, may it please your Honours to decree
a Sale of said House and Lots by a suitable person to be
appointed Trustee for that purpose and to this end may it
please your Honours to grant to your orators the State writ of
Subpoena to the aforesaid Lucy Fleming Joseph D Fleming
and Arthur Fleming to be directed Commanding them and each of
them to be and appear in this Honourable Court by some day
and under bond said therein to be mentioned to answer the
premises and to shew Cause if any they have why a Decree
should not be prayed as prayed and may it please your
Honours to grant to your orators a Commission and the
usual form to some suitable person to be directed to
appoint a Guardian to defend for said Infants as is usual
in this Honourable Court and to extend to your orators all
such other and further relief in the premises as may Con-
sist with Equity and good Conscience and your orator
will ever pray &c Jno Nelson Solr for Complt

Exhibit A/ Exhibited & referred to in the aforegoing Bill of Complaint
Contained in the following Words viz/

Cyrus Hull admr of Joseph Fleming of Arthur Deceased } 2d of final account Settled April 2d 1827 & now laid before in hand by the administrator of $148.52.

Test Geo M Eichelberger Regr

(Exhibit B)

Exhibit B/ Six Months after date we or either of us promise to pay to Samuel
Fleming his Heirs or assigns the sum and full sum of five hundred
Dollars for Value received with Interest from date Witness our
Hands and Seals this 18th day of April 1826.

Test Thos W Morgan

Joseph Fleming (Seal)
Thomas H Fleming (Seal)

Received January 13th 1827 Sixty one Dollars on the above note

Samuel Fleming.

Dec 13th 1825 Received of Cyrus Hull administrator of Joseph Fleming
Deceased one Hundred & Sixty eight Dollars & twenty five Cents on
the within note. Samuel Fleming.

Maryland Frederick County Set on this 25th day of April 1826
being since the death of Joseph Fleming personally appears
Samuel Fleming before the Subscriber a Justice of the Peace
in and for said County and made oath on the Holy Gospels
of almighty God that no part of the money intended

To be Issued by the within named Bail hath been received of my Security or Satisfaction for the same further than the Recitto above endorsed. Sworn Before Geo. Rohr
By order of the Orphans Court with Seal thereto Affixed,
April 28th 1826. Test G. M. Eichelberger Regr.
Exhibited & Signed to in the within and aforegoing Bill of Complaint was Issued filed in the Proceedings and the said Cause as standing Continued to July Term 1827.

order for Commn

the Court passed the following order for Commission viz

Hess & Fleming
vs
Fleming

No 796 Equity July Term 1827 Issued that a Commission do assign a Guardian to answer for Lewis D Fleming and Arthur Fleming Infant Defendants in the above Cause, and to Brooke Baker Esqr said Infants appearing to have been Summoned, Alias Issued, July 2d 1827.

Whereupon in pursuance of the above order the following

Commn

Maryland to the State of Maryland. To Brooke Baker Esquire of Frederick County, Greeting Whereas by our Bill and Samuel Fleming have lately exhibited their Bill before us in our County Court as a Court of Chancery against Lucy Fleming, Lewis D Fleming & Arthur Fleming Defendants and whereas we have, by our writ lately Commanded the said Defendants to appear before us, in our said Court of a Court of Chancery at a certain day now past, to answer the said Bill but, for, as much as the said Lewis D and Arthur are infants under age, and cannot answer the said Bill, nor defend this suit, without having a guardian assigned in that behalf - Know ye, therefore, that we have given unto full power and authority in pursuance of the special order in our said Court, to assign and appoint a Guardian for the aforesaid infants and to take the answer of the said infants, by such guardian to the said Bill and therefore we Command you, that at such certain day and place as you shall think fit, you go to the said Defendants if they cannot conveniently come to you, and assign and appoint a guardian for the aforesaid infants and take the answers of the said infants, by such guardian to the said Bill as such guardian's Corporal oath upon the Holy Evangely, to be administered by you, the said answers being distinctly and plainly wrote and when you shall have so taken the said answers, you are to send the same, closed up under your seal, together with your certificate of your having assigned and appointed such guardian as aforesaid, and this writ unto us, in our said Court, Witness the Honorable John Buchanan Esqr Chief Judge of our said Court this 5th day of February in the Year Eighteen hundred

Sfund the 2d day of July 1827. John Ashley Clerk.

Whereupon the following Certificate and Answer of the Infants Defendants by their guardian regularly appointed together with the annexed Commission thereto annexed was filed viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity the Subscriber named in a Commission from Frederick County Court Sitting as a Court of Equity, in a Cause in the said Court Depending Between Cyrus Hull and Samuel Flemming Complainants and Joseph D Fleming and Arthur Fleming Defendants, hereby Certifies, that by virtue of the said Commission herewith enclosed I have Signed and appointed Julius Schuck Guardian for the said Joseph D. and Arthur Fleming the said Infants therein named and have taken the answers of said Infants by their said Guardian in writing upon his Corporal oath, to the Bill in the said Commission recited which I herewith send enclosed In Witness Whereof I Have hereunto set my hand and seal this day of 1827 Brother Baker (Seal)

Infants answer

The answer of Joseph D. and Arthur Fleming Infants under the age of Twenty one years, by Julius Schuck their guardian to the Bill of Complaint of Cyrus Hull and Arthur Fleming in Frederick County Court as a Court of Equity Exhibited The said Joseph D and Arthur Fleming by their said Guardian in answering the said Bill admit the several matters and things therein set forth that Joseph Fleming the father of these Defendants died about the time mentioned in said Bill, Possessed of the real Estate in said Bill mentioned, that Letters of administration upon his personal Estate were duly granted by the orphans Court of Frederick County to Cyrus Hull (one of the Complainants) by whom said Estate hath been fully administered that the said Cyrus Hull in the settlement of said Estate hath paid to the Creditors of said Deceased, over and above the amount of assets in his hands, one Hundred and forty three Dollars and fifty two Cents These Defendants also admit that the said Joseph Fleming at the time of his death was indebted to Samuel Fleming (one of Complainants) in the sum mentioned in said Bill and shewn by the note of the said Joseph Fleming These Defendants admit the Sale of the House and Lot in Frederick Town in which the said Joseph Fleming had an Interest and that the money arising therefrom is in the hands of Samuel Fleming Complainant. These Defendants admit that the personal Estate of the said Joseph Fleming being insufficient for the payment of his debts, that his real Estate must be sold for their Satisfaction. These Defendants are willing that a Decree for that purpose may be passed and the proceeds of Sale distributed according to Equity and Conscience hoping that as they are Infants this Honourable Court will regard their Interest, Julius Schuck

guardian to said Infants, Ordered that on this twenty third day of august 1827 personally appears before Me duly Authorized. Commissioned named in a Commission from the Honorable Court of Frederick County Court sitting as a Court of Equity and makes oath that the Several matters stated in the within answer and true, as stated to the best of his knowledge information and belief,

Sworn Before, Brooke Baker.

Answer of Lucy Fleming

And the said Cause as standing Continued to August Term 1827 the following Answer was filed viz

The answer of Lucy Fleming to the Bill of Complaint of Cyrus Hunt and Samuel Fleming in Frederick County Court as a Court of Equity Exhibited This Defendant admits the several matters stated in said Bill and hereby signifies that she will consent to relinquish her dower in the Lands and Lots mentioned in said Bill and to receive in lieu thereof such proportion of the proceeds of Sale as the Court in its discretion may allow and prays hence to be dismissed

Witness Brooke Baker. Lucy Fleming

Agreed to receive the above answer without oath August 24th 1827. Jno. Nelson Compts Solr

Decree

Whereupon the Court hafed the following Decree viz

Cyrus Hunt & Sam'l Fleming vs Lucy Fleming. Joseph D Fleming & Arthur Fleming

In Frederick County Court as a Court of Equity August Term 1827. The said Cause standing ready for hearing and being submitted the Bill answers Exhibits and all other proceedings read by the Court read and considered and it appearing to the Court from the answer that the relief prayed for by the Complainants is reasonable ought to be granted it is therefore on this 30th day of August Eighteen Hundred and Twenty Seven by Frederick County Court sitting as a Court of Equity, ordered adjudged and Decreed, that the real Estate mentioned in the proceedings shall be sold. And for the purpose of making said Sale Samuel Fleming be and he is hereby appointed Trustee and that the Cause and manner of his proceedings therein and thereto relating shall be as follows He shall first file his Bond with Security to be approved by this Court with the Clerk thereof said Bond to be in the Penalty of One Thousand Dollars Conditioned with approved and conditioned for the faithful performance of the Trust reposed in him by this Decree or that may be reposed in him by any future rule or Decree in the premises He shall then proceed to sell said real Estate at public auction after giving 20 days three weeks notice of the time place manner and terms of Sale in such way as he shall think

most advisable the Terms of Sale shall be one half of the purchase money in hand on or on the ratification of the Sale by this Court and the residue in twelve months with Interest from the day of Sale the payment to be secured by note with Security to be approved by the Trustee and on the ratification of the Sale and the payment of the whole purchase money (and not before) the Trustee shall by a good and sufficient Deed to be executed acknowledged and recorded agreeably to Law convey to the purchaser or purchasers and to his her or their heirs the property purchased by him her or them free, clear & discharged from all Claims of the Complainants and defendants in this behalf as soon as conveniently may be after any Sale by the Trustee made he shall return and report the same to this Court with an affidavit of the fairness of the Sale to said report annexed. He shall also bring into Court the money arising from said Sale to be applied under the direction of this Court after deducting therefrom the Costs of this suit and such Commissions to the Trustee as the Court may think proper to allow.

Abm Shriner,

Trustees Bond

Whereupon the Trustee files the following Bond Endorsed approved Abm Shriner viz

Know all men by these presents that we Samuel Fleming and Gideon Bantz of Frederick County and the State of Maryland are held and firmly bound unto the State of Maryland in the Just and full sum of one Thousand Dollars current money to be paid to the said State or its Certain Attorney to which payment well and truly to be made and done we bind ourselves and each of us our and each of our heirs Executors and Administrators Jointly and Severally firmly by these presents Sealed with our Seals and dated this 1st day of October Eighteen Hundred and Twenty Seven Whereas the above named Samuel Fleming by Decree of Frederick County Court Sitting as a Court of Equity bearing date on the thirtieth day of August Eighteen Hundred & Twenty Seven was appointed a Trustee to make Sale of the real Estate of Joseph Fleming Deceased Now the Condition of the above obligation is such that if the above bound Samuel Fleming do and shall well and truly perform the Trust reposed in him by the said Decree, or that may be reposed in him by any further order or decree in the premises then the foregoing obligation to be of no effect otherwise to be & remain in full force and virtue in Law.

Signed Sealed & Delivered in the presence of John Nelson.

Samuel Fleming (Seal)
Gideon Bantz (Seal)

Petition of Byrnes Hull for Sale

Whereupon the following Petition and order was filed viz

To the Honorable the Judges of Frederick County Court Sitting as a Court of Equity the Petition of Byrnes Hull respectfully

Sheweth. That your petitioned, and a certain Samuel Fleming on the 24th day of April 1827. exhibited their Bill of Complaint in this Honourable Court against Lucy Fleming & others. praying for a Decree for the Sale of certain property therein mentioned the Estate of Joseph Fleming Deceased for the payment of his debts. That the answers of the parties interested were duly filed thereto and on the 30th August 1827 a Decree Passed by this Honourable Court appointing Samuel Fleming Trustee to make Sale of said property all of which will appear upon reference to the proceedings had on said Bill No 796 on the Docket of this Court your petitioner further represents to your Honours that the said Trustee on the 24th day of November Eighteen Hundred & Twenty Seven sold the Houses and Lots in the proceedings mentioned to a certain Henry L Dorsey of Frederick County at the price and for the sum of Two Hundred & Eighty Dollars Current money That on or about the 8th day of December 1827 the said Trustee died, without having reported said Sale for the ratification of this Honourable Court your petitioner is advised that said Trustee having died without having Executed said Trust that this Court will appoint another Trustee to complete the same and that unless objection be shewn that the Sale as made by the Deceased Trustee will be ratified. after the usual notice Is tender consideration of the premises and for as much as your petitioned is unwilling elsewhere than in this Honourable Court may it please your Honours to appoint a Trustee to Complete the Trust under the Decree aforesaid and may it please your Honors to ratify the Sale aforesaid, unless sufficient Cause be shewn to the Contrary and to extend to your Petitioner such other and further relief in the premises as may consist with Equity &c — I Nelson for Pltf

Upon Bill &c } In Frederick County Court Sitting as a
vs } Court of Equity August Term 1827 The
Lucy Fleming } within petition having been read and
Considered. It is thereupon on this 31st day of December
Eighteen Hundred and Twenty Seven. by Frederick County
Court Sitting as a Court of Equity ordered and Decreed
that Thomas H Fleming be and he is hereby appointed a
Trustee to Complete the Trust originally reposed in Samuel
Fleming Deceased in the above case. That he give Bond in
the penalty of Eight Hundred Dollars Conditioned for the
faithful performance of the Trust reposed in him by
this Decree or that may be reposed in him by any
future order or Decree in the premises and in all other
things touching the Execution of his said Trust that
he shall Conform to the provisions of the original Decree

hoped in this cause. Absq Shriver.

Trustees Bond — Whereupon the Trustee filed the following Bond Endorsed approved Absq Shriver" viz

Know all men by these presents that we Thomas H Fleming and Matthias B Bartgis of Frederick County and State of Maryland are held & firmly Bound unto said State in the just & full sum of Eight Hundred Dollars Current money to be paid to said State or its certain Attorney to which payment well and truly to be made and done we bind ourselves our Heirs Executors and administrators. firmly by these presents sealed with our seals and dated this 24th Decr 1827.

Whereas by Decretal order of Frederick County Court Sitting as a Court of Equity bearing date on the 21st Decr 1827 the above named Thomas H Fleming was appointed a Trustee to sell certain real Estate of Joseph Fleming Deceased Now the condition of the foregoing obligation is such that if the above bound Thomas H Fleming do and shall well and truly discharge the Trust reposed in him by said decree or that may be reposed in him by any future order or decree in the premises then the above obligation to be void: else to be in full force and virtue in Law.

Signed Sealed & Delivered in the presence of ..... J.N. Nelson

Thomas H Fleming (Seal)
M B Bartgis (Seal)

Trustees Report — Whereupon the Trustee exhibited the following Report viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity The Subscriber appointed Trustee to Complete the Sale of Joseph Fleming's property reports That Samuel Fleming the former Trustee on the 24th Novr 1827. Sold the property mentioned in the proceedings to a certain Henry B Donsife at the price and for the sum of Three Hundred & Eighty Dollars one half in hand the balance in twelve Months That said Sale will be shown by Exhibit A and is now reported for ratification by Thomas H Fleming.

Order of Publication — Whereupon the Court passed the following order of Publication viz. Upon Motion ordered In Frederick County Court as a Court of Equity August Term 1827 ordered that the Mary Fleming & others. Sale made by the Trustee in the above cause be ratified and confirmed unless cause to the contrary be shewn on or before the Twenty fifth day of January next. Provided a Copy of this order be inserted in some Newspaper printed in Frederick Town for three successive weeks before the said 25th day of January next. The amount of Sales is reported to be 380 Dollars. Absq Shriver Decr 27th 1827.

And the said Cause as standing Continued to January Term 1828 the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz

Printers Certificate

I Hereby Certify that the annexed notice was inserted in the Citizen for three weeks in succession before the 25th day of January Inst. Sy W Sharp.

And the said Court as standing Continued To February Term 1828 the Court taped the following order of Ratification viz

In the Frederick County Court as a Court of Equity February Term 1828. ordered that the Sale made and reported in the above Case be ratified and confirmed. no Cause to the Contrary having been shewn notwithstanding notice given the Amt of Samuel Fleming of Arthur the first Trustee is allowed Ten Dollars. and fifteen Dollars and Eighty Cents is allowed to Thomas H Fleming the last Trustee for their Commission & Expenses The Auditor is directed to State an account Current Between the Trustee and the persons interested and to report the same for the ratification of the Court after having given notice to Creditors to Exhibit their accounts,

Abm Shriner Feby 21st 1828.

order of ratifi.

Samuel Fleming & Cyrus Hull vs Lucy Fleming & others

Affidavit of Widows age.

Whereupon the following affidavit of the widows age was filed viz

In Frederick County Court of a Court of Equity February Term 1828. on this third day of May 1828 personally appears David Hull. before the Subscriber and makes oath that he knows Lucy Fleming above named and that she is about thirty one years of age to the best of his information & belief,

Sworn Before Wm Grimes.

Samuel Fleming & Cyrus Hull vs Lucy Fleming & others

Court order

Whereupon the Court taped the following order viz

ordered that there be allowed Lucy Fleming the widow of Joseph Fleming Deceased fifty Dollars and fifty Six Cents to buy two thirteenths parts of the said proceeds of Sale,

Abm Shriner May 3rd 1828.

Auditors Report

Whereupon the Auditor made the following Report viz

Dr The Estate of Joseph Fleming of A Deceased in Ac with Thomas H. Fleming Esquire present Trustee Cr

To Thomas H Fleming Amt of Samuel Fleming of A Deceased who was first Trustee in this Cause. for his Commission &c as ordered by the Court		11. —
To Thomas H Fleming the present Trustee for his Commission and balance by order of the Court		15. 80
the Attorney for his fee in this Cause	3.33⅓	
the Clerk for his fees	10.74	
the Sheriff for his fees	1.15	15. 22
To the Auditor for his fees in Stating account reporting to Court giving notices to Creditors and So forth		8. —
Amt Carried Forward		£

Amt brot Forward $

To Lucy Fleming the widow of said Joseph Fleming of A Deceased as apigned to her by the Court in lieu of her right of Dower in the lands sold by the Trustee — 50.66

To Cyrus Hurd the administrator of the said Joseph Fleming of A dec'd his proportion upon an amount due him for apaths ove paid in the Settlement of said Deceased Estate with Interest added to Sale and the Lotes marked C H # 149.54. — 63.48

To Francis and Thomas Sappington. Creditors of the said Joseph Fleming of A, dec'd their proportion of Balance of proceeds of Sale, in part of their Claims with Interest added to day of Sale deducting Payments made as shown by the Claims. a note filed marked #172.70-101 — 73.81

To Thomas Carlton, also a Creditor his proportion of the Balance of proceeds of Sale in part of his Claim as shewn by the Claims filed in this Cause marked No 2 #618. — 2.85

To Thomas H Fleming acct of Samuel Fleming of A Deceased also a Creditor of the said Joseph Fleming of A Dec'd his proportion of Balance of proceeds of Sale in part of his Claim, with Interest added to day of Sale, deducting Payments made as shown by the Claims a note filed and marked ——— No 3 #30.96. — 140.18

$ 380.—

Amount of Claims for distribution with Interest to Sale is $517.34

By Amount of Sale made the 24th day of November 1827. as per report of Trustee filed in this Cause — $ 380.—

Cyrus Hurd and Samuel Fleming vs Lucy Fleming and others

In Frederick County Court as a Court of Equity February Term 1828 The Auditor to Frederick County Court Sitting as a Court of Equity & beg leave to report to the Honorable the Judges there of that in Compliance with their order Notice given to the Creditors of the said Joseph Fleming of A Deceased notice by public advertisement to file with me their Claims against the Estate of said dec'd properly authenticated and at the time Specified in said notices has expired. I have after an examination of the proceedings Containing this Cause Stated the foregoing account. I have in this Case allowed to the former and present Trustee the amounts allotted to them respectively by the Court for their Commission and reported and next I have allowed the Costs of the Court, and then to the Widow of the said Joseph Fleming of A dec'd I have allowed that portion of the proceeds of Sale as is set apart and allotted to her by the Court and the Balance of proceeds of Sale, I have apportioned amongst the Creditors of the said Joseph Fleming of A deceased upon the amounts of the Claims filed with me for that

Purpose. with the Interest added upon. said Claims to day of Sale by Trustee, the dividend to Creditors is a fraction left than Forty two & ½ Cents in the Dollar upon the amount of Claims filed for distribution I Respectfully submit the same to the Honourable the Judges aforesaid for ratification

Henry Schley auditor May 29th 1828.

order of ratified

Whereupon the Court passed the following order of ratification viz February Term 1828 ordered by the Court that the foregoing account stated and reported by the auditor be and the same is hereby ratified and confirmed. and that the Trustee pay out the proceeds of Sale of the said Land as may be required to the parties respectively entitled to the same according to the distributions in said auditor made.

Abm Shriver May 30th 1828.

Test John Schley Clerk

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* 803

Maryland Frederick County to wit

At a County Court sitting as a Court of Equity Begun and held at the Court House in Frederick Town in and for said County on the first Monday of February in the year of our Lord Eighteen Hundred and Twenty Seven.

Present The Honourable John Buchanan Esquire Chief Judge
Abraham Shriver & Esquires Associate
Thomas Buchanan & Judges
Thomas Cockran Esquire Sheriff
& John Schley Clerk

In the record of proceedings of the said Court amongst others

Bill

in the following viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery Humbly Complaining shewith unto your Honours your Orator John McPherson of Frederick County in the State of Maryland that heretofore to wit. on the thirtieth day of September in the year of our Lord Eighteen Hundred and Twenty. Said your Orator became the purchaser at public Sale, of three undivided fourth parts of all the real estate lying in Frederick County whereof one Thomas Shrigg heretofore died seized and possessed. and which was sold under a Decree of your Honourable Court, bearing date the tenth day of August in the year 1826 (passed and made in No 627 Equity on the Docket of your Honourable Court (by William Schley, the trustee therein appointed and named & which said Sale. upon a report thereof made to your Honours in your Honourable Court sitting as aforesaid was duly ratified. and Confirmed according to the rule and practice of your said Honourable Court. as more appear to your Honours upon reference to said Trustee

Report and the several ratifications thereon endorsed, filed in said case, a copy, whereof is herewith shewn as a part of this Bill marked Exhibit A, your orator further states to your Honours that the remaining undivided fourth part of the said real estate, whereof the said Thomas Shrigg died seized and possessed as aforesaid is vested in fee in one Maria Graff the wife of a certain Marcus Ly Graff of the County aforesaid that the said Marcus Ly Graff in right of his said wife, is in possession of a large part of said estate cultivating the same for his own use and benefit, that your orator has several times applied to the said Marcus Ly Graff and the said Maria his wife requesting them to unite in a voluntary partition of said estate according to the rights of parties with which reasonable request they have refused and neglected to comply, that the said Maria being a feme Covert, is incumbered to make partition without the concurrence of her said husband, who refuses to join thereinto your orator states that the said Thomas Shrigg died seized and possessed of the following tracts or parcels of land lying in the County aforesaid, now held in tenancy in Common in unequal moieties as aforesaid, by your orator and the said Marcus Ly Graff and the said Maria his wife in right of the said Maria, to wit, part of Fat Oxen supposed to contain three hundred and four acres of Land, a tract called "Land Lost Still" containing the quantity of four hundred and ninety six acres more or less a tract called Margarets Delight containing upwards of two acres part of a tract conveyed by Henry Darnall, to adjoin the lines of the last aforesaid tract another part of the tract called Fat Oxen on the Rasmany and Fat Oxen" containing the quantity of fifty three acres more or less your orator states that he is unwilling in the premises without the said Court interference of your honourable Court Sitting as a Court of Chancery to the end, therefore that partition may be made of the said real estate, according to the rights of parties in proportions relatively equal in value as that their party thereof may be hereafter enjoyed in severalty by your orator and the remaining fourth part by the said Marcus Ly Graff and the said Maria his wife in right of the said Maria and that all such necessary orders may be passed and made in the premises as the nature of the Case may require, in order to such partition may it please your Honours to grant unto your Complainant the writ of the State of Maryland of subpoena in the usual form to be directed to the said Marcus Ly Graff and Maria his wife in the usual form commanding them against a day therein to be named & under a paine therein to be expressed to be and appear in your

Honourable Court and then and there to answer this bill and to shew cause if they can why a Decree should not be hoped as prayed and may it please your Honours to grant unto your orator such other relief in the premises as the nature of the case may require and as may be consistent with equity and good conscience and as in duty bound he will ever pray &c Signed John Pakey Solr for Complt

Answer of Mr & Mrs Graff

Whereupon the following answer was filed viz^t The joint and seperate answer of Marcus Graff & Maria his wife the Defendants to the Bill of Complaint of John McPherson in the Frederick County Court Sitting as a Court of Chancery against them Exhibited these Defendants now and at all times hereafter saving and reserving to themselves all benefit and advantage of Exception to the manifold errors in said Bill contained for answer thereto they answering say that they have no objection whatever to a division of said land fairly and equally to be made by just and impartial Commissioners to be for that purpose named by the Honourable the Judges of this said Court Sitting as aforesaid so that after such division made the said Complainant may hold in severalty therefrom his part and share of said Estate in the proceedings mentioned and that these Defendants may likewise thenceforth hold in severalty in right of this Defendant Maria the residue of said Estate and these Defendants say that this Defendant Marcus by him been in the Estimation of most of said Estate than his fair moiety thereof to which he is entitled in right of this Defendant Maria and these Defendants consent to the passage of a Decree for a partition of said Estate as is prayed by said Bill and they pray hence to be dismissed &c Signed Barnes Hall

State of Maryland Frederick County to wit On this 7th day of June 1827 personally appeared Marcus Graff and Maria his wife the above named respondents and made oath to the truth of the facts in the above answer set forth. Before Barnes Hall.

Decree

Whereupon the Court passed the following Decree viz^t

John McPherson vs Marcus Graff & Maria his wife. In Frederick County Court Sitting as a Court of Chancery February Term 1827 The above cause being ready for hearing and being submitted the Bill answer & proofs were by the Court here read and considered. It is thereupon this ninth day of June 1827 by Frederick County Court Sitting as a Court of Chancery adjudged ordered and decreed that the real estate in the proceedings be divided Between the parties Complainant & defendants

according to the respective rights and interests of the said Complainant and the Defendant Maria, so that the said Complainant may receive in partition three parts in value, and the said defendant his right of the defendant Maria, may receive one part in value of the said Estate and that said partition by Commissioners herein after to be appointed for that purpose, and that upon return of their Commission and satisfaction of their proceedings, the said parties shall respectively hold in Severalty their Several and respective shares and so forth, Abm Shriver.

and for Commn

whereupon the Court passed the following order for Commission viz John McPherson In Frederick County Court Sitting as a Court of Chancery February Term 1827.
vs
Marcus Hyggraff & Maria his Wife ordered that a Commission issue in this case to Ignatius Davis, Davis Richardson, Richard Brunner, Christian Kemp & Daniel Ruskey, to make partition of the real estate in the proceedings in this case mentioned between the parties entitled according to their respective interests, so that the said shares may be relatively equal in Value according to their respective degree of interest. Abm Shriver, June 9th 1827.

Commn

whereupon in pursuance of the above order the following Commission issued viz

Maryland Sct. The State of Maryland to Ignatius Davis, Davis Richardson, Richard Brunner, Christian Kemp & Daniel Ruskey, Gentlemen of Frederick County

Seal

Greeting whereas John McPherson by his petition to Frederick County Court Sitting as a Court of Chancery has set forth that he with Marcus Hyggraff and Maria his wife and petition to Frederick County Court Sitting as a Court of Chancery has set forth that he with Marcus Hyggraff and Maria his wife are entitled to the Lands that Thomas Shrigg died seized & possessed of lying in said County, being the following tracts or parcels of Land now held in tenancy in Common, that part by the said John McPherson and one fourth by Maria Hyggraff the wife of Marcus Hyggraff to wit part of a Tract of Land called 'Fat Ocean' supposed to contain three hundred and four acres of Land a tract of Land called 'Land Locked Still' containing the quantity of four hundred and ninety six acres more or less part of a tract conveyed by Henry Darnall to settle the lines of the last aforesaid Tract & other part of the Tract called "Fat Ocean" in the memory as 'Fat Ocean' Containing the quantity of fifty three acres more or less and the Court aforesaid having ordered that a Commission issue to you for the purpose of making partition of the said real Estate according to their respective interests having regard to value &c and it being suggested to the said Court that you are substantial

And Capable Free holders with this said County of Frederick and the Court having great confidence in your prudence and Integrity have thereupon Signed Commissioners and appointed you and do hereby appoint and Commission you to meet Carefully and diligently to Hand the Land and real Estate as aforesaid discribed, Survey and Lay off into two parts having regard to quantity and quality of each particular part and so as to lay off each part according to the respective Interests in quantity and value and advantages and that you or a majority of you having first taken an oath (or affirmation as the case may be) that you will Carefully and diligently survey and lay off the real Estate of the Late Roman Sprigg deceased making each part as equal as possible as to value and advantages (according to their respective Interests) without favour partiality or prejudice and shall make return of your proceedings to Frederick County Court as a Court of Chancery with this Commission Witness the Honorable John Buchanan Esquire Chief Judge of our said Court this 5th day of February 1827. Issued this 9th day of June 1827.

John Ashley Clerk

John Ashley Clerk

State of Maryland Frederick County to wit I Hereby Certify that Davis Richardson one of the Commissioners named in the annexed Commission personally appeared before me and was I administered to him the oath as prescribed by said Commission. Given under my hand this 19th day of July 1827.

Barnah Hall,

State of Maryland Frederick County set on the 19th day of July 1827. appear Ignatius Davis, Christian Kemp & Daniel Rinaker three of the Commissioners named in the within Commission and qualified as within directed.

Before Davis Richardson.

Court's return.

And the said Court as standing Continued to August Term 1827 the Commissioners made the following Return viz: To the Honorable the Judges of Frederick County Court Sitting as a Court of Chancery By virtue of the Commission Hereto annexed and hereunto returned as a part of this return, we the Subscribers, being a majority of the Commissioners named in said Commission do hereby Certify and return that having first annexed taken the oath required by the said Commission and having given due notice to the parties of the time and place of meeting, and entered upon the discharge of our duties (in Conjunction with Ignatius Davis Esq'r, also named in said Commission and who is since Deceased, but who, in his life time, having duly qualified as a Commissioner acted as such until the period of his death, that after having Carefully viewed

Said Several pieces or parcels of land, whereof the said Thomas Skipp Died seized, and after having carefully walked over the same and estimated the value of the improvements, and the several parcels of Land respectively, we caused the same to be accurately Surveyed, under our directions and in our presence, by Peter Mauntz Esqr whom we Selected for that purpose; that the said Estate was found to Contain only the quantity of eight Hundred and eleven and a half acres of land to wit

Lot No 1. Called part of Lot 20 and; otherwise Many makes and 207¼ acres
" No 2. part of Lot 20 aforesaid and 1 and Loose Hill ——— 147 acres
" No 3 part of 1 and Loose Hill ——— 355 do
" No 4 Margarets Delight ——— 107½ do
" No 5 Lot 21 or "The Rainway" on Lot 20 aforesaid ——— 53 do.
" No 6 Choice inbrook Reserve part of Many makes and ——— 87¼
Total — 811½ acres

as will particularly appear when represented in the Plat & Certificate of the said Peter Mauntz, hereunto annexed with the bounds & distances set forth, and to which your Honours are respectfully referred as forming a part of this return, as fully, in all respects as if incorporated herein we the subscribers respectfully further state that after a carefull examination of said Several pieces or parcels of land, taking into consideration the improvements and all advantages and disadvantages respecting said parcels respectively, we adjudged and determined, that Lot No 2 Containing the quantity of one Hundred and forty Seven acres of Land, was the one fourth part in value of the real Estate, in the said Commission mentioned and we accordingly adjudged & determined and now respectfully do return to your Honours, that said Lot No 2 Containing the quantity of land above mentioned should be allotted and set apart in Severalty to the said Marcus Ly Graff and Maria Graff his wife, in right of the said Maria, absolutely free and discharged of all right and claim of the said John McPherson and that the residue of said land, Consisting of Lots No 1, No 3 No 4, No 5 and No 6 should be allotted and set apart, as the share of the said John McPherson; to be enjoyed by him in Severalty free from the claims of the said Marcus Ly Graff and Maria his wife and of all claiming or to claim by from or under them and we now respectfully return to your Honours, our said partition of the lands and premises in the said Commission mentioned as being a fair and equal partition of said Estate Returning the parties in the Case according to their Several and relative rights and Interests, and further Certify and return that in the discharge of our duty we allotted as follows viz

Comm.rs { Danl Richardson 4 days ——— £8.00
Daniel Ruckey — 4 days ——— 8.00

Amt brot forward £ 16.00
Christian Kemp 2 Days ——— 4.00
Ignatius Davis (now decd) 3 Days ——— 6.00
2 Chain Carriers each one day ——— 2.00
£ 28.00

had also upon the Surveyors Bill, marked N. amounting in prop to the sum of £ 7.7 as a part of the Expences incurred in the Execution of the aforesaid Commission all which is respectfully submitted

Christian Kemp (Seal)
Davis Richardson (Seal)
Daniel Buskey (Seal)

Frederick County Maryland the Courses and Lines of the Land Surveyed in the County aforesaid Late the Estate of Thomas Spriggs deceased which I have Surveyed and laid off into Six Seperate and distinct parcels or Lots as will appear by the Plat hereto annexed, each of which Lots being Contained within the following Courses Limits Notes and Bounds and described as follows to wit.

Lot No 1 Being according to the deed of Conveyance from Nathan Beall, Aged Beall, Headen Edwards and Susanna his wife to Thomas Spriggs dated the 4th day of November 1800. by the name of part of a Tract of Land called Fat Oxen. and afterwards on the 7th day of September 1801 and fourth undivided part of the same land was Conveyed by Richard Turner and Elizabeth his wife to the said Spriggs by the name of a Tract of Land called Many Makes and the said Lot No 1 being included within the following Courses Limits Notes and Bounds viz Beginning at the Original Beginning of the aforesaid Tract of land called Fat Oxen and running thence with the old Lines thereof the three following Courses and distances to wit S 69 ½ E 44 Pch N 38 ½ E 160 Pch North 52 Pch thence N 78 ½ W 120 Pch to a Stone planted at the end of the 6th Line of a Tract of Land called This is the way, to also being the end of the 4th Line of Joseph Beall part of the resurvey on Fat Oxen and from thence S 82 ½ W 255 Pch to a Stone planted on the South side of the main road and at the end of the 29th Line of that Tract of land called I and Love Hill, as settled between Joseph Beall, Isaiah Beall and Elisha Beall by Baker Johnson, Samuel Duvall, and Peter Mantz thence with the middle of said road S 81 ¼ E 64 ½ Pch S 10 ¾ E 55 ½ Pch to the end of the 9th Line of the part of said Fat Oxen which was Conveyed by the aforesaid Nathan Beall, Aged Beall, Headen Edwards and the aforesaid Nathan Beall, Aged Beall, Headen Edwards and Susanna his wife for 285 acres thence with to the 3 following Courses N 49° E 100 Pch West 8 Pch

N 10° E 19 Pls to the end of the first line of this Lot then with said line reversed to the Beginning Containing by Computation the Courses thereof 237½ acres of Land.

Lot No 2 Being Compleated of part of the same Land Surveyed by Nathan Reed Aza Beall, Headen Edwards & Susanna his wife and Richard Turner and Elizabeth his wife to Thomas Shrigg as aforesaid and part of a Tract of Land called I and Lows Still which was on or about the 10th day of December 1790 Conveyed by William Murdock Reed to the said Thomas Shrigg the said Lot No 2 Being Contained within the following Courses Limits, mates and Bounds to wit Beginning on the end of 19 Pls on the 5th Line of the said Town Thomas Damall to Thomas Shrigg dated the 26th day of April 1793 and running thence with said 5th line allowing two degrees for variation S 75° E 137½ Pls to a Stone planted on the N 15° W 85½ Pls line of the whole Tract of Land called I and Lows Still then with said Land N 15° W 54½ Pls to a Stone planted at the end of 203 Pls on the 16th line of the whole of Land called the resurvey on Fat Land aforesaid then with said line S 75° E 5 Pls to the end of the Sixth line of the part of the Tract of Land called Fat Land which was Conveyed by Nathan Reed Aza Beall, Headen Edwards and Susanna his wife to Thomas Shrigg for 285 acres then with it N 38° E 144 Pls N 46° W 12 Pls to the middle of the main road leading from Georges Town to Fredericks Town then with the middle of said road 5 Courses viz N 57½° W 55½ Pls N 57¼° W 64¾ Pls to a Stone at the end of the 5th line of Lot No 1 Still with the middle of said road N 47° W 32 Pls N 30° W 50 Pls N 52° W 19 Pls then S 40° W 94 Pls S 42 E 133 Pls then by a Straight line to the first beginning Containing by Computation the Courses thereof 147 acres of Land

Lot No 3 Being part of a Tract of Land called I and Lows Still which was on or about the 10th day of December 1790 Conveyed by William Murdock Reed to Thomas Shrigg which Lot No 3 is contained within the following Courses Limits mates and Bounds viz Beginning at a Stone planted on the North side of and near the main road it being the Beginning of the whole Tract of Land called I and Lows Still and running thence with the out line thereof the 19 following lines viz S 39° W 104½ Pls to a Stone fixed at the end of 24½ Pls on the 4th line of the resurvey on Fat Land and with it reversed W 20 14 Pls to a Stone planted at the end of 27½ Pls on the 3d line of the original Tract of Land called Williams Lot and with said Land reversed S 39 W 27½ Pls to 2 Hickory Saplins marked with 9 notches each N 51° W 40 Pls to a planted Stone then leaving it N 10° W 17½ Pls to a planted Stone at the end of the 11th Course of Abners Choice and with it reversed S 41° W 36 Pls to 2 Chesnut Trees

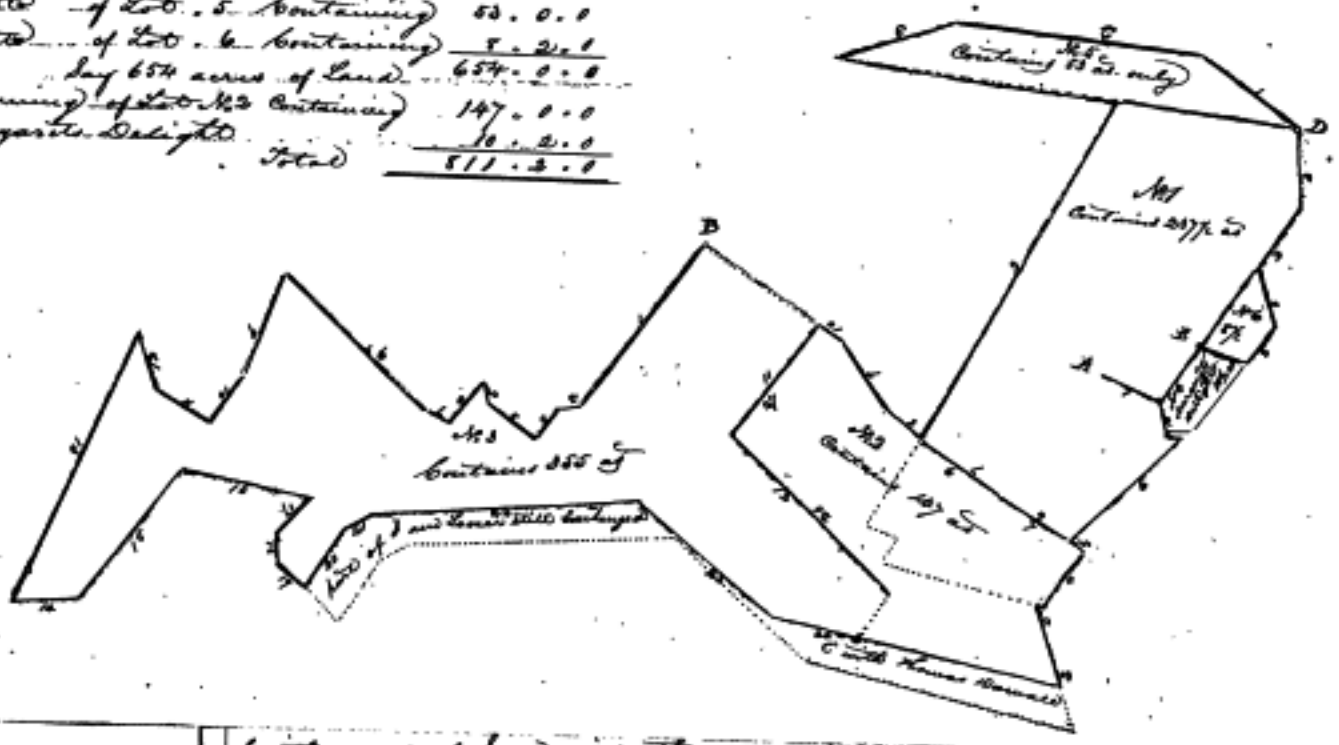
Marked with 9 notches each thence N 60° W 174 p. to the end of the 7th line of said Abners choice thence by and with said land reversed the 5 following courses N 44° W 130 p. & S 25° W 72 p. to a chestnut tree marked with 9 notches S 38° W 40 p. to a black marked with 9 notches N 57° W 40 p. N 18° W 40 p. thence leaving said land and running S 27½° W 198 p. to 2 white oaks marked with 9 notches each standing on the end of the 3d and last line of a tract of land called Nancys Beginning and with the grand line thereof East 42 p. to the end of 113 p. on the 4th course of 40 acres part of Granville Garden Conveyed by Fielder Granted to Daniel Lambs and with it reversed N 40° E 113 p. to a black oak marked 9 notches S 75° E 90 p. S 47° W 34 p. South 18 p. S 42° E 24 p. to a bounded post marked TD. planted for the beginning of the dividing lines between Thomas Darnall and Thomas Spriggs, agreeable to a deed given by said Darnall to Spriggs, on the 26th day of April 1798. Thence with said dividing lines the five following courses and with an allowance of 2° for variation N 35° E 145 p. to a bounded post marked No 2 of TD. N 63° E 24 p. to another bounded post marked No 22 N 88° E 175 p. to a bounded post No 23 S 47° E 118 p. to a bounded post marked No 24 S 75° E 58 p. to the Beginning of Lot No 2 then with the grand line thereof reversed N 40° E 36 p. to the end of the last Course of said Lot No 2 still with it reversed 2 Courses N 42° W 145½ p. N 40° E 94 p. to intersect the grand line of the whole tract called Land Lower Still then with it to the beginning of this Lot containing Head of Elder surveys and by Correction of the Courses including this Lot 355 acres of Land —

Lot No 5 Being the same Land which was on or about the 11th of November 1802. Conveyed by Jeremiah Linton to Thomas Spriggs, by the name of Ted and otherwise called the resurvey on Ted same Containing 53 acres of Land more or Less —

Lot No 6 which was Conveyed by Nathan Beall, Aza Beard, Meadem Edwards and Susannah his wife to Thomas Spriggs, by deed dated 4 Nov 1804 mentioning in said deed also another tract of Land lying in the County aforesaid and afterwards on the 7th day of September 1804 an undivided one fourth of the same land was Conveyed by Richard Turner and Elizabeth his wife to Thomas Spriggs, by the name of their improved resurveyed and part of a tract of Land called Nancy (makes one) the Courses of the said deeds (do not correspond) but believing the Courses expressed in the deed from Nathan Beall, Aza

Beard, Headen Edwards and Susannah his wife to Thomas Shrigg which also on the bounds gives it a Bound given by Ralph Beard to Charles Beard on the 20th Aug 1779 and the bounds of the said land from Nathan Beard Esqr Beard, Headen Edwards and Susannah his wife are the proper Courses and are as follows, Beginning at the mouth of 47 pole on the E. line of the aforesaid tract of Land called Fair Oaks and running thence S 65 ÷ E 81 pole thence N 41 ÷ E 33 pole thence N 16½ W 37 pole thence by a straight line to the Beginning Containing 9½ acres more or less Margarets Delight surveyed for Margaret Turner the 9th day of September 1769. and undivided fourth part thereof was Conveyed on the 7th September 1801. by Richard Turner & Elizabeth his wife to Thomas Shrigg, this tract of land is mentioned by the certificate of survey to Contain 10½ acres and was on the 9th day of April 1785. Conveyed by Margaret Turner to Charles Beard. designated on the plat by No 4. Pleasants. Dated 11th 1827.

A	The Beginning of Lot No 1 Containing	287.	0. 0
B	The Ditto of Lot No 2 Containing	355.	0. 0
D	The Ditto of Lot No 5 Containing	53.	0. 0
E	The Ditto of Lot No 6 Containing	5.	2. 0
	Say 654 acres of Land	654.	0. 0
C	The Beginning of Lot No 3 Containing	147.	0. 0
	Margarets Delight	10.	2. 0
	Total	811.	2. 0



Scotch rays of land in the year 1829. by [illegible]
Sitting as aforesaid adjudged ordered and decreed, that the said partition and allotment as made and returned, be, and the same is hereby ratified and confirmed and that the parties in the bond hereafter held in severalty their respective parts, according to the said partition & allotment So it is further adjudged ordered and decreed, that the bond plaintiff John McPherson on or before the first day of July next, by a good and sufficient deed to be prepared at the Costs of the defendant and to be executed acknowledged

Beard, Meadea Edward and Susannah his wife to Thomas Shrigg which also are the bounds given in a Bond given by Lusha Beard to Charles Beard on the 20th aug 1779 and the bounds of the said land from Nathan Beard alias Beard, Meadea Edward and Susanna his wife and the proper Courses and [illegible]

and the said bound as standing continued from Term to Term until February Term 1828 the Court hoped the following Decree viz

Decree

John McPherson
vs
Marcus Groff &
Maria Groff his wife

No 803 In Frederick County Court Sitting as a Court of Equity February Term 1828 This cause by proceedings in the above case mentioned having been read and reported by a majority of the Commissioners appointed for that purpose in pursuance of a Decree of this Court bearing date the 9th day of June in the year 1827, by which partition and returns, the No 2 part of said Estate containing the quantity of one hundred and forty seven acres of Land was allotted in severalty, to the defendants Marcus Groff and Maria his wife, in right of the said Maria; and the residue of said Estate to wit Lots No 1, No 3 No 4 No 5 and No 6 to the complainant in severalty, so is thereupon this sixth day of June in the year 1828, by Frederick County Court sitting as aforesaid adjudged ordered and decreed, that the said partition and allotment, as made and returned, be, and the same is hereby ratified and confirmed and that the parties in the bond henceforth hold in severalty their respective parts, according to the said partition & allotment So it is further adjudged ordered and decreed, that the complainant John McPherson do on or before the first day of July next, by a good and sufficient deed to be prepared at the Costs of the defendant and to be executed acknowledged

Land recorded according to Law, Convey to the said Mary Graff, the wife of the other defendant Marcus Y Graff, and to her Heirs and Assigns forever in Severalty, free from all Claims or demands of him the said Complainants and of any Claiming by from or under him, in and to the said Lot or Parcel of Land, designated as Lot No 2 in the return of said Commissioners being bounded of parts of "Fat Land" or Many Rocks and and "Land Lord Hill" and Contained within the following Courses and distances to wit Beginning at the end of 58 per cent the 5th line of the said from Thomas Durand to Thomas Shrigg dated the 26th day of April 1793 and running thence with the said fifth line allowing two degrees for variation S 78° E 61 77/100 perches to a stone planted on the N 15° W 85/100 perches line of the whole tract of Land called "Land Lord Hill" then with the said land N 15° W 54/100 perches to a stone planted at the end of 203 perches on the 10th line of the whole of the land called "The resurvey on Fat Land" aforesaid then with the said line S 71° E 65 perches to the end of the sixth line of the part of the tract of Land called "Fat Land" which was Conveyed by Nathan Beall, Reuben Edwards and Susanna his wife to Thomas Shrigg for 285 acres, then with it N 38° E 44 perches N 48° W 12 perches to the middle of the main road leading from Long Town to Frederick Town, then with the middle of the said road 8 Courses viz N 57 1/2° E 56 1/2 perches N 51 1/2° W 64 1/2 perches to a stone at the end of the 5th line of Lot No 1 Hill with the middle of the said road N 47° E 32 perches N 30° W 80 perches N 52 W 19 perches then S 40° W 94 perches S 42 E 138 perches then by a straight line to the first Beginning Containing by Computation three hundred 147 acres of Land, and also that the said defendants Marcus Y. Graff and Maria his wife or on before the said first day of July next by a good and sufficient deed to be prepared at the Costs of the said Complainant and to be executed acknowledged and recorded according to Law (as effectually) to bar the right of the said Defendants and of each of them) convey to the said Complainants his heirs and assigns forever in Severalty, the residue of the Estate in the proceedings in said Case mentioned, being Lots No 1 No 3 No 4 No 5 and No 6 agreeably to the Courses and distances mentioned in the said of the said Commissioners —

Abm Shriver

Test

John Ashley Clerk

Maryland Frederick County to
to wit County court sitting as a court of Equity Begun and held
at the court house in Frederick Town in and for said County
on the first Monday of January in the year of our Lord
One thousand Eight Hundred and Twenty Eight,
Present The Honourable Abraham Shriver Associate Judge
John Rigney Esquire Sheriff
and John Tobey Clerk
In the record of proceedings of the said court amongst others
are the following viz:

Filed To the Honorable the Judge of Frederick County court Sitting as a Court of Equity The petition of Thomas Ritchie, Mary Ord, William Parkinson, Henrietta Parkinson, Joseph Semmes and Semmes, John D Scott, Jane C C Scott, Alexander Semmes & Eleanor H Semmes respectfully represent to your Honours that Thomas Beatty late of Frederick County Deceased did on the Twenty Eighth day of December Eighteen Hundred & ten make & execute his last will and testament in due form of Law and that on the Sixteenth day of July Eighteen Hundred and fifteen did make and execute a Codicil to the said will in due form by which said will & Codicil the said Thomas Beatty did constituted and appoint a Certain John Ritchie of the County aforesaid his Executor & empowered him to dispose of his real Estate and to make as good and sufficient titles as he the said Beatty could have done had he been alive that the said John Ritchie did in pursuance of the powers thus vested in him sell the real Estate of the said Thomas Beatty and among other purchasers he the said John Ritchie sold a parcel of said land to a Certain Henry Prettyman of the said county & a Certain deed was given the said Henry Prettyman his Bond of Conveyance herewith Exhibited marked No 1 which these petitioners prays may be taken as part of this their petition by which said Bond of Conveyance he the said John Ritchie obligated himself to make a good and sufficient title upon the payment of the purchase money That the said John Ritchie is dead and that the said Henry Prettyman has paid the whole amount of the purchase money That these petitioners are without remedy unless aided by this Honourable Court. That the said Thomas Beatty left the following heirs at Law Thomas Ritchie, Mary Ord, Ann Beatty now Ann Semmes intermarried with Joseph Semmes, Henrietta Parkinson, William Parkinson John Beatty, Thomas A C Beatty, Jane C C Beatty intermarried with John D Scott, Eleanor H Beatty intermarried with Alexander Semmes, That the said John Beatty & Thomas A C Beatty is dead & the said therefore That the purchase money may be paid and That a Conveyance may be

Mared. your Petitioners pray your Honours to appoint a Trustee agreeable to the statute in such case made and provided to make the Conveyance upon payment of the full amount of the purchase money and may it please your Honrs to grant to your Petitioners such other & further remedy in the premises as the principles of Equity and good Conscience may authorise and require and your Petitioners will ever pray &c R H Marshall for Petitioners

Exhibit No 1

Exhibit No 1 referred to in the within and aforegoing Bill of Complaint Contained in the following Words viz.

Know all Men by these presents. that I Samuel Grimes of Frederick County. and State of Maryland. and held and firmly bound unto Henry Pritzman. of the County. and State aforesaid. in the just and full sum of Two thousand Dollars lawful money. to be paid to the said Henry Pritzman or his certain attorney. Executors administrators. or assigns for which payment well and truly to be made I bind myself my Heirs Exors. tors and administrators. firmly by these presents Sealed with my Seal and dated the Twenty first day of January in the year of our Lord Eighteen Hundred and Twenty three Whereas I the said Samuel Grimes. purchased of John Ritchie Executor of Thomas Beatty Deceased a certain piece or parcel of Land Situate adjoining or contiguous to Creagers Town. the County and State aforesaid called Town Tract being part of the real Estate of said deceased Estimated to Contain Seventy Six and one half acres and thirty five square perches of Land. under certain Covenants and agreements which was to be Conveyed to me. as by a Bond of Conveyance from said Ritchie to me therefore. when and after the purchase money should be paid thereon, as by the said Bond. dated the Twenty sixth day of June in the year Eighteen Hundred and Eighteen & referenced thereto in my Honor and Reference being had. will more fully appear and whereas I the. said Samuel Grimes. have this day bargained for and sold to the above named Henry Pritzman. all that part. of the aforesaid Seventy Six and one half acres. and thirty five square perches of Land that is contained within the following lines. metes bounds. and courses viz Beginning for the said part. sold to the said Henry Pritzman at the end of the first line of my purchase of said Ritchie. at a Stone planted in the middle of the main Road. leading from Creagers Town to Emmittsburg on the given line of the Tract of Land. called Town Tract and running thence. the following Courses to wit South fifteen and three quarter degrees West. one Hundred and twelve perches, and nine tenths of a perch, thence South. twenty two Degrees West. twenty perches. South Seventy Eight and one

Half Degrees West, one perch and nine tenths of a perch, thence North Thirty two Degrees West, one Hundred and Eighteen perches, thence North Seventy five Degrees East one Hundred and six perches and three tenths of a perch to the Beginning Estimated to Contain thirty eight acres, three quarters and nineteen square perches of Land, all and for the price of twenty five Dollars per acre, amounting to nine Hundred and Seventy and Dollars and Seventy two Cents, to be paid for, in four equal annual Instalments with Interest thereon, to be paid annually, that is to say Two Hundred and forty two Dollars, and ninety three Cents, on each of the twenty first days of January in the years, Eighteen Hundred and twenty four, twenty five, twenty six and twenty Seven, with Interest from this date on each payment, which Interest is to be paid annually, and for which payments he has given his four Several notes or obligations, to the said John Ritchie which notes or obligations when and as paid, is to be applied, to my credit, with the said John Ritchie, toward the purchase money of said Land, and in Consideration hereof I Hereby assign & transfer to the said Henry Pritzyman, all my right and title to possession & Conveyance of the said Land hereby sold to him said Pritzyman in as full & manner as I myself could have had, if I had myself paid the said money to said Ritchie, if and when it shall be paid, as aforesaid and I Hereby order and direct the said Ritchie, to Convey to the said Pritzyman the said Land in as full & manner, as I myself would be entitled to, when the said purchase money, shall be paid to him said Ritchie thereof as aforesaid. Now the Condition of the above, and foregoing obligation, is such, that if at any time, upon reasonable demand, after the above said four Several notes or obligations amounting to nine Hundred & Seventy one Dollars and Seventy two Cents and the Interest thereon accrued, shall have been fully Satisfied and paid, to the said John Ritchie, together with, such further sum for any increase of the quantity of Land, beyond the present Estimate as such increase at the rate aforesaid may amount to, or in case of a deficiency of said quantity then a deduction to be made therefor, at the same rate by the said Samuel Grimes shall well and truly make do and Execute or shall cause or procure the said John Ritchie, well and truly, to make do and Execute at the Cost and charge of the said Henry Pritzyman, a good and sufficient Deed of Conveyance in Law, in fee Simple, to the said Henry Pritzyman his Heirs and assigns forever, of all that the aforesaid described Thirty eight acres three quarters and nineteen square perches of Land so purchased by him as aforesaid with the Hereditaments & appurtenances thereto belonging or appertaining in as full, free & ample

manner as to the said Thomas Beatty deceased and agreeable the same as his deceased and as fare forth as to the said John Ritchie hath the power to do. by the last will and Testament of the aforesaid Thomas Beatty Deceased then the above and foregoing obligation. to be void and of none effect otherwise to be and remain in full force and virtue in Law.

Signed Sealed & Delivered in presence of Albert Ritchie, Samuel Grimes (Seal)

Decree

Whereupon the Court passed the following Decree viz The Petition of Thomas Ritchie, Mary Ann Williams Parkinson Henrietta his wife Joseph Simmons and Ann his wife. John D Scott & Jane his wife Alexander Simmons & Ann his wife to this Frederick County Court Sitting as a Court of Chancery this petition being ready for hearing and submitted the petition & Exhibits was read and Considered by the Court and it appearing to the Satisfaction of the Court that the petition ought to be granted it is therefore ordered adjudged and Decreed on this Seventh day of February Eighteen Hundred and twenty Eighth by the Frederick County Court Sitting as a Court of Equity that Richard H Marshall be and is hereby appointed Trustee to consummate the contract mentioned in the proceedings to make him the said Henry Spitzmaus a good sufficient deed to be executed acknowledged and recorded, convey to him by as good a title as Thomas Beatty was enjoyed during his life the Land mentioned in the proceedings.

Abm Shriver.

Test John Schley Clerk

Maryland Frederick County Set

At a County Court Sitting as a Court of Equity Begun and held at the Court House in Frederick Town in and for said County on the first Monday of January in the year of our Lord Eighteen Hundred Twenty Eight.

Present the Honorable Abraham Shriver Esquire Associate Judge

John Rigney Esquire Sheriff

and John Schley Clerk

In the record of proceedings of the said Court amongst

Petition

others are the following viz

To the Honorable the Judges of Frederick County Court Sitting as a Court of Equity The Petition of William B Mead and Greenbury and Cornelius Riggs of Frederick County most respectfully sheweth. That the real Estate of Cornelius Riggs late of Frederick County aforesaid was sold under a Decree of this Honorable Court for the payment of his debts That the Trustee duly

Mand his report of the Sale, and the auditor was ordered to give the Creditors notice to bring in their accounts for Settlement, after the notice had expired, the auditor to sit 20 August Term AD 1827 mand and the account, submitted the same to this Honourable Court and the same account at the same August Term was duly ratified and confirmed, your Petitioners beg leave to State that the said Cornelius Ridge was largely at his death, indebted to your Petitioned William B Mead for monies paid by the said William B Mead as the Security of the said Cornelius Ridge and that the said Cornelius Ridge was also indebted to Ephraim Ridge for monies paid by the said Ephraim Ridge for the use of the said Cornelius Ridge and that your other two Petitioners Greenbury & Cornelius Ridge are the administrators of the said Ephraim Ridge deceased, your Petitioners are Satisfied that the auditor as he has Stated duly notified the Creditors to appear and bring in their accounts, but your Petitioners most Solemnly declare that they had no knowledge of the notice published by the Auditor, your Petitioners therefore pray that your Honours will open the account of the auditor so as to enable them to bring in their accounts against the proceeds of the Sale of the real Estate of the said Cornelius Ridge and your Petitioners will ever pray &c. Wm B Mead,

Greenbury Ridge, Cornelius Ridge.

Frederick County Sc. Personally appeared before me the Subscriber one of the Justices of the peace in and for the County aforesaid on this 20th day of February 1828 the above named William B Mead, Greenbury and Cornelius Ridge, and upon their oath taken according to law and do depose and say that the facts stated in the above Petition as therein stated are true to the best of their Knowledge and Belief,

Sworn Before me, M C Barbey

Courts order. Whereupon the Court passed the following order viz The Court do the prayer of the Petitioners as within prayed and direct the auditor to give three weeks notice to the Creditors to bring in their accounts for Settlement & that he make a new audit, Adm Shriver,

And the said Cause is standing Continued to February Term 1828

Auditors Report. The Auditor made the following Report viz

Dr The Estate of Cornelius Ridge Deceased in Ac with William Roy Esquire Trustee

			Cr
To the Trustee for his Commission on all Balances			$ 84.53
" the attorney for his fees as in 1st audit	$	5. 33⅓	
" the Clerk for his fees, as in 1st audit		17. 4⅓	
" the Sheriff for his fees as in 1st audit		1. 53½	22.29
Carr Forwd			$

	Amt brought forward	£	£	
To the auditor for his fees 6 as in 1st audit		—		7. 6
" the Clerks for his fees in this the 2d audit and taken from new Claims		3.	62.	
" the auditor for his fees in this the 2d audit stating and reporting account giving notice to Creditors 6 & taken from new Claims		11.	6	
To Elizabeth Hooper, Complainant in this Cause her proportion of Balance of proceeds of Sale upon the amount of her Claim with Interest to 1st April 1828 pt Claim filed & marked	No 1	83.	11.	14. 37
To Elizabeth Hooper Complainant 6 her proportion of Balance of Do upon the amount of her claim with Interest to 1st April 1828 pt Claim	No 2	291.	60.	50. 54
To Frederick Eichelberger his proportion of Balance of Do upon the amount of his Claim with Interest to 1st April 1828 pt Claim filed and marked	No 3	115.	20.	18. 23
To Elias Grosbon of Sur, his proportion of Balance of Do upon the amount of his claim with Interest to 1st April 1828 pt Claim filed and marked	No 4	22.	31.	3. 86
To Daniel Smith Sen. his proportion of Balance of Do upon the amount of his Claim with Interest to 1st April 1828 pt Claim filed & marked	No 5	462.	90.	80. 23
To Daniel Smith Sen. his proportion of Balance of Do upon the amount of his claim with Interest to 1st April 1828 pt Claim filed & marked	No 6	9.	42	1. 62½
To John Sibley his proportion of Balance of Do upon the amount of his claim (no Int) as filed & marked	No 7	—	99.	17
To Richard H Marshall acct & Rep. of Thomas Beatty Deceased his proportion of Balance of Do upon the amount of his Claim with Interest to 1st April 1828. pt Claim filed & marked	No 8	90.	21½	15. 63
To Richard H Marshall acct & Rep of Thomas Beatty Deceased his proportion of Balance of Do upon the Amount of his Claim with Interest to 1st April 1828 pt Claim filed & marked	No 9	113.	24.	19. 62
To Grumby & others Ridge account of Edward & Rebecca Ridge. their proportion of Balance of Do upon the amount of their Claim with Int to 1st April 1828.				
	Amt Carried forward	£		

	Amt brot forward			
The Pltf Statement filed and marked	No 11	579	81	148 70
To Wm Bl Head his proportion of Balance of Pltf upon the amount of his claim with Interest to 1st April 1828 pltf claim filed marked	No 11	344	90	56 33
To Wm Bl Head his proportion of Balance of Pltf upon the amount of his claim with Interest to 1st April 1828 pltf the claim filed marked	No 12	199	22	32 53
To the Executors of Jacob Beckenbaugh, Deceased their proportion of Balance of Pltf upon the amount of their claim with Interest to 1st April 1828 pltf the claim filed marked	No 13	40	23½	6 56
To Thomas Ogle his proportion of Balance of Pltf upon the Amount of his claim with Interest to 1st April 1828 pltf claim filed marked	No 14	32	58	5 31
To Samuel Wilkins, assignee, his proportion of Balance of Pltf upon the amount of his claim with Interest to 1st April 1828 pltf the claim filed marked	No 15	12	77	2 09
To John P Thomas his proportion of Balance of Pltf upon the amount of his claim, with Interest to 1st April 1828 pltf claim filed marked	No 16	11	93½	1 94
To Lynch Beath & Beckenbaugh their proportion of Balance of Pltf upon the amount of their claim, with Interest to 1st April 1828 pltf the claim filed marked	No 17	11	47	1 87½
To Lynch Sellers his proportion of Balance of Pltf upon the amount of his claim with Interest to 1st April 1828 pltf the claim filed marked	No 18	7	73	1 25½
To William Grimes, his proportion of Balance of Pltf upon the amount of his claim with Interest to 1st April 1828 pltf the claim filed & marked	No 19	1	57½	25½
To John McDonnell his proportion his proportion of Balance of Pltf upon the amount of his claim with Interest to 1st April 1828 pltf claim filed and marked	No 20	5	65	92
				$535 50
Total Amount of Debt with Interest to 1st April 1828				$4726 77½
By Amount of Sales made the 27th day of January 1827 as per Trustees report filed in this Cause				$535 50

Elizabeth Hoover
vs
Edmund Rizer & others

In Frederick County Court as a Court of Equity February Term 1828 To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity. The report of the Trustee of said County respectfully sheweth, that in compliance with an order of the Honourable the Judges aforesaid he caused notices by advertisements to be given

the Creditors of said Cornelius Ridgely Deceased to produce to him their claims against the Estate of Deceased, and as said notices have been given he has upon a re-examination of the proceedings stated the aforegoing account & report to be this as in the former audit, he has allowed the Trustee for his Commissions and all Expenses and also allowed the Costs of the Court, and the Balance of Proceeds of Sales he has divided equally by per Cent upon the amount of Claims, amongst the Creditors of the said Cornelius Ridgely Deceased, upon such Claims as have been filed with him (adding Interest thereupon to 1st April 1828) as directed by the proceedings Conforming this said Court the Auditor begs leave further to report that all the additional Costs occasioned by reason of this re-audit have been taken from the amount allowed to the new Claimants who have come in since the ratification of the first audit and now share with former Claimants in the general distribution the dividend to Creditors is a fraction less than Seventeen and a third Cents in the Dollar, all which is Respectfully Submitted to the Honourable the Judges thereof by Henry Sehley Auditor April 3d 1828.

order of ratifie

Whereupon the Court passed the following order of ratification viz February Term 1828 Ordered by the Court that this annexed audit, as stated and reported by the Auditor be and the same is hereby ratified and confirmed, and that the Trustee pay over the proceeds of Sale, as the same has or may be received to the parties respectively entitled to the same, according to the distributions in this said audit made, so is further ordered that a former audit, as stated, reported & filed by the Auditor 12th September 1827, and ratified by the Court 18 September 1827 be and the same is hereby annulled, Vacated and disallowed, Absd Shriver April 10th 1828.

Test John Sehley Clerk

Maryland Frederick County Sct

At a County Court Sitting as a Court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the first Monday of July in the year of our Lord Eighteen Hundred & nineteen

Present The Honourable Abraham Shriver Esquire upon the Bench

William M Read Esquire Sheriff

and John Sehley Clerk

In the record of proceedings of the said Court amongst others are the following viz

Bill

To The Honourable the Judges of Frederick County Court Sitting as a Court of Chancery The Bill of Complaint

of Eli Phillips of Frederick County respectfully sheweth, that being seized in fee simple of the tract of land hereinafter mentioned to have been sold by him, Situate in Frederick County and containing one Hundred and sixty two and a half acres the Complainant sold the said Land to a certain Henry Stouffer for the sum of Six Thousand one Hundred and sixty Dollars and afterwards on the Eleventh day of June in the year 1814 the Complainant by deed duly executed Conveyed the said Land to the said Henry Stouffer, as will more fully appear by an attested Copy of the said deed herewith Exhibited marked No1, to which the Complainant refers & prays that the same together with the other Exhibits hereinafter referred to may be taken as a part of this his Bill of Complaint, in which said Deed the Land sold as aforesaid is fully and particularly described. The Complainant further States that the said Henry Stouffer in order to secure the payment of the purchase money aforesaid, Executed to the Complainant sundry Bills obligatory, some of which have been paid, but that there is now due for the purchase money aforesaid the sum of two thousand and ninety three Dollars and thirty three cents principal besides a Considerable amount of interest thereon as more fully appears by the four several bills obligatory herewith Exhibited marked No2 which said bills obligatory the Complainant ever since has given for so much of the purchase money, for the Land so sold as aforesaid and the whole of the money secured by the said several bills obligatory is yet due and unpaid with the exception of the sum credited on one of the said bills obligatory which said sum was paid as there credited The Complainant further States that after the Conveyance made by him as herein before stated, to the said Henry Stouffer, he the said Henry Stouffer sold and Conveyed to a certain Nathan Baker, a part of the said Land particularly described in his Deed to the said Baker herewith Exhibited marked No3 and afterwards in the Month of March in the year 1818 the said Henry Stouffer died intestate in Frederick County seized in fee of the residue of the said Land, Conveyed to him by the Complainants as herein before Stated The said Henry Stouffer left the following children to wit, Matilda Stouffer, Rachel Stouffer, Amelia Stouffer, Isaiah Stouffer Leah Stouffer, Miranda Stouffer and Louisa Stouffer who are his Heirs at Law and who are all infants under the age of Twenty one years — and Letters of administration on the personal Estate of the said Henry Stouffer Deceased was shortly after his death granted to William

I Farquhar of Frederick County aforesaid. The Complainant further states that the said Henry Stouffer was also seized in fee simple at the time of his death of a House and Lot of ground in the Town of Middleburg in Frederick County distinguished on the plan of the said Town by No 8 and was also seized in fee simple at the time of his Death of one other lot of ground adjoining the Town of Middleburg aforesaid on which a Messuage or Dwelling House is situated. the said Lot Containing about half an acre of Land more or Less The Complainant further States that the whole amount of Claims against the estate of the said Henry Stouffer Deceased for exceeds the amount of the personal effects which have come or are likely to come into the hands of the administrator of the said Henry Stouffer and the Complainant is advised that his Claim herein before stated (being for the purchase money of the land whereof the said Henry Stouffer died seized as aforesaid) is a fair entitled to preference. that the proceeds of the said land sold by the Complainant to him and whereof he died seized as aforesaid. will be applied in the first instance to pay the above mentioned Debt to the Complainant before and in preference to any other Creditor, To the end therefore that such of the Land which the said Henry Stouffer died seized as was conveyed to him by the Complainant may be sold. and the proceeds thereof applied to the payment of the Debt due the Complainant and to the end also if that should not be sufficient to pay and satisfy the Complainants Debt, that the residue of the said real Estate of said Deceased may be sold to satisfy all the Debts of the said Deceased. and that the administrator may declare and set forth what personal effects have come or are likely to come to his hands and how he hath doministered them. . the amount of . Claims against the said estate . . have been proved and exhibited to him for payment or have come to his knowledge. and that the Complainant may have such other and further relief in the premises as the merits of his Case may entitle him to according to the principles of Equity and that the Defendants may also answer on their Corporal oaths the several matters and things set forth in his Bill of Complaint. may it please your Honours to grant to the Complainant the writ of the State of Maryland of Subpoena in the usual form Commanding the said William I Farquhar the administrator aforesaid and the said Matilda Stouffer, Rachel Stouffer, Amelia Stouffer Isaiah Stouffer,

Leah Stouffer, Miranda Stouffer and Louisa Stouffer, the children and heirs at Law of the aforesaid Henry Stouffer Deceased to be and appear in this Honourable Court there to abide such order as Deeree in the premiss as to this Court shall seem right and befoth, R B Lamy Solr for Complt

Exhibit No 1

Exhibited No 1 referred to in the within and aforegoing Bill of Complaint Contained in the following Words viz This Deed made this Eleventh day of June in the year Eighteen Hundred and fourteen Between Eli Phillips of Frederick County and State of Maryland of the one part and Henry Stouffer of the County and State aforesaid of the other part Witnesseth that the said Eli Phillips for and in Consideration of five Thousand one hundred and Sixty Dollars to him in hand paid by the said Henry Stouffer before the Sealing and delivery of these presents the receipt whereof he the said Eli Phillips doth hereby acknowledge hath granted bargained sold aliened enfeoffed and Confirmed and by these presents do grant bargain sell alien enfeoff and Confirm unto the said Henry Stouffer his Heirs and assigns all the following Tract or parcels of Land being part of a Tract of Land called "The resurvey on Lough's Friendship part of a Tract called "The fifth Dividend" Part of a Tract called The Learned Brothers" a Tract Called Nothing Ventured nothing Got" and a Tract called "Gapaways Garden" Situate in Frederick County and State of Maryland on the Public road Leading from Woonborough to Creagers Town Beginning at white oak Stump at the end of ninety perches on the fifteenth line of a Tract of land called "The Resurvey on Lough's Friendship and running thence with the given line of the aforementioned part of said resurvey reversed South Eighteen Degrees East one Hundred and Eighty four perches to the end of the 6th line thereof Still with said part reversed North forty five Degrees East one Hundred Two and six tenths perches Thence North Eighty Eight Degrees East Twenty Eight perches North forty eight Degrees East Seventy four perches South forty six Degrees East forty perches North forty five Degrees East Sixty two perches North Seventy six Degrees West thirty two perches South Eighty Seven degrees East forty eight and a half perches to the end of the Second line of the aforementioned land called Gapaways Garden thence with the 3d line thereof North Seventy Seven degrees West forty five perches to the end of the fourth line of the aforementioned part of the fifth dividend as Surveyed by William Ballenger for Robert Gapaway thence with said part North fifty one & a half Degrees West fifty five and a half perches North Eighty three and a half Degrees West one Hundred & forty

Nine and Eight tenths perches to a planted Stone North
Eighteen and a half Degrees West Seven and a Half
perches to a planted Stone South Sixty eight Degrees West
fifty nine and a half perches to a Stone planted then
by a Straight Line to the first mentioned Place of
Beginning Containing one Hundred ninety two and
a half acres together with all and Singular the ad-
vantages and appurtenances thereunto belonging unto
him the said Henry Stouffer his Heirs and assigns
forever to Have and to Hold the aforedescribed Lands
and premises or by whatsoever name the same may
be Called with every appurtenance thereunto belonging
unto him the said Henry Stouffer his Heirs and assigns
forever Clearly warranted and defended against him
the said Eli Phillips his Heirs or assigns or any person
claiming or to claim any right title or interest of in and
to the same by from or under him In Witness whereof
the said Eli Phillips hath hereunto set his hand & affixed
his Seal the day & year first herein before written.
Signed Sealed & Delivered
in presence of
Wm Grimes Junr Jason Phillips

Eli Phillips (Seal)

Maryland Frederick County to wit On this Eleventh day of
June 1814 personally appears Eli Phillips party Grantor
within mentioned before us the Subscribers Justices of said
County & acknowledges the within Deed to be his act
and Deed and the Land and premises thereby granted
to be the right and Estate of the within named Henry
Stouffer his Heirs and assigns forever according to the
true intent and meaning of the same and the act of
assembly in such Case made and provided and at
the same time also personally appears before us Catharine
Phillips wife of the said Eli Phillips & acknowledges
the within Deed to be her act and Deed and the Lands
and premises thereby granted to be the right and Estate
of the within named Henry Stouffer his Heirs and assigns
and the said Catharine Phillips being by us privately
examined apart from and out of the hearing of her
Husband whether she doth make her acknowledgements
of the same willingly and freely and without being
induced thereto by fear or threats of or ill usage by her
Husband or fear of his displeasure & acknowledges
that she doth make her acknowledgements of the same
willingly and freely and without being induced thereto
by fear or threats of or ill usage by her Husband or
fear of his Displeasure. Taken & Certified the day and
year above written Before Wm Grimes Jr. Jason Phillips,

In Testimony that the foregoing is a true copy taken from Book W R No 47 folios 563, 564 and 565 one of the Land Records of Frederick County I set my name and seal of Frederick County Court this 2d day of October 1819

(Seal)

John Ashley Clk Fred. Co Ct

Exhibit No 2

(Exhibit No 2)

$600 Two years after this Date we or either of us do promise to pay unto Eli Phillips or his heirs or assigns the just and full sum of six hundred Dollars current money of the United States to being for value of him Received as Witness our Hands and Seals Dated this first day of april in the year of our Lord 1813.

Test Corn McNulty.

Henry Stouffer (Seal)
Daniel Cover (Seal)
Daniel Delaplane (Seal)

14th March 1815 Recd on the within Two Hundred Dollars. Eli Phillips

$600 Four years after this Date we or either of us do promise to pay unto Eli Phillips or his Heirs or assigns the just and full sum of six Hundred Dollars current money of the United States to being for value of him received as Witness our Hands and Seals dated this first day of April in the year of our Lord one Thousand Eight Hundred and Thirteen. 1813

Test Corn McNulty

Henry Stouffer (Seal)
Daniel Cover (Seal)
Daniel Delaplane (Seal)

$600 Five years after this Date we or either of us do promised to pay unto Eli Phillips or his Heirs or assigns the just & full sum of six Hundred Dollars current money of the United States to being for value of him received as Witness our hands and Seals dated this first day of april in the year of our Lord one Thousand Eight Hundred & thirteen 1813

Test Corn McNulty

Henry Stouffer (Seal)
Daniel Cover (Seal)
Daniel Delaplane (Seal)

$493.33 Six years after this Date we or either of us do promised to pay unto Eli Phillips or his Heirs or assigns the just and full sum of four Hundred and ninety three Dollars and thirty three cents current money of the United States to being for Value of him Received as Witness our Hands & Seals dated this first day of april in the year of our Lord one Thousand Eight Hundred & thirteen 1813.

Test Corn McNulty

Henry Stouffer (Seal)
Daniel Cover (Seal)
Daniel Delaplane (Seal)

Exhibit No 3

(Exhibit No 3)

This Indenture made this Eleventh day of November in the year of our Lord one thousand Eight Hundred and fifteen Between Henry Stouffer of Frederick County in the State of

Maryland of the one part and Nathan Baker of the County and State aforesaid of the other part Witnesseth that the said Henry Stauffer for and in Consideration of the sum of three Thousand Eight Hundred & Eighty Dollars Current money of the United States to him in hand paid by the said Nathan Baker at and before the Sealing and delivery of these presents the receipt whereof the said Henry Stauffer doth Hereby acknowledge and from every part and parcel thereof doth Hereby acquit Exonerate and discharge the said Nathan Baker his Heirs Executors and administrators he the said Henry Stauffer hath granted bargained and sold by these presents doth grant bargain sell alien release enfeoff and confirm unto him the said Nathan Baker his Heirs and assigns forever all the following described parcel of Land Lying and being in the County aforesaid being part of one Hundred and ninety two and a half acres of Land Conveyed by Eli Phillips to the said Henry Stauffer Beginning for the land hereby bargained and Sold at a Stone planted at the end of the first line of said Henry Stauffers land as Conveyed to him by Eli Phillips as aforesaid and running thence with the second line thereof bounding thereon North forty five Degrees East thirty two perches to a Stone planted North two and a half Degrees West sixty six perches to a Stone planted North two and a half Degrees West one Hundred & Eighteen perches to a Stone planted South eighty six Degrees East four Hundred tenth perches to a Stone planted at the end of the Eleventh line of said Conveyance thence with the twelfth line thereof bounding thereon and likewise the thirteenth North eighteen and a half Degrees West seven and a half perches to a Stone planted South sixty eight Degrees West fifty nine and a half perches to a Stone planted thence with the bounding line of said Conveyance bearing South thirty four Degrees West nineteen and nine tenths perches to a Stone planted being the Beginning Head of said Conveyance. South eighteen Degrees East six perches to a Stone planted North fifty seven and a half Degrees East seven perches to a Stone planted South nineteen Degrees East one Hundred and twenty seven perches to a Stone planted. South forty seven and a half Degrees West nine perches to intersect the first line of said Conveyance at a Stone planted thence with a straight line to the Beginning Containing forty nine acres one quarter & fifteen square perches of Land of which three quarters & 15 perches are Public road there remaining forty eight and a half acres of Land clear of the public road leading from Woodsberry

To Bregers Lawd, together with all and singular the improvements
Woods ways waters rights Liberties hereditaments & appurtenances
whatsoever thereunto belonging or in any wise appertaining
and the reversions and remainders rents issues and profits
thereof and all the estate right title interest whatsoever
of him the said Henry Stouffer both at Law and in Equity
of in to and out of the said parcel of land and premises
hereby bargained and sold or meant mentioned or
intended hereto as to be and every or any part and parcel
thereof To have and to Hold the said parcel of land to as
aforesaid discribed that is forty eight and a half acres
by whatsoever name the same may known or called Together
with the appurtenances and all and singular other
the premises hereby bargained and sold or meant men-
tioned or intended hereby as to be and every part and
parcel thereof with their and every of their appurtenances
unto the said Nathan Baker his Heirs and assigns forever
and to and for no other and intent or purpose whatsoever
and the said Henry Stouffer for himself his Heirs Executors
and administrators doth hereby covenant grant promise
and agree to and with the said Nathan Baker his Heirs
Executors administrators or assigns that he the said Henry
Stouffer and his Heirs the said parcel of land and premises
hereby granted bargained and sold and every part and
parcel thereof with the appurtenances thereunto belonging
to him the said Nathan Baker his Heirs and assigns
against him the said Henry Stouffer and his Heirs and
against all and every person or persons whatsoever claiming
or to claim any right title or interest in and to the
same or any part thereof by from or under him shall
and will hereafter warrant and forever defend by these
presents, also to Execute any further deed or deeds that
may be necessary to amend any error or errors if any
there should be in this instrument of writing In Testimony
whereof the said Henry Stouffer hath Hereunto subscribed his
name and affixed his seal the day and year first herein
before written,

Signed Sealed & Delivered
in presence of Joseph Tawy. Geo. Price

Henry Stouffer (Seal)

State of Maryland Frederick County to wit Be it remembered
that on the day of the date of the within Deed personally
appears Henry Stouffer being the party Grantor above named
before me the Subscriber two Justices of the Peace for Frederick
County aforesaid & acknowledges the within deed or
instrument of writing to be his act and Deed and
the Lands and premises therein mentioned and thereby
bargained and sold to be the right & Estate of the

within named Nathan Baker party Grantee also therein named his Heirs and assigns forever according to the purport true intent and meaning of the said Deed or Instrument of writing and the acts of assembly in such Case made and provided And now to the same time also personally appear Nancy Stouffer wife of the said Henry Stouffer before us Justices of the Peace as aforesaid & acknowledges the said Deed or Instrument of writing to be her act and deed and the Lands and premises therein mentioned to be the right and Estate of the within named Nathan Baker his Heirs & assigns forever and the said Nancy Stouffer being by us privately Examined apart from and out of the hearing of her husband whether she doth make her acknowledgement of the same willingly & freely and without being induced thereto by fear or threats of or ill usage by her Husband or fear of his Displeasure acknowledges that she doth make her acknowledgement of the same willingly and freely and without being induced thereto by fear or threats of or ill usage by her husband or fear of his Displeasure Taken & Certified the day and year first herein before written, Joseph Taney, Ign Dorsey.

Maryland Frederick County to wit Testimony that the foregoing is a true copy taken from Liber J.S. No 2 folios 245. 246 & 247 one of the Land Records of Frederick

(Seal) I Hereto subscribed my name & affix the Seal of Frederick County Court this fifth day of October 1819

John Tolley Clerk Fred.k Co.t

And the said Cause as standing continued from Term to Term until January Term 1820 the Court passed the

order for Commiss.n following order for Commission viz

Eli Phillips
vs
Wm. D Farquhar
Matilda Stouffer
& others

January Term 1820 It is ordered by the Court that a Commission issue to Upton S Reid Esquire to appoint a Guardian to take the answers of Matilda, Rachel, Amelia, Isaiah, Leah, Miranda and Louisa Stouffer infant Defendants in this Cause. Upon Shewing.

Whereupon in pursuance of the above order the following

Comm.n Commission Issued viz

Maryland to. The State of Maryland. To Upton S Reid Esquire of Frederick County. Greeting Whereas Eli Phillips hath lately exhibited his Bill of Complaint before us in our County Court as a Court of Chancery, against William D Farquhar

Matilda Stouffer, Rachel Stouffer, Amelia Stouffer, Isaiah Stouffer Leah Stouffer, Miranda Stouffer and Louisa Stouffer Defendants and whereas we Have, by our writ, lately Commanded the said Defendants to appear before us, in our said Court as a Court of Chancery, at a certain day, now past to answer the said Bill and, for as much as the said Matilda Stouffer Rachel Stouffer, Amelia Stouffer, Isaiah Stouffer, Leah Stouffer Miranda Stouffer, and Louisa Stouffer are infants under age and cannot answer the said Bill, nor defend, this suit without having a Guardian assigned in that behalf, know ye therefore, that we have given unto you full power and authority in pursuance of the special order in our said Court, to assign (and appoint a Guardian for the aforesaid infants and to take the answer of the said infants by such Guardian to the said Bill and therefore we Command you, that at such certain day and place as you shall think fit you go to the said Defendants if they cannot conveniently come to you and assign & appoint a Guardian for the aforesaid infants, and take the answer of the said Infants by such Guardian, to the said Bill in such Guardian's Corporal Oath upon the Holy Evangely to be administered by you, the said answers being distinctly and plainly wrote, and when you shall have so taken the said answers, you are to send the same, closed up under your Seal, together with your Certificate of your having assigned and appointed such Guardian as aforesaid and this writ, unto us, in our said Court Witness the Honorable John Buchanan Esquire Chief Judge of our said Court the 25th day of October Anno Domini 1819. Issued 6th day of January 1820.

John Bailey Clk.

Whereupon the following Certificate and answer of the Infant Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity I the Commissioner appointed by the annexed Commission to appoint a Guardian to answer for the Infant Heirs of Henry Stouffer Deceased do Certify and return, That in obedience to the Command in the said Commission Contained, I did on this Twenty ninth day of February Eighteen Hundred and Twenty to the Infant Defendants mentioned in the Commission and did in their presence appoint Jesse Bloom to be their Guardian in that behalf and did then and there upon the Corporal Oath of the said Guardian by me administered upon the Holy Evangely, take the answer of the said Infants Defendants by their guardian aforesaid which said answer is Hereunto annexed. Witness my

Infants Answer

Hands and Seal this Twenty Ninth day of February Eighteen hundred and Twenty.

Matilda Stouffer & others
vs
Eli Phillips

Upton S Reid Clerk

In Frederick County Court sitting as a Court of Equity the Infants answer of Matilda Stouffer Rachel Stouffer. Amelia Stouffer. Isaiah Stouffer. Isaac Stouffer. Miranda Stouffer and Louisa Stouffer to the Bill of Complaint of Eli Phillips by Lepa Bland their Guardian in this behalf appointed. These Defendants infants by Lepa Bland their guardian in this behalf appointed These defendants infants under the age of Twenty one years by Lepa Bland their guardian aforesaid, answering the Bill of complaint of the said Eli Phillips first saving and reserving to themselves all and all manner of exception to any errors or untruths which may be contained in the said Bill, and all exceptions to the principles and pretensions therein set forth, for answer thereto answer. thelf as to so much thereof as they are advised is material and necessary for them to answer unto they the said Infants Defendants by their guardian aforesaid answering do say that according to the best of their knowledge and belief, the facts stated in the Complainants Bill are substantially true. That Henry Stouffer Deceased did purchase from Eli Phillips the land in the Bill mentioned and that a part of the purchase money is yet due and unpaid. That the said Henry Stouffer in the year 1818 died intestate and that the personal estate in, so to come into the hands of his administrator are insufficient for the payment of his Debts. and that the said Henry Stouffer was at the time of his death seized of a House and Lot in Middleburg and also of the Lot near Middleburg as stated in the Complainants Bill and these Defendants by their guardian aforesaid further answering do say that they are the children and Heirs at Law of the said Henry Stouffer. and these Defendants being Infants and by reason of their tender years incapable of defending their own rights pray that their land and legal rights may be in all respects protected by this Honorable Court. Lepa Bland Guardian.

Answer of Wm. S Forquhar.

And the said Cause as standing continued to March Term 1820 the following answer was filed viz

Eli Phillips
vs
Matilda Stouffer, Wm. S Forquhar and others

In Frederick County Court as a Court of Equity. The Separate answer of William S Forquhar to the Bill of Complaint of Eli Phillips in Frederick County Court as a Court of Equity This Defendant

Saving and reserving to himself all and all manner of exceptions to any and all of the errors and misstatements contained in the said Bill for answer thereto severally or to so much thereof as he is advised is material and necessary for him to answer unto This Defendant doth answer and say. That as far as this Defendant knows or has been informed the facts stated in the Complainants Bill are substantially true. That Henry Stouffer in his life time did purchase of Eli Phillips the Tract of land in the Bill mentioned and that a part of the purchase money as this defendant is informed and believes is still due and unpaid and that the said Henry Stouffer at the time of his death was also seized and possessed of the House and Lot in Middleburg and of the Lot or parcel of Land near Middleburg in the Bill mentioned And this Defendant further answering saith that he hath been informed and believes that Matilda, Rachel, Amelia, Isaiah, Leah, Miranda and Louisa Stouffer are the children and heirs at Law of the said Henry Stouffer and this Defendant further answering saith that the said Henry Stouffer in the year Eighteen hundred and eighteen died intestate and that Letters of administration upon the personal estate of the said intestate were granted to this Defendant that this Defendant hath with all due diligence Collected and administered the personal estate of the said Henry Stouffer and that the assets in his hands is likely to come into his hands including the Debts due to the said Henry Stouffer at the time of his death amount to the sum of Two thousand and four Dollars twenty Cents and that the amount of Claims against the Estate presented to this Defendant for payment (at this many and large Claims amongst which are the Claims of Eli Phillips the Complainant have not been presented, amount nearly to third the amount of personal assets in the hands of this Defendant as administrator aforesaid all which without that that there is any other matter in the said Bill material or necessary for this Defendant to answer unto and not herein fully answered confessed waived traversed or denied is true, wherefore this Defendant prays to be hence dismissed with his reasonable Costs and charges by him in this behalf sustained &c

Maryland Frederick County to wit on this Fifteenth day of March Eighteen hundred and Twenty before me the Subscriber a Justice of the Peace for said County, personally appear William S. Farquhar and makes Oath on the Holy Evangely of Almighty God, that the facts contained in the within answer are true to the best of his knowledge & belief.

Jo Hedges.

Decree

Whereupon this Court hereby the following Decree viz:

Eli Phillips
vs
Matilda Stauffer. Adm.
& Fargahar & others

In Frederick County Court in a Court of Equity March Term 1920. This cause standing ready for hearing and being submitted the Bill answers, Exhibits and all other proceedings were by the Court here read & considered & it is thereupon this 21st day of March Eighteen Hundred and Twenty by Frederick County Court as a Court of Equity. adjudged, ordered and Decreed that the lands and Tenements in the proceedings mentioned being the real Estate of Henry Stauffer Deceased shall be sold that Upton S Reid be a Trustee for making the said Sale and that the manner and manner of his proceeding shall be as follows He shall first file with the Clerk of this Court his Bond to the State of Maryland, with Sufficient Surety or Sureties to be approved by the Court in the penalty of Two thousand Dollars Conditioned for the faithful performance of the Trusts reposed in him by this Decree or which may be reposed in him by any future Decree or order in the premises He shall then proceed to make the said Sale having first given at least four Weeks public notice in some one or more newspapers printed in Frederick Town, of the time place manner and Terms of Sale which terms shall be as follows To wit That the purchaser or purchasers shall pay one third part of the purchase money within Twenty days from the day of Sale and shall enter into Bond with such Surety or Sureties as the Trustee shall approve for the payment of one other third part in one year and the remaining third part in two years from the day of Sale without interest and as soon as Conveniently may be after the said Sale the Trustee shall present to this Court a full and fair report in writing of his proceedings under this Decree with an affidavit of the truth of the same and of the fairness of the Sale annexed, and shall bring into Court the money arising from the said Sale whenever he shall receive the same. to be disposed of as this Court shall hereafter direct and upon the ratification of the Sale and the payment of the whole purchase money (and not before) he shall by a good and Sufficient Deed of bargain and Sale to be executed acknowledged and recorded according to Law convey to the purchaser or purchasers the property by him sold to them respectively purchased free clear and Discharged of and from all claims of the Plaintiff and of the Defendants and all persons claiming under them or any of them

And when the said Trustee shall receive the purchase money of the land and tenements above mentioned, and shall bring the Same into this Court as above directed, he may deduct therefrom the costs of this suit and such sum as the Court may think proper to allow, in consideration of his fidelity diligence and skill wherewith he shall appear to have discharged his Trust. Mr. Buchanan. Abp. Shriver. H. Buchanan.

Trustees Bond

Whereupon the Trustee filed the following Bond Endorsed "Approved Abraham Shriver" viz)

Know all men by these presents that we Upton S Reid. James Drummond and Alexander McIlhenny all of Frederick County are held and firmly bound unto the State of Maryland in the just and full sum of Two Thousand Dollars Current money to be paid to the said State or to its certain attorney to which payment well and truly to be made and done we bind ourselves and each of us our and each of our heirs Executors & administrators jointly and severally firmly by these presents Sealed with our Seals and dated this Twenty third day of May Eighteen Hundred and Twenty Whereas by a Decree of the County Court of Frederick County dated on the Twenty first day of March Eighteen Hundred and Twenty the above bounden Upton S Reid was appointed a Trustee for the Sale of the real Estate of Henry Stauffer Deceased Now the Condition of the above obligation is such that if the said Upton S Reid. shall well & faithfully perform the Trust reposed in him by the said Decree or which may be reposed in him by any future Decree or order in the premises then the above obligation shall be void otherwise in the mean time shall be and remain in full force & virtue in Law. Signed Sealed and Delivered in the presence of

George Rusk.

Signed by A. McIlhenny in the presence of Thomas Woodrow

Upton S Reid (Seal)
James Drummond (Seal)
A. McIlhenny (Seal)

And the said Court as standing Continued to October Term 1820 the Trustee made the following Report viz)

To the Honorable the Judges of Frederick County Court as a Court of Equity The Trustee appointed by a Decree of this Honorable Court bearing date on the Twenty first day of March Eighteen Hundred and Twenty, to make Sale of the real Estate of Henry Stauffer Deceased reports that in obedience to said Decree having first filed his Bond as therein directed he caused to be inserted in the Frederick Town Herald for four successive Weeks previous to the Sale the advertisement herein filed wherein was set forth. the time place, manner and terms of Sale that on the day mentioned in the said advertisement he attended and offered the property in the advertisement mentioned at public auction that Daniel

Delaplaine was the highest bidder and became the purchaser of the farm containing 140 acres and 36 perches at the price of Fifteen Dollars per acre amounting to the sum of Two Thousand one Hundred and forty Seven Dollars Thirty four Cents. That Geo Bentley became the purchaser of the House in Middleburg for the sum of Seven Hundred and Thirty one Dollars and that Philip Kines became the purchaser of the lot of ground and tenement near Middleburg at the price of one Hundred and Eighteen Dollars the Sales amounting in the whole to the sum of Two Thousand nine Hundred and ninety Six Dollars and Thirty four cents. Upton S Reid Trustee.

Maryland Frederick County to wit Be it remembered that on this fourteenth day of November Eighteen Hundred and twenty before me the Subscriber a Justice of the Peace of the State of Maryland for Frederick County personally appears Upton S Reid and makes oath on the Holy Evangely of Almighty God that the within report is true and that the Sales therein mentioned were fair and Bona fide Sales

by Bellagers.

order of Publication

Whereupon the Court passed the following order of Publication viz In Frederick County Court as a Court of Equity October Term 1820 ordered that the Sales made and reported by Upton S Reid Trustee for the Sale of the real Estate of Henry Stouffer Deceased be ratified and confirmed unless Cause to the Contrary be shewn before the first day of January next Provided a Copy of this order be published in some one of the newspapers printed in Frederick Town for three Successive weeks before the fifteenth day of December next The Report States the amount of Sales to be $2996.34 Cts. Mr Buchanan. R Buchanan,

and the said Cause as standing Continued from Term to Term until January Term 1821 the following Certificate of the Printer together with a printed Copy of the above

Printers Certificate

order thereto annexed was filed viz

Frederick January 6th 1821 I Hereby Certify that the annexed notice was published in the Herald for three Successive weeks previous to the 15th of December last. John D Thomas,

And the said Cause as standing Continued to March Term 1821 the Court passed the following order of Ratification

order of Ratific.

viz In Frederick County Court as a Court of Equity March Term 1821 ordered That the Sale made by Upton S Reid Trustee for the Sale of the real Estate of Henry Stouffer Deceased be ratified and Confirmed, no Cause appearing to the Contrary although notice has been given according to the order of this Court of October Term 1820. The Trustee is allowed for his Commission

And all Expenses and Hundred and Twenty four Dollars forty Cents. Jno Buchanan, H Buchanan Mar 22d 1821

Petition of Catherine Phillips

And the said Cause is standing Continued from Term to Term until March Term 1822. The following Petition was filed viz/ To the Honorable the Judges of Frederick County Court. Catherine Phillips administratrix of all and Singular the goods and Chattels, rights and Credits which were of Ely Phillips Deceased at the time of his death sets Exhibit No 1. begs leave to state that in the life time of the said Ely Phillips certain proceedings took place in your Court as a Court of Chancery on a Bill of the said Ely Phillips upon which there was a Decree for the Sale of the real Estate of Henry Stouffer Deceased, to which proceedings your Petitioner refers as a part of this petition, that a certain Upton S Reid Esquire was appointed Trustee to make the said Sale, that the said Upton S Reid has lately departed this life (without Completing) the Trust reposed in him as appears by Exhibit A) That your Petitioner will be a distributee of the proceeds of the said Sale and your petitioner prays that some suitable person may be appointed Trustee in the place of the said Upton S Reid to close up the said Trust business. Rd Pegman for Petitioner

Exhibit No 1 referred to in the above Petition Contained in the following words viz/

Exhibit No 1.

State of Maryland Frederick County to wit I Henry Steiner Register of Wills for Frederick County, do hereby Certify & attest, that on the 30th day of October 1820 Letters of administration were granted by me to Catherine Phillips on the Estate of Ely Phillips late of Frederick County Deceased who died Intestate as it is said, the said Catherine Phillips having given Bond with George Kolb & William Kolb Security in the sum of $4000. and an additional Bond with George Kolb, William Kolb, Gilbert Knipp, John Crommell and William Miller Securities in the sum of $20,000 Current money for the due performance of her said administration

(Orphans Court of Frederick County Seal)

In Testimony whereof I have hereunto set my hand and affixed the Seal of office this 14th day of March 1822, Henry Steiner Regr of Wills for Frederick County Maryland.

Exhibit A

(Exhibit A)

State of Maryland Frederick County to wit I Henry Steiner Register of Wills for Frederick County do hereby Certify and attest that on the 8th day of March 1822 Letters Testamentary were granted by me to John Darby on the Estate of Upton Scott Reid late of Frederick County Deceased, the said John Darby having given Bond

with bond McKillip & Henry Stouffer Securities in the sum of One Thousand Dollars Current Money for the due performance of his said Administration.

In Testimony whereof I Thomas Hereunto Set my Hand and affixed the Seal of office this 14th day of March 1822. Henry Steiner Regr of Wills for Fredk County Maryland.

Thomas Seal of Fredk. Seal

Decree

Whereupon the Court passed the following Decree viz In Chancery in Frederick County Court March Term 1822 on the foregoing and within petition and on Considering the Same it is ordered this 14th day of March 1822 that Brooke Baker be and he is hereby appointed Trustee in the stead of Upton S Reid the former Trustee with power to Consummate the Trust according to the Decree in the cause referred to, and for that purpose to have and to hereive representation of the said Upton S Reid to pay over to him the said Brooke Baker, all money and interest named by the said Upton S Reid in his life time or for purchase money paid him on the said real Estate by any person or persons and to Commence and prosecute to final determination any action which it may become necessary to bring to collect any money from the said personal representative of the said Upton S Reid, which was received by the said Upton S. Reid and the said Brooke Baker is hereby authorized to have and the personal representatives of the said Upton S Reid for any bond or bonds and for purchase money for the sale of the said real estate. Provided that before the said Brooke Baker acts as Trustee he shall give bond in the penalty of four Thousand Dollars with a Surety or Sureties to be approved by this Court for the faithful performance of the trust reposed in him by this Decree or any future Decree or order in the premises. Alex Shriver. H Buchanan.

Petition of Catharine Phillips

And the said Cause as standing Continued to July Term 1822 the following Petition was filed viz

To the Honorable the Judges of Frederick County Court as a Court of Equity your petitioner Catharine Phillips would ask leave to State that at March Term last past of your Honorable Court upon the application in writing of your petitioner a certain Brooke Baker was appointed by the order of your Honorable Court Trustee in the place of Upton S Reid, Deceased to Complete the Trust for the Sale of the real Estate of Henry Stouffer Deceased that it was a part of the said order under which the said Brooke Baker was appointed that before he should act as Trustee, he should give bond in the penalty of four Thousand Dollars with a Surety as

Sureties to be approved by your Honourable Court for the faithful performance of the Trust reposed in him by the said Decree so that might be reposed in him by any future Decree or order in the premises as appears by the petitions aforesaid and proceedings thereon all of which to is prayed may be read & part of this petition your petitioner States that the said Brooke Baker has not yet given any Bond as required by the said order, and the business of the Trust is still suspended that your petitioner has a very deep interest in a speedy settlement of the real Estate of the said Henry Stouffer your petitioner prays that your Honourable Court would pass an order requiring the said Brooke Baker to execute a Bond with approved Surety or Sureties by a day to be limited in the said order, and that in case the said Brooke Baker should decline, neglect omit or refuse to give said Bond with Surety or Sureties your Petitioner prays that some other suitable person may be appointed Trustee in his place And your petitioner prays for such other and further relief as she may be entitled to by law,

R S Bigham for Petitioner.

Court order

Whereupon the Court passed the following order viz

In Frederick County Court as a Court of Chancery July Term 1822 ordered by this Court, as a Court of Chancery this twelfth day of August one thousand eight hundred and twenty two that Brooke Baker, who was by order of this Court dated fourteenth day of March one thousand eight hundred and twenty two appointed Trustee in the room of Upton S. Reid Esq^{r} Deceased, to close and settle the real estate of Henry Stouffer, Deceased do execute a Bond to the State of Maryland, in the penalty of four thousand Dollars, with a Surety or Sureties to be approved by this Court on or before the seventeenth instant and in case the said Brooke Baker shall decline, neglect, omit or refuse to execute the said Bond, as above required, this Court will proceed to appoint some other person Trustee in his place Provided a Copy of this order be served upon the said Brooke Baker, on or before the said twentieth instant.

Abm Shriner.

order to be issued on Brooke Baker.

Whereupon the following order to be issued on Brooke Baker was filed viz

In Frederick County Court as a Court of Chancery July Term 1822 ordered by this Court as a Court of Chancery this 12th day of August one thousand eight hundred and twenty two that Brooke Baker who was by order of this Court dated fourteenth day of March one thousand eight hundred & twenty two appointed Trustee in the room of Upton S Reid Esq^{r} Deceased to close and settle the real Estate of Henry

Stouffer Demand. do Execute a Bond to the State of Maryland in the penalty of four thousand Dollars with a Surety or Sureties to be approved by this Court on or before the Twentieth instant and in case the said Brooke Baker shall neglect omit or refuse to Execute the said Bond as above required, this Court will proceed to appoint some other proper Trustee in his place Provided a Copy of this order be served upon the said Brooke Baker on or before the said twentieth instant.

(Seal) True Copy Test John Sebley Clerk

Whereupon the Sheriff made the following return (Service 10 August 1820. Copy left Thos Morgan Sheriff)

Trustees Bond

Whereupon the Trustee filed the following Bond Enacted Approved &c. Viz

Know all men by these presents that we Brooke Baker, and Isaac Carmack both of Frederick County are held and firmly bound unto the State of Maryland in the Sum and full sum of four thousand Dollars current Money to be paid to the said State or to its certain attorney, to which Payment well and truly to be made and done we Bind ourselves and each of us and each of our heirs Executors and administrators Jointly and Severally firmly by these presents Sealed with our Seals and dated this Twelfth day of August Eighteen Hundred and twenty two Whereas by an order of Frederick County Court as a Court of Equity dated the fourteenth day of March 1822 Brooke Baker was appointed Trustee in the place of Upton S Reid, Deceased, to do and perform certain acts and duties therein stated Now the Condition of the above obligation is such that if the said Brooke Baker, shall well and faithfully perform the trust reposed in him by the said Decree or which may be reposed in him by any future Decree or order in the premises, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue in law.

Signed Sealed & Delivered
in the presence of
Samuel Culbertson.

Brooke Baker (Seal)
Isaac Carmack (Seal)

And the said Court as standing Continued from Term to Term until January Term 1823 the following Petition of

Petition of Catherine Phillips

Catherine Phillips was filed viz

To The Honourable the Judges of Frederick County Court Sitting as a Court of Chancery The Petition of Catherine Phillips respectfully represents that heretofore to wit on or about the Eighth day of October in the year One Thousand eight Hundred and nineteen a certain Eli Phillips Exhibited his Bill of Complaint in your Honourable Court against the

personal representatives and the Heirs at Law of a certain Henry Stauffer late of Frederick County in the State of Maryland Deceased stating amongst other things that the said Henry Stauffer died seized and possessed of certain real property therein mentioned and now described, and praying that the said property might be sold for the purposes therein mentioned and setforth (as will more fully appear by reference to the said Bill of Complaint to which your petitioner refers and which together with all other papers and proceedings by her hereinafter referred to, she prays may be taken and Considered as a part of this her petition) that after certain proceedings were had in the said cause a Decree of your Honourable Court was had and made, adjudging, ordering and Decreeing the said property in the said Bill mentioned to be sold & Constituting a certain Upton S Reid Esquire a Trustee for that purpose, that the said Upton S Reid accordingly proceeded to make the said Sale, and by his report filed among the proceedings in the said cause, reported, that a certain Daniel Delaplaine had become the purchaser of the Farm containing 148 acres and 25 perches, at the price of fifteen Dollars per acre amounting to the sum of two thousand one hundred and forty four Dollars thirty four Cents and that certain other persons in the report named had become the purchasers of the remainder of the property, by the Decree aforesaid adjudged to be sold as will more fully appear by reference to said report that the said report was on or about the 22d day of March 1821 ratified and Confirmed by your Honourable Court, your Petitioner respectfully further represents that on or about the 14th day of March 1822 she filed her petition in your Honourable Court, and therein stated that the said Eli Philips had since lately departed this life, that she was administratrix of all and singular the goods and chattels rights & credits which were of the said Eli Philips at the time of his death, and that the said Upton S Reid had also since lately departed this life without having completed the Trust reposed in him by the Decree aforesaid and prayed that some suitable person might be appointed Trustee to complete the said trust whereupon that thereupon a certain Brooke Baker was appointed in the stead of the said Upton S Reid, Deceased the former Trustee with full power and authority to complete the trust according to the Decree in the said Cause, and with power & authority to call upon the personal representatives of the said Upton S Reid for any Bond or Bonds that might be in his possession for the payment of the purchase money of the said real property as sold as aforesaid by the said Upton S Reid in his life time and that the said Brooke Baker having called upon the personal representatives of the said Upton S Reid

Deceased, was managed other things informed that that there were no Bond or Bonds in his possession for the payment of the purchase money of the farm as sold as aforesaid to the said Daniel Delaplaine, and that to the best of his information and belief the said Upton S Reid in his life time, had not received any money, Bonds, notes, or any payment or security whatever from the said Daniel Delaplaine for or on account of the said farm so sold to him as aforesaid or from any person or persons whatever for or on account of the said Daniel Delaplaine your Petitioner further represents that the said Daniel Delaplaine has removed from the State of Maryland, and is now residing somewhere in the State of Ohio that he is wholly unable to complete the purchase as made by him as aforesaid and that subsequent to making the said purchase and shortly before leaving the State of Maryland he was in insolvent circumstances and actually availed himself of the benefit of the Insolvent Laws. Your Petitioner further represents that as administratrix of the said Eli Phillips Deceased she will be a distributee to a large amount of the proceeds of the said farm and that she has a very great interest in the speedy settlement of the said Cause, she therefore respectfully prays your Honourable Court that the said Daniel Delaplaine may be discharged from his said purchase; that notice may be given of this motion agreeably to the rules and practice of your Honourable Court, and that an order may be made adjudging and ordering the said property to be sold, and that such other and further relief may be extended to her as the nature of the case may require and as may be consistent with Equity & Good Conscience. Rd Bigham for Petitioner

Courts order

Whereupon the Court passed the following order viz
By Frederick County Court, as a Court of Chancery
January Term 1823 Upon Considering the Petition of Catherine Phillips setting forth, that certain property therein Hartsford sold under a Decree of this Court was purchased by a certain Daniel Delaplaine, that the said purchaser has wholly failed to comply with the terms of the said Sale and that he sometime since actually departed the State of Maryland, in insolvent circumstances, that she will be a distributee to a large amount of the proceeds of the Sale of the said property, and praying that the said Daniel Delaplaine may be released from his said purchase, that the said property may be resold, and that notice of the motion on her part, for a resale of the said property may be given to the said Daniel Delaplaine, It is thereupon

this fourth day of February in the year 1823 by Frederick County Court as a Court of Chancery aforesaid ordered and Decreed, that the said Daniel Delapland be and appear in this Court, on or before the tenth day of June next, and then and there specifically Comply with the terms of the aforesaid Sale, and that if he fail to appear, or appearing shall omit, neglect or refuse to Complete the said purchase, that then this Court will proceed to Consider the said motion for a resale of the said property, and so is further ordered that a Copy of this order be inserted once a week for four successive weeks, in some newspaper printed in Frederick Town, giving the said Daniel Delapland notice of the said motion and so forth, Attest Shriver.

Printers Certificate

Whereupon the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz. I Hereby Certify that the notice hereto attached was inserted in my paper for more than four weeks preceding this 10th day of June 1823 G. Lothrop,

Affidavit of Daniel Delapland mentioned

Whereupon the following Affidavit of Daniel Delapland now mentioned was filed viz

Maryland, Frederick County to wit On this 11th day of June 1823 personally appeared Hugh Shaw, before me the Subscriber one of the Justices of the Peace in and for Frederick County, and made Oath on the Holy Evangely of Almighty God that Daniel Delapland to the best of his knowledge and belief is not at present a Citizen of the State of Maryland, but resides Somewhere in the State of Ohio and is a Citizen and Inhabitant of the said last mentioned State,

Sworn Before, M C Baetzis

Decree

Whereupon the Court passed the following Decree viz

Catherine Philips & others
vs
Wm D Farquhar
Matilda Stouffer
& others

In Frederick County Court Sitting as a Court of Chancery March Term 1823 Whereas upon the Petition of Catherine Philips, the Plaintiff in this Cause, an order was heretofore passed and made in this Cause, bearing date the fourth day of February in the year 1823 requiring a Certain Daniel Delapland to be and appear in this Court in person or by Solicitor on or before the tenth day of June instant, or in default thereof that a Decree would be taken, according to the prayer of the said Petition, and Confessed against him, provided a Copy of the said order should be inserted and a week for four successive weeks prior to the said tenth day of June, giving notice to the said Daniel Delapland of the said order and so forth, and it appearing to the Court here, by the Certificate of the Printer that said notice was duly published, and it further appearing by the affidavit of a Certain Hugh Shaw filed in this

bound that the said Daniel Delapland is not a resident within this State, It is therefore this eleventh day of June 1823, by Frederick County Court Sitting as a Court of Chancery, adjudged ordered and decreed, that the petition of the said Catherine Philips be, and the same is hereby taken pro confesso against the said Daniel Delapland and to this end that such further decree may be made therein as is just and consistent with the nature of the case, It is further ordered, adjudged and decreed that the said property be sold, that Brooke Baker, the Trustee heretofore appointed by this Court, make said sale having first given 20 days notice in some one or more newspapers, printed in Frederick Town and otherwise if deemed expedient, of the time place and terms of sale which terms shall be as follows to wit that the purchaser or purchasers shall pay one third part of the purchase money in hand on the day of sale, and shall give Bonds or notes with such surety or sureties as the Trustee shall approve for the payment of one other third part in twelve months from the day of sale, and the remaining third part in two years from the day of sale without interest and that as soon as may be convenient after the said sale, the said Trustee shall report to this Court a full and particular account in writing of his proceedings under this Decree, with an affidavit of the truth thereof and of the fairness of the sale and that upon the ratification of the sale and the payment of the whole purchase money and not before he shall by a good and sufficient Deed of bargain and sale convey to the purchaser or purchasers the said property free clear acquitted and discharged from all claims of the plaintiff the Defendants and of the said Daniel Delapland and all persons claiming under them or any of them and that the said Trustee shall bring the purchase money into Court to be disposed of and distributed as this Court shall direct retaining only so much thereof as this Court may think proper to allow him in consideration of the fidelity, diligence and skill wherewith he shall appear to have discharged his Trust, Alvin Shriner, And the said cause is standing continued from Term to Term until January Term 1824 the Trustee made the following

Trustees Report

Report viz

Catherine Philips adm of Eli Philips Deceased
vs
Wm D. Farquhar, Matilda Stauffer and others

No 210 Equity In Frederick County Court Sitting as a Court of Chancery wherein by a decretal order passed and made in the above case, and bearing date the 11th day of June 1823, it was adjudged ordered

And Decreed by Frederick County Court Sitting as a Court of Chancery that the real Property in the said Decree mentioned and Specified should be Sold by the Trustee therein named, upon his giving as least four weeks Public notice thereof in Some newspaper printed in Frederick Town, and otherwise in manner Conformable of the time place and terms of Sale, and that the said Trustee should thereafter make report of his proceedings under the said Decree and Seforth, I the Subscriber the said Trustee in obedience to the requisitions of the said Decree, do hereby report to the Honourable the Judge of Frederick County Court, Sitting as a Court of Chancery. that having first given due notice as required by the said recited order by advertisement in the Political Examiner a newspaper printed in Frederick Town (as will appear by Exhibit B No 1' and which together with all other Exhibits hereafter to be produced as is prayed may be taken and considered as a part of this report) and by handbills posted up at Public places in the vicinage, I attended on the premises on the 28th day of August last at the hour of 11 O'Clock, pursuant to said notice & advertisement and offered the said property, for Sale, but that no person present offered any bid therefor, that I postponed the Sale of said property to the 18th day of October last, and having given due notice thereof (as appears by Exhibit B.B.2') again attended on the premises and offered the said farm but received no bid, that I thereupon postponed the Sale of said property to the first day of November last & having given due notice thereof (as appears by Exhibit B.B.3') offered the said farm for Sale at the Tavern of William Galt in Woodborough on the day last aforesaid when & William Delapland was the highest bidder and became the purchaser thereof at and for the aggregate sum and price of one Thousand Dollars, that he has complied in all respects with the terms of said Sale, and I Accordingly bring into Court, as by the said Decree I am required the first payment on the one third part thereof and I, the said trustee, aver that the said Sale was a fair and honest Sale, and pray that the same may be ratified and confirmed, and that I may be allowed such amount for Commissions and Expenses as this Honourable Court may think me entitled to receive. Brooke Baker

Maryland Frederick County to wit On this 28th day of January in the year 1824 personally appeared Brooke Baker before the Subscriber one of the Justices of the Peace in and for Frederick County and made oath on the Holy Evangely of almighty God that the facts set forth in the foregoing report are true as therein stated to the best of his knowledge & belief.

Sworn to Before, George Rohr,

order of publication

Whereupon the Court hereof the following order of Publication viz
Catherine Court of } In Frederick County Court Sitting as a
Eli Phillips } Court of Equity January Term 1824
vs } ordered that the said mated & reported
Henry Stauffers Heirs } in the above case by Brooke Baker
and representatives } the trustee be ratified and confirmed
unless cause be shewn to the contrary thereof on or before
the 28th day of February next. Provided a copy of this order
be inserted in some newspaper printed in Frederick Town
for three successive weeks before the said 28th day of February
next the report states the amount of Sales to be $1000.
Absm Shriver.

Whereupon the following Certificate of the Printer together
with a printed Copy of the above order thereto annexed was
filed viz

Printers certificate

I Hereby Certify that the annexed order was published in
the Citizen for three weeks successively before the 28th of February
last. Ly W Sharp.

And the said cause is standing continued to March Term 1824

order of ratificn

when the Court hereof the following order of ratification viz
In Frederick Court as a Court of Chancery 1824 March Term
1824 ordered by the Court that the sale mated and reported
as within appears by Brooke Baker the Trustee be and
the same is hereby ratified and confirmed no cause to the
Contrary having been shewn & the notice appears to have
been given as directed by a former order of this Court
the Trustee is allowed for his Commission and Expences
Sixty five Dollars The Auditor is directed to state an
account in this case Between the Trustee and those
entitled to the proceeds of Sale, and report the same.
Absm Shriver.

And the said cause is standing Continued from Term to Term
until August Term 1824 the Court hereof the following order
viz August Term 1824 The Auditor is further directed to
give notice to Creditors to produce their claims.
Absm Shriver Decr 16th 1824.

Court order

And the said cause is standing continued from Term to
Term until August Term 1825 the Auditor files the following
Report viz

Auditors Report

Dr The Estate of Henry Stauffer Deceased in a/c with Brooke
Baker Acquired Trustee Cr

To John Darby Executor of Jno Reid Deceased who
was the first Trustee in this Cause for his
Commission and Expences under the order of
this Court . . . . . $ 59 40

To Brooke Baker the present Trustee in this Cause
for his Commission and Expences under the
Can. Term 2d

Amt brot forward			
order of the Court			65.[illegible]
To the attorney for his fee in first Audit		3.33⅓	
" the Clerk for his fees in first Audit		31.77½	
" the Sheriff for his fees in first Audit		3.45	35.55
To the Auditor for his fees in first Audit and taken from the proportion of Mrs Phillips to whom instrument the 1st Audit was made, including notices to Creditors			11.[illegible]
To the Clerk for his Costs in this the second and new Audit			3.23
To the Auditor for his fees in this the second Audit stating reporting &c			15.[illegible]
To Williams Delapland, and Amount of taxes by him paid, upon the land sold & a lien by Schedule W.D.-1			52.03
To Catherine, administratrix of Elis Phillips Dec'd her proportion of Balance of proceeds of Sale, upon the Amounts of the Claims filed with Interest to last Sale, taking therefrom the Costs occasioned by the first Audit, to whom Sale sustained the Land was made and which said Audit was confirmed by the Court Schedule-2		2874.15	649.25¼
To David Stauffer his proportion (upon his Claims with Interest) of Balance &c his Claim filed and marked S		50.99	11.67¾
To Leonard Sie, his proportion of Balance upon his Claim filed & Claimed by Mr Reed Esquire his attorney) marked I		1003.25	229.58
To John McKaleb his proportion of Balance of proceeds of Sale upon his Claim with Interest filed and marked U		419.05	96.10½
To Isaac Ott, his proportion of Do with Interest, upon his Claim marked V		299.86	68.69
To Isaac Ott his proportion of Do with Interest, upon his Claim marked W		1.977	43¾
To David Stauffer, his proportion of Do with Interest upon his Claim marked No 1		51.13	11.71½
To David Stauffer his proportion of Do with Interest upon his Claim marked No 2		34.09	7.82
To Daniel Boone his proportion of Do with Interest upon his Claim No 3		143.13	32.91
To David Stauffer assignee of Catherine Stauffer, his proportion of Do with Interest upon his Claim marked No 4		395.99	90.70
To Catherine Stauffer her proportion of Do with Interest upon her Claim No 5		117.21	26.85½
Amt Carr & forwd			

Amt brot forward		£	
To Jacob Stauffer, Georg Price and Paul Brooks their proportion of Dft with Interest upon their claim ——— No 7		803.10	183.94½
To Samuel P Smith his proportion of Dft with Interest upon his claim marked ——— No 8		62.86	14.41
To Georg Price his proportion of Dft with Interest upon his claim marked ——— No 9		70.40	16.13
To Georg Coon apigned of Daniel Coon his proportion of Dft with Interest upon his claim marked ——— No 10		1301.53	298.08
To Dr Thomas Boyd, his proportion of Dft with Interest upon his claim marked ——— A		134.55½	30.80½
To William Biggs his proportion of Dft with Interest upon his claim marked ——— B		65.76	15.07
To Paul Brooks his proportion of Dft with Interest upon his claim marked ——— C		134.66½	30.85
To Brooks Bates apigned of Joseph Bruyer his proportion of Balance of proceeds of Sale upon his claim with Interest filed and marked ——— BB-1		524.58	120.16
To Brooks Bates, his proportion of Dft with Interest upon his claim filed marked ——— BB-2		627.52½	143.79½
To Joseph Bruyer, his proportion of Dft with Interest upon his claim filed marked JC-1		351.70	80.55
To John Dick, his proportion of Dft with Interest upon his claim marked JD-1		46.04	10.56
To Daniel Coon, his proportion of Dft with Interest upon his claim marked DC-1		111.83	25.61½
To Isaac Linn his proportion of Dft with Interest upon his claim marked JL ——— 1		15.15	3.45½
To Evan Cormack, apignee Joseph Bruyer, his proportion of Dft with Interest upon his claim filed & marked ——— GC-1		315.70	72.31½
To Coon apignee of Coon, his proportion of Dft with Interest upon his claim filed and marked ——— GC-2		493.93	113.15
To Coon apigned of Coon his proportion of Dft with Interest upon his claim filed and marked ——— GC-3		813.15	183.94
To Coon apignee of Coon, his proportion of Dft without Interest upon his claim being due only about the period of Sale, marked ——— GC-4		300.—	68.72
To John Davies, his proportion of Dft with Interest upon his claim marked ——— JP-1		68.85	15.78
Amt Carr.d forward		£	

Amt brot forward			
To John Baxter his proportion of Dr with Interest upon his Claim marked ——— J.B. 2	69.	45.	15.97
To Same, his proportion of Dr with Interest upon his Claim marked ——— J.B. 3	68.	53½	15.70
To Basil Brooke, his proportion of Dr with Interest upon his Claim marked ——— B—3	30.	57	7.—7½
To John Linton assignee of Christian Harshberger, his proportion of Balance of proceeds of Sale, upon his Claim with Interest filed & marked J.L—1—	200.	25.	46.88.
To Same assignee Same, his proportion of Dr with Interest upon his Claim filed & marked ——J.L.2.	63.	75	14.61½
			$2996.34
By Amount of Sales made by first Trustee as per report filed ———			$2996.34

Ex parte Phillips vs Wm A Farquhar & others

In Frederick County Court as a Court of Equity August Term 1825 I beg leave to report to the Honourable the Judges of Frederick County Court sitting as a Court of Equity, that in Compliance with their instructions Contained in their opinion filed 7th Inst. any late I have Stated this second account in this Cause. I have here: as in the former account allowed the Trustee for their Commission and all Expenses, vended and owed of the Court & also allowed the Costs of the Court, taking from the proportion of Mrs Phillips, the Costs occasioned by the first Audit & allowed to Wm Delahaney, and Amount of Taxes by him paid and a lien upon the land sold, and the Balance of proceeds of Sale I have divided amongst the Creditors of said Henry Stouffer Deceased taking the day of the last Sale, as the period to which I have made the Calculations of Interest the dividend to Creditors is twenty two Cents nine Mills and a fraction in the Dollar the Amount of Claims filed with and against said Estate being $12054.34½ I have rejected the Claim marked No 6 as being barred by limitations for making this account I have kept in view the several Petitions & Instructions, by the different Attornies filed as E.N.G. No 6 and acted in obedience to the Courts opinion all which proceedings I Respectfully submit to the Honourable the Judges aforesaid for their Confirmation. Henry Sahley Auditor Dec 8th 1825

Order of ratification

Whereupon the Court passed the following order of ratification viz August Term 1825 ordered by the Court that the aforegoing report of the Auditor be and the same is hereby ratified and confirmed, and that the Trustee pay over the proceeds of Sale as the same has or may be received to the parties respectfully entitled thereto, according to the distributions in said Auditor made. Mary Shriner, Dec 8th 1825

Test John Sahley Clerk

Maryland Frederick County Sct
At a County Court Sitting as a Court of Equity Begun and
Held at the Court House in Frederick Town in and for
said County on the fourth Monday of February in the year
Eighteen Hundred and Twenty Eight.
Present The Honorable John Buchanan Esquire Chief Judge
Abraham Shriver } Esquires Associate
& Th.s Buchanan } Judges
John Rigney Esquire Sheriff
& John Ashley Clerk

In the mind of proceedings of the said Court amongst
Bill others and the following viz.
To the Honorable the Judges of Frederick County Court
Sitting as a Court of Equity The Bill of Complaint of
Michael Rueky, David Rueky, and Edward Rueky
Executors of Valentine Rueky late of Frederick County
deceased and John Derr, most respectfully sheweth, that
the said Valentine Rueky and John Derr having become the
endorsers of Christian Brengle on his note given to the Farmers
Branch Bank of Frederick Town for the sum of Seven Hundred
and fifty Dollars, the said Christian Brengle in order to
secure and indemnify the said Valentine Rueky and
John Derr against their indorsements of aforesaid on
the twelfth day of March in the year Eighteen Hundred
and Twenty and executed to the said Valentine Rueky
and John Derr the deed of Mortgage hereunto Exhibited
marked A to which these Complainants refer and pray
that the said Mortgage, together with all other Exhibits
hereafter produced by them may be taken as a part of
this their Bill of Complaint, Your Complainants further
shew that the said Valentine Rueky on the Twenty first
day of September in the year one Thousand, Eight Hundred
and Twenty Six made his last will and Testament duly
Signed and Executed and died without revoking the same
in which said Will he appointed Michael, David and Edward
Rueky his Executors, and that the said Executors (who on
their of these Complainants) took upon themselves the Burthen
of discharging the duty of the Executors of the will of the
said Valentine Rueky as which will more fully appear by
a reference to the will of the said Valentine and the
Letters Testamentary thereto annexed & Hereunto exhibited
and marked B. and these Complainants further say that
the said note of Seven Hundred and fifty Dollars, given
by the said Christian Brengle to the said Branch Bank
of Frederick Town and indorsed as aforesaid by the said
Valentine Rueky and John Derr, was not paid to the Bank
by the said Christian as he ought to have done according

to the time and effect thereof, and that the same was duly protested for non payment your Complainants further state that the said note since the death of the said Valentine Buckey has been fully paid to the Branch Bank aforesaid by the said Executors of the aforesaid Valentine, Your Complainants also state that the said Christian Brengle has paid no part of the money as aforesaid Secured to his indorsers by the aforesaid Mortgage, and that the whole of the said money with interest thereon is still due and unpaid to the Executors of the said Valentine, To the end therefore that said Mortgage may be foreclosed and the said Land Mortgaged may be sold by the Decree of this Honorable Court, in order to Satisfy the debt as aforesaid due and that Your Complainants may obtain such other and further relief in the premises as the nature of this Case may require, may it please your Honors to grant to your Complainants a writ of Subpoena in the usual form Commanding the said Christian Brengle to be and appear in this Court Sitting as a Court of Equity to answer the premises aforesaid, and abide by such order and Decree therein as to this Honorable Court may seem right and Equity, And &c. Roff Solr for Complty.

Exhibit A

Exhibit A) referred to in the within and aforegoing Bill of Complaint Contained in the following words viz)

This Indenture made the twelfth day of March in the year of our Lord one Thousand Eight Hundred and twenty and Between Mr Christian Brengle of Frederick County in the State of Maryland of the one part, and Valentine Buckey and John Doe of the same County of the other part Whereas the said Valentine Buckey and John Doe, have agreed to indorse a note of Seven Hundred and fifty Dollars for the said Christian Brengle to be drawn from the Farmers Branch Bank of Frederick Town by the said Christian Brengle as by the said note and Entries of the said Bank may more fully appear. Now this Indenture therefore Witnesseth that the said Christian Brengle in Consideration of the said Valentine Buckey and John Doe becoming the indorsers and Securities for the payment of the said note to the Bank aforesaid for the said sum of Seven Hundred & fifty Dollars as drawn by the said Christian Brengle and also in Consideration of the sum of five Dollars Current money to him in Hand paid by the said Valentine Buckey and John Doe at & before the Sealing and delivery of these presents the receipt whereof the said Christian Brengle doth hereby acknowledge hath Granted, Bargained, Sold, released and Confirmed and by these presents doth Grant, Bargain sell release and Confirm unto the said Valentine Buckey and John Doe and to their Heirs and assigns all that Tract, piece or parcel of land Containing about the quantity of Eight and three quarters acres [illegible]

whereas the said Christian Brengle now lives to bring the said tract piece or parcel of land which was conveyed by the Margaret Brengle and John Brengle to the said Christian Brengle by deed dated the fourteenth day of August one thousand Eight Hundred and Ten together with all and Singular the Improvements and advantages belonging to the said tract piece or parcel of Land To Have and to Hold the said tract piece or parcel of land and every part and parcel thereof with the appurtenances thereunto Belonging unto the said Valentine Buskey and John Dew their Heirs and assigns to the only proper use and behoof of the said Valentine Buskey and John Dew their Heirs and assigns forever and to and for no other use intent or purpose whatsoever And the said Christian Brengle for himself his Executors and administrators doth hereby Covenant Grant promise and agree to and with the said Valentine Buskey and John Dew their Heirs Executors administrators and assigns by these presents that he the said Christian Brengle his Heirs Executors and administrators all and Singular the premises herein before mentioned and hereby intended to be conveyed unto them the said Valentine Buskey and John Dew. their Heirs and assigns against all persons claiming or to claim under the said Christian Brengle or his Heirs shall and will warrant and forever defend provided always and upon this express Condition is follows (that is to say) that if the said Christian Brengle his Heirs Executors or administrators shall and will on or before the Expiration of the term of three years next after the day of the date of these presents Indentured pay unto the Bank herein before mentioned the said sum of Seven Hundred & Fifty Dollars Current Money according to the terms mentioned in the note or bond executed by the said Valentine Buskey and John Dew as aforesaid & them thereupon reasonable and from time to time and at all times hereafter well and sufficiently save & defend keep harmless and indemnify the said Valentine Buskey and John Dew their Executors and administrators and them and their Goods and Chattels Lands and Tenements or account of their the said Valentine Buskey and John Dew becoming indorsers for the said Christian Brengle. Then then and from thenceforth this Indenture to be void and of none effect And the said Christian Brengle doth hereby for himself his Heirs Executors administrators and assigns Covenant Grant and agree to and with the said Valentine Buskey and John Dew. their Heirs and assigns that he the said Christian Brengle his Heirs Executors administrators and assigns shall and will at any time hereafter at the reasonable request Cost &

charge of the said Valentine Buckey and John Dew their Heirs or apigns make or suffer Execute and acknowledge any other act or acts deed or deeds apurtenance or apurtenances) subject to the proviso herein before Contained) which may be necessary for the more effectual Conveying and apuring to the said Valentine Buckey and John Dew their Heirs and apigns the said tract Piece or parcel of Land Improvements & premises with the apurtenances herein before described and hereby intended to be Conveyed and which shall be by the said Valentine Buckey and John Dew their Heirs or apigns or his them or their Counsel devised and required so as such Conveyance or apurtenance Contain no other or greater warranty than is herein Expressed In Witness whereof the said Christian Bruglo Hath Hereunto Subscribed his name & affixed his Seal the day & year first within written.

Signed Sealed & Delivered
in the presence of
Abm Shriner.

Christian Bruglo (Seal)

State of Maryland Frederick County to wit Be it remembered that on this day of 1821 personally appears Christian Bruglo the party Granted within named Before me the Subscriber one of the Associate Judges of the fifth Judicial district of the said State and acknowledges the within Deed or Instrument of writing to be his act and deed and the land & premises therein mentioned and thereby Bargained and Sold to be right and Estate of the within named Valentine Buckey and John Dew their Heirs and apigns formed according to the true intent and meaning of the said deed or instrument of writing and of the acts of Assembly in such Case made and provided. Abm Shriner,

(Exhibit B)

Exhibit (B)

Maryland Set The State of Maryland, To all persons to whom these presents shall Come, Greeting, Know ye, that the Last will and Testament of Valentine Buckey Deceased hath in and form of Law, been Exhibited proved and recorded, in the Office of Register of Wills for Frederick County, a Copy of which is to these presents annexed & administration of all the goods, Chattels and Credits of the Deceased is Hereby granted and Committed unto Michael Buckey David Buckey & Edward Buckey Executors by the said will appointed Witness Henry Richd Esquire, Chief Justice of the Orphans Court of Frederick County this 07th day of December one Thousand Eight Hundred & twenty Six.

Orphans Court of Frederick County Set.

Test Geo Eichelberger Regr

In the name of God, Amen I Valentine Buckey, of Frederick County in the State of Maryland, being weak of Body, but of Sound and disposing mind, memory and understanding

the Certainty of death, and the uncertainty of the time thereof and being desirous to settle my worldly affairs and thereby be the better prepared to leave this world, when it shall please God to call me Hence, do Hereby make & publish this my last will and Testament in manner and form following to wit First and principally I Commit my Soul into the Hands of Almighty God and my Body to the earth, to be decently buried at the discretion of my Executors hereinafter named, and after my debts and funeral charges are paid I devise and bequeath as follows I give and Bequeath to my beloved wife Charlotte Rucker my Clock and Case, two Bed, Bedsteads, and all their furniture, and Mahogany Bureau and what is therein Contained, and Corner Cupboard and what is therein Contained and Secretary and Book Case with all the German books therein Contained and Mahogany tea board and what is therein Contained, and Dozen Windsor Chairs and negro Slave named as Hannah such as she may choose and Table and its Contents, and Bond or note of Sebastian Ramsburg and George Ramsburg for the sum of one Hundred Dollars with the Interest due thereon, and one third of all the rest and residue of my personal Estate of what kind or nature soever and which is not hereafter bequeathed by me to sundry persons and I request my Executors hereinafter named to transfer and assign to my dear wife Charlotte the Bond or note above specified, I give and bequeath to David Rucker five volumes of the life of Washington, I give and bequeath to Edward Rucker all the rest of my English books, I give and bequeath to Daniel Rucker my rifle gun, I give and bequeath to Matthias N Rucker my gold sleeve buttons my gold breast and my short chest gun, I give and bequeath to my Brother Peter Rucker my wearing apparel such as he may choose and what he refuses I give and bequeath to John Trout, I give and bequeath to George Henry Rucker son of David the Silver watch I bought of my Brother George Said I give and bequeath to my Deceased Nephew Jacob Rucker Son Jacob N Rucker a Silver watch, which is in my desk, Considering he has a Sufficiency of property which if well managed by his Guardians, will leave him in a better Situation than any of my relatives, I leave him no more, I give and bequeath to Philip Rucker son of Michael the watch I lent to and which is now in the possession of my nephew David Rucker I give and devise to my Sister Catherine England the House and Lot in Frederick Town, which I purchased of Christian Schley to her the said Catherine England, for and during her

Natural life, and after her decease I direct my executors hereinafter named to sell and dispose of the said Negro and to and with the money arising from such Sale to be equally divided amongst the children of my said Sister Catherine to wit. Caroline Englands, Sarah Englands, Mary Ann Englands, Julian Englands and Catherine Englands their Heirs and Assigns during the life time of my Sister Catherine I appoint my executors Trustees of the property devised to her the same to be held in their name for her use and no other. I give and devise to Father Albert who hath intermarried with our Richard Bowers to her and her Heirs & Assigns forever, all that lot of ground I bought of Andrew Kauffman containing five acres of Land more or less with the building and appurtenances to the same belonging my will & desire is. and I hereby direct that all the notes obligations accounts or any evidence of debts I may hereafter against my Nephew George Rucker Son of John shall be given up to him by my Executors & he exonerated & discharged from the payment of the same. My will and desire is and I hereby direct that as soon as Convenient after my decease two disinterested persons who are Competent Judges shall be requested by my Executors hereinafter named to examine and value my dwelling plantation. whereon I now reside and upon such valuation being made any of my Heirs hereinafter named may take the same at such valuation upon condition that the Heir or Heirs so taking the same, shall pay or secure to be paid to the rest and residue of the Heirs such sum or Sums of money as they shall be entitled to, should they refuse to take it at such valuation then I direct & request my Executors hereinafter named to sell the same either at Public or private Sale at any time and upon such terms as will be, of the most advantage to the Heirs If they cannot sell the same advantageously then I hereby direct and request them to rent it and divide the rent in the following manner, and this last third part of to my beloved wife Charlotte Rucker, so long as she shall remain a widow but upon her marriage with any person she is to receive such proportion as the law allows her the residue of the rent is to be divided into Sixteen shares of which my Brother Peter Rucker is to receive six shares in Consequence of his having six Children John Rucker son of John one share Michael Rucker son of Matthias one share David Rucker son of George, one share, Daniel Rucker son of George one share, Rebecca Charlotte Daughter of George Rucker one share Cassandra Dawson one share Evelina Dawson one share, Joel B Dawson one share, Juliana Dawson one share and Zachariah Dawson Junr one share should the land be taken at the valuation by any of the

Being so shared to be sold by my Executors the money arising therefrom in either case to be divided in the proportion and on the terms mentioned in the distribution of the rest and amongst the persons named their Heirs or Assigns. except to my beloved wife Charlotte Bucher. who instead of receiving one third share receive one Sixth part as her share or portion of the money arising from the sale and upon the same terms as mentioned in the distribution of the rest my will and desire is that the mountain land I purchased of Stephen Steiner on Fishing Creek shall be sold at public or private Sale by my Executors hereinafter named, and the money arising from such Sale to be divided amongst the persons named and to whom I have devised my dwelling plantation in the proportion and on the terms there mentioned. My will and desire is and I Hereby direct the lot of Woodland I bought of William Campbell to be sold by my Executors hereinafter named at public or private Sale and the money arising from such Sale to be divided amongst the persons named and to whom I have devised my dwelling plantation in the proportion and on the terms there mentioned. My will and desire is and I Hereby direct the lot of ground I own in Lewis Town in Frederick County shall be sold at public or private Sale by my Executors hereinafter named and the money arising from such Sale to be divided amongst the persons named and to whom I have devised my dwelling plantation in the proportion and on the terms there mentioned, to it my will and desire and I Hereby direct that upon Sale of any part of the whole of my real estate. herein mentioned. that my Executors hereinafter named shall make Execute & acknowledge all and every deed or instrument of writing. that may be legally necessary for conveying and transferring the Land and premises Sold, to the purchaser or purchasers in as full and ample manner as I myself could have done. my will and desire is. that if any of the persons to whom I have devised my dwelling plantation and other property should die without issue lawfully begotten, their part shall be divided amongst those that survive share and share alike in the proportion as heretofore mentioned. I give bequeath and devise all the rest and residue of my property of what nature or kind soever to be divided as follows. To Peter Bucher six shares. to John Bucher one of John one share. to Michael Bucher son of Matthias. one share. to David Bucher son of George one share to Daniel Bucher son of George one share. to Rebecca Charlotte daughter

of George Rucker one share to Cassandra Dawson one share to Carlina Dawson one share to Juliana Dawson one share to Lucy B Dawson one share and one to Zachariah Dawson Junr one share and should any of the aforesaid parties die without legal issue then their part to go to the survivors in the proportion aforesaid lastly I do hereby appoint Michael Rucker, David Rucker and Edward Rucker or either of them Executors of this my last will and Testament revoking and annulling all former wills by me heretofore made, ratifying and confirming this & none other to be my last will and Testament. In Testimony whereof I have hereunto set my hand and affixed my seal this Twenty first day of September in the year of our Lord one thousand eight hundred and Twenty six.

Signed Sealed published & declared by Valentine Rucker the above named Testator as and for his last will & testament in the presence of us who at his request in his presence and in the presence of each other have subscribed our names as Witnesses thereto. W.M. Beard, Thomas Barton, Ezra Manty

Valentine Rucker (Seal)

Frederick County to wit. I do Hereby Certify that the foregoing is truly Copied from the original filed in the office of the Register of Wills for said County on the 7th day of December 1826. In Testimony Whereof I have Hereunto set my hand and affixed the Seal of said office this day of December 1826. Test Jos Eichelberger Regr

(Seal)

Christian Brengle's answer

Whereupon the following Answer was filed viz

The Answer of Christian Brengle to the Bill of Complaint of Michael, David and Edward Ruckey Executors of Valentine Ruckey and John Doe filed in Frederick County Court Sitting as a Court of Equity against the said Christian Brengle as Defendant This Defendant admits that Valentine Ruckey, and John Doe executed his Indenture and that this Defendant Executed and delivered to them a Deed of Mortgage for the purpose of securing & indemnifying them against their said endorsements as stated in the said Bill of Complaint This defendant also admits that the said Valentine Ruckey made his will in which he constituted and appointed the said Michael, David and Edward his Executors and that the said Valentine died, without revoking or annulling the said will and that Letters Testamentary were duly granted upon the said will to the said Michael, David & Edward Ruckey and that the said Executors have taken upon themselves the burthen and Executorship of the said last will & Testament of the said Valentine Ruckey This Defendant also

Admits that he received the life time of the said Valentine any part of the said note to the Branch Bank of Frederick, nor has he since the death of the said Valentine paid any part of the said note to the said Bank, nor to the Executors of the said Valentine, and admits that the money for which the said Mortgage was given is still and remains unpaid by him. This Defendant also admits that the full amount of the said note to the Bank has not been fully paid and satisfied by the Executors of the said Valentine and that the Mortgaged premises is bound for the full amount of the said Money and the interest thereon, all which matters and things this Defendant is ready to aver, maintain and prove, as this Honorable Court shall direct and humbly prays to be hence dismissed, with his reasonable Costs & charges in that behalf most wrongfully sustained.

Christian Brengle

I agree to receive the above answer without the oath of Christian Brengle the said Defendant. Lowndes Dorsey for Complt.

Decree

Whereupon this Court hoped the following Decree viz 888 Equity In Frederick County Court Sitting as a Court of Equity February Term 1828

Michael, David & Edward Buckey Executors of Valentine Buckey Deceased & John Derr vs Christian Brengle.

The above cause standing ready for hearing and being submitted, the Bill, answer, Exhibits and all the other proceedings were by the Court read and considered & is thereupon this tenth day of April Eighteen Hundred and Twenty Eight by the Judges of Frederick County Court sitting as a Court of Equity adjudged, ordered and decreed that unless Christian Brengle the Defendant shall on or before the third Monday of May next pay to the Complainants or bring into this Court the amount due on the Mortgage the same to be ascertained by the auditor of this Court and the Costs of this suit, the Mortgaged property in the proceedings mentioned shall be sold, that William Roff be and he is hereby appointed Trustee for making the said Sale and that the Course & manner of his proceedings shall be as follows he shall first file with the Clerk of this Court a Bond to the State of Maryland Executed by himself and a Surety or Sureties approved by this Court in the penalty of three Thousand Dollars Conditioned for the faithful performance of the Trust reposed in him by this Decree or which may be reposed in him by any other Decree or order in the premises he shall then proceed to make Sale of the Mortgaged property having first given three weeks public notice

Inserted in such newspaper or papers as he may think proper, of the time place, manner and terms of sale, which shall be for cash to be paid on the day of sale or on the ratification thereof by this Court of the sections of the purchaser and on the ratification of the sale and on payment of the whole of the purchase money (and not before) the Trustee shall by a good and sufficient Deed in Law Convey to the purchaser or purchasers and his her and their Heirs the property purchased by him her or them free clear and discharged from all claims of the Complainants or of the Defendants, or those claiming by from or under them or any of them, and as soon as Conveniently may be after the sale, the Trustee shall return to this Court a full and particular account of his proceedings relative to said sale with an affidavit of the truth thereof and of the fairness of the sale thereunto annexed and shall bring into this Court the money arising from the said sale to be applied under the direction of this Court according to the rights of the parties interested in the same after deducting the Costs of this suit and such Commission to the Trustee as the Court shall think proper to allow in Consideration of the skill, attention and fidelity wherewith he shall appear to have discharged his Trust. - Abm. Shriver,

Trustees Bond

Whereupon the Trustee filed the following Bond Endorsed approved Abm. Shriver viz:

Know all men by these presents that we William Rop and Thomas Carter of Frederick County in the State of Maryland are held and firmly bound unto the State of Maryland in the full and just sum of Five Thousand Dollars current Money to be paid to the said State or its Certain attorney, to which payment well and truly to be made & done, we bind ourselves and each and every of us and each and every of our Heirs Executors and administrators Jointly and Severally firmly by these presents Sealed with our Seals and dated this Tenth day of April in the year of our Lord one Thousand Eight Hundred and Twenty Eight Whereas William Rop by virtue of a Decree of Frederick County Court Sitting as a Court of Equity has been appointed a Trustee to sell the property Mortgaged by Christian Brengle to Valentine Buckey and John Derr, to pay the debt due to the Executors of the said Valentine Deceased and John Derr to secure which debt the said property was Mortgaged, as by the Bill filed will fully appear Now the Condition of the above obligation is such, that if the above bounden William Rop shall well and faithfully perform the Trust reposed in him as the Trustee, as aforesaid by the said decree, or that may be reposed in him by any

Future Dears. or order in the premises. then the above obligations to be void otherwise to be and remain in full force and virtue in Law.

Signed Sealed & Delivered in the presence of
Robert G Rupell,

Wm Roff (Seal)
Hosbarton (Seal)

Trustees Report

Whereupon the Trustee made the following Report viz

The Executors of Valentine Ruckey vs Christian Brengle

In Frederick County Court Sitting as a Court of Equity To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity

In pursuance of a Decree of this Court made in the above case it was adjudged, directed, ordered and decreed, that the property mentioned in the Complainants Bill of Complaint in this Cause, should be sold & the Subscriber appointed to sell the said property do hereby report that by virtue of and pursuant to the said order, the said premises were duly advertised for Sale on the 26th of May A.D. 1828 that at the request of the parties concerned the Sale was not made on that day, but the Sale was postponed until the Second day of June following of which postponement notice was duly given and I do further report that on the Second day of June, the day on which the said premises were so advertised to be sold as aforesaid. I attended at the place of Sale, and that the said Mortgaged premises were duly sold by me to John Dew for the sum of Eight Hundred and fifty Dollars he being the highest bidder for the same, which money is secured to be paid upon the ratification of the said Sale by this Honourable Court. all which I respectfully Submit to this Court.

Wm Roff Trustee.

Frederick County to Wit Personally appeared before me the Subscriber one of the Justices of the peace in and for the County aforesaid the above named William Roff Trustee and upon his Solemn Oath taken according to Law doth depose and say that the facts as stated in the above report are true and that the Sale was fair and bona fide. Sworn before me this 5th day of June 1828. Hosea Morgan.

Whereupon the Court passed the following order of Publication

Order of Publication

The Executors of Valentine Ruckey vs Christian Brengle

February Term 1828 Frederick County Court Sitting as a Court of Equity ordered that the Sale made and reported by William Roff Trustee for the Sale of the property mortgaged by the Defendant to Valentine Ruckey Deceased be ratified and Confirmed unless Cause be shewn to the Contrary before the first Monday of

July A.D. 1828 Ordered a copy of this order be inserted in some newspaper in Frederick County three weeks successively before the said first Monday of July next. The report State the amount of Sales to £850. Abm Shriver. June 5th 1828.

Whereupon the following certificate of the Printer together with a printed copy of the above order thereto annexed was filed viz

Printers certificate

I Hereby Certify that the annexed notice was inserted in the Citizen for three weeks successively before the first Monday of July last. G W Sharp.

And the said Cause as standing continued to July Term 1828.

order of ratification

The court passed the following order of ratification viz

The Executors of Valentine Buckey vs Christian Brengle

July Term 1828. No 189. Frederick County Court Sitting as a Court of Equity ordered by the Court that the Sale made by the Trustee in this Cause as reported by him be and is hereby ratified and confirmed. he having complied with the order of Publication as thereto Exhibited marked A The Trustee is allowed for his Commissions and all Expenses the sum of Fifty three Dollars and fifty Cents. It is further ordered that the auditor of this Court State an account Between the said Trustee and the parties entitled shewing the sums to which each of the parties shall be entitled to, out of the proceeds of the Sale, Abm Shriver.

Auditors Report

Whereupon the Auditor made the following Report viz

Dr The Estate of Christian Brengle in Acct with William Ross Esquire Trustee Cr

To the Trustee for his Commissions and all Expenses			53.00
" the attorney for his fee		3.33⅓	
" the Clerk for his fee		8.75	
" the Sheriff for his fees		.38⅞	12.47
To the Auditor for his fee in Stating account reporting to Court &c			3.00
To John Derr and the Executors of Valentine Buckey dec'd, as amount due under the Mortgage a Lien of of this Cause, and Specified & the Report		W B	745.23
To John Brengle as Credited, this Balance of proceeds of Sale, in Lieu of his Lien by Judgment, & Short Copy filed & marked		J B	35.80
			£ 850.—

By Amount of Sale made this 2d day of June 1828. £ 850.—

Sept Report of Trustee filed

Michael, David & Edward Buckey Executors Valentine Buckey & John Derr vs Christian Brengle

In Frederick County Court as a Court of Equity July Term 1828

To the Honourable the Judges thereof

As auditor to Frederick County Court Sitting as a Court of Equity I beg leave to report to that in Compliance

With this order. I Have Examined the proceedings Composing this Cause and thereupon Stated the aforegoing account In this as in like Cases I Have allowed the Trustee for his Commission and all Expenses and also allowed the Costs of the Court I Have then next allowed the Complainants and annexed and Referred under the Mortgage & and Specified Pt. paper No B and the third Balance of proceeds of Sale I Have allowed to John Brengle a Creditor in Point of his Judgment. as Pt. Short Copy filed and marked J B. and as directed by Complainants Solicitor I Respectfully Submit the same to the Honorable the Judges aforesaid for Confirmation.

Henry Sobley auditor 9th July 1828.

order of ratifict. Whereupon the Court Passed the following order of ratification to wit July Term 1828 ordered by the Court that the aforegoing account as stated and reported by the auditor be and the same is hereby ratified and Confirmed. and that the Trustee pay over the proceeds of Sale as the same has or may be received to the parties respectively entitled to the Same according to the distributions in said auditor made.

Test John Sobley Clerk

Monr Thursd July 16th 1828.

Maryland Frederick County to wit

At a County Court Sitting as a Court of Equity Begun and held at the Court House in Frederick Town in and for said County and the first Monday of March in the year of our Lord Eighteen Hundred & twenty three.

At 428

Present The Honourable John Buchanan Esqr Chief Judge
Abraham Thruse & Esquires assd
Jno Buchanan & Judges
Thomas W Morgan Esquire Sheriff
and John Sobley Clerk.

Bill In the record of proceedings of the said Court amongst others are the following viz

To the Honourable the Judges of Frederick County Court sitting as a Court of Equity Humbly Complaining sheweth unto your Honours your orator Casper Mantz Executor of Francis Mantz late of Frederick County Deceased that on or about the first day of January Eighteen hundred and Twenty one a certain James Robertson became indebted to Francis Mantz Deceased in the sum of Six Hundred and Seventy Six Dollars Current money and Executed and delivered to said Francis Mantz. a note to secure the payment of the same a copy whereof is here shewn marked A/ - and which with all other Exhibits hereinafter referred to, your orator prays may be received and Taken as a

Part of this his Bill of Complaint. That the whole of said Land is Rents Free and Fairly due upon said Rents with the Interest which has thereon accrued deducting the Payments Likewise thereon indorsed your Orator further shews to your Honours that on about the twenty third day of April Eighteen Hundred and Twenty three the aforesaid James Robertson died intestate leaving a Daughter Barbara Robertson and a Grand Son) the only Child of his Son Alexander Robertson Deceased, James Henry Robertson as his Heirs at Law that Letters of administration have since the death of the said James Robertson, been granted to Cyprin Mantz Barbara Robertson, who have sold the personal Estate of said James Robertson, under the direction of the Orphans Court of Frederick County. That said personal Estate will fall largely insufficient for the payment of the debts of the aforesaid James Robertson who at the time of his death was much embarrassed your Orator further represents to your Honors that since the death of James Robertson aforesaid Francis Mantz died having first Executed his last will & Testament in due form of Law, and thereby appointed your Orator his sole Executor. That your orator has as Executor said out Letters Testamentary upon the Estate of said Francis Mantz from the Orphans Court of Frederick County, the Certificate of which from the Register of the Orphans Court of Frederick County is here filed marked B) your orator further represents to your Honours that James Robertson at the time of his death was seized and possessed of a large real Estate Situate lying and being in Frederick County aforesaid. Consisting of the following tracts parts of Tracts and parcels of Land to wit Part of a Tract of Land called "Brownd" Containing thirteen acres one quarter of an acre and Sixteen perches of Land more or less purchased from a Certain Levy Hughes of Frederick County Part of a Tract of Land called "Hammonds Request" Containing Seventy nine acres of Land more or less purchased from a Certain Charles Hammond "Part of a Tract of Land called Beatty's Delight part of a Tract of Land called The Resurvey on Beatys Range" and part of a Tract of Land called "Hills & Dales" the said parts of the three tracts of Land aforesaid Containing together one Hundred and five acres of Land more or less "purchased from a Certain William Corkery also another part of a Tract of Land called "Hills and Dales" Containing Eight and a fourth acres of Land more or less purchased of William M Beall Jr. and one undivided moiety or half part of a parcel of Land called "Middle Plantation" of part of a Tract called The Least said is soonest mended" and a Tract of Land called "Bullocks Wall" purchased by James Robertson

And Henry McHenry as Tenants in Common from a certain John H Thomas that upon the aforesaid tract of Land there is a valuable Merchant Mill and a saw mill your Orator further represents to your Honours that James Robertson on the Twentieth day of August Eighteen Hundred and Twenty two, Executed and delivered to a certain William M Reed, a Mortgage upon the tract of the Tract of Land called "Mitchell Plantation" the last said is Somerset mentioned "and Collected Wheat" to Secure the Payment of Six Hundred Dollars and Interest of which Mortgage is here filed marked A that on the Tenth day of April Eighteen Hundred and Twenty three he Executed and delivered to William Tyler and Gideon Beatty both of Frederick County, a Mortgage upon the Tracts of Land called Rattys Delight "the Ramney" and Rattys Range and "Hills and Dales to Secure the Payment of notes to the Bank of Westminster in which they used his Securities, for the sum of Sixteen Hundred Dollars Current money; a Copy of which Deed is herewith Exhibited marked B your Orator is informed that the personal Estate of the said James Robertson being insufficient for the Payment of his debts that this Court is Competent to Decree a Sale of his real Estate by a Trustee to be appointed for that purpose, and to direct the distribution of the nett proceeds thereof amongst his Creditors after Satisfying out of the Sale of the Lands Mortgaged as aforesaid the liens which encumber them and to divide the Surplus if any amongst the Heirs at Law of the said James Robertson he Tenders Confirmation whereof, and for as much as your Orator is remediless in the premises elsewhere than in this Honourable Court as a Court of Equity, and to the end that the real Estate of James Robertson aforesaid and any other real Estate of which he may have been seized and possessed at the time of his death, may be Sold by a Trustee to be appointed for that purpose, and the proceeds of the Sale thereof applied in the first instance to the Payment of his debts and such part thereof as his personal Estate will prove inadequate to Satisfy and the residue to be distributed under the direction of your Honours May it please your Honours to grant to your Orator your writ of Subpoena in the usual form to the aforesaid Cyrus Mauzy & Barbara Robertson administrators of James Robertson Deceased, Barbara Robertson & James Henry Robertson, Heirs at Law of said James Robertson, William M Reed, William Tyler, and Gideon Beatty to be directed, Commanding them

them and each of them to be & appear in this Honorable Court by some day therein to be named to answer in the premises as fully and particularly as if the same were here again repeated and they there particularly interrogated and to show cause if any they have why a Decree should not be passed as prayed & may to please your Honors to grant your orator a Commission to issue suitable hereon to be directed authorizing and empowering him to appoint a Guardian to take the answer of the aforesaid James Henry Robertson who is an Infant under the age of Twenty one years and to extend to your orator all such other and further relief in the premises as may be consistent with Equity and your orator will ever pray &c. J. Nelson Solr. for Compl.

Exhibit (A) Exhibit A referred to in the within and aforegoing Bill of Complaint Contained in the following words viz

Sixty days after date I promise and oblige myself my Heirs Executors and administrators to pay or cause to be paid unto Francis Mantz his Heirs or assigns the just & full sum of five Hundred and twenty six Dollars Current Money with Legal Interest for the same for the value received as Witness my Hand & Seal dated this first day of January in the year of our Lord one Thousand Eight Hundred & Twenty one.

Witness Present. Casper Mantz. James Robertson (Seal)

Exhibit B, referred to in the within & aforegoing Bill of Complaint is not filed among the proceedings

(Exhibit B)

Exhibit B This Indenture made this tenth day of April in the year one Thousand Eight Hundred and Twenty three Between James Robertson of Frederick County and State of Maryland of the one part and Frederick Mantz and Dr. William Tyler of Frederick Town & County aforesaid of the other part Whereas the said Frederick Mantz and Doctor William Tyler have agreed that they will hereafter when requested endorse for the said James Robertson to enable the said James Robertson to obtain money at any of the Banks in Frederick County Provided all the money so obtained exceed not fifteen Hundred Dollars and the said James Robertson being willing to secure the said Frederick Mantz and Dr. William Tyler against any loss whatever which might arise from their hereafter becoming endorsers as aforesaid hath agreed to execute these presents Now this Indenture Witnesseth that the said James Robertson in Consideration of the premises and also for and in Consideration of the sum of one Dollar Current Money to him in Hand paid before the sealing and Delivery of these presents

the receipt whereof is the said James Robertson doth hereby acknowledge Hath granted bargained sold aliened released enfeoffed and confirmed and by these presents doth grant bargain and alien release enfeoff & confirm unto the said Gideon Beatty and Dr. William Tyler their Heirs and assigns forever all the following land lying and being in the County and State aforesaid to wit Lott of a tract called "Beatty's Delight Lott of "the Ridgeway on Beatty's Range" and Lott of "Hills & Dales" Containing in the whole one Hundred and five acres more or less being the same land which were heretofore to wit on or about the Seventh day of August in the year Eighteen Hundred and fifteen Conveyed by William Corbly to the said James Robertson as by reference to the Deed recorded in Liber I C No 1 folios 499. 500 and 501 will more fully appear Together with the rights members and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions remainder and remainders rents issues & profits and all the estate right title interest property claim and demand whatsoever legal and equitable of him the said James Robertson in and to the said land and premises hereby bargained and sold with the rights members and appurtenances and every or any part and parcel thereof To Have and To Hold the said land and premises hereby bargained and sold or meant mentioned or intended hereby or to be and every or any part and parcel thereof with the rights members and appurtenances unto the said Gideon Beatty and Dr. William Tyler their Heirs and assigns forever to the only proper use and Benefit and behoof of them the said Gideon Beatty and Dr. William Tyler their Heirs and assigns forever and to & for no other use and intent or purpose whatsoever and the said James Robertson for himself his Heirs Executors & administrators doth Covenant grant promise and agree to & with the said Gideon Beatty and Dr. William Tyler their Heirs Executors and administrators and assigns that he the said James Robertson and his Heirs the said land and premises hereby bargained and sold and every part and parcel thereof with the rights members & appurtenances to them the said Gideon Beatty and Dr. William Tyler their Heirs and assigns against him the said James Robertson and his Heirs and against every person and all persons whatsoever now claiming or who hereafter may claim any right title or interest in or to the same or any part thereof by from or under him or them shall & will hereafter warrant and forever Defend by these presents and the said James Robertson for himself his

Heirs Executors and administrators doth Covenant grant promise and agree to and with the said Gideon Bantz & Dr. William Tyler their heirs Executors administrators and assigns that he the said James Robertson and his heirs shall and will do any thing and do all times hereafter make execute and acknowledge any other Deed or Deeds or any other instrument or instrumentality of writing for the better assuring and more certain & effectual conveyance of the said land and premises hereby bargained and sold and every part and parcel thereof with the rights members and appurtenances to the said Gideon Bantz and Dr. William Tyler their Heirs and assigns Provided always & so it is the true intent and meaning of these presents and of the parties to the same that if the said James Robertson his Heirs Executors or administrators pay or cause to be paid unto and singular the notes which hereafter may be endorsed by said Gideon Bantz & Dr. William Tyler to the amount aforesaid and also save harmless and keep indemnified the said Gideon Bantz and Dr. William Tyler their Heirs Executors Administrators and assigns against the payment of each and singular the notes aforesaid and against all costs charges damages and interests whatever which may arise from said payment of the same by the said James Robertson then this instrument of writing to be void any thing herein Contained to the contrary notwithstanding In Witness whereof the said James Robertson hath hereunto set his Hand and Seal the day & year first herein before written,

Signed Sealed & Delivered
In the presence of
George Rohr, Dr. Ritchie

James Robertson (Seal)

Maryland Frederick County to wit Be it remembered that on this day the tenth of April in the year one Thousand Eight Hundred and twenty three personally appear'd James Robertson the grantor named in the foregoing Deed or Instrument of writing and he acknowledges the same to be his act & deed and Lands and premises therein mentioned and every part and parcel thereof with the rights members and appurtenances to be the right title and Estate of Gideon Bantz and Dr. William Tyler the grantees also therein named their Heirs and assigns forever according to the true intent and meaning thereof and the acts of assembly in such case made & provided Before us the Subscribers two Justices of the Peace in and for the County aforesaid. George Rohr, Dr. Ritchie

Maryland Frederick County to wit
I Hereby Certify that the within (and aforegoing) is a true Copy taken from the original Mortgage filed in my Office for record the 9th day of May 1823.

In Testimony whereof I Hereto set my hand and affix the Seal of my office this tenth day of May 1828. John Schley Clerk Fred.k Co.t

(Exhibited 6)

Exhibited 6 — James Robertson to William M Reed — Mortgage dated 30th August 1822 By his note or obligations duly executed with John Mantz & Henry Routz as his securities bearing date the 31st day of May 1816 in the sums of six hundred pounds Current money of Maryland in Gold or Silver with legal interest as much of this one undivided half part of Hundred and Seventy four acres of land more or less as has not heretofore been Conveyed to John Blaney one hundred and twenty acres thereof being part of a Tract of Land called Middle Plantation Thirty five acres thereof being part of a tract of land called the last Lot of the Second Meadow and nineteen acres thereof being part of a Tract of land called Bulldozer Wall Situated lying & being on Linganore Creek in the County and State aforesaid being a part of the second land surveyed to said James Robertson and a certain Henry McSherry as Tenants in Common and not as Joint Tenants by John Hanson Thomas Trustee appointed by the high Court of Chancery by said bearing date on or about the twenty eighth day of February 1818 A.D. Test John Schley Clerk

order for Commission — Whereupon the Court hoped the following order for Commission viz

Casper Mantz Exr. of Francis Mantz vs Cyrus Mantz & others — In Frederick County Court as a Court of Equity March Term 1828 Ordered that a Commission do issue to appoint a Guardian to take the answer of James Henry Robertson, an Infant under the age of Twenty one years, upon to Henry Rinehart Esqr. the said Infant Defendant having been duly summoned. And on Shrives. whereupon in pursuance of the above order the following

Commission — Commission Issued viz

Maryland ss The State of Maryland. To Henry Rinehart of Frederick County, Greeting Whereas Casper Executor of Francis Mantz hath lately exhibited his Bill of Complaint before us in our County Court as a Court of Chancery, against Cyrus Mantz and others Defendants and whereas we have by our writ lately Commanded the said Defendants to appear before us in our said Court as a Court of Chancery, on a certain day, now last to answer the said Bill but for as much as the said James Henry Robertson one of the Defendants is an infant under age and Cannot answer the said Bill now before this Court without having a Guardian assigned in that behalf, know ye therefore, that we have given

unto you full power and authority in pursuance of the Statute
made in our said Court, to assign and appoint a Guardian
for the aforesaid infants and to take the answer of the said
infants by such Guardian to the said Bill and therefore we
Command you, that at such certain day and place as you
shall think fit, you go to the said Defendants if they cannot
conveniently come to you, and assign and appoint a Guardian
for the aforesaid infants and take the answer of the said Infants
by such Guardian to the said Bill in such Guardians
corporal oath upon the Holy Evangely, to be administered
by you the said answer being distinctly and plainly written
and when you shall have so taken the said answer you
are to send the same closed up under your Seal, together with
your certificate of your having assigned and appointed such
Guardian as aforesaid, and this writ, unto us, in our said
Court Witness the Honourable John Buchanan Esquire Chief
Judge of our said Court the 3d day of March Anno Domini
1823. Issued 10th June 1823. John Ashley Clerk

Whereupon the following certificate and answer of the Infant
Defendant by his Guardian regularly appointed together
with the above Commission thereto annexed was filed viz
To the Honorable the Judges of Frederick County Court Sitting
as a Court of Equity The Subscriber named in a Commission
from Frederick County Court Sitting as a Court of
Equity in a Cause in the said Court depending between
Casper Mantz Executor of Francis Mantz Complainant
and Agnes Mantz and others defendants do Hereby Certify
that by Virtue of said Commission hereunto annexed
I Have assigned and appointed Mary Robertson Guardian
for the said James Henry Robertson, the said Infant
therein named and have taken the answer of said Infant
by his Guardian in writing upon her corporal oath to
the Bill of Complaint in the said Commission mentioned which
I Herewith Send enclosed In Witness whereof I Have Hereunto
Set my Hand and Seal this 10th day of June 1823

Henry Kuhn (Seal)

Infants answer

The answer of James Henry Robertson, an Infant under the
age of Twenty one years by Mary Robertson his Guardian
to the Bill of Complaint of Casper Mantz Executor
of Francis Mantz in Frederick County Court, as a Court
of Equity exhibited the said James Henry Robertson by
his said Guardian in answering said Bill saith
the several matters and things therein set forth that
James Robertson Died on the 23d day of April 1823
Intestate. That at the time of his death he was seized
and possessed of a large real Estate. That his personal
Estate will be insufficient for the payment of his

Debts. and that it will be for the mutual benefit of the Heirs and Creditors of the said James Robertson that his real Estate should be sold. His Defendant is willing that such Decree may be passed in this Cause as is Consistent with Equity hoping that as he is an Infant this Honourable Court will regard and protect his Interests, Mary Robertson Guardian

Maryland Frederick County to wit Be it remembered that on this 10th day of June 1803 personally appears Mary Robertson before the Subscriber, Commissioner named for that purpose in a Commission issued out of Frederick County Court as a Court of Equity and makes Oath that the several matters and things stated in the foregoing answer are true to the best of her knowledge Information and belief.

Sworn Before Henry Kuhn,

10th Tyler & Gideon Bonty Answer

Thereupon the following Answer was filed viz The Joint and Several answers of William Tyler and Gideon Bonty to the Bill of Complaint of Caspar Mantz Executor of Jacob Mantz in Frederick County Court as a Court of Equity Exhibited Said Defendants answer that on the 18th day of April Eighteen Hundred and Twenty three James Robertson executed and delivered to them the deed of Mortgage a Copy of which is referred to by the Complainants Bill marked D. that in Consideration of said Mortgage as an indemnity to them Defendants they became his Securities in Two notes to the Bank of Westminster the one for one Thousand Dollars, the other for Six hundred Dollars, the said notes never were paid by the said James Robertson. Said defendants admit the death of the said James Robertson, intestate, and believe that his personal Estate will not be Sufficient for the payment of his debts. They have no objection to the Sale of the real Estate mortgaged to them and the application of the proceeds to the discharge of the debts of James Robertson aforesaid, provided the notes on which they Defendants have become bound as Securities as aforesaid, are first Satisfied and paid out of the proceeds of said Sale, without that they or any thing in said Bill of Complaint Contained not herein and hereby Specifically answered Confessed or avoided, traversed or denied they Defendants admit to be true and pray them to be Dismissed &c

W. Tyler, Gideon Bonty,

Maryland Frederick County to wit on this 10th day of June 1803 personally appeared William Tyler and Gideon Bonty the Defendants above named, and made Oath that the facts stated in the foregoing answer are

true to the best of their knowledge and belief;

Sworn Before, Abraham Wamsley,

Cyprus Manty Barbard Robertson's answer

Whereupon the following Answer was filed viz:

The Answer of Cyprus Manty and Barbara Robertson administrators of James Robertson to the Bill of Complaint of Rachel Manty Executrix Francis Manty in Frederick County Court and Court of Equity Exhibited These Defendants admit that the note a Copy of which is filed with the Complainants Bill was Executed by James Robertson Deceased and that the amount due thereon is truly stated in said Bill. That James Robertson died on the twenty third day of April Eighteen Hundred and Twenty three intestate, and that Letters of administration on his Estate have been granted to these Defendants by the Orphans Court of Frederick County a Certificate of which from the Register of Wills is herewith filed marked A/ and which these Defendants pray may be received as a part of this their answer, That they have Sold the personal Estate of said Deceased, with the Exception of a few articles, and that said personal Estate will be greatly inadequate to Satisfy the debts of the said James Robertson They admit that he died seized of the lands mentioned in the Complainants Bill, and that a Sale thereof will be necessary to meet the Demands of his Creditors, without which, that there is any thing in said Bill of Complaint Contained, not herein and hereby Sufficiently answered Confessed or avoided, traversed or denied, is true and the defendants pray hence to be Dismissed &c

Cyprus Manty, Barbara Robertson,

Maryland Frederick County to wit on this 10th day of June 1828 personally appear Cyprus Manty and Barbard Robertson the defendants above named and make oath that the facts stated in the foregoing answer are true to the best of their knowledge and belief,

Sworn Before, Isaac Manty,

Barbard Robertson's answer

Whereupon the succeeding Answer was filed viz:

The Separate answer of Barbard Robertson, of Frederick County to the Bill of Complaint of Rachel Manty Executrix of Francis Manty in Frederick County Court as a Court of Equity Exhibited. This Defendant admits that she is the Daughter and one of the Heirs at Law of James Robertson Deceased That he died on the Twenty third day of April Eighteen hundred and Twenty three Intestate. That at the time of his Death he was largely indebted to divers persons amongst others to Francis Manty Deceased as is stated in the Complainants Bill. This Defendant also admits that Letters Testamentary have been granted to the Complainant upon the Estate of Francis Manty Deceased. That

the Personal Estate of James Robertson Deceased will fall far short of the just demands of his Creditors and that a Sale of his real Estate will be necessary to satisfy his debts. This Defendant admits that James Robertson died seized of the Estate mentioned in the Bill of the Complainants and submits it to the discretion of the Court to pass such Decree in the premises as may be consistent with Equity without that, that there is any matter or thing in said Bill of Complaint contained not herein and hereby sufficiently answered traversed or denied confessed or avoided, this Defendant admits to be true & prays how to be Dismissed &c Barbara Robertson.

Maryland Frederick County to wit on this 10th day of June 1823 personally appears Barbara Robertson the Defendant above named and makes oath, that the facts stated in the foregoing answer are true to the best of her knowledge & belief.

Sworn Before, Jesse Hanby J.

Answer of Wm Beall

Whereupon the following Answer was filed viz The Separate answer of William M Beall one of the Defendants, to the Bill of Complaint of Cashal Manby Executor of Francis Manby Deceased in Frederick County Court as a Court of Equity Exhibited This Defendant having and reserving to himself now and at all times hereafter all benefit of exception to said bill for answer thereto or to so much as concerns him to answer answering saith that James Robertson Deceased, is indebted to him in the sum of Six Hundred pounds Current money by note secured by Mortgage as stated in said Bill with interest thereon, and that he is willing a Decree shall pass for the Sale of the Lands of James Robertson Deceased, as prayed reserving however all right to the proceeds of those parts conveyed by said Mortgage that he now has against the land, & that a Trustee may be appointed for that purpose and this Defendant submits his rights to the Justice and wisdom of this Court &c Setorth,

R Potts Solr for Wm Beall

I agree to receive the within answer without oath. 10th June 1823. I Nelson Solr for Complt.

Decree

Whereupon this Court passed the following Decree viz

In Frederick County Court as a Court of Equity March Term 1823. This Cause Standing ready for hearing &

Cashal Manby Executor of Francis Manby

vs

Cyrus Manby Barbara Robertson Executrix of Jas Robertson & others.

Being Submitted the Bill, answers Exhibits and all other proceedings were by the Court read and Considered & it appearing to the Satisfaction of the Court from the answers that the Sale of the real Estate mentioned in the proceedings is necessary to Satisfy the Debts of James Robertson Deceased the personal Estate of said Deceased being insufficient for that purpose and being Satisfied that the relief prayed for by the Complainant is reasonable and ought to be granted to it Is therefore now on this 11th day of June Eighteen Hundred and Twenty three by the Judges of Frederick County Court Sitting as a Court of Equity, and by the authority of said Court ordered adjudged and Decreed, that the real Estate of James Robertson Deceased Situate lying and being in Frederick County mentioned in the proceedings shall be sold that Lyon Mantz and Barbara Robertson of Frederick County be and they are hereby appointed Trustees to make said Sale, and that the Course and manner of this proceedings therein shall be as follows they shall first file their Bond with the Clerk of this Court to be Executed by them and a Surety or Sureties to be approved by this Court in the penalty of forty Thousand Dollars Current Money, Conditioned for the faithful performance of the Trusts reposed in them by this Decree or to be reposed in them by any future order or Decree in the premises they shall then proceed to sell said Estate entire or in parcels as in their discretion they may judge to be most advantageous at public auction after giving at least one Months notice in such newspapers and otherwise as they may think best, of the time place manner and Terms of Sale, which shall be that the purchaser or purchasers shall pay one fourth of the purchase money in hand or upon the ratification of the Sale or Sales by this Court and give Bond with Security to be approved by the Trustees for the payment of the residue in four annual Installments with Interest, And the said Trustees shall as soon as Conveniently after a Sale or Sales by them made return to this Court a full and particular account of their proceedings therein returned with an affidavit of the truth thereof and of the fairness of the Sale annexed, and on obtaining this Courts ratification of the Sale or Sales and on the receipt of the whole of the purchase money (and not before) the Trustees shall by a good and sufficient Deed or Deeds to be Executed acknowledged and recorded according to Law, Convey and transfer unto the purchaser or purchasers (and his her or their Heirs) the Tract or tracts or parts of Tracts of land sold to him her or them free Clear and discharged from

All claims of the Complainants and Defendants in this behalf. And the Trustee shall bring into this Court the money and Bonds arising from said Sale to be applied under the direction of this Court after deducting the Costs of this suit and such Commission to the Trustee as the Court shall think proper to allow, Abm Shriver,
And the said Cause is standing Continued to July Term 1828 the Trustee filed the following Bond Endorsed Approved A. Bm Shriver, viz

Trustees Bond

Know all men by these presents that we Cyrus Mantz Barbara Robertson, Henry Kuhn, Henry Staley, Daniel Hauer Junr & Jabez Lond Kuhn all of Frederick County and State of Maryland are held and firmly bound unto said State in the just and full sum of Forty Thousand Dollars Current money, to be paid to said State or its Certain attorney to which payment well & truly to be made and done we bind ourselves our Heirs Executors and administrators in and for the whole Jointly and Severally firmly by these presents. Sealed with our Seals and dated this Twentieth day of June 1828 Whereas the above bound Cyrus Mantz & Barbara Robertson by virtue of a Decree of Frederick County Court Sitting as a Court of Equity have been appointed Trustees to Sell the real Estate of James Robertson of Frederick County Deceased for the payment of his debts Now. the Condition of the above obligation is such that if the above bounded Cyrus Mantz and Barbara Robertson do and shall well and faithfully perform the Trust reposed in them as Trustees as aforesaid by the said Decree or that may be reposed in them by any future order or Decree in the premises then the above obligation to be void. otherwise to be and remain in full force and virtue in Law.
Signed Sealed & Delivered
in the presence of
Henry Mantz

Cyrus Mantz (Seal)
Barbara Robertson (Seal)
Henry Kuhn — (Seal)
Henry Staley — (Seal)
Daniel Hauer Junr (Seal)
Jabez Kuhn — (Seal)

Trustees Report

Whereupon the Trustee made the following Report viz
To the Honorable the Judges of Frederick County Court Sitting as a Court of Chancery The Subscribers who by Decree of this Honorable Court bearing date on the 11th day of June Eighteen Hundred and Twenty three were appointed Trustees to sell the real Estate of James Robertson late of Frederick County Deceased

For the payment of his Debts, they leave to report that in Compliance with the directions of said Deed, the Subscribers after filing their approved Bond with the Clerk of this Court advertised the real Estate aforesaid in the manner hereinafter stated, to be sold at Public auction on Thursday the fourth Instant a Copy of which said advertisement is here shown marked A, that believing the property to be highly valuable, and wishing to afford to Capitalists in every part of the United an opportunity of purchasing, and by inducing Competition to promote the Interest of all Concerned in the Sale, the Subscribers caused the foregoing advertisement to be inserted in the National Intelligencer, the National Gazette, Published in Philadelphia, The Delaware Watchman, The National Advocate, Published at New York, The Lancaster Journal, The Baltimore Federal Gazette, Baltimore Patriot, The Winchester Gazette, The Frederick Town Herald, Political Examiner, Republican Citizen that on the fourth Instant they offered the property described in said advertisement for Sale at Public auction and Sold the Mills with the Land thereto attached being about ninety two acres, to Alexander McPherson of Frederick County, who was the highest bidder, at the rate and for the sum of Thirty five Thousand five Hundred Dollars ($35500) a memorandum of which said Sale is Connected with the advertisement before referred to marked A, that they likewise offered for Sale the residue of the property described in said advertisement but did not Sell the Same for the want of bidders, the personal Expenses of the Subscribers are as follows, viz Amt brot forwd

For advertising Nat.l Advocate $ 30.00 Winchester Gazette $ 20.00
Lancaster Journal 16.87½ Frederick Town Herald 19.00
Wilmington Watchman 21.00 Political Examiner 16.00
Balt.e Federal Gazette 12.00 Republican Citizen 16.50
Baltimore Patriot 12.00 $ 163.37½

The National Gazette
& National Intelligencer

Bills have not been received, but will be Exhibited before the Sale ratification, that the Purchaser has complied with the Terms of the Sale by the payment of one fourth of the Purchase Money and the Execution of Bonds in pursuance of the Deed said money and Bonds are ready to be brought into Court and Subject to its order all of which is respectfully Submitted

Cyrus Manty, Barbard Robertson,

Maryland Frederick County to wit On this 10th day of September 1823 appeared Cyrus Manty & Barbard Robertson the Trustees above named who make Oath

Had the Sale above reported was bona fide and fairly made, Sworn Before, Isaac Mantz

order of Publication

Whereupon the Trustees moved the following order of Publication viz

Casper Mantz
vs
Cyrus Mantz Barbara Robertson administrators Jas Robertson & others

In Frederick County Court as a Court of Equity July Term 1828 Ordered that the Sale made and reported by Cyrus Mantz & Barbara Robertson Trustees for the Sale of the real Estate of James Robertson late of Frederick County Deceased, be ratified and confirmed, unless Cause to the Contrary be shown on or before the tenth day of October next. Provided a Copy of this order be inserted in the Republican Citizen, a newspaper printed in Frederick Town for three Successive weeks before the said tenth day of October next. The Trustees report the Sale of part of said Estate to Alexander McSherron of Frederick County, at the price and for the sum of Thirty five Thousand five hundred Dollars,

Abm Shriver. Sept. 10th 1828.

Printers Certificate

Whereupon the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz

I Hereby Certify that the annexed advertisement was published in the Citizen for three weeks in succession before the 10th day of October inst. Ch W Sharp.

order of ratified

Whereupon the Court passed the following order of Ratification viz

Casper Mantz & Sal. Francis Mantz vs Cyrus Mantz & others

In Frederick County Court as a Court of Equity July Term 1828 ordered that the Sale made and reported by the Trustees in the above Cause be ratified and confirmed no Cause to the Contrary hearing been shewn notwithstanding notice given the Trustees are allowed for their Commission and all Expenses not previously and Nine and two hundred and ninety four Dollars and thirty seven and one half cents the Auditor is directed to notify the Creditors of James Robertson Deceased to produce their Claims in this Court to be audited under its direction by some day to be fixed by the auditor & thereafter to State an account current according to the usage of this Court as far as relates to the one fourth of the purchase money to be paid in hand or upon the ratification of the Sale by this Court the Subsequent payments to be audited according to a future order to be issued by this Court, Abm Shriver.

And the said cause as standing continued to October Term
1823 the Auditor made the following Report viz
Auditors Report 1823 Nov 17th
Of the Estate of James Robertson Deceased in the case with
Cyprus Manby Barbara Robertson Trustees — Cts

To the Trustees for their commission & all expenses		1294	37½
" the Attorney for his fee	3.33⅓		
" the Clerk for his fees	21.55		
" the Sheriff for his fees	2.68⅔	27.	56½
To the Auditor for his fee in stating & ex giving notice to Creditors	.....	22.	50
To Cashier Co. of Francis Manby, his proportion of Cash payments on Sale of said Estate, on his Claim filed, with Int. to Sale, see Exhibit A is	743.94	249.	35
To William M Reed Sur. Co. this proportion of Cash payments on Sale of said Estate on the Claim filed, with Int. to Sale see Exhibit C is	1672.80	560.	19
To the Bank of Westminster, its proportion of Cash payments on Sale of said Estate on the Claims filed, without Int. see Exhibit D & C is	7700	2580.	82
To the Farmers Bank of Maryland, its proportion of Cash payments on Sale of said Estate on the Claim filed, without Int. see Vouchers marked ——— No 1 is	3000.	1005.	54
To Frederick County) owing by said Deceased as Supervisor) its proportion of Cash payments on Sale of said Estate on the Claims filed without Int. see Paper marked ——— No 2 is	59.07½	19.	80
To the Managers of the Presbyterian Church Lottery, this proportion of Cash payments on Sale of said Estate on the Claim filed with Int. to Sale see note & marked No 3.	233.15.	78.	16
To Jacob Lead, his proportion of Cash payments on Sale of said Estate on his Claim filed with Int. to Sale see note marked ——— No 4 is	1285.	430.	7[illegible]
To Thomas Court. of Charles Hammond his proportion of Cash payments on Sale of said Estate, on his Claim filed with Int. to Sale see Note marked ——— No 5 is	1075.03.	361.	33
To Mary Ann Margaret Brogher her proportion of Cash payments on Sale of said Estate on her Claim filed with Int. to Sale see Note marked ——— No 6 is	1075.83	360.	60
To Christian Schaeffer his proportion of Cash payments on Sale of said Estate on his Claim filed without Int. see Note			

And Carried Forward

	Amt brot Forward	£	
Markes	No 7 is	371.91.	134.67
To John Hawe his proportion of Cash Payment on Sale of said Estate on his Claim filed without Int^{t} and Papers marked No 8 is		102.41.	34.33
To Lydia Adams and Thomas Meredith their proportion of Cash Payment on Sale of said Estate on their Claims filed with Int^{t} to Sale on Note marked — No 9 is		150.37.	50.42
To Catharine and Mark^{t} Amm^{n} of Raphel Isaac their proportion of Cash Payment on Sale of said Estate, on their Claims filed with Interest to Sale on Notes marked No 10. is		3283.72.	1083.88
To John Stacy, his proportion of Cash Payment on Sale of said Estate, on his Claim filed, without Interest and Papers marked No 11 — is		35.03.	11.75
To Joel Dickens, his proportion of Cash Payment on Sale of said Estate, on his Claim filed, as by Acc^{t} filed & stated and Papers marked — No 12 is		849.07.	284.60
To Rudolph Myers, his proportion of Cash Payment on Sale of said Estate on his Claim filed without Interest and Papers marked — No 13 is		128.23.	42.98
To Peter Lowers, his proportion of Cash Payment on Sale of said Estate, on his Claim filed with Interest and Papers marked No 14 — is		753.04.	252.42
		£32.465.64	£8875
1823.			
Nov 26th By Amt of Cash Payment to be distributed, according to the Courts order, out of the Sales made 4th Sept^{r} 1823. when Sales amounting to 35.800£ as by report of the Trustees — is to be			£8875

Cash Ent^{d} of Frederick County
vs
Byrnes Mary, Robertsons Heirs & others.

In Frederick County Court as a Court of Equity October Term 1823.

To the Honourable the Judges of Frederick County Court sitting as a Court of Equity

I beg leave to report as a Court Auditor that in pursuance with their order I gave the necessary notice to the Creditors of James Robertson deceased, to produce their claims and them produced to state the foregoing account. I have allowed as usual the Commission to the Trustees and the costs of the Court and the surplus of Cash Payments (according to the Courts order) I have divided among the

Executory of James Robertson (Deceased) as far as Claims have been lodged with and allowing Interest to day of Sale, on Claims that I determined were entitled to it, and the said Balance of the Cash payments deducting Commissions & Costs arising upon the Claims thus filed. Thirty three and one Ray Cents and a fraction in the Dollar which is Respectfully submitted to the Honourable the Judges aforesaid by, Henry Ashby Aud^{r} 27th November 1824

now of ratified

Whereupon the Court passed the following now of Ratification In Frederick County Court as a Court of Chancery October Term 1824 ordered by the Court that the aforegoing report of the auditor be and the same is hereby ratified and confirmed. and that the Trustee pay the Cash payments as distributed by the auditor to the different persons entitled thereto, Abm Shriver Dep^{y} Cl^{k} 1824,

And the said cause is standing continued from Term to Term until August Term 1824 the auditor filed the following

Auditors second Report

Report October 26th 1824 viz^{t}

Dr^{r} The Estate of James Robertson Deceased in a/c with Francis Mantz & Barbara Robertson Trustees ——— Cr^{r}

1824 Oct^{r}				
	To the Clerk for his fee in this the 2^{d} audit			7.87
	To the auditor for his fee in stating account giving notice to creditors &c ———			26.—
	To Casper Carr of Francis Mantz his proportion of the Second payment of the Sale of the Estate of said Deceased with Interest upon his Claims filed and marked as Exhibit A	A	534.26	196.56
	To the Executors of Wm Beard dec^{d} his proportion of Second payment of the Sale of the Estate of said Deceased with Interest upon his Claims as Exhibit C		1178.83	441.99
	To The Bank of Westminster its proportion of Second payment of the Sale of the Estate of said Deceased with Interest as Exhibit marked B filed in this Cause ———		5317.12	1993.64
	To the Farmers Bank of Maryland its proportion of Second payment of the Sale of the Estate of said Deceased with Interest as the Voucher as marked ———	No 1	2059.65	772.25
	To Frederick County (owing by said Deceased as Supervisors) its proportion of Second payment of the Sale of the Estate of said Deceased with Interest as the Voucher as marked ———	No 2	41.62	15.60
	To the Managers of the Presbyterian Church Lottery its proportion of Second payment of the Sale of the Estate of said Deceased			

And Carr forward

Amt brot forward			
with Interest, as the Vouchers as filed and marked ———	№8	164.32.	61.61
To Jacob Leard, his proportion of the second payment of the Sale of the Estate of said Deceased, with Interest upon his Claim filed as the Papers marked —	№4	905.53.	339.53
To Thomas Hammond & of Charles Hammond his proportion of the second payment of the Sale of the Estate of said Deceased with Interest upon his Claim filed on the Papers marked "5" ———	№5	757.56	284.05
To Mary Ann & Margaret Rooper, her proportion of the second payment of the Sale of the Estate of said Deceased with Interest upon her Claim filed as the Papers marked ———	№6	758.14	284.26½
To Christian Schock his proportion of the second payment of the Sale of the Estate of said Deceased with Interest upon his Claim filed as the Papers marked ———	№7	262.07	98.24½
To John Hand, his proportion of the second payment of the sale of the Estate of said Deceased with Interest upon his Claim filed as the Papers marked	№8	72.16	27.05
To Lydia Adams & Thomas Meredith their proportion of second payment of the Sale of the Estate of said Deceased with Interest upon their Claim filed as the Papers marked ———	№9	105.94½	39.71
To Catherine and Mercy ann & of Rapheal Forbes their proportion of the second payment of the Sale of the Estate of said Deceased with Interest upon their Claim filed as the Papers marked ———	№10	2278.84	854.47
To John Staley his proportion of the second payment of the Sale of the Estate of said Deceased, with Interest upon his Claim filed as the Papers as marked	№11	24.67.	9.24
To Joel Vickers, his proportion of the second payment of the Sale of the Estate of said Deceased with Interest upon his Claim filed as the Papers marked	№12	598.33.	224.34
To Rudolph Myers, his proportion of the Second payment of the Sale of the			
Amt Carried Forward			

Amt Brot forward		
- Estate of said Deceased, with Interest upon his Claim filed on the Paper marked — No 13	90.36½	36.87
To Peter Sowers, his Proportion of the Second Payment of the Sale of the Estate of said Deceased which Interest upon his Claim filed on the Paper marked — No 14	530.65½	198.96
To Barbara Foutz his Proportion of the Second Payment of the Sale of the Estate of said Deceased with Interest upon his Claim filed on the Note here Exhibited & Marked No 15 and filed since the first Audit	542.58	203.43
To Casper Mantz assignee of John Snouffer his Proportion of the Second Payment of the Sale of the Estate of said Deceased with Interest upon his Claim filed on the Paper marked No 16 and filed since the first Audit	82.81	31.04
To Casper Mantz assignee of Geo Snouffer his Proportion of the Second Payment of the Sale of the Estate of said Deceased with Interest upon his Claim filed on the Paper marked No 17 and filed since the first Audit	125.95	48.34
To William & Tyler Executors of Isaac Brown, his Proportion of the Second Payment of the Sale of the Estate of said Deceased, with Interest upon his Claim filed on the Paper marked No 18 and filed since the first Audit	309.81	116.15
To John Davis, his Proportion of the Second Payment of the Sale of the Estate of said Deceased with Interest upon his Claim filed on the Paper marked No 19 as filed since the first Audit	159.50	59.79
To Jacob Keller, his Proportion of the Second Payment of the Sale of the Estate of said Deceased, on the Paper marked No 20 as filed since the first Audit	94.07½	35.27
To Francis Warthen, his Proportion of the Second Payment of the Sale of the Estate of said Deceased with Interest upon his Claim filed on the Note marked No 21 and filed since the first Audit	604.31	226.55½
To Christian Keefer Sen[r] his Proportion of the Second Payment of the Sale of the Estate of said Deceased with Interest upon his Claim filed on the Note marked No 22 & filed since the first Audit	220.36	82.63½
Amt Carr[d] forward		

	Amt brot forward	$	$
To Conrad Speck his proportion of the Second payment of the Sale of the Estate of said Deceased with Interest upon his claims filed, and the paper marked No 23 and filed since the first audit		132.61	49.71
To Peter Thomas his proportion of the Second payment of the Sale of the Estate of said Deceased with Interest upon his claims filed and the paper marked No 24 and filed since the first Audit		161.10	60.37½
To Jacob Rust his proportion of the Second payment of the Sale of the Estate of said Deceased with Interest upon his claims filed and the paper marked No 25 and filed since the first Audit		621.63	233.07
		$ 1872.77½	$ 7055.62½
1824 Oct 6 By Amount of Second payment of the Sale of said Deceased Estate and the 4th Sett 1824 to be distributed according to the order of the Court. this Amount being one fourth after a deduction of the Cash payments. from the whole Amount of Sales		$ 624.25	$ 6656.25
By Amount of Interest due upon this payment according to the Decree of the Court & the Report of Sales as filed from 4 September 1823 the day of Sale to 4th Sett 1824 the day when this Second payment became due			$ 399.37½
			$ 7055.62½

Testa Test of
Francis Mantz
vs
Cyprus Mantz.
Robertson Heirs & others

In Frederick County Court as a Court of Equity August Term 1824 In Court pleased with and order of the Hon. Comable the Judges of Frederick County Court Sitting as a Court of Equity. I beg leave to report that I gave the usual notices to the Creditors of James Robertson Deceased to Exhibit their claims and a reasonable time after the Exhibition of said notices proceeded to State this Account this being an Audit upon the Second payment of the Sale of the real Estate of said deceased and the Interest upon said payment I have as usual allowed the Costs of the Court and the then Balance, I have divided amongst the Creditors of said Deceased upon all claims Exhibited with me for that purpose, allowing Interest upon claims from 4th

September 1823 to the day of Sale, to 4th September 1824 the day this payment became due making a fair and equal distribution of the same upon all claims filed viz: a fraction less than Thirty three and one half cents in the Dollar. It will be perceived on reference to the former Audit, that since the ratification of that Audit many claims not therein embraced have been lodged with the Auditor and admitted in this Account, which is Respectfully Submitted to the Honourable the Judges aforesaid by

Henry Schley Auditor 26th Octo 1824.

Order of ratification

Whereupon the Court passed the following order of ratification viz: In Frederick County Court, as a Court of Chancery August Term 1824 ordered that the within and aforegoing report of the Auditor be and the same is hereby ratified and confirmed and that the Trustee pay over the proceeds of Sale in the same as relates to the payment audited to the respective parties thereto as distributed by the auditor

Abm Shriner. H Buchanan.

And the said cause as standing continued from Time to Time until February Term 1825 the Auditor made the following Report viz:

Auditors Report

Dr The Estate of James Robertson Deceased in ac with Upton Mantz & Barbara Robertson Trustees

			Cr
To the Bank for his fee in this the 3d audit			7.07
" the Auditor for his fee in stating account Reporting to Court &c			24 —
To Thomas Courtney of Charles Hammond the Balance of his claim with Interest to 30th March 1825. that a Deed for the land upon which this claim is a lien might be made to the representatives of James Robertson deceased and paper marked No 1			489.78
To Casper Mantz, Executor of Francis Mantz his proportion of this payment of the Sale of said Deceased Estate, with Interest upon his claim filed and marked as Exhibit H	338.95		220.12
To the Executors of Wm McBean Senr their proportion of this payment of the Sale of said Deceased Estate with Interest upon his claim filed and marked as Exhibit C	762.13		1496.93
To the Bank of Westminster, its proportion of this payment of the Sale of said Deceased Estate with Interest upon the claim as filed and as marked Exhibit D	3437.58		2232.21
To the Farmers Bank of Maryland its proportion of this payment of the Sale			
Amt Carr. Forwd			

Amo brot forward		£	
of said Deceased Estate, with Interest upon the Claims as filed & marked ——	No 1	1331.56.	862.11
To Frederick County (owing) by said Deceased as subdivided (its proportion of this payment of the Said of said Deceased Estate with Interest upon the Claims as filed and marked ——	No 2	26.92.	17.49
To the Managers of the Presbyterian Church Lottery, its proportion of this payment of the Sale of said Deceased Estate with Interest upon the Claims as filed & marked	No 3	106.23.	69.01
To Jacob Lease, his proportion of this payment of the Sale of said Deceased Estate, with Interest upon his Claims filed & marked	No 4	585.43.	380.20
To Mary Ann & Margaret Rougher, her proportion of this payment of the Sale of said deceased Estate, with Interest upon her Claims filed and marked ——	No 6	490.14.	318.31
To Christian Schold, his proportion of this payment of the Sale of said Deceased estate with Interest upon his Claims filed and marked as ——	No 7	169.45.	110.11
To John Mund, his proportion of this payment of the Sale of said Deceased Estate, with Interest upon his Claims filed & marked as ——	No 8	46.65.	30.29
To Lydia Adams & Thomas Meredith their proportion of this payment of the Sale of said Deceased Estate, with Interest upon their Claims filed & marked ——	No 9	68.51.	44.50
To Catherine & Alexander Comp of Rockbridge Co'd, their proportion of this payment of the Sale of said Deceased Estate, with Interest upon their Claims filed & marked	No 10	1473.27	956.77
To John Staley, his proportion of this payment of the Sale of said Deceased Estate, with Interest upon his Claims filed & marked as ——	No 11	15.96	10.38
To Saml Vickers, his proportion of this payment of the Sale of said Deceased Estate with Interest upon his Claims filed & marked	No 12	386.83	251.19
To Rudolph Myers, his proportion of this payment of the Sale of said Deceased Estate, with Interest upon his Claims filed and marked ——	No 13	58.43	37.94
Amt to Carr'd forw'd		£	

Amt brot forward	£	£
To Peter Sowers, his proportion of this payment of the Sale of said Deceased Estate with Interest upon his Claim filed marked No 14	343.08	222.79
To Baltzer Zeno his proportion of this payment of the Sale of said Deceased Estate with Interest upon his Claim filed marked No 15	350.79	227.90
To Casper Mauntz assignee of John Swauffer his proportion of this payment of the Sale of said Deceased Estate with Interest upon his Claim filed marked — No 16	52.54	34.77
To Casper Mauntz assignee of George Swauffer, his proportion of this payment of the Sale of said Deceased Estate with Interest upon his claim filed and Marked — as No 17	53.37	34.68
To William Taylor Executor of Isaac Brown his proportion of this payment of the Sale of said Deceased Estate with Interest upon his Claim filed and marked — No 18	200.31	130.36
To John Davis his proportion of this payment of the Sale of said Deceased Estate with Interest upon his Claim filed marked No 19	103.13	66.96
To Jacob Kelly his proportion of this payment of the Sale of said Deceased Estate with Interest upon his Claim filed and marked — No 20	60.84	39.54
To Francis Wharton his proportion of this payment of the Sale of said Deceased Estate, with Interest upon his Claim filed marked — No 21	390.72	253.73
To Christian Keefer Junr his proportion of this payment of the Sale of said Deceased Estate with Interest upon his claim filed and marked — as No 22	142.47	92.53
To Conrad Shacko his proportion of this payment of the Sale of said Deceased Estate with Interest upon his Claim filed and marked — No 23	85.74	55.68
To Peter Thomas his proportion of this payment of the Sale of said Deceased Estate with Interest upon his Claim filed marked No 24	103.11	66.97
To Jacob Reed, his proportion of this payment of the Sale of said Deceased Estate, with Interest upon his Claim filed marked as No 25	401.90	261.—
To Wm Mc Mood his proportion of this payment of the Sale of said Deceased Estate with Interest upon this Claim as filed since former Audit and marked — No 26	56.96	37.—
Amt Carr. forwd	£	£

Amt Brot forward		£	£
To Casper Executor of Francis Manty his proportion of this payment of the Sale of said Deceased Estate with Interest upon his Claim as filed since former Audits and marked ——— as No 27		668.81	434.35
as the Security of John Manty ———			
To Woodward Cutts his proportion of this payment of the Sale of said Deceased Estate with Interest upon his Claim as filed since former Audits (as the Security of John Manty marked No 28		1792.53	1164.17
To Paul Carmack Executor of Jacob Wolfe his proportion of this payment of the Sale of said Deceased Estate with Interest upon his Claim as filed since former Audits as the Security of Patrick Davidson and marked ———	No 29	269.16.	174.81
By Amount of funds paid to the Trustees as of the 30th March 1825 by their report by Attorney filed in this Cause the 5th April 1825 ———			£1987.2.87

Casper Ex[r] Francis Manty. vs Cyrus Manty & others &c

In Frederick County Court as a Court of Equity February Term 1826 As Auditor I beg leave to report to the Honourable the Judges of Frederick County Court Sitting as a Court of Equity that upon the last report of the Trustees in this Cause filed 5th April 1825. of the payment made to them in part of the Sale of the real Estate of James Robertson deceased I have stated this account & have in this account allowed the costs of the Court and to Thomas the administrator of Charles Hammond the Balance of his Claim god and unpaid that a Deed may be made to the representatives of said Robertson Deceased for the Land, by him in his life time purchased from Hammond. and by his Trustees since Sold the then Balance of proceeds of Sale in hand I have divided amongst the Creditors of said James Robertson Deceased making all calculations of Interest to 30 March 1825 the day the said Land into the Hands of said Trustees which Balance divides 64 cents 9¼ mills in the Dollar. I have in this audit admitted Several Claims that were not embraced in the former Audits as will be seen and reference to said Audits all which proceedings I Respectfully Submit to the Honourable the Judges aforesaid for their Ratification.

Henry Schley Auditor April 12th 1825.

order of ratifica. Whereupon the Court passed the following order of ratification viz. Ordered upon consideration of the foregoing report of the auditor and the Petition of the Trustees praying that it may be ratified that the said auditors be and the same is Hereby ratified and Confirmed and that the Trustees pay over the proceeds of Sale to the parties respectively entitled to the same, according to the distribution as thereon made,

Absm Shriner. April 15th 1825.

And the said case standing Continued from Term to Term until August Term 1826 the following Petition was filed by the Trustees viz.

Trustees Petition To the Honourable the Judges of Frederick county Court Sitting as a Court of Equity The undersigned Trustees for the Sale of the real Estate of James Robertson Deceased respectfully represent. That by the terms of the said Settlement made and reported by them of the said property of the Deceased to Alexander McPherson, one fourth of the purchase money was payable in hand, and the residue in 4 equal annual installments with Interest from the day of Sale that the cash payment by him made and with the proceeds of the first, seven & part of the third Notes distributed amongst the Creditors of the Deceased under the direction of this Honourable Court. That after the distribution thereof considerable sums remained and now remain in our hands to the Creditors of the said James Robertson, Deceased all of which are upon Interest. That upon the 15th day of September 1826. the undersigned received from the Trustees of Alexr McPherson Deceased the balance of the said 3d Bond and reported the same to the auditor of this Honourable Court to wit.

Bond and 4th September 1826	$6.686.25
Int. from Sept. 4th 1826 to 30th March 1825	627.90
	$7284.15
By Cash in hand rec. 30th March 1825	2588.72
	$4695.43
Int. from 30th March 1825 to 15th Sept. 1826	410.05
	$5105.48

That the auditor of this Court has stated an account distributing said sum amongst the Creditors of the deceased which the Trustees pray may be sanctioned and ratified by your Honors. Cyprus Mantz, Barbara Robertson,

whereupon the Auditor made the following Report viz 1st The Estate of James Robertson Deceased in acct with Cyprus Mantz & Barbara Robertson Trustees Cr

To the Clerks fee for his fees in this the 4th audit	$1 7 103
And Ball. forward	

	Amt. brot forward		
Auditors Report	To the auditor for his fees in stating account Reporting to Court &c		18. —
	To the Executors of Mrs. Mc Read late Deceased the Balance of their claim against the Estate with Interest to the 13th September 1826. pr. claim marked	C	292. 53
	To the Bank of Westminster the Balance of its claim against said deceased Estate with Interest added to 13th day of September 1826. pr. the copy claim filed and marked D	D	1310. 63
	To the Farmers Bank of Maryland the Balance of its claim against said Deceased Estate with Interest added to the 13th day of September 1826. pr. the claim filed & marked	No 1	511. 45
	To Frederick County (owing by said deceased as Executor) the Balance of the claim against said Deceased Estate with Interest added to the 13th day of September 1826 pr. the claim filed and marked	No 2	11. 25
	To the Managers of the Presbyterian Church Lottery the Balance of the claim against said deceased Estate, with Interest added to the 13th day of September 1826. pr. the claim filed & marked No. 3		11. 47.
	To Jacob Lewis the Balance of his claim against the Estate of said Deceased, with Interest added to the 13th day of September 1826 pr. his claim filed & marked	No 4	223. 15
	To Mary and Margaret Boughes the Balance of her claim against the Estate of said dec'd with Interest added to the 13th day of September 1826 pr. her claim filed & marked	No 6	186. 83
	To Christian Schaub (now deceased) the Balance of his claim against the Estate of said dec'd with Interest added to the 13th day of Septe. 1826 pr. his claim filed & marked	No 7	64. 52
	To John Rand, the Balance of his claim against the Estate of said Deceased with Interest added to the 13th day of September 1826. pr. his claim filed & marked	No 8	17. 79
	To Lydia Adams & Thomas Meredith, the Balance of their claim against the Estate of said Deceased with Interest added to the 13th day of September 1826 pr. their claim filed and marked	No 9	26. 10
	To Catherine Barber & Alexander Barber administrators of Raphael Barber Deceased the Balance of their claim against the Estate		
	Amt. Carr'd forward		

Amt. brot. forward

- of said Demand with Interest added to the 13th day of September 1826, b/f the Claims filed & marked No. 361.60

To John Staley, the Balance of his Claim against the Estate of said Deceased with Interest added to the 13th day of September 1826 b/f the Claims filed & marked No 11 6.07

To Saml Vickers, the Balance of his Claim against the Estate of said Deceased with Interest added to the 13th day of September 1826 b/f the Claims filed and marked ——— No 12. 147.48

To Rudolph Myers, the Balance of his Claim against the Estate of said Deceased with Interest added to the 13th day of September 1826 b/f the Claims filed and marked ——— No 13 22.28

To Peter Somers the Balance of his Claim against the Estate of said Deceased, with Interest added to the 13th day of September 1826 b/f the Claims filed and marked ——— No 14 130.79

To Ralzer Hunt, the Balance of his Claim against the Estate of said Deceased with Interest added to the 13th day of September 1826 b/f the Claims filed and marked ——— No 15 133.73

To William & Tyler Executors of Isaac Crum Deceased the Balance of his Claim against the Estate of said James Robertson Deceased with Interest added to the 13th day of September 1826 b/f the Claims filed and marked ——— No 18 76.06

To John Davis the Balance of his Claim against the Estate of said deceased with Interest added to the 13th day of September 1826, b/f the Claims filed and marked ——— No 19 39.32

To Jacob Keller, the Balance of his Claim against the Estate of said Deceased, with Interest added to the 13th day of September 1826 b/f the Claims filed and marked ——— No 20 23.19

To Francis Wharton the Balance of his Claim against the Estate of said Deceased with Interest added to the 13th day of September 1826 b/f the Claims filed and marked — No 21 148.96

To Christian Keifer Exr, the Balance of his Claim against the Estate of said Deceased with Interest added to the 13th day of September 1826 b/f the Claims filed and marked No 22 54.34

To Conrad Sparks, the Balance of his Claim against the Estate of said Deceased with Interest added to the 13th day of September 1826 b/f the Claims filed and marked ——— No 23 32.65

Amt Carr'd forward

Amt. Both Sums £

To Peter Thomas. the Balance of his Claims against the Estate of said Deceased, with Interest added, to the 13th day of September 1826 by the Claims filed marked ——— No 24. 39. 29

To Jacob Reid. the Balance of his Claim against the Estate of said Deceased with Interest added to 13th September 1826 by the Claim filed marked No 25. 153. 21

To Mrs J Moore. the Balance of his claim against the Estate of said Deceased. with Interest added to 13th September 1826. by the Claim filed & Marked ——— No 26. 21. 70

To Woodward Smith. the Balance of his Claim against the Estate of said Deceased. with Interest added to 13th September 1826 by the Claim filed and marked ——— No 28.

and of Jacob & John Krug's ——— 683. 34

(as Security for John Manty ———

To Daniel Barnard Executor of Jacob Wolfe. the Balance of his claim against the Estate of said Deceased. with Interest added to 13th September 1826 by the Claim filed. marked ——— No 29. 102. 59

To Casper Manty, assignee of George Brouffer. the Principal of the Sum in Hands of Trustees as reported the 13th of September 1826 in part of his Claim and Int. by the Claim marked —— No 17 28. 11

By Amount of Sums paid to the Trustees as £6405. 48

of the 13th September 1826. by their report filed in this Cause the 14th September 1826 £5105. 48

Casper Both of
Francis Manty dec.
vs
Cyrus Manty. & Robertson
and others

In Fredericton County Court as a Court of Equity August Term 1826 & they heard to report to the Hble the Judges of Fredericton County Court Sitting as a Court of Equity. that in Compliance with the petition of the Trustees as filed in this Cause the 21st September 1826. & the Sitting forth the receipt of certain Sums being a Payment into Court for the Sale of the real Estate of James Robertson Deceased. I Have stated the foregoing account. In this as in like Cases I Have allowed the Costs of the Court. and the Balance of the Sums in Hand I Have allotted to the Claims. in full of Debt & Interest (remaining yet unsatisfied against the Estate of said James Robertson Deceased, with the exception of the Claims of Casper Manty, who has agreed (as I am informed by Cyrus Manty one of the Trustees) to wait the receipt of further Sums. and then receive the amount of his Claims & Interest to the 13th day of September 1826 the day

of the merits of said sums and deducted the amounts allowed in former audits all which I Respectfully Submit to the Honourable the Judges aforesaid for ratification.

Henry Sibley auditor 21st Sept. 1826.

Order of ratification

Whereupon the Court Ordered the following order of ratification viz^t August Term 1826 ordered by the Court upon Consideration of the aforegoing report of the auditor & the petition of the Trustees marked A praying that it may be ratified that the said report of the auditor be and the same is hereby ratified and confirmed and that the Trustees pay over the proceeds of the Sale in Sales as sums in hand, to the parties respectively entitled to the same according to the distributions in said audit made. Alex^d Shriver Sept^r 21st 1826.

And the said cause as standing Continued from Term to Term to August Term 1827 the Auditor made the following Report viz^t. D^r The Estate of James Robertson Deceased in a/c with Cyprus Mauntz and Barbara Robertson Trustees ——— Cr

Auditors Report

To the Clerk for his fee in this the 5th of final audit		2. 27
" the auditor for his fee in Stating account writing to Court &c		6. 50
" Casper Mauntz Executor of Francis Mauntz Deceased the residue of his claim Exhibited ——— A against the Estate of said James Robertson rec^d with Interest to 4th September 1827 ———		136 16
To Casper Mauntz assignee of John Snouffer the Balance of his claim marked No 16 against the Estate of said deceased with Interest to 4th September 1827		21. 50
To Casper Mauntz assignee of George Snouffer the Balance of his claim marked No 17 against the Estate of said deceased with Interest to 4th September ——— 1827		9. 19
To Casper Mauntz Executor of Francis Mauntz Deceased the residue of his Claim marked No 27 against the Estate of said James Robertson Deceased with Interest to 4th Sept^r 1827 ———		368. 65
To Barbara Robertson, the Daughter of said James Robertson dec^d and an heir, and half the residue of proceeds of Sale, of real Estate as charged to the Trustees, under the Bill and proceedings Composing this Cause		3904. 99
To James Henry Robertson the Grandson of said James Robertson dec^d and an heir and Half the residue of proceeds of Sale, of real Estate as charged to the Trustees, under the Bill & proceedings Composing this Cause		3904 99
Amt Carried forward		

Amt Brot forward £

By Amount of Sums paid to the Trustees as of the 4th September 1827 being the amount of the 4th and last Bond with Interest thereon for four years as admitted by them & taken filed 5th September 1827 marked ——— L.P £ 8.058.75

Backus Exr Francis Manty dec'd
vs
Robertson & al

To Frederick County Court as a Court of Equity August Term 1827 As auditor to Frederick County Court Sitting as a Court of Equity. I beg leave to report to the Honourable the Judges thereof that in compliance with the directions given to me, by one of the Trustees in this cause, and upon an anticipation of the receipts of sums for the 4th and last payment p[er] taken L.P. I have stated the aforegoing account As in the former audits I have here allowed the costs of Court, and the Balances of claims yet due and unpaid as against said Deceased's Estate with Interest added to 4th September 1827 and the residue thereof divided and audited, to the proper Heirs and representatives of the said James Robertson deceased, in equal proportions, under the Rule & proceedings Composing this cause. I Respectfully submit the same to the Hon[ble] the Judges aforesaid for Confirmation

Henry Sobley Auditor Sept[r] 11th 1827.

Trustees Petition

Whereupon the Trustees filed the following Petition viz[t]
To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity The undersigned, one of the Trustees for the Sale of the real Estate of James Robertson Deceased respectfully represents that by the terms of the Sale hitherto made and reported, of the said property of the Deceased to Alexander M[c]Pherson one fourth of the purchase money was payable in hand and the residue in four equal annual instalments, with Int[t] from the day of Sale That the last payment together with the proceeds of the first Second and third Rents has been distributed amongst the Creditors of the Deceased under the direction of this Honourable Court and that there still remains and claims against said Deceased unsatisfied That upon the 4th day of September 1827 the undersigned received from the Trustees of Alexander M[c]Pherson, Deceased the principal and Interest of the 4th & last Bonds & reported the same to the auditor of this Honourable Court to wit, Bond and 4 Sept[r] 1827 ——— $4.656.25
Int from 4th Sept[r] 1823 to 4 Sept[r] 1827 1.597.50
$8.253.75

That the auditor of this Court has stated an account, distributing said sum amongst the Creditors of Deceased, and to the Daughter & grand

Son of said Deceased. which the undersigned prays may be Sanctioned and ratified by your Honors. Signed Chancy.

order of ratification

Whereupon the Court passed the following order of ratification viz. August Term 1827 ordered by the Court. upon Consideration of the aforegoing report of the auditor. and the petition of the Trustee marked A praying that it may be ratified that the said report of the auditor be and the same is hereby ratified and confirmed. and that the Trustee pay over the proceeds of Sale. or funds in hand to the parties respectively entitled to the same according to the distributions in said audit stated. Abm Shriner Sets 18th 1827.

Test John Sobey Clerk

Maryland Frederick county to

#867. At a County Court Sitting as a Court of Equity begun and held at the Court House in Frederick Town in and for said County on the first Monday of February in the year of our Lord Eighteen Hundred and twenty eight.

Present the Honorable John Buchanan Esquire Chief Judge
Abm Shriner & Esquires
Thos Buchanan & Associate Judges
John Rigney Esquire Sheriff
and John Sobey Clerk

In the record of proceedings of the said Court amongst others are the following viz.

Bill

To the Honorable the Judges of Frederick County Court Sitting as a Court of Chancery Humbly Complaining George Klein & Christian Klein of Frederick County sheweth unto your Honors that Charles Klein the Father of your Complainants died seized in the year Eighteen Hundred and fifteen intestate that at the time of his death he was seized and possessed of a small real Estate in Frederick County which will more clearly appear by referring to the one marked No 1 which together with all other Exhibits your orators may may be taken & considered as a part of this Bill of Complaint that your orators and Samuel Klein John Klein. Daniel Klein and Charles Klein are the only Children & Heirs at Law of the said Charles Klein Deceased that Samuel Klein John Klein. Daniel Klein and Charles Klein are minors under the age of Twenty one years that George A Klein the grand father of your orators and of the said Samuel Klein. John Klein. Daniel Klein and Charles Klein has since the death of the said Charles Klein Deceased Conveyed to your orators and to the said Samuel John Daniel and Charles Klein as tenants in Common a small real Estate adjoining the land mentioned & described in the Deed marked No 1 which will more fully and at large appear by referring to the Deed marked No 2 that the real Estate aforesaid would not bear a Division

without Stating the when that it is so much in a decayed unproductive and much out of repair and that it would be for the advantage of your Orator and the said Samuel Kline John Kline, Daniel Kline and Charles Kline to have all the real Estate aforesaid Sold under a Decree of your Honourable Court of a Court of Chancery to render Consideration whereof and for as much as your Orator and Orators are remediless in the premises by the Strict rules of the Common Law and cannot get relief without the aid and interposition of your Honourable Court as a Court of Chancery where matters of this nature are properly Cognizable and relievable In the view therefore that the said Samuel Kline, John Kline Daniel Kline and Charles Kline may upon their corporal oaths true direct and perfect answers make to all and singular the matters aforesaid and that as fully and Satisfactory as if the same were here again repeated and interrogated and your Orator pray that a Decree may pass in your Honourable Court for the Sale of the real Estate mentioned in this Bill for the benefit of the parties interested and that a proper person may be appointed to sell the said real Estate may it please your Honors to grant to your Orator the writ of the State of Maryland of subpoena Commanding the said Samuel Kline, John Kline, Daniel Kline and Charles Kline to appear in your Honourable Court at a certain day to be inserted in said writ the premises and to abide such Decree therein as to your Honors shall seem right and your Orator pray for all such other and further relief as the nature of this Case and Equity may require and your Orator will ever pray &c

James Nicholls Solr for Complainants

Exhibit No 1

Exhibit No 1 referred to in the within and aforegoing Bill of Complaint Contained in the following Words viz

This Indenture made this Seventh day of May in the year of our Lord Eighteen Hundred and Ten Between Henry Ambrose of Frederick County and State of Maryland of the one part and Charles Kline of same place of the other part Witnesseth that the said Henry Ambrose for and in Consideration of the sum of Two Hundred and Twenty five Dollars good and Lawful Money of Maryland to him in hand paid the receipt whereof is hereby acknowledged and thereof and therefrom every part and parcel thereof doth fully clearly and absolutely acquit Exonerate and discharge the said Charles Kline his Heirs Executors and administrators Hath given Granted Bargained and Sold aliened released confirmed and by these presents doth give grant Bargain and

Said Millers release Enfeoff and Confirm unto the said Charles Cline his Heirs and assigns forever all the following Lieu of Land Situate in the South Mountains on the Head Waters or Branches of Little Antietam Creek in the County aforesaid the said Lieu of Land being the Lefse Land of a Tract of Land called Smack Beginning at the Fifth Bounday of the said Tract to wit at a small white Oak Tree growing on the Western Side of a Branch of Little Antietam about North Seventeen Degrees West Sixteen Perches from the original Beginning and running thence to wit from the said white Oak South Seventy Two Degrees West Sixty Eight Perches South thirty Two Degrees West forty four Perches South fifty one Degrees East forty Perches South Sixteen Degrees East nine Perches North Sixty Degrees East nine Perches North Sixty Degrees East Seventy Eight Perches South Seventy Six Degrees and one half a Degree East Seventy Perches North fifty three Perches to the thirteenth line of the said Tract then South Seventy nine Degrees West Twenty Eight Perches then North Twenty Seven Degrees West Twenty Perches then by a Straight line to the said Beginning Tree Containing fifty acres of Land To Have and To Hold the said Lieu of Land & premises with all the appurtenances Priviledges Commodities thereunto belonging to him the said Charles Cline his Heirs and assigns forever to his and their own proper use and behoof forever and the said Henry Ambrose for himself his Heirs Executors and administrators doth hereby warrant & forever Defend the aforesaid Lieu of Land and premises unto the said Charles Cline his Heirs and against any and all claims of any person or persons whatsoever claiming any right or interest of in or to the said granted and Bargained premises In Witness the said Henry Ambrose hath Hereunto Subscribed his name and affixed his Seal this day and year first within written,

Signed Sealed & Delivered in presence of
Henry Steinbeck, James Neale

} Henry Ambrose (Seal)

Frederick County to wit Be it remembered that on the 7th day of May Eighteen Hundred and Ten Henry Ambrose before us the Subscribers two of the Justices of the Peace of the County aforesaid and acknowledged the within Instrument of writing to be his act and Deed and the land & premises therein described to be the right Title and Estate of the within named Charles Cline his Heirs and assigns forever according to the true intent & meaning thereof at the same time came Sophia Ambrose wife of said Henry Ambrose before us the Subscribers & acknowledged the Same willingly and freely and without being induced thereto by fear or threats of ill usage by her

Husband or fear of his Displeasure agreable to the act of
assembly in such case made. { Henry Stembel
{ James Neale.

Exhibited No 2

(Exhibited No 2)

This Indenture made this 26th day of January 1828. Between
George Adam Kline of Frederick County and State of
Maryland of the one part and George Kline, Christian
Kline, Samuel Kline, John Kline, Daniel Kline, Charles Kline
being the five Sons and only Heirs of Charles Kline late of
Frederick County Deceased and also Grandsons of George
Adam Kline all of the County and State aforesaid of the
other part Witnesseth that the said George Adam Kline
for and in Consideration of the sum of twelve Dollars
Current Money to him in hand paid before the sealing
and delivery of these presents the receipt whereof he the said
George Adam Kline doth hereby acknowledge hath granted
bargained sold aliened released enfeoffed and confirmed
and by these presents doth grant bargain sell alien release
enfeoff and confirm unto them the said George Kline
Christian Kline Samuel Kline John Kline, Daniel Kline, Charles
Kline their heirs and assigns forever all that part of a tract
of Land supposed to be, called Smoak's Lying and being in
Frederick County and State aforesaid Beginning for the same
to be hereby conveyed at a Remarked white Oak standing
on the West side of a Branch at the Beginning tree
of that part of Land sold Frederick Conveyed by Henry
Stembrod to Charles Kline by deed bearing date the twenth
May Eighteen Hundred and ten for fifty acres recorded
in Liber W H No 37 Folio's 243. 243 & 244 one of the Land
records of Frederick County and running from the
aforesaid white Oak tree North Eighty five Degrees
and one half of a Degree East Seventy eight perches
to the end of thirty six perches on the first line of a
Deed given by George Adam Kline to his son George
Kline then with said line South forty Seven Degrees
and one Half of a Degree East twenty two Degrees
to a white Oak marked with nine notches thence
South Seventy nine Degrees West forty perches and
one Half of a perch to a Stone planted on the East
Side of the Public Road thence North twenty Seven
Degrees West twenty perches to a Stone planted in
fixed near the fence then by a Straight line to the place
of Beginning Containing and now laid out for four
acres and one Hundred and forty Seven square perches
of Land be the same more or less Together with the
rights members and appurtenances thereunto Belonging
or in any wise appertaining and the reversion and

Remains remainder and remainders rents issues and profits thereof and all the Estate right title Interest property claim & demand whatsoever legal and Equitable of him the said George Adam Klind in and to the said Land and premises hereby bargained and Sold with the rights members and appurtenances and every or any part or parcel thereof To have and to hold the said Land and premises hereby bargained and Sold or meant mentioned or intended hereby or to be and every or any part and parcel thereof with the rights members and appurtenances unto the said George Klind, Christian Klind, Samuel Klind, Jr. Klind, Daniel Klind Charles Klind their Heirs and assigns forever to the only proper use and Benefit and behoof of them the said George Klind, Christian Klind, Samuel Klind, John Klind, Daniel Klind and Charles Klind their Heirs and assigns forever and to and for no other use intent or purpose whatsoever and the said George Adam Klind for himself his Heirs Executors and administrators doth Covenant grant promise & agree to and with the said George Klind, Christian Klind, Samuel Klind, John Klind Daniel Klind and Charles Klind their Heirs Executors and administrators and assigns that he the said George Adam Klind and his Heirs the said land and premises hereby bargained and Sold and every part and parcel thereof with the rights members and appurtenances to them the said George Klind, Christian Klind, Samuel Klind, John Klind, Daniel Klind and Charles Klind and their Heirs and assigns against him the said George Adam Klind his Heirs and against every person and all persons whatsoever now claiming or who hereafter may claim any right title or Interest in or to the Land or any part thereof by from or under him or them shall and will hereafter warrant and forever defend by these presents and the said George Adam Klind for himself his Heirs Executors and administrators doth Covenant grant promise and agree to and with the said Geo Klind Christian Klind Samuel Klind, John Klind, Daniel Klind and Charles Klind their Heirs Executors administrators and assigns that he the said George Adam Klind and his Heirs shall and will do any time and at all times hereafter make execute and acknowledge any other Deed or Deeds or any other Instrument or Instruments of writing for the better assuring and more certain and effectual Conveying and of the said Land and premises hereby bargained and Sold and every part and parcel thereof with the rights members and appurtenances to the said George Klind, Christian Klind, Samuel Klind, John Klind, Daniel Klind and Charles Klind their Heirs and assigns forever

In Witness Where of the said Geo^d Adam Kline Hath
Hereunto set his Hand and Seal on the day and year
first Herein before written.
Signed Sealed & Delivered } Geo^d Adam Kline
in the presence of
Jo^s Mangins, Jn^o M^c Stellamire

Maryland Frederick County to wit Be it remembered
that on this day the 26^th January in the year of our Lord
Eighteen Hundred and twenty eight personally appears
Geo^d Adam Kline the Grantor named in the aforegoing
Deed or Instrument of writing and he acknowledged
the same to be his act and deed and the land and
premises therein mentioned and every part & parcel
thereof with the rights members and appurtenances to
be the right title and Estate of Geo^d Kline, Christian Kline
Samuel Kline, John Kline, Daniel Kline and Charles Kline
the Grantees also therein named their Heirs and assigns
forever according to the true intent and meaning
thereof and the act of assembly in such case made and
provided & the same time personally appears Elizabeth
Catharine Kline wife of the said Geo^d Adam Kline &
acknowledges the foregoing Deed or Instrument of
writing to be her act and deed and the land premises
therein mentioned and every part and parcel thereof with
the rights members and appurtenances to be the right
title and Estate of Geo^d Kline Christian Kline, Samuel
Kline, John Kline, Daniel Kline & Charles Kline the Grantees
also therein named their Heirs and assigns forever and
the said Elizabeth Catharine being by us privately
examined apart from and out of the hearing of
her Husband whether she doth make her acknowledg-
ment of the same willingly and freely & without
being induced thereto by fear or threats of ill
usage by her Husband or fear of his displeasure
acknowledges and declares that she doth make her acknow-
ledgment of the same willingly and freely and without
being induced thereto by fear or threats of ill usage
by her husband or fear of his displeasure

Before } Jo^s Mangins
} Jn^o M^c Stellamire

(Seal)

True Copy Test John Ashley Clk

order for Commiss^n

Whereupon the Court passed the following order for Commission
Adam Kline } In Chancery in Frederick County Court. In
vs } this Case Supposed have issued for the
Kline } Infant Defendants and have been returned
Summoned the Complainant may pray that a Commission
may issue to Henry Richman to assign a Guardian to

Assign a Guardian to the said infants

Jas Nicholas Solt for Complainants

Let the Commission issue as prayed. Mch 25th 1828.

Comm'n

Whereupon the following Commission Issued viz

Maryland Ss The State of Maryland To Henry Buhrman & Gentlemen of Frederick County, Greeting Whereas Georg Kline and Christian Kline hath lately exhibited their Bill before us in our County Court of a Court of Chancery against Charles Kline, Samuel Kline, John Kline and Daniel Kline, Defendants and Whereas we have, by our writ lately Commanded the said Defendants to appear before us in our said Court as a Court of Chancery, at a certain day now past to answer the said Bill but for as much as the said Samuel John Daniel and Charles are infants under age and cannot answer the said Bill nor defend the suit without having a Guardian assigned in that behalf Know ye therefore that we have given unto you full power and authority in pursuance of the special order in our said Court, to assign and appoint a Guardian for the aforesaid infants, and to take the answer of the said infants, by such Guardian to the said Bill and therefore we Command you that at such certain day and place as you shall think fit, you go to the said Defendants if they cannot conveniently come to you, and assign and appoint a Guardian for the aforesaid infants, and take the answers of the said Infants, by such Guardian, to the said Bill on such Guardian's corporal oath upon the Holy Evangely to be administered by you, the said answers being distinctly & plainly unto us when you shall have so taken the said answers, you are to send the same, closed up under your Seal together with your Certificate of your having assigned and appointed such Guardian as aforesaid and this writ unto us, in our said Court Witness the Honorable John Buchanan Esquire Chief Judge of our said Court, the 25th day of February Anno Domini 1828. Issued the 25th day of February 1828 John Bebby Clk

Whereupon the following Answer and Certificate of the Infants Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz

Infants answer

The Joint and Several answer of Charles Kline, Samuel Kline, John Kline and Daniel Kline Defendants by their Guardian Jacob Rideneur to the Bill of Complaint of Georg Kline and Christian Kline Complainants exhibited against the said Defendants in Frederick County Court Sitting as a Court of Chancery The Defendants by their guardian aforesaid admit that the said

Land mentioned and described in the said bill is held in Common by the Plaintiffs and defendants in the said bill mentioned. That from the situation of the Land and the number of heirs it would not bear a Division and that it would be for the advantage of all the said parties that the said land should be sold as prayed in the Bill of Complaint aforesaid.

Jacob Rideman Guar.

Maryland Frederick County to wit on this first day of March 1828 personally appeared Jacob Rideman the aforesaid Guardian of the above mentioned infant Defendants before me the Commissioner named in the annexed Commission and made Oath on the Holy Evangely of almighty God that the facts stated in the foregoing answer are true as therein stated to the best of his knowledge and belief. Henry Buhrman,

To the Honorable the Judges of Frederick County Court Sitting as a Court of Chancery I the aforesaid Commissioner hereto annexed Hereby Certify that on the first day of March 1828 I did assign and appoint Jacob Rideman to be the guardian of the infant Defendants mentioned in the said Commission and I did then take the answer of the said infants by the said Jacob Rideman on his Corporal Oath on the Holy Evangely of almighty God by me administered which answer is Hereto annexed. Henry Buhrman (Seal)

Decree

Whereupon the Court passed the following Decree viz

George Kline & others
vs.
Samuel Kline & others

In Chancery in Frederick County Court February Term 1828 This Cause standing ready for Hearing and being submitted upon the Bill answer and all other proceedings which were by the Court Here read and Considered So is thereupon this 8th day of March 1828 by Frederick County Court Sitting as a Court of Chancery and by the authority of the said Court ordered assigned and decreed that the real Estate mentioned in the said bill be sold for the benefit of the Complainants and Defendants in this cause. That Jacob Kline be and he is hereby appointed Trustee with authority to make the said Sale that the manner and manner of his proceedings shall be as follows viz he shall first file with the Clerk of this Court a Bond executed by himself and a Surety or Sureties to be approved by this Court in the penalty of one Thousand Dollars conditioned for the faithful performance of the Trust reposed in him by this Decree or that may be reposed in him by any future Decree or order in the premises. He

Shall then proceed to sell the said real Estate either at public or private Sale as he shall think best after having first given at least three weeks public notice of the time (if said at public Sale) place manner and terms of Sale which shall be as follows to wit One third of the purchase Money to be paid on the day of Sale and the other two thirds in two equal annual payments from the day of Sale without interest the purchaser or purchasers to give Bond to the Trustee with such Security as the Trustee shall approve of and upon the ratification of the Sale and the payment of the whole purchase Money and not before the Trustee shall by a good and sufficient deed of bargain and Sale to be executed and acknowledged according to Law convey to the purchaser or purchasers his her or their all the right title interest and Estate both at Law and in Equity of the Complainants and defendants in this suit and of those claiming by from or under them of in and to the land and premises mentioned and described in the bill and proceedings in this cause and as soon as conveniently after the day of Sale the Trustee shall return to this Court a full and particular account of all his proceedings relative to said Sale with an affidavit of the truth thereof and of the fairness of the Sale annexed and shall bring into this Court the money arising from said Sale to be applied under the direction of this Court as a Court of Chancery after deducting the costs of this suit and such Commission to the Trustee of this Court as they think proper to allow in consideration of the skill attention and fidelity wherewith he shall appear to have discharged his Trust.

Test Wm. Shriver. Jh Buchanan,

Trustees Bond

Whereupon the Trustee filed the following Bond endorsed approved Wm. Shriver. viz

Know all men by these presents that we Jacob Kline & Jacob Swembaugh are held and firmly bound unto the State of Maryland in the sum of one Thousand Dollars to be paid to the said State or its certain agent or attorney to the which payment well and truly to be made we bind ourselves and each of us our and each of our Heirs Executors & administrators Jointly and Severally firmly by these presents Sealed with our Seals and Dated this 19th day of March Eighteen Hundred and twenty eight Whereas in the County Court of Frederick County Sitting as a Court of Chancery in a cause wherein Peter Grove Kline and others Complainants and Samuel Kline and others Defendants the said Bond being marked on the Equity Docket of said Court

By the number 867) a Decree was at the February Term of said Court in the year aforesaid, that is to say, on the Eighth day of March in the year aforesaid hapsed for the purposes therein specifically set forth, and the said Jacob Kline was by the said Decree appointed Trustee to convey the said Decree into effect now the condition of the above obligation is such that if the above bound Jacob Kline shall well and faithfully perform the trust reposed in him as aforesaid by the said Decree or that shall or may be reposed in him by any further Decree or order in the said premises, then the above obligation is to be void, or else to remain in full force & virtue in law

Signed Sealed & Delivered in presence of
Geo. W. Eichelberger.

Jacob Klein (Seal)
Jacob Swanbaugh (Seal)

Trustees Report

Whereupon the Trustee made the following Report viz:

In the Matter of
George Kline & others
vs
Samuel Kline & others

No. 867 Equity Docket of Frederick County Court Sitting as a Court of Equity The Subscriber, Trustee appointed by the Decree of this Honorable Court in the above case, to make Sale of the real estate of Charles Kline late of the said County Deceased begs leave to report that having first filed his Bond with Security approved by this Honorable Court, and having given public notice by hand bills put up in different parts of the County aforesaid & also by an advertisement published in the Republican & Citizen at least three weeks previously (a Copy of which said advertisement is hereto annexed) he proceeded to offer the said real Estate on the 17th day of April 1858 for Sale by public auction on the premises when it was knocked off to a Certain Jacob Swanbaugh as the highest and best bidder who agreed George Kline offered himself as the purchaser in lieu of the said Jacob and the said Jacob Consenting thereto, the Subscriber closed the Contract, without any alteration in its terms, with the said George Kline who accordingly became the purchaser at and for the sum of three Hundred and Eighty two Dollars payable one third Cash, and the balance in two equal annual payments without interest according to the directions of the aforesaid Decree. The Subscriber further reports that he has received One Hundred and twenty Seven Dollars and thirty three and one third Cents (which he does subject to the order of this Honorable Court as the first and Cash payment, and that for the other two payments the said George Kline and the said Jacob Swanbaugh as his Security have executed and delivered to the

Subscriber this Bond according to the terms aforesaid all which is respectfully submitted to your Honors and the Subscriber prays that the said Sale may be ratified and that he may be allowed for his expenses together with such Commissions as is usual in such cases. Jacob Kleine,

Maryland Frederick County Set On this 9th day of May 1828 personally appeared before the Subscriber a Justice of the Peace in and for the said County, the aforesaid Jacob Kleine and made Oath on the Holy Evangely of almighty God the facts set forth in the foregoing report are true as stated to the best of his knowledge and belief.

Sworn Before Wm B Bartgis.

order of Publication

Whereupon the Court passed the following order of Publication viz) In Frederick County Court Sitting as a Court of Equity February Term 1828 ordered by the Court that the Sale of the real Estate of Charles Kleine Deceased as made & reported by Jacob Kleine, the Trustee be ratified and Confirmed if no Cause to the contrary be shewn on or before the 27th day of June next Provided a Copy of this order be published once a Week for three successive weeks before the said 27th day of June next in some newspaper printed in Frederick The report states the amount of Sales to be $1882.

Abm Shriver May 29th 1828,

Whereupon the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz)

Printers certificate

I Hereby Certify that the annexed notice was inserted in the Republican Citizen for three weeks successively before the 27th of June 1828, Wm Schley,

And the said Cause is standing Continued to July Term 1828 the Court passed the following order of ratification viz)

order of ratifie

George Christian Kleine vs Jacob Kleine and others } In Frederick County Court Sitting as a Court of Chancery July Term 1828 It is ordered that the Sale made and reported by the Trustee in this Case be ratified & Confirmed no Cause to the Contrary having been shewn notwithstanding notice given The Trustee is allowed for his Commissions and all Expenses thirty one Dollars. The Auditor is directed to audit and report on this Case to the Court. Abm Shriver July 15th 1828,

Whereupon the Auditor filed the following Report viz

Auditors Report

The Estate of Charles Kleine Deceased in a/c with Jacob Kleine Esquire Trustee — Dr

To the Trustee for his Commissions & all Expenses			$ 31.	⅌
" the attorney for his fee		$ 3.	33⅓	
" the Clerk for his fees		11.	29⅓	
" the Sheriff for his fees (J Rigney)		1.	53¾	16. 16
Am⁰ Carr⁰ forw⁰			$ 47.	16

Amount brot forward	£	47. 16.
To the auditor for his fee in stating & reporting to Court &c		3. —
To George Kline one of the Heirs of said Charles Kline Deceased one Sixth of Balance of proceeds of Sale by the Bill &c		55. 30/
To Christian Kline heir as aforesaid one Sixth of Balance of Do as aforesaid		55. 30/
To Samuel Kline heir as aforesaid one Sixth of Balance of Do as aforesaid		55. 30/
To John Kline heir as aforesaid one Sixth of Balance of Do as aforesaid		55. 30/
To Daniel Kline heir as aforesaid one Sixth of Balance of Do as aforesaid		55. 30/
To Charles Kline heir as aforesaid one Sixth of Balance of Do as aforesaid		55. 30/
	£	382. —
By Amount of Sale made the 17th day of April 1828 as by report of Trustee filed	£	382. —

George & Christian Kline
vs
Samuel Kline & others

In Frederick County Court as a Court of Equity July Term 1828 As auditor to Frederick County Court Sitting as a Court of Equity I beg leave to report to the Honorable the Judges thereof that in conformity with this order I have examined the proceedings composing this cause and thereupon stated the foregoing account In this as in like cases I have allowed the Trustee for his commission and all expenses, and also allowed the costs of the Court, and the Balance of proceeds of Sale I have divided amongst the Heirs and proper representatives of the said Charles Kline Deceased according to the rights of the several parties, as set forth in the Bill and proceedings Composing this cause I Respectfully Submit the same to the Hble the Judges aforesaid for ratification, Henry Sellers auditor the 17th July 1828.

order of ratified

Whereupon the Court passed the following order of ratification viz July Term 1828 ordered by the Court that the foregoing account as stated and reported by the auditor be and the same is hereby ratified and confirmed and also that the Trustee pay over the proceeds of Sale as the same has or may be received to the parties respectively entitled to the same according to the distributions in said audit made. Abm Shriver.

July 25th 1828.

Test John Sellers Clk

Maryland Frederick County ss:

At a County Court sitting as a Court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the first Monday of March in the year of our Lord Eighteen Hundred and Twenty three.

Present The Honourable John Buchanan Esquire Chief Judge
" " Richard Shriver & Esquires Associate
Thomas Buchanan & Judges
Thomas W Morgan Esquire Sheriff
and John Bailey Clerk

In the record of proceedings of the said Court amongst other

Bill

Things are the following viz:

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity Humbly Complaining shew unto your Honors your orators William R Read, James Cooper & Jehu Lord Rebecca and Jacob Riggs Executors of Jacob Riggs Deceased all of Frederick County and the State of Maryland That a certain Samuel Ogle of Frederick County and State aforesaid being seized and possessed of a Tract of Land, lying in the County aforesaid called "Lost and found" containing by Computation four Hundred and thirty Two acres of Land, on the twenty fourth day of October Eighteen Hundred and Twenty one Bargained and delivered to your orator William R Read, James Cooper and a certain Jacob Riggs who is since dead and whose Executors your orators Jehu Lord Rebecca and Jacob Riggs are, the deed of Mortgage hereunto Exhibited Marked A, and which with all other Exhibits hereinafter referred to, your orators pray may be received and taken as a part of this their Bill of Complaint, That by said deed the said Samuel Ogle, Conveyed to your Orators, William R Read and James Cooper, and the aforesaid Jacob Riggs, all said Tract of Land called "Lost and Found" in said deed particularly described upon the condition that if the said Samuel Ogle, should well and truly pay the several sums of money for which your Orators William R Read and James Cooper and the aforesaid Jacob Riggs stood bound as endorsers for the said Samuel Ogle in the Frederick County Bank, and the Branch Bank of the Farmers Bank of Maryland amounting together to the sum of three Thousand Dollars Current Money, and should save and keep harmless the said endorsers their Executors & administrators from the payment of said notes or any part thereof and any other notes which may from time to time be received and substituted as said Bank by way of renewal in lieu of said notes or as a payment for the same or any part thereof, then and from thenceforth the said deed to be void, else to remain in force and virtue &c all of which will more fully and at large appear upon reference to said Deed before Exhibited and marked A Your

Orator further represent that since the execution of the said
of Mortgage aforesaid the said Samuel Ogle has become insolvent
and has failed to attend to his notes in the Frederick County
Bank and the Branch Bank of the Farmers Bank of Maryland
aforesaid insomuch that one of your orators William Rhead
has been obliged to pay and satisfy the note of the said
Samuel in the Frederick County Bank being the note of two
Thousand Dollars by substituting his own note therefore whereby
the said Samuel as your Orator is advised is indebted to him
the said William Rhead in the said sum of two Thousand
Dollars, together with such interest and costs as have
thereon accrued and arisen and your orator is further
advised that by reason of said default on the part of the
said Samuel Ogle, the proviso of the deed aforesaid has
become forfeit, and the Conveyance absolute your Orator
further shew to your Honours that the note due to the
Branch Bank of the Farmers Bank of Maryland, upon which
Jacob Riggs and your orator James Cooper were endorsers
had since the execution of the deed of Conveyance aforesaid
fallen due and that further forbearance and indulgence of
the said Samuel Ogle have been protested and put in suit in
Frederick County Court, whereupon Judgments will be entered
at the next October Term of said County Court against
your Orator as Defendants, and the said Samuel Ogle being
insolvent your Orator will be compelled to pay and several
sums of money which they can be indemnified by the
Sale of the Land aforesaid your Orator further represent
that the said Samuel Ogle on the Twentieth day of September
Eighteen hundred and Twenty two being indebted to
Jacob Riggs deceased, in the sum of five hundred and
Twenty seven Dollar and ninety and one half cents
with interest from the seventeenth day of the same
Month executed and delivered to the said Jacob Riggs
as a security therefor a Mortgage upon the tract of Land
aforesaid called "Lott and Found" a Copy of which is here
unto marked B that the said Jacob Riggs died on or about
the day of Eighteen hundred and Twenty three and that
Zebulon Riches and Jacob Riggs two of your orators are his
Executors named his Testament and last will your orator
further shew to your Honours that the aforesaid Samuel
Ogle became entitled to one moiety of the tract of Land
called "Lott & Found" as the heir at law of his Brother
a certain Benjamin Ogle of James who died intestate
and without children and on or about the day of Eighteen
Hundred and that a short time previous he executed
to a certain Cornelius Hackett of Frederick County a
Deed of Conveyance a Copy of which is here unto
marked (C) to secure the payment of a sum of money

Dud and owing from the said Benjamin to said Cornelius McNulty your orators have reason to believe that the sum really due to said McNulty is not stated in said Deed, and that a large part of the sum actually due has been paid by the said Benjamin during his life time, and by Samuel Ogle since the death of the said Benjamin your orators are advised that this Honorable Court is competent to direct a Sale of the tract of Land aforesaid, under the circumstances aforesaid for the satisfaction of the just claims of your orator against the said Samuel Ogle; as well as for the indemnity of your orators after paying out of the proceeds of said Land such sums as is really & bona fide due from the Estate of Benjamin Ogle of Annes; to Cornelius McNulty as aforesaid, and to appoint a Suitable person or persons to make a Sale for that purpose he timely consideration whereof and for as much as your orators are remediless in the premises except than in this Honorable Court Sitting as a Court of Equity and to the end that the just claims of your orator may be satisfied and that they may be indemnified against future loss, on account of the said Samuel Ogle, and this indemnity aforesaid by the Sale of the Land aforesaid may be placed your Honor to grant to your orators your Writs of Subpoena in the usual form to the said Samuel Ogle and Cornelius McNulty to be directed Commanding them and each of them to be and appear in this Honorable Court upon some day therein to be named upon their corporal oaths to answer in the premises and to shew cause why a Decree for the Sale of said Land should not be prayed as prayed and that the said Cornelius McNulty may upon his oath answer pd which sum of money was really due and for which to wit and from the said Benjamin Ogle of Annes at the time of the execution of the deed aforesaid 2d whether any and if any which sum or sums of money were paid thereupon by the said Benjamin during his life, 3d whether Samuel Ogle has not by note or otherwise paid some part and if yea what part of the same due to said Cornelius McNulty upon the deed aforesaid since the death of the said Benjamin and may it please your Honor to extend to your orators all such other and further relief in the premises as may be consistent with Equity and good Conscience and your orator will ever pray &c John Nelson Solr for Compltt.

Exhibited (A)

Exhibited A) referred to in the within and foregoing Bill of Complaint contained in the following Words viz.

This Indenture made this twenty fourth day of October in the year of our Lord One Thousand Eight Hundred and Twenty one Between Samuel Ogle of Frederick County and State of Maryland of the one part & William Rickard, James Cooper and Jacob Biggs of the same

County and State aforesaid of the other part Whereas the said William B Mead, James Cooper and Jacob Riggs have become Securities for the said Samuel Ogle in a large sum of money by endorsing three Commercial Promissory notes drawn by the said Samuel Ogle the first for the Payment of two Thousand Dollars dated on the Eleventh day of September in the year Eighteen Hundred and twenty one and payable Sixty days after its date signed by the said Samuel Ogle as the drawer thereof payable to said William B Mead or order and indorsed by said William B Mead as the first endorser thereof and negotiated at the Frederick County Bank the second for the payment of five Hundred Dollars dated the twenty second day of August in the year 1821 and payable Sixty days after its date signed by the said Samuel Ogle as the drawer thereof payable to said James Cooper or order and endorsed by said James Cooper as the first endorser thereof and negotiable at the Farmers Bank of Maryland and the third for the payment of five hundred Dollars dated the third day of October in the year one thousand eight Hundred and twenty one and payable Sixty days after its date signed by the said Samuel Ogle as the drawer thereof payable to the said Jacob Riggs or order and endorsed by said Riggs as the first endorser thereof and whereas the first said note is now in the possession of the said Frederick County Bank and the two last said notes in the possession of the Frederick Town Branch Bank for the purpose of collection and will have to be renewed from time to time as they respectively become due until they are all fully paid off and satisfied thereby continuing the liability of the said William B Mead, James Cooper and Jacob Riggs as endorsers and Securities as aforesaid on the aforesaid notes or such as shall be substituted at each renewal thereof in the place of them until the same are fully paid and discharged by the said Samuel Ogle and whereas the said Samuel Ogle is willing & desirous to secure and indemnify the said William B Mead, James Cooper and Jacob Riggs for Continuing to be and to save them harmless from all consequences of such this liability as aforesaid or any future liability on account of said notes Now this Indenture Witnesseth that the said Samuel Ogle for and in Consideration of the premises aforesaid as also in further Consideration of the sum of five Dollars lawful money to him in hand paid by the said William B Mead, James Cooper and Jacob Riggs at the Sealing and delivery of these presents the receipt whereof is hereby acknowledged hath granted bargained Sold aliened enfeoffed and Confirmed and by these presents doth grant bargain sell alien enfeoff and confirm

unto the said William Read. James Cooper and Jacob Riggs and to their Heirs and assigns as tenants in common and not as joint tenants all that tract of land called Lost & Found lying and being in Frederick County aforesaid Beginning for the same at a Rounded Hickory tree being the Beginning of a tract called Read and Plenty and the Resurvey on Contentd and running thence with Read and Plenty North Sixteen perches to a Stone No 1 North fifty five degrees East Sixty perches to a Stone No 2 North eight degrees West one Hundred and forty eight perches to a Stone No 3 North fifty five Degrees East forty six perches to a Stone No 4 thence leaving the out lines of Read and Plenty and running South and three quarters degree East one Hundred and Seventy perches to a Stone No 5 North Eighty and degrees East fifty two perches to a Stone No 6 Standing at the end of the 8th line of James Ogles part of Read and Plenty as formerly owned by him and with said part South four degrees East eighty perches to a Stone No 4 South Seventy five Degrees West one hundred and eleven perches to a Stone at the Brick No 5 then down with said lines South fifty one degrees East forty three perches to a Stone No 6 South thirty nine degrees West fifty four perches to a Stone numbed 7. North Eighty six degrees West eight perches to a Stone No 8 planted at the end of 116 perches on the first line of the Resurvey on Contentd aforesaid and with the outlines thereof South Second degrees East one hundred and forty four perches to a Stone No 9 South forty two degrees West twenty eight perches to a Stone No 10 South 81 degrees West forty perches to a Stone No 11 West 72 perches to a Stone No 12 then leaving the outlines North three and a half Degrees West 320 perches to a Stone No 13 North 20 perches to a Stone No 14 North 33 degrees West 106 perches to a Stone No 15 East 23 perches to a stone No 16 planted at the end of the 6th line of the original tract of land called Contentd and with it East fifty perches to a Stone No 17 South 21 degrees East 57 perches to a Stone No 18 planted at the end of 7¾ perches on the 8th line of a tract of land called Disappointment and with it reversed South thirty five Degrees West 7¾ perches to a Stone No 19 South 45 degrees East 15 and a half perches to a Stone No 20 at the end of one perch on the 9th and last line of said Contentd and with it South four Degrees East 69 perches to a Stone No 21 at the end of said line and from thence by a Straight line to the first Beginning Containing four Hundred and thirty two acres of Land together with all and singular the buildings and improvements thereon and all the rights Privileges & appurtenances thereunto Belonging or in any wise appertaining To Have and to Hold the said tract of land called "Lost and Found" or by whatsoever name the same

may be Raised and every part and parcel thereof with the improvements and appurtenances thereunto belonging unto them the said William B Head, James Cooper and Jacob Riggs their Heirs and assigns as tenants in Common and not as Joint tenants Provided always and it is the true intent and meaning of these presents and of the said parties hereunto that if the said Samuel Ogle his heirs executors or administrators do and shall well and truly pay the aforesaid sums of money amounting together to the sum of three thousand Dollars current money for which the said William B Head, James Cooper and Jacob Riggs stand bound as the endorsers and Securities of aforesaid for said Samuel Ogle and shall save and keep harmless and indemnified them the said Head, Cooper and Riggs and their Executors and administrators from the payment of the said notes or any part thereof and any other notes which may from time to time be received and substituted at said Banks by way of renewal in lieu of said notes or as a payment for the same or any part thereof then and from thence forth these presents and every matter and thing therein contained shall cease and be utterly null and void any thing herein contained to the contrary thereof in any wise notwithstanding. In Witness whereof the said Samuel Ogle hath hereunto Subscribed his name and affixed his seal the day and year first herein before written.

Signed Sealed & delivered
in the presence of
Abm Shriver

Sam[l] Ogle (Seal)

On the day and year first herein before written the within Samuel Ogle party grantor appeared before me the Subscriber one of the Judges of the fifth Judicial District in Maryland and acknowledged the above and aforegoing deed or instrument of writing to be his act and deed and the land and premises therein mentioned and thereby bargained and Sold to be the right and Estate of William B Head, James Cooper and Jacob Riggs party grantee also therein mentioned their heirs and assigns as tenants in common and not as Joint tenants according to the true intent and meaning of the said deed of Mortgage and the acts of assembly in such case made & provided

Abm Shriver,

(Exhibit B)

Exhibit B

Know all men by these presents. that I Samuel Ogle of Frederick County and State of Maryland in Consideration of the sum of one Dollar current money in Hand paid to me by Jacob Riggs of County and State aforesaid the receipt where of I do Hereby

Acknowledge do hereby give grant bargain and sell unto the said Jacob Riggs his Heirs and assigns a Tract of Land lying and being in Frederick County called Lott and Found To Have and to Hold the said granted and bargained premises with the privileges and appurtenances thereof unto the said Jacob Riggs his Heirs and assigns to his and their use and behoof forever and I the said Samuel Ogle for myself my Heirs Executors and administrators do Covenant with the said Jacob Riggs and his Heirs and assigns that I the said Samuel Ogle will warrant & defend the said to the said Jacob Riggs his Heirs and assigns forever against the lawfull claims and demands of all persons provided nevertheless that if I the said Samuel Ogle my Heirs Executors administrators shall well and truly pay the said Jacob Riggs his Heirs Executors or administrators or assigns the just and full sum of Five hundred and Twenty Seven Dollars and ninety and a half cents with legal interest thereon from the Seventeenth day of this Month on or before and good from the date hereof then this deed shall be void otherwise remain in full force and virtue in Law In Witness whereof I the said Samuel Ogle hath hereunto subscribed my name and affixed my Seal this Twentieth day of September in the year of our Lord Eighteen Hundred & twenty two

Witness James Hammett.

Jacob Fiers

Samuel Ogle (Seal)

Frederick County to wit On this Thirtieth day of September 1822 personally appears Samuel Ogle before us the Subscribers two Justices of the Peace for Frederick County & acknowledges the within instrument of writing to be his act and deed according to the true intent and meaning thereof and the acts of Assembly in such Case made & provided & acknowledged Before

James Hammett
Jacob Fiers.

(Seal) True Copy Test John Jakey Clk

Exhibit (6)

(Exhibit 6)

This Indenture made this 16th day of November in the year of our Lord Eighteen Hundred and Sixteen Between Benjamin Ogle of James of Frederick County and State of Maryland of the one part and Cornelius McNulty of the County and State aforesaid of the other part. Witnesseth whereas the said Benjamin Ogle is indebted to the said Cornelius McNulty in the sum of one thousand six hundred and Sixty Seven Dollars Current money and being desirous to Secure the same to the said Cornelius McNulty doth agree to execute this Instrument of writing Now this Indenture Witnesseth that the said Benjamin Ogle of James in consideration of the premises and of the sum of five Dollars Current Money to him paid by the said

Cornelius McShutty the receipt whereof is hereby acknowledged
the said Benjamin Ogle of James hath granted
bargained and sold and by these presents doth give grant
bargain and sell unto the said Cornelius McShutty his
heirs and assigns all his the said Benjamin Ogles right
title interest and estate of in and to all that tract or
parcel of land lying and being in the County and State
aforesaid called "Lost & found" of which his father James
Ogle died seized together with all and singular the rights
members and appurtenances to the same belonging & known
and to Hold as his the said Benjamin Ogles estate title and
interest in and to the said tract or parcel of land together
with all and singular the rights and appurtenances thereunto
belonging and all the right title estate and interest in
hopeupon reversion or remainder of him the said Benjamin
Ogle either in Law or in Equity therein or thereto to the
said Cornelius McShutty and his heirs to and for the use
trust and purposes following and to and for no other use
intent or purpose that is to say should the said Benjamin
Ogle of James not punctually pay to the said Cornelius
McShutty the said sum of Sixteen hundred and Sixty seven
Dollars on or before the 16th day of November in the year
Eighteen Hundred and Seventeen with Interest from the
date of these presents. That then the said Cornelius McShutty
or his heirs may immediately upon such failure of payment
as aforesaid sell and dispose of all or such part of the
said Benjamin Ogles right title interest and Estate of
the said land and premises as may be sufficient to
satisfy the said Claim of the said Cornelius McShutty
at public or private sale for Cash or on credit as he
or they may judge most expedient and the proceeds of
said Sale to apply to discharge the said claim as aforesaid
to the said Cornelius McShutty and the defrayment of
all necessary Expenses the said Cornelius McShutty may
incur in effecting a Sale of the said Benjamin Ogles
right title Interest and estate of said land & lastly
the surplus if any after fulfilling and satisfying the
aforesaid trust whether the same consists of real Estate
Bonds or money to be and remain the property & Estate
of the said Benjamin Ogle of James and his Heirs.
In Witness whereof the said Benjamin Ogle of Jas hath
hereunto subscribed his name and affixed his seal
the day and year first herein written.

Signed Sealed & Delivered
in presence of Abm Shriver

Ben Ogle (Seal)

State of Maryland Frederick County to wit Be it remembered
that on the 16th day of November in the year of our Lord
Eighteen Hundred & Sixteen personally appear Benjamin

Ogle of Jaines Party Grantor mentioned in the within deed or instrument of writing before the Subscriber one of the Associate Judges of the fifth Judicial District of said State and acknowledges the said deed or instrument of Writing to be his act and Deed and the land and premises therein mentioned and thereby bargained and Sold to be the right and Estate of Cornelius McShutty party grantee also therein named his Heirs and assigns forever according to the tenor and intent and meaning of the said deed & the acts of assembly in such case made provided.

acknowledged Before Abm Shriver.

Samuel Ogles answer

Whereupon the following Answer was filed viz^t

The Separate answer of Samuel Ogle to the Bill of Complaint of William B Read, Sam^l Cooper and others in Frederick County Court as a Court of Equity Exhibited This Defendant admits the Execution and delivery of the Deed of Mortgage Exhibited by the Complainants for the Consideration also therein stated the same being marked A He further admits that Jacob Biggs one of the Mortgagees is dead since its Execution and that Jabez Haines and Jacob Biggs are his Executors that William B Read has Substituted his own note for the note of this Defendant due to the Frederick County Bank, for Two Thousand Dollars, and that this Defendant has thereby become the debtor of said William B Read to the amount of said note with the Interest and Costs which have thereupon accrued, That the note in the Branch Bank of the Farmers Bank of Maryland have likewise become due Since the Execution of the Mortgage aforesaid and have been put in suit in Frederick County Court as is stated in the Complainants Bill after having been duly protested This Defendant also admits the Execution of the Deed of Mortgage to Jacob Biggs Deceased Exhibited by the Complainants and marked B/ and that from the pressure of and anticipated embarrassments, he is unable to comply with the engagements referred to by said Mortgages he is Content for the indemnity and Satisfaction of the Mortgagees aforesaid that the Lands embraced by the foregoing Mortgage should be Sold, in such manner as this Honourable Court may direct without that there is any thing in said Bill of Complaint Contained, not herein and hereby Sufficiently answered Confessed or avoided traversed or denied this Defendant is ready to be Tried and prays hence to be Dismissed &c Sam^l Ogle.

Maryland Frederick County to wit on this 10th day of May 1823 personally appears Samuel Ogle and makes oath that the facts Stated in the foregoing answer are true to the best of his Knowledge & belief.

Sworn before Geo^e Kohr.

Cornelius McShuttys answer

And the Said Cause so standing Continued from Term to Term until January Term 1824 the following answer was filed viz

The Separate answer of Cornelius McCarthy one of the Defendants to the Bill of Complaint of William and Richard James Cooke Gabriel Hughes & Jacob Biggs Executors of Jacob Biggs Deceased Complainants filed in Frederick County Court Sitting as a Court of Chancery The said Defendant saving and reserving to himself and all manner of Benefit and advantage of Exception to the many manifold errors & imperfections in the Complainants said bill of Complaint contained for answer thereto nevertheless as to so much thereof as he is advised it is material or necessary for him to make answer unto, he answers and says that he has no knowledge of his own of the debts due by Samuel Ogle to the different banks or to the Complainants as in said bill of Complaint set forth by them in their said bill of Complaint nor has this Defendant any knowledge of the execution of the Mortgages Copies of which marked A & B are Exhibited in this said Bill, nor of the pretended facts or circumstances mixed which the said bill charged he therefore leaves the Complainants to make out that part of their case in such manner, and by such proof as they may think proper and the rules of this Honorable Court require This Defendant further answering says that he admits that the Complainants Exhibit marked (B) is a true copy of the deed of trust executed acknowledged and delivered by the said Benjamin Ogle in his life time to this Defendant for the purposes therein mentioned and this Defendant further says that the said Deed was executed and delivered to him by the said Benjamin Ogle in his life time to secure the payment of the Debts therein mentioned amounting to the sum of Sixteen hundred and Sixty Seven Dollars which said last mentioned sum was due to this Defendant for money lent and advanced by him at different times to said Benjamin Ogle for a note signed by said Benjamin & one William Rhead as his Security for the payment to this Defendant of two hundred Dollars borrowed money which this Defendant gave up to said Benjamin Ogle one of the Defendants in this Case, after the death of the said Benjamin Ogle as also for all the right and title of this Defendant to a Lot of ground lying in the Town of Middleburg in Frederick County and which this Defendant had sold to said Benjamin Ogle and for back hire to said Benjamin Ogle at the time said Mortgage was executed and ordered on the Sheriff of Frederick County for money of this Defendant then in said Sheriffs hands, and a balance owed and above the said order to the Sheriff to be paid to said Benjamin

Ogle by this Defendant whenever called for this defendant called his remark, that the said order on the Sheriff was returned to him by the said Benjamin, without the same having been presented to the Sheriff and the amount thereof whatsoever it was after the death of the said Benjamin Ogle, was paid to this Defendant by the said Sheriff that this defendant at this distance of time, cannot now state he received the precise sums or person on which they were loaned to the said Benjamin Ogle, or the kind of said bill of ground but of one thing this defendant is certain & positive and that is, that on making all the just and legal discounts to which the said Benjamin Ogle was entitled for not having received the amount of the said order from the Sheriff and the said balance in the hands of this Defendant there was due to this Defendant on account of said Mortgage from said Benjamin one thousand Dollars principal with interest thereon from the date of said Mortgage and there is at this time due & owing to this Defendant on said Mortgage, the sum of one thousand Dollars lawful money, with interest thereon from the date of said mortgage until the same shall be paid to this Defendant. This defendant further answering says, that since and about the money and time on account of said Mortgage he after the death of said Benjamin had brought up several claims on said Benjamin that Samuel Ogle, one of the Defendants to said bill of complaint was also indebted to this Defendant, in sundry sums of money on note and otherwise and being so indebted and also being the only heir at law of said Benjamin he, the said Samuel Ogle on the fifteenth day of May Eighteen Hundred and twenty one, executed & delivered to this defendant his note for the payment of four Hundred & ninety Dollars including in said note the said claims against the said Benjamin and the sum of two Hundred & seventy Dollars for interest at that time due on the said Mortgage and the debt due by the said Samuel Ogle in his individual capacity as aforesaid to this Defendant thus making together the said sum of four Hundred and ninety Dollars but which said note or any part thereof has never been paid to this Defendant or any person for him and is still due and unpaid and the said Samuel Ogle is wholly insolvent this Defendant further says, that he did not intend to release the said Mortgage property from its liability under said Mortgage to him for the payment of said two Hundred and seventy Dollars as interest unless the said Samuel had paid the same, and this defendant therefore still claims the said interest out of said Mortgage property not having received this said note from the said Samuel as a

Satisfaction for said interest and this Defendant denies all fraud & Collusion wherewith he stands charged in and by the Complainants said bill of Complaint without that that there is any other matter or thing material or necessary for this Defendant to make answer unto and not herein and hereby well and sufficiently answered unto Confessed or avoided traversed or denied is true, all which this Defendant is ready to aver & prove his most humble prayer as this Honorable Court shall award and direct and he prays to be hence dismissed with his reasonable Costs and Charges in this behalf most wrongfully sustained. Fred^k A Dahley for Defts

And this 7^th day of January 1824 the within named Cornelius McClenthy & maid Oath before the Subscriber a Justice of the Peace for Frederick County that the several matters Contained in the aforegoing answer are true as they stand stated to the best of his knowledge recollection information & belief

Sworn Before, George Rohr,

Decree

Whereupon the Court hoped the following Decree viz

William Rhead
James Cooper & other
vs
Samuel Ogle &
Cornelius McClenthy

to Frederick County Court as a Court of Equity January Term 1824 the said Cause standing ready for hearing and being Submitted the Bill answers, Exhibits and all other proceedings read by the Court read and Considered and it appearing to the Satisfaction of the Court from the answer that the relief prayed for by the Complainants is reasonable and ought to be granted So it is thereupon on this Ninth day of January Eighteen Hundred and Twenty four ordered, decreed and adjudged that the Defendant Samuel Ogle pay to the Complainants or as or before the first day of February Eighteen Hundred and Twenty four, the debt and Interest due upon the Mortgages Exhibited to each of them respectively as well as the Costs which have accrued in this Cause to be taxed by the Clerk, and in default thereof that the Mortgaged premises mentioned in the proceedings be sold, that for the purpose of making said Sale, William Rhead Zebulon Hicks and James Cooper, be and they are hereby appointed Trustees, and that the Bond and manner of their proceedings therein and thereto relative shall be as follows they shall first file their Bond with the Clerk of this Court with Security to be approved in the penalty of Two Thousand Dollars; conditioned for the faithful performance of the Trust reposed in them by this Decree or to be reposed in them by any future order or Decree in the premises. They shall then proceed

To Sell the said Mortgaged premises at Public auction after giving at least three weeks notice in some newspaper published in Fredericks Town, of the time place, manner, and terms of Sale which shall be that the purchaser or purchasers pay one third of the purchase money in hand on or on the ratification of the Sale by this Court and give note with Security to be approved by the Trustees for the payment of the residue in two equal annual instalments without Interest and the Trustees shall as soon as convenient after a Sale by them made, report the same to this Court and the payments of the whole purchase money and not before the Trustees shall by a good and sufficient Deed or deeds to be executed acknowledged and recorded according to Law convey to the purchaser or purchasers, and his, her or their Heirs, all the right title and Estate in to the Mortgaged premises of the Complainants and Defendants in this behalf And the said Trustees shall bring into Court the money and notes arising from said Sales to be distributed under the direction of this Court, after deducting therefrom the Costs the Costs of this suit and such Commissions to the Trustees as the Court may think proper to allow, Adm Shriver,

Petition of James Cooper.

Whereupon the following Petition & order was filed viz
To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity the Petition of James Cooper respectfully Sheweth That your Petitioner by Decree of Frederick County Court Sitting as a Court of Equity bearing date on the ninth day of January Instant was appointed a Trustee in Conjunction with William B Mead, and Zebulon Kuhn, to make Sale of certain property of Samuel Ogle of Frederick County all which will appear upon reference to the proceedings had in No 413 on the Equity Docket of this Honourable Court That your petitioner is unwilling to take upon him the Trust aforesaid, and prays leave to renounce said Trust. He prays that this Honourable Court will pass an order assenting this petition from the Trust aforesaid And your Petitioner &c James Cooper,

Court order

Whereupon the Court passed the following order viz
In Frederick County Court as a Court of Equity upon the aforesaid Petition it is ordered and adjudged, that the appointment of the petitioner James Cooper as one of the Trustees in the Cause in the petition mentioned, be and the Same is hereby revoked and that Zebulon Kuhn and William B Mead the Co Trustees in the Decree named assume the Trust therein mentioned,

Adm Shriver Clerk 28th 1824.

Trustees Bond

Whereupon the Trustees filed the following Bond Endorsed approved Adm Shriver viz
Know all men by these presents that we William B Mead and Zebulon Kuhn, John Mead & Henry Kuhn are held & firmly

Bound unto the State of Maryland in the full and just sum of Two Thousand Dollars Current Money to be paid to the said State or its certain attorney to which payment well and truly to be made and done we bind ourselves our Heirs Executors and administrators in and for the whole jointly and severally firmly by these presents Sealed with our Seals and dated this 21st day of January Eighteen Hundred and Twenty four. Whereas by Decree of Frederick County Court Sitting as a Court of Equity the above named William B Mead & Jacob Lewis Kuhn have been appointed Trustees to make Sale of certain real Estate of Samuel Ogle of Frederick County for the payment of his debts Now the Condition of the above obligation is such that if the above bound William B Mead and Jacob Lewis Kuhn do and shall well and truly perform the trust reposed in them as Trustees aforesaid by the Decree aforesaid or that may be reposed in them by any future order or Decree in the premises then the above obligation to be void else to remain in full force and virtue in Law.

Signed Sealed & Delivered in the presence of
Mr. Roland.

Wm B Mead (Seal)
Jacob Lewis Kuhn (Seal)
Mr. Mead (Seal)
Henry Kuhn (Seal)

And the said Cause is standing Continued from Term to Term until February Term 1826 the Trustees made the following

Trustees Report

Report viz

To the Honorable the Judge of Frederick County Court Sitting as a Court of Equity The Trustees appointed by Decree of this Honorable Court bearing date on the Ninth day of January Eighteen Hundred and Twenty four to make Sale of certain real Estate of Samuel Ogle of Frederick County, report, That after repeated unsuccessful efforts to sell said Estates the Trustees on the Seventh day of March Eighteen Hundred and Twenty five, after notice by publication in the Frederick Town Herald a newspaper printed in Frederick Town, Sold to Charles Offutt, of Frederick County, ninety one acres, one rood and Eighteen and an half perches of the Land described in the Mortgage and proceedings in the Cause in which was passed the Decree aforesaid at the price and for the sum of nine Hundred and fifty Eight Dollars and Seventy one and an half Cents payable on the Seventh day of March 1826 That on the Twenty first day of January 1826. They sold after notice given as required by said Decree by publication in the Frederick Town Herald. Two Hundred and ninety six acres. Two rood and Twenty four and an half perches to John Nusoff of Frederick County. at the price and

For the sum of nine Dollars per acre being part of the Lands Decreed to be sold as aforesaid, on the Terms prescribed by said Decree and that on the same day they sold to Nicholas Snyder and John Mead of Frederick County four acres, one rod and eighteen and an half perches, at the price and for the sum of Two Hundred and fifty five Dollars. That said purchasers were the highest bidders for said parts of Lands as by them bought respectively, said Sales are reported to this Court for its ratification The Trustees personal Expenses are estimated at thirteen Dollars and fifty Cents,

Wm R Mead, Zebn Kuhn,

Frederick County to wit On this 8th March 1826 appeared William R Mead and Zebulon Kuhn Trustees within named and made oath that the Sales within reported were bona fide & fairly made. Sworn Before Henry Kemp,

Order of Publication

Whereupon the Court passed the following order of Publication viz Wm R Mead & others In Frederick County Court as a Court vs of Equity February Term 1826 Ordered that Samuel Ogle &c the Sales made and reported by the Trustees in the above Case be ratified and Confirmed unless Cause to the Contrary be shewn on or before the Second Monday of April next Provided a Copy of this order be inserted for three Successive weeks in the Republican Citizen before the said Second Monday of April next. The Trustees report the Sale of ninety one acres, one rood and eighteen and an half perches of Land to Charles Offutt of Frederick County for the sum of 908 $/100 of four acres, one rood and eighteen and an half perches of Land to Nicholas Snyder & John Mead of Frederick County for the sum of Two Hundred and fifty five Dollars and of Two Hundred and ninety six acres, two roods and Twenty four and an half perches of Land to John Kemp of Frederick County for the sum of nine Dollars per acre. Adv Signed March 9th 1826.

Printers Certificate

Whereupon the following Certificate of the Printer together with a printed copy of the above order thereto annexed was filed viz

J Hereby Citizen that the annexed advertisement was inserted in the Citizen for three Successive weeks before the Second Monday of April 1826. Geo W Sharp,

Order of ratified

Whereupon the Court passed the following order of Ratification viz

Wm R Mead & others In Frederick County Court as a vs Court of Equity February Term Samuel Ogle & others 1826 Ordered that the Sales made and reported by Zebulon Kuhn, and Wm R Mead Trustees in the above Case be and the same are hereby ratified and Confirmed, no Cause to the Contrary having been shewn, notwithstanding notice given The Trustees are allowed

For their Consumption and all Expenses and Hundred and Sixty and Dollars the Auditor is directed to state an account Current Between the parties in Interest, and to report the same to this Court for its ratification (first giving notice to Creditors &c)

Abm Ghrimd Esqr 1st Sept 1826.

And the said Cause is standing Continued from Term to Term until February Term 1827 the Auditor made the following Report viz

Auditors Report

1st The Estate of Samuel Ogle in Pa with Zebulon Rutter & William Rickard Esquires Trustees &c.

To the Trustees for their Commission and Expenses		161.—
" the Attorney for his fee	3.33⅓	
" the Clerk for his fees	16.67⅔	
" the Sheriff for his fees	1.15	33.—
To the auditor for his fees in stating & reporting to Court. giving notice to Creditors &c		17.—
" Henry Steiner's Exemtrix for fees and as Register &c for papers marked —	8—	1.76
To Nathaniel Rowand (dec'd) the one half of a Judgment Entered and Costs. being the Portion for which the Estate of Benjamin Ogle Deceased is liable &c for papers	No 1	22. 16⅔
To James Cooper, the one half of sundry Judgments &c Entered and Costs. being the Portion for which the Estate of Benjamin Ogle Deceased is liable &c for the papers marked	No 2	168. 50
To Nicholas Hobbs, John Pettinger and John Steward the Amount of a Judgment Entered and Costs against the Estate of Benjamin Ogle Dec'd &c papers marked	No 3	24. 98
To Zebulon Rutter & Jacob Biggs, Executors of Jacob Biggs Deceased the one half of a Bond and Interest. being the Portion for which the Estate of Benjamin Ogle Deceased is liable. &c the papers marked	No 4	316. 85
To John Pettinger, the amount of a Judgment Entered & Costs against the Estate of Benjamin Ogle Deceased &c papers marked —	No 5	37. 10
To John Pettinger, the Balance of a Judgment Entered & Costs against the Estate of Benjamin Ogle Deceased &c papers marked —	No 6	36. 74
To Elias A Graham Executor of Abraham Graham Deceased the amount Laid by him, in Security upon said Judgment (with Interest) against the Estate of Benjamin Ogle Deceased &c the said papers marked —	No 6	44. 64

Amt Carr'd forward

Amount brot forward

To Rachel Hackwitch of Henry Steines deceased the Amount of an account and Interest against the Estate of Benjamin Ogle deceased by the account marked ——— No 7 — 18. 68

To Benjamin and Daniel Court of George Ship Carpenters the amount of a note & Interest against the Estate of Benjamin Ogle deceased by the note marked No 8 — 88. 29

To Benjamin and Daniel Court of Geo Ship Carpenters the amount of a note and Interest against the Estate of Benjamin Ogle deceased by the note marked No 9 — 37. 65

To John Selby, the amount of a Bill of Exchange against the Court of Benjamin Ogle dec'd heretofore returned Insolvent by paper ——— — — — — No 10 — 4. 28

To Cornelius McGinty, the amount of a claim and to him found the said Benjamin Ogle deceased with Interest from 15th day May 1821 to 21st January 1826 as per the Deed of Mortgage, a part of this Cause as filed and marked Exhibited — B — 1281. 45

To Jacob Engler Court of John Riggs, the residue of the claims of Richard Neilson, and transferred from No 20 Equity & Exhibited marked A the said claims having been paid by John Riggs, as security for Benjamin Ogle deceased See paper filed and marked — No 11 — 40. 14

To Wm Rhead, James Cooper, and Sarah Riggs's Executors Complainants and Mortgagees in this Cause, the residue of proceeds of Sale, as made and reported by the Trustees in part payment of the claims intended to be secured by the Mortgage which residue is not sufficient for that purpose See the Mortgage and Exhibited Marked ——— A — 1561 95

By Amount of Sales made the 7th day of March 1825 as per report filed ——— $ 3879. 00½

Amount of Sales made the 21st day of January 1826 as per report filed ——— — — — — — $ 958. 71½

$ 2671. 03

and — 255 —

Reduced error made in part Sales of 7 Lots of Land, per petition and accompanying papers marked V — $ 3883. 74½ — 4. 74

$ 3879. 00½

Mead Kirby & others } In Frederick County Court as a Court of
vs } Equity February Term 1827 As auditor to
Samuel Ogle & C } Frederick County Court Sitting as a Court of Chancery I beg leave to report to the Honorable the Judges thereof that in Compliance with their order, I gave the notices required thereby to Creditors to produce & file their claims, and the time Specified in said notices having Expired, I have taken up the proceedings and Stated the foregoing accounts, In this as in like Cases I have allowed the Trustees for their Commissions & all Expenses

And also allowed the costs of the bond and the Release of Power of Sale I Hand appointed as Specially directed by the attorney for the Complainants which papers filed and marked H. that is first to the Creditors of Benjamin Ogle Deceased as liens. Secondly to the payment of the Claims of McShurty under the Mortgage & Then to the discharge of the Claims of Nicholls for the use of Riggs Executors under a Judgment, and finally to the Complainants Hezd Cooper & Riggs Executors, in hand of the Claims intended to be secured by the Mortgage to them, as Exhibited in this Cause marked A by the Calculations of Interest. I Hand taken the last Sales viz 21st January 1826 I Hand also thought proper to deduct from the gross amount of Sales as aforesaid one hundred & Ten Dollars the amount of the Sales of 73 perches of land, as an error committed by the first Sale viz 7th March 1825 for which I refer to the Petition and accompanying papers marked H I Respectfully Submit the same to the Honourable the Judges aforesaid for Sanction. Henry Schley Auditor 13th April 1827.

order of ratifi'n

Whereupon the Court passed the following order of ratification viz In Frederick County Court as a Court of Equity ordered that the above report be and the same is hereby ratified and confirmed, except so far as the Claims of Cornelius McShurty are concerned, which are reserved for future consideration, and the Trustee are directed to distribute and pay over the proceeds accordingly with holding such proportion thereof as may be necessary to meet said Claims of said McShurty

Test John Schley Clerk

Maryland Frederick County Sct

At a County Court Sitting as a Court of Equity Begun and held at the Court House in Frederick Town in and for said County on the first Monday of August in the year of our Lord Eighteen Hundred & Twenty Seven

Present the Honourable John Buchanan Esquire Associate Judge
Abraham Shriver & Esquires Asso
Thomas Buchanan Esq Judges
Thomas Carlton Esquire Sheriff
and John Schley Clerk

In the record of proceedings of the said Court amongst others are the following viz

Bill

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity Humbly Complaining your orator Elizabeth Motter of Frederick County and State of Maryland sheweth unto your Honours That Samuel Boyd and Michael Motter of the State & County aforesaid

died intestate seized of certain real Estate being two lots of ground lying in Middle Town and Distinguished as Lots No 29 & No 30 as will more fully appear on reference to Exhibit A. That Letters of administration were granted to your orator on the personal Estate of said Deceased and that by the account hereunto filed marked B it will appear that your orator has paid debts due by said Michael Motter to the amount of one and above assets received in hand your orator begs leave further to state that in addition to the sums above named your orator holds a note against said Motter to a large amount to wit. of the amount of three hundred Dollars and your orators informed & believes that your Honours have full power to order a Sale of as much of the said real Estate of said Deceased as may be necessary to pay his just Debts inasmuch as said Motter left Several children his Heirs who have not attained the age of twenty one Said Motter left your orator his widow and Daniel Motter Mary Motter, Solomon Motter & Lewis Motter his sole Heirs at law and said Children being minors under the age of Twenty one years for as much therefore as your orator is remediless in the premises except by the aid of this Honourable Court Sitting as a Court of Equity may it please your Honours to appoint a Trustee for the Sale of the real Estate of said Deceased or as much thereof as may be necessary to pay the debts due by him and may it please your Honours to grant to your orator the State writ of Subpoena directed to said Daniel Motter, Mary Motter, Solomon Motter and Lewis Motter, Commanding them to be and appear in this Honourable Court on a certain time to be named in said writ to shew Cause if any they have why the prayer of your orator should not be granted as prayed and to grant your orator such other and further relief in the premises as to your honors may seem meet and proper Consistent with Equity and good Conscience and your orator as in duty Bound will ever pray &c Francis Thomas Solr

For Complainant

Exhibit (A)

Exhibit A/ referred to in the above Bill of Complaint Contained in the following Words viz

This Indenture made this fourth day of October 1810 Between Henry Shriver of Frederick County and State of Maryland of the one part and Michael Motter of same County and State of the other part Witnesseth that the said Henry Shriver for and in Consideration of the sum of Eight Hundred and fifty Dollars good and lawful Money to him in hand paid the receipt whereof is hereby acknowledged and therefrom and therefrom every part and parcel thereof doth fully Clearly

And absolutely acquit Exonerate and discharge the said Michael Motter his Heirs and assigns forever he the said Henry Shriver hath given granted bargained and sold aliened released enfeoffed and confirmed and by these presents doth give grant bargain and sell alien release enfeoff and confirm unto the said Michael Motter his Heirs and assigns forever the two following lots or portions of Ground lying and being in Middle Town and Frederick County aforesaid known & distinguished by number twenty nine and thirty and containing one Hundred and thirty two feet in Breadth and two hundred and thirty three feet in length Together with all singular the buildings Improvements Conveniences & advantages with the appurtenances Belonging or in anywise appertaining To Have and to Hold the said two lots or portions of ground and all and singular the premises herein mentioned or intended to be hereby granted with all the right title and Estate of him the said Henry Shriver both in Law and Equity unto the said Michael Motter his Heirs and assigns yielding and paying therefore yearly and every year unto the Heirs or assigns of Conrad Crowl on the third tuesday of March fifteen shillings Lawful money and the said Henry Shriver for himself and his Heirs the said two Lots or portions of Ground and all and singular the premises with the appurtenances unto the said Michael Motter his Heirs and assigns against him the said Henry Shriver and his Heirs and all persons claiming under him or them shall and will warrant and defend by these presents In Witness Whereof the said Henry Shriver hath hereunto subscribed his name and affixed his Seal the day & year first within written.

Signed Sealed & Delivered
in the presence of
Jo Swearingen, Henry Shriver (Seal)

Henry Shriver

Frederick County to wit Be it remembered that on the fourth day of October 1810 Henry Shriver party to the within deed came before me the Subscriber two of the Justices of the peace in and for the County aforesaid & acknowledged the within instrument of writing to be his act & deed and the lots or portions of ground and premises therein described to be the right title and Estate of the within named Michael Motter his Heirs and assigns forever according to the true intent and meaning thereof & the same time Catherine Shriver wife of Henry Shriver aforesaid being privately examined by me and of the hearing of her said husband acknowledged the aforesaid instrument of writing to be her act and deed and lots or portions

of Ground therein mentioned to be the right and Estate of the aforesaid Michael Motter, his Heirs and Assigns and declared that she did the same willingly and freely and without being induced thereto by fear or threats of or ill usage by her said Husband or through fear of his displeasure and taken and certified the day and year above written.

Before { Jos. Swearingen
Henry Stembel.

I Hereby Certify the aforegoing is a true Copy taken from Liber WR No. 38 folios 870. 871 & 872 one of the Land Records of Frederick County. In Testimony whereof I have hereunto subscribed my name and affixed the Seal of office this 22d day of October 1827. Dr. Schley Clk

(Exhibit 13)

Exhibit 13

No 3d & final account of Elizabeth Motter admr of Michael Motter late of Frederick County Deceased

This accountant charges herself with Current Money and found John Keller the Surviving partner of said Deceased on Settlement of the Partnership's accounts		$ 86.04
With do rec'd from Walter Tyler for Plants sold after finishing the House on Decs real Estate		2.25
With do rec'd from Thomas Wilson a claim heretofore returned in list desperate debts		12.80¼
With do rec'd from Jacob Bowman heretofore returned in list desperate debts	$10.00	
with Int. due on ditto	84¢	10.84¢ $ 111.44
And this accountant prays an allowance for the following payments &c. to wit. For Current Money paid Peter Coblentz one of the Managers of the German Reformed Church &c. as Vouch & next appears		$ 34.90
For do paid the Revd I Schnee for Services & funeral of the Decd &c. as next appears		5.21
For do paid John Richmond for Francis Richmond for boarding &c. Grave diggers &c. as & next appears		3.00
For do paid Regr for Stating rendering &c. this & Search relative thereto		1.75
For do over paid Costs in hands on Settlement of 2d & 3d &c. appears		95.53¼
For Costs fees and Regr for 1827		.16
		$ 140.64¼
amt of debts brought down		111.44
Over paid Costs received		29.10¼
6 p.Ct. Com. on 3804.09¼ the amt of charges in 1st 2d & 3d &c. allowed by the Orphans Court to this account		228.26
Amt due amt from Decs Estate		257.36¼

Maryland Frederick County to wit on the 22d day of May

1827 Came Elizabeth Motter admx of Michael Motter Decd and made oath on the Holy Evangely of almighty God that the foregoing ace as stated is just and true and that she has paid as deamed to be paid the funeral fees for which she hath prayed an allowance to the best of her knowledge and belief which upon due Examination is Lapsed by the orphans Court,

Test Geo Eichelberger Regr

Frederick County to wit I Hereby certify that the forgoing is a true copy Taken from the Original filed in the Office of the Register of Wills of Frederick County this 28th day of May 1827, In Testimony whereof I have hereunto set my Hand and affixed the Seal of my Office this 12th day of November 1827

Geo Eichelberger Regr

order for Commn

whereupon the Court lapsed the following order for Commission viz Elizabeth Motter

vs

Michael Motters Heirs

No 834 Equity In Frederick County Court as a Court of Chancery

Daniel Motter, Mary Motter Solomon Motter & Lewis Motter Defendants in the above cause having been Summoned and being infants & therefore incapable of answering the Complainants Bill but by Guardian to be named for that purpose it is thereupon this 8th day of November 1827 on application of the Complainants ordered that a Commission issue to Thomas W Morgan to appoint a Guardian to answer for said infant defendants, Abm Shriner, H Buchanan, whereupon in pursuance of the above order the following Commission issued viz

Commn

Maryland ss The State of Maryland to Thomas W Morgan, Gentleman of Frederick County Greeting,

Seal

whereas Elizabeth Motter hath lately exhibited her Bill of Complaint before us in our County Court as a Court of Chancery against Daniel Motter, Mary Motter, Solomon Motter and Lewis Motter Defendants and whereas we have by our writ lately commanded the said Defendants to appear before us in our said Court as a Court of Chancery at a certain day now past, to answer the said Bill and infants under age, and cannot answer the said Bill nor defend this suit without having a Guardian assigned in that behalf Know ye therefore, that we have given unto you full power & authority in pursuance of the special order in our said Court to assign and appoint a Guardian for the aforesaid infants and to take the answer of the said infants by such Guardian to the said Bill and therefore we command you that at such certain day and place as you

Shall think fit. you go to the said Defendants if they cannot conveniently come to you. and assign and appoint a Guardian for the aforesaid infants. and take the answers of the said infants by such Guardian, to the said Bill on such Guardians corporal oath upon the Holy Evangely, to be administered by you the said answers being distinctly and plainly wrote and when you shall have so taken the said answers. you are to send the same. closed up under your Seal together with your Certificate of your having assigned and appointed such Guardian as aforesaid. and this writ. unto us. in our said Court of Chancery. Witness the Honourable John Buchanan Esquire Chief Judge of our said Court. the 6th day of August Anno Domini 1827 Issued the 8th day of November 1827.

(J Thomas) John Selby Clerk

Whereupon the following Answer and Certificate of the Infant Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz

Infants Answer

Elizabeth Motter
vs
Daniel Motter & others

No 834 Equity Frederick County Court as a Court of Chancery. The Joint & several answers of Daniel Motter Mary Motter, Solomon Motter, & Lewis Motter infants under the age of Twenty one years by Jacob Coblentz their Guardian to the Bill of Complaint of Elizabeth Motter. The said Daniel Mary Solomon & Lewis by their said Guardian in answering said Bill admit the several matters and things therein set forth which they are advised it is material for them to answer and that it will be for the Benefit that such Decree be made in this Cause as may be Consistent with Equity hoping as they are infants this Honourable Court will protect their Interest. Jacob Coblentz,

Frederick County to Wit. Be it remembered that on this 8th day of November 1827 personally appears Jacob Coblentz before the Subscriber named in a Commission for that purpose issued and makes Oath on the Holy Evangely of Almighty God that the several matters stated in the above answer are true as stated to the best of his knowledge.

Thos W Morgan (Seal)

To the Honourable the Judges of Frederick County Court sitting as a Court of Equity I the Subscriber named in a Commission from Frederick County Court as a Court of Equity in a Cause in the said Court depending between Elizabeth Motter Complainant and Daniel Motter and others Defendants do hereby Certify that by virtue of said Commission hereunto enclosed I have assigned and appointed Jacob Coblentz Guardian for Daniel Motter, Mary Motter, Solomon Motter, & Lewis Motter infants & Defendants to said Bill & have taken the answers of said

Infants by said Guardian in Writing upon his behalf
said to the Bill in said Commission mentioned which
I herewith send enclosed In testimony whereof I have
hereunto set my Hand & Seal this 8th day of November 1827.

Hos. W. Morgan (Seal)

Decree

Elizabeth Mottes
vs
Daniel Mottes
and others

Whereupon the Court hoped the following Decree viz
to wit Frederick County Court sitting as a
Court of Equity August Term 1827 the
Bill answer and Exhibits in this Cause
being read and Considered by the Court
do is thereupon this 15th day of November 1827 ordered adjudged
and decreed by the Court that the land and premises or so
much thereof as may be necessary to pay the debts of
Michael Mottes deceased, be sold and that Jacob Bobbitt
be and he is hereby appointed Trustee for making Sale of
said land and premises and that the terms & manner
of his proceeding be as follows He shall first lodge with
the Clerk of this Court a Bond to the State of Maryland
Executed by himself and a Surety or Sureties approved by
this Court in the penalty of Two Thousand Dollars Conditioned
for the faithful performance of the Trust reposed in him by
this Decree or any other order or Decree in the premises
He shall then proceed to make Sale of the said land and
premises having first given 20 days notice thereof
notice in such newspaper or newspapers as he may think
proper printed in Frederick of the time place manner &
terms of said Sale. The terms of Sale shall be as follows
One third of the purchase money to be paid in hand
the balance in two equal payments the first in twelve
Months and the other in Eighteen Months from the day of
Sale the two latter payments to be without interest until
due the Purchaser or purchasers to give Bonds with two
good Securities to be approved of by said Trustee Conditioned
for the payment of the purchase money when paid in hand.
It is further ordered & Decreed that the Trustee shall
as soon as Conveniently after the Sale relating to this
Court a full and particular account of his proceedings
under this Decree with an affidavit annexed of the truth
thereof that said Sale may be ratified or rejected by
this Court on obtaining the confirmation of said Sale
by this Court and on the receipt of the whole purchase
money and not before the Trustee shall by a good deed
convey the land & premises to the purchaser or purcha-
sers thereof or his her or their Heirs free and clear from
all claims of the Complainants or Defendants or of
those claiming by from or under him or them or any
of them and shall bring into this Court the money
arising from said Sale, to be applied under its direction

according to the rights of the parties interested in the same after deducting the costs of this suit and such Commissions to the Trustee as this Court shall think proper to allow,

Abm Shriver.

Trustees Bond

whereupon the Trustee filed the following Bond endorsed approved Abm Shriver viz:-

Know all men by these presents that we Jacob Coblentz, Peter Coblentz & John Keller of John of Frederick County and State of Maryland are held and firmly bound to pay or cause to be paid to the State of Maryland the full and just sum of Ten Thousand Dollars which payment well and truly to be made we bind ourselves our Heirs Executors and administrators firmly by these presents Signed & Sealed this 28th day of November 1827 whereas the above named Jacob Coblentz by virtue of a Decree of Frederick County Court Sitting as a Court of Equity has been appointed Trustee for the Sale of the real Estate of Michael Mottes late of said county deceased Now the condition of the above obligation is such that if the above bounden Jacob Coblentz doth and shall well & truly perform the trust reposed in him as Trustee aforesaid by said Decree, or that may be reposed in him by any future order or Decree in the premises then the above obligation to be void otherwise to remain in full force & virtue in Law. Signed & Sealed

in presence of
Wm R Zabell.

Jacob Coblentz (Seal)
Peter Coblentz (Seal)
John Keller of Vic (Seal)

And the said Cause as standing Continued from Term to Term until February Term 1828 the Trustee made the following

Trustees Report

Report viz

Elizabeth Mottes
vs
Daniel Mottes
& others

In Frederick County Court Sitting as a Court of Equity No 834 To the Honorable the Judges of Frederick County Court Sitting as a Court of Equity Jacob Coblentz Trustee in the above Cause respectively reports that in obedience to the decree of this Honorable Court made in the above recited Cause on the 15th day of November 1827 he proceeded to advertise part of the real Estate of the late Michael Mottes as specified in the advertisement hereunto Exhibited Marked No 1 and that on the thirty first day of December 1827 mentioned in said advertisement the said Trustee attended on the premises at the time mentioned and was ready to make Sale thereof for want of bidders that again the said Trustee offered the premises for Sale by advertising at least three successive weeks in the Republican Citizen a Newspaper printed in Frederick and on the Twenty sixth day of January 1828 the time & at the place appointed for the Sale in said advertisement the said Trustee attended and offered to the highest

Bidded the whole of lot No 29 and the half of lot No 30 as
laid out on the plat of Middle Town being part of
the real estate of said Michael Mosser authorized to
be sold by the Decree above mentioned and that said
premises were duly sold and fairly struck off to John
Keller he being the highest bidder for the sum of
Twelve Hundred Dollars to be paid ~~20~~ the time &
manner directed in said Decree all which is
respectfully submitted. Jacob Colbertz.

Frederick County Sct On this 21st day of March 1828 came
Colbertz the within named Trustee personally appears
before me the Subscriber one of the Justices of the peace
in and for Frederick County and made Oath in form
of law that the Sale as within reported was duly and
fairly made and that the facts in said report are true
Sworn Before George Rohr.

order of Publication

Whereupon the Court passed the following order of Publication
viz In Frederick County Court as a Court of Equity
ordered that the Sale made and reported by Jacob Colbertz
appointed Trustee to sell the Estate of Michael Mosser
Deceased be ratified and confirmed unless Cause to the
Contrary be shewn on or before the fifteenth day of May
next provided a Copy of this order be published in some
Newspaper printed in Frederick for three Successive weeks
before the said 15th day of May next the Trustee reports
the Sale to amounted to Twelve Hundred Dollars.
Abm Shriver. April 10th 1828.

Printer Certificate

Whereupon the following Certificate of the Printer
together with a printed Copy of the above order thereon
annexed was filed viz
I Hereby Certify that the above & annexed advertise-
ment was inserted in the Citizen for three Successive
weeks before the 15th day of May 1828. G W Sharp.

order of ratification

Whereupon the Court passed the following order of
Ratification viz
In Frederick County Court as a Court of Equity
ordered by the Court that the Sale of the Estate of
Michael Mosser Deceased as reported by the Trustee be
and the Same is Hereby Confirmed unless Cause to the
Contrary hereof be shewn although notice hath
been given of the Sale agreeably to a former order
of this Court The Trustee is hereby allowed for his
Commission and Expenses the sum of Seventy one
Dollars and fifty Cents and the Auditor is directed
to State an account between the Trustee and said
Estate according to the practice of this Court and
report the Same. Abm Shriver.

And the said Cause as standing Continued to July Term

1828 The Auditor Made the following Report to wit

Dr. The Estate of Michael Motter Deceased in a/c with Jacob Coblentz Esquire Trustee

Auditors Report

To the Trustee for his Commission & also Attorney		₰ 71. 58
. the attorney for his fee	₰ 3 33⅓	
. the Clerk for his fees	11.45½	
. the Sheriff for his fees	1.53½	16. 38
To the Auditor for his fees in stating a/c reporting to Court &c		6 —
To Elizabeth Motter administratrix of Michael Motter Deceased an amount due her, for overpaid Specty in the Settlement of said Deceased personal Estate as Stated and shewn by Papers filed marked F		₰ 241. 25
To Elizabeth Motter as a Creditor of said Michael Motter Deceased an amount due her upon note filed with Interest added to day of Sale agst note filed marked G		₰ 367. 90
To Eve Neff assignee of Lyng Neff also a Creditor of said Michael Motter Deceased an amount due her upon note filed with Interest added to day of Sale agst note filed marked H		₰ 31. 36
To Daniel Motter a Son of said Michael Motter deceased and an heir and fourth of Balance of proceeds of Sale in lieu of his right as heir as aforesaid and under the Bill and proceedings composing this Cause		116. 49½
To Mary Motter a Daughter of said Michael Motter Deceased and heir, and fourth of Balance of proceeds of Sale in lieu of her right as heir as aforesaid and under the Bill and proceedings composing this Cause		116. 49½
To Solomon Motter a Son of said Michael Motter Deceased and an heir and fourth of Balance of proceeds of Sale in lieu of his right as heir as aforesaid and under the Bill and proceedings composing this Cause		116. 49½
To Lewis Motter a Son of said Michael Motter Deceased and an Heir and fourth of Balance of proceeds of Sale in lieu of his right as heir as aforesaid & under the Bill & proceedings composing this Cause		116. 49½
By Amount of Sales made the 26th day of January 1828 agst report of Trustee filed		₰ 1200 —
		₰ 1200 —

Motter's vs. Motters

In Frederick County Court as a Court of Equity July Term 1828 I Auditor to Frederick County Court Sitting as a Court of Equity I beg leave to Report to the Honorable the Judges thereof that in Compliance with their order I have Examined the proceedings Composing this Cause and thereupon Stated this Cause In this as in like Cases I have allowed the Trustee for his Commissions and all Expenses and also allowed the Costs of the Court, and I have allowed the administratrix and

Amount and how as over laid apotts in the Settlement of said Deceased personal Estate I have then allowed the Claims filed against the Estate of said Deceased accruing Interest upon the same to day of Sale by the Trustee and the then Balance of proceeds of Sale I have divided amongst the heirs and proper representatives of the said Michael Slattal, Deceased according to the rights of the several parties interested and in accordance with the Bill and proceedings composing this Cause. I Respectfully submit the same to the Honourable the Judges aforesaid for Confirmation, Henry Schley auditor August 14th 1828

order of ratified

Whereupon the Court passed the following order of Ratification to wit July Term 1828 ordered by the Court, that the aforegoing account as stated and reported by the auditor be and the same is hereby ratified and confirmed, and that the Trustee pay over the proceeds of Sale as the same has or may be received to the parties respectively entitled to the same according to the distributions in said account named

Abm Shriner Aug 18th 1828.

Test John Schley Clk

Maryland Frederick County Set

At a County Court sitting as a Court of Equity Begun and held at the Court House in Frederick Town in and for said County on the first Monday of August in the year of our Lord 1827.

Present The Honourable John Buchanan Esqr Chief Judge
Abraham Shriner & Esquires Asso
Thomas Buchanan & Judges
Thomas Carlton Esqr Sheriff
& John Schley Clk

In the record of proceedings of the said Court amongst other

Bill

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity Humbly Complaining sheweth unto your Honours your Orator George Ramsburg of Frederick County That heretofore to wit on the Sixteenth day of February Eighteen Hundred and Twenty Seven your Orator Thomas Hershberger and others Exhibited their Humble Bill of Complaint in this Honourable Court against John B Hershberger and Ferdinand Hershberger praying for the Sale of the real Estate of Henry Hershberger Deceased That the Defendants duly appeared to, & answered said Bill, and that on the 22d day of March 1827 this Honourable Court passed its decree for the Sale of said Estate and appointed your Orator a Trustee for the purpose of making said Sale. That on the 14th day of April 1827 your Orator as Trustee aforesaid sold said real Estate

At public auction, that on the sale thereof a certain James Wiley & Patrick McGill Junr being the highest bidders became the purchasers of one Hundred and nine acres and three fourths of one acre, consisting of part of "No Title is Good" Part of "New Found land" and part of "Chesnut Holland" at the price and for the sum of thirty three Dollars per acre and that the amount of said purchase, is three Thousand six Hundred and Twenty one Dollars and twenty five cents that said sale was reported to this Honorable Court, on the third day of May 1827 and after notice ratified and confirmed on the second day of August 1827 all of which will appear upon reference had to the proceedings in No. 779 in the Equity Docket of this Honorable Court your orator further represents that James Wiles one of the above named purchasers died on or about the 12th day of September 1827 Intestate, and without having paid any part of the purchase money due upon said purchase, save the amount credited to him in the above case, which it was understood between said Wiles and your orator was to be applied, as the second became due that the said James Wiles left the following children as his heirs at Law, William, Thomas, Catherine James, Henry and Greenberry Wiles all of whom are Infants under the age of twenty one years, that Letters of administration on the personal Estate of said James Wiles have been granted by the Orphans Court of Frederick County to Elizabeth Wiles & Michael Thomas and that said personal Estate will be inadequate to the payment of the Debts of the said James Wiles that Elizabeth the wife of said James Wiles is still living your orator further represents to your Honours that James Wiles and Patrick McGill Junr whom they became the purchasers of the Lands above mentioned did so in the character of Tenants in Common, under a written agreement between them as your orator is informed, your orator believes that Patrick McGill Junr is prepared and willing to pay for the portion of the Land, to which he is entitled under the agreement aforesaid your orator is advised that the aforesaid land sold to James Wiley having been sold under a Decree of this Court and remaining unpaid for that this Honorable Court is Competent to decree a resale of the Lands for the satisfaction of the purchase money, and to decree a Conveyance for the part allotted to Patrick McGill Junr under his agreement with James Wiles upon the payment of the purchase therefor be tender consideration whereof and for as much as your orator is remediless in the premises elsewhere than in this Honorable Court sitting as a Court of Equity and to the end that a Decree may be had for the resale of said Land to satisfy the unpaid purchase money may it please your Honours to grant to your orator

The States writt of subpoena to the aforesaid Patrick McGill
& Elizabeth Wiles & Michael Thomas, administrators of
James Wiles, Elizabeth Wiles widow of James, William,
Thomas, Catherine, James, Henry, Grunberry Wiles to be
directed, Commanding them and each of them to be &
appear in this Honourable Court by some day therein
to be named, to shew cause if any they have why
a Decree should not be Prayed as prayed and may
it please your Honours to grant to your orator a Com-
mission to send suitable thereon, authorizing him to
assign a Guardian for the Infant Defendants above
named to answer in the premises, And may it
please your Honours to grant to your orator all such
other and further relief in the premises as may consist
with Equity and good Conscience and your orator will
ever pray &c. I Nelson for Compl.

And the said cause is standing Continued from Term to
Term until February Term 1828 the Court passed the following
order for Commission viz.

order for Comm.n — George Ramsburg ... No. 846 Equity show application by the
Complainants Solicitor, ordered
that a Commission to assign a
Guardian to answer for the
Infant Defendants above named
issue to Patrick McGill Esq.r. Att.y Shriver, Apl. 10th 1828

v.
William, Thomas,
Catherine, James,
Henry & Grunberry Wiles

Thereupon in pursuance of the above order the following
Comm.n — Commission issued viz.

Maryland ss. The State of Maryland. To Patrick McGill
Esquire of Frederick County Greeting Whereas
George Ramsburg hath lately exhibited his
Bill before us in our County Court as a Court
of Chancery, against William Wiles, Thomas
Wiles, Catherine Wiles, James Wiles, Henry Wiley and
Grunberry Wiley, Defendants and whereas we have
by our writ, lately Commanded the said Defendants
to appear before us, in our said Court as a Court of
Chancery at a certain day now past to answer the
said Bill but, for as much as the said William
Thomas, Catherine, James, Henry & Grunberry are infants
under age, and cannot answer the said Bill nor
defend their right without having a Guardian assigned
in that behalf: Know ye, therefore, that we have
given unto you full power and authority in pursuance of
the special order in our said Court, to assign and
appoint a Guardian for the aforesaid infants and
to take the answer of the said infants, by such
Guardian to the said Bill and thereof we Command
you, that at such certain day and place as you

Frederick County to Wit
Seal

shall think fit you go to the said Defendants if they Cannot Conveniently Come to you, and assign and appoint a Guardian for the aforesaid infants, and take the answers of the said infants, by such Guardian, to the said Bill on such Guardian's Corporal Oath upon the Holy Evangely, to be administered by you, the said answers being distinctly and plainly wrote and when you shall have so taken the said answers you are to send the same Closed up under your Seal, together with your Certificate of your having assigned and appointed such Guardian as aforesaid, and this writ, unto us, in our said Court Witness the Honourable John Buchanan Esquire Chief Judge of our said Court the 25th day of February Anno Dominie 1828, Issued the 10th day of April 1828, John Sahley Clk

Whereupon the following Certificate and Answer of the Infant Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity I Hereby Certify that by virtue of the Commission hereunto annexed I have assigned and appointed Henry Kershperger Guardian for the said Infant Defendants therein named and have taken their answers by their said Guardian, in Writing upon his Corporal Oath, to the Bill in the said Commission recited and which I herewith send inclosed In Witness whereof I have hereunto set my Hand and Seal this first day of May Eighteen Hundred and Twenty Eight.

Infants answer

Patrick McGill Junr (Seal)

The joint and Several answers of William, Thomas, Catharine, James, Henry and Greenbury Wiles, Infants under the age of Twenty one years to the Bill of Complaint of George Remsburg in Frederick County Court as a Court of Equity Exhibited These Defendants in answering said Bill by Henry Kershperger their Guardian: say That true it is; as is stated in said Bill that James Wiles Deceased the father of these Defendants did in Conjunction with Patrick McGill Junr purchase from the Complainant the Land mentioned in said Bill, at the price stated in said Bill that said Sale was duly ratified that no part of the purchase money was thrown paid by the said James Wiles during his life and that his personal Estate will not suffice, besides paying his debts, to Satisfy the Complainant for said purchase. These Defendants have no objection that a Decree for the re Sale of the Interest of the said James Wiles in said Land shall be passed by this Honourable Court hoping that as they are Infants this Honourable Court will protect their Interests. Henry Kershperger Guardian

Maryland Frederick County to wit On this 1st day of May Eighteen Hundred and Twenty eight appeared before the Subscriber Commissioner named in a Commission for that purpose issued out of Frederick County Court sitting as a Court of Equity Henry Hershberger Guardian within named and made oath that the facts stated in the within answer are true to the best of his knowledge information and belief.

Sworn Before Patrick McGill Sen^{r}

Answer of Patrick McGill

Whereupon the following Answer was filed viz^{t}

The Separate answer of Patrick McGill Sen^{r}, to the Bill of Complaint of George Ramsburg filed in Frederick County Court as a Court of Equity this Defendant in answering said Bill admits the facts stated therein to be true as far as it is alledged that this defendant became a purchaser from the complainant of the land mentioned in said Bill in conjunction with James Wiles at the price stated in said Bill, that the sale was ratified, and that no part of the purchase money was paid thereon within the knowledge of this Defendant, except what was paid by this Defendant, this Defendant further answers and says that his part of the purchase of the said land was made seperate and distinct from that made by James Wiles by an agreement in writing entered into by George Ramsburg, James Wiles, and this defendant on the day of the sale of said land, whereby this defendant was taken for and became the purchaser of fifty acres and ten perches of the said land as by agreement will appear hereunto exhibited That this Defendant has no objection to the resale of James Wiles part of said land, which will also appear by said agreement but hopes that the honorable Court will deem it unnecessary to interfere with that part purchased by this Defendant as he has fully complied with the terms of the sale thereof Patrick McGill Sen^{r}

I agree to receive the within answer without oath,

John Nelson Sol^{r} for Complt

Elizabeth Wiles & al^{s} Michael Thomas & al^{s} of Jas Wiles

Whereupon the following Answer was filed viz^{t}

The Joint answer of Elizabeth Wiles, & administratrix and Michael Thomas, as administrator of the late James Wiles, Deceased, and the Seperate answer of Elizabeth Wiles as widow of said Deceased to the Bill of Complaint of George Ramsburg against these defendants and others in the Frederick County Court, as a Court of Chancery, Exhibited The said Defendants as administratrix and administrator as aforesaid in answering the said Complainants said Bill of Complaint do as much thereof as they are advised is material for them

To make answer unto, in their said representative character admits the Sale by the Complainants to the said deceased in his life time, and Patrick McGyle, as is set forth in his said Bill, of the pieces of land, and at the prices, particularly stated in said Bill, they admit the death of the said James Wiles, that he died intestate and without having paid any part of the purchase money on account of his said purchase that they Defendants obtained letters of administration upon his personal Estate, and that the said personal Estate is greatly inadequate of the payment of his debts and the said Elizabeth Wiles as the relict of the said deceased answering severally and for herself further Saith, that she has never understood that any amount was audited to the said James Wiles in said Cause No 779 Equity in his individual and exclusive right, and which would, as of Course be applied in payment pro tanto of the purchase money, due for the said land from the said James Wiley, but she states, in further answer that the sum of £ was audited to the said James Wiles and this Defendant, their his wife, in the life time of the said James Wiles, in right of this Defendant, as by the audit in said Cause will particularly appear and this Defendant pointedly denies the allegation in said Bill that the said James Wiles, had agreed with the said Complainants and that the amount audited to him the said James Wiles (if thereby is meant the said amount audited to the said James Wiles and this Defendant in the life time of the said James in right of this Defendant thereof or was to be applied as the same became due in payment of the purchase money to be given for the said land, and she further humbly insists that such agreement, even if it had been made, which this Defendant by no means admits, but, on the Contrary thereof denies) would not avail to make said amount, so audited as aforesaid to the said James Wiles and this Defendant answerable for his debts or Contracts, generally or specially for the payment of the purchase money aforesaid, in opposition to the right and equity of this Defendant, in respect thereof and this Defendant respectfully refers to her petition in Writing filed among the proceedings in No 779 Equity asserting her absolute and exclusive claim to said amount of £ and to the several rents of your Honours, hoped thereon Considering her claim as set forth in her said petition and she Exhibits herewith, as a part of this her separate answer, a Copy of the final order of your Honours upon the said Petition made, marked Exhibit E W and she prays that the same may be taken and Considered as a part of this her separate answer to the said Complainants said

Bill of Complaint without that, that there is any other matter or thing in the said Complainants said Bill of Complaint Contained and stated, and not herein and hereby well and sufficiently answered unto, confessed or avoided, traversed or denied, is true, and these Defendants pray hence to be Dismissed, with their reasonable costs and charges, in this behalf sustained &c.

Wm Schley Solr for Defendants

I agree to waive the above answer without oath.

I Nelson. Solr for Complainant May 6th 1828.

Decree. Whereupon the Court hears the following Decree viz

George Rowsburg
vs
Patrick McGill Surv & others

No 846 Equity in Frederick County Court February Term 1828. This said Cause standing ready for hearing & being submitted the Bill answers Exhibits and all other proceedings were by the Court read and Considered and it appearing to the Satisfaction of the Court from the answers that the relief prayed for by the Complainant, is reasonable and ought to be granted it is thereupon on this 8th day of May Eighteen Hundred and Twenty Eight, by Frederick County Court Sitting as a Court of Equity ordered, adjudged and decreed that so much of the Land sold to James Wiley & Patrick McGill Surv by George Rowsburg Deceased in the proceedings as belonged to James Wiley, at the time of his death, (reserving that of McGill shall be sold that for the purpose of making the said Sale thereof George Rowsburg be and he is hereby appointed Trustee and that the Bond and manner of his proceeding therein and therein related shall be as follows he shall first file his Bond with Security to be approved in the penalty of Two Thousand Dollars Current money Conditioned for the faithful performance of the trust reposed in him by this Decree or that may be reposed in him by any future order or Decree in the premises he shall then proceed to sell said Land at public Sale, after giving at least three weeks notice of the time place manner and Terms of Sale, which shall be that the purchaser or purchasers pay one third of the purchase money in hand, and the residue in two Equal annual payments with Interest And the Trustee shall as soon as conveniently may be after any Sale by him made report the same to this Court for its ratification and shall likewise bring into Court the money arising from said Sale, to be applied under the direction of this Court after deducting therefrom the costs of this suit and such Commission

To the Trustee, as the Court shall think proper to allow, and upon the payment of the purchase Money, and the ratification of the Sale by this Court the Trustee shall by a good and sufficient Deed to be executed acknowledged and recorded according to Law, convey to the purchaser or purchasers and to his, her or their Heirs the Land as sold to him by virtue of this Decree, Abiq Shriner,

Trustees Bond

Whereupon the Trustee filed the following Bond. Endorsed Approved Abiq Shriner "viz"

Know all men by these presents that we George Rumsburg and James Torrance of Frederick County, are held and firmly bound unto the State of Maryland, in the just and full sum of Two Thousand Dollars Current Money, to be paid to said State or its Certain attorney, to which payment well and truly to be made and done, we bind ourselves our Heirs Executors and administrators Jointly and Severally firmly by these presents Sealed with our Seals and dated this 20th day of May 1828, Whereas by Decree of Frederick County Court Sitting as a Court of Equity the above bound George Rumsburg has been appointed Trustee to sell certain real Estate of James Wiles Deceased for the payment of his debts Now the Condition of the foregoing obligation is such that if the above bound George Rumsburg do and shall well and truly discharge the Trust reposed in him by said Decree or that may be reposed in him by any future order or Decree in the premises then the foregoing obligation to be void else to be and remain in full force and virtue in Law.

Signed Sealed & Delivered in the presence of
Jas Nelson,

George Rumsburg (Seal)
Jas Torrance (Seal)

Trustees Report

Whereupon the Trustee made the following Report viz)

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity the Trustee appointed by Decree of this Honourable Court bearing date on the day of 1828, to sell a part of the real Estate of James Wiles Deceased, reports that after advertising said real Estate by notice in the Frederick Town Herald, as required by said Decree, and having also previously filed his Bond, with Security approved, he on the 21st day of June 1828, offered said real Estate containing about Sixty acres of Land, the quantity to be ascertained by Survey and sold the same to Charles Bell McGill of Frederick County who was the highest bidder) at the price and for the sum of Twenty Seven Dollars per acre; upon the terms prescribed by said Decree (The Certificate of Sale is herewith shewn marked A) said Sale is reported for ratification the Trustees personal Expenses are Estimated at $ 9/00.

Witness Jas Nelson,

George Rumsburgh,

Maryland Frederick County to wit on this 28th day of June

1828 appeared George Ramsburg Trustee above named before the Subscriber and makes oath that the sale above reported was fairly made.

Sworn before. Jno G Bartgis

order of Publicn

Whereupon the Court passed the following order of Publication viz. George Ramsburg vs James Wiles's Heirs } In Frederick County Court as a Court of Equity February Term 1828 ordered. That the sale made and reported by George Ramsburg. Trustee in the above Cause. be ratified and confirmed. unless cause to the contrary be shewn on or before the first day of August next Provided a Copy of this order. be inserted for three Successive Weeks in some newspaper printed in Frederick Town. before the said first day of August next. the Trustee reports the Sum of about Sixty acres of Land. at the price of Twenty Seven dollars per acre. Jno Shriner. June 24th 1828.

And the said Cause as standing continued to July Term 1828 the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz.

Printers Certificate

I Hereby Certify that the annexed notice was inserted in the Citizen for three weeks in Succession before the first day of August last. G. W. Sharp.

Whereupon the Court passed the following order of ratification viz.

order of ratifica

Ordered. that the Sale within made and reported. be and the same is Hereby ratified and confirmed. no Cause to the contrary having been shewn. notwithstanding notice given. the Trustee is allowed for his Commission and Expences ninety one Dollars and Twenty Cents the Auditor is directed to State an account and to report the same to this Court for its ratification.

Jno Shriner Augt 7th 1828.

Whereupon the Auditor made the following Report viz.

Auditors Report

Dr The Estate of James Wiles Deceased in Acct with George Ramsburg Esquire Trustee. Cr

To the Trustee for his Commission & all Expences		91.20
" the Attorney for his fee	3.33⅓	
" the Clerk for his fees	10.37	
" the Sheriff for his fees	3.06⅔	16.77
To the auditor for his fees in stating & reporting to Court &c		3.—
To George Ramsburg the Complainant in this Cause the Balance of proceeds of Sale. in part of his claims. under the Bill and proceedings Compromising this Cause		1509.03
	Amt Carried forward.	1620.—

Amount brought forward £ 1620. c.

The Amount due to the said Complainant exclusive of Interest, is for the Sale of about 60 acres of Land at 33 £ 1/2 and Amount is £1980.

By Amount of Sale of the said James Wiles mentd Estate, made the 21st June 1828 as per return of Trustees filed . . . . . £ 1620. c.

George Ramsburg
vs
Patrick McGlies & Elizabeth Wiles & others

To Frederick County Court as a Court of Equity July Term 1828 As auditor to Frederick County Court Sitting as a Court of Equity I beg leave to report to the Honourable the Judges thereof, that in Compliance with their order I have examined the proceedings Composing this Cause and thereupon Stated the foregoing account, to this as in like case I have allowed the Trustee for his Commissions and all Salvages and also allowed the Costs of the Court, and the Balance of proceeds of Sale, I have audited to George Ramsburg the Complainant in this Cause in part of his Claim, as set forth in the Bill and proceedings Composing this Cause I Respectfully Submit the same to the Honourable the Judges aforesaid for Confirmation. Henry Sahley Auditor, Aug 12th 1828,

Rule of ratific.

Whereupon the Court passed the following rule of ratification viz July Term 1828 Ordered by the Court that the foregoing account as Stated and reported by the Auditor be, and the same is hereby ratified and confirmed, and that the Trustee pay over the proceeds of Sale to the parties respectively entitled to the same according to the distributions in said account made as the same has or may be received —

Abm Shriner Aug 5th 1828,
Test John Sahley Clerk

Maryland Frederick County Sct

At a County Court Sitting as a Court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the first Monday of August in the year of our Lord Eighteen Hundred and Twenty Six,

Present The Honourable John Buchanan Esquire Chief Judge
Abraham Shriner & Esquires associate
Robt Buchanan and Judges
Thomas Cartter Esquire Sheriff
& John Sahley Clerk

Bill

In the record of proceedings of said Court amongst others others are the following viz

To the Honourable the Judges of Frederick County Court, Sitting as a Court of Chancery Humbly Complaining shew unto your Honours your orator and oratrix, Jonathan Miller and Susanna Miller his wife, both of Lycom County in the State of Pennsylvania, that heretofore to wit on the day of in the year a Certain

William Jones Departed this life intestate seized & possessed at the time of his death, of a large real Estate, lying in the County of Frederick County in the State of Maryland, and having the following named persons his Children and Grand Children and his Heirs at Law to wit Abraham Jones, Samuel Jones, William Jones Junr. Michael Jones, Catherine Harp, the wife of one George Harp, your Orator Susannah Miller wife of your Orator Jonathan Miller) and Maria Jones, Ezra Jones and Catherine Jones Children and representatives of John Jones, Deceased Son of the said William Jones Deceased, and who have theretofore, in the life time of his said Father departed this life intestate, leaving his three Children, Maria Ezra and Catherine his Heirs and representatives and who upon the death of their said Grand father, became entitled by representation, to such part of his real estate as their said Father, if living, would have been entitled to possessed, that the said Maria Jones is since Deceased and that she died unmarried intestate and without issue leaving her Brother and Sister the said Ezra Jones and Catherine Jones her Heirs at Law, that the said Ezra Jones & Catherine Jones, are both infants of tender years, residing in the Town of Boonesborough, in Washington County, your Humble Complainants respectfully further State to your Honours, that the real Estate, whereof the said William Jones died seized and possessed was acquired at different times, from sundry persons, partly by purchase, partly by devise and partly by a grant from the State of Maryland, that your Complainants are not prepared to set forth, in certain, the names and contents of the several tracts and parcels of land so as aforesaid acquired by the said William Jones, in his life time, nor have they been able satisfactorily to learn the same although friendly applications have been made with that view to the other Children of the said intestate, in whose possession all his papers of every kind, concerning his lands are supposed to be, that your Complainants, have nevertheless caused the land records of Frederick County to be diligently Searched in order to ascertain the property of the said William Jones, in his life time acquired and undisposed of, & also the office of the Register of Wills for the said County last aforesaid that it was thereupon discovered that on the 21st day of June in the year 1769, a certain Peter Fisher Conveyed to the said William Jones and a certain Catherine Jones their Heirs and assigns part of a tract of land called the Resurvey on Mistakes Friendship containing 133 acres more or less, as will appear upon reference to the deed of Conveyance, bearing date the day and year last aforesaid, and recorded in Liber M.

Folio 295 &c one of the land records of Frederick County, a Copy of which said deed, marked Exhibit A, is herewith shewn, and which, together with all other exhibits hereinafter shewn, it is prayed may be taken and considered as a part of this bill of Complaint, that the said Catharine Toms, afterwards departed this life, leaving the said William Toms, having previously made in due form of law her Testament and last will, bearing date the 4th day of August 1770 and which, after her decease, was proved and Registered according to law, whereby she devises to the said William Toms, a tract of land called 'Toms Folly' and part of a tract called 'mistake my friend' as will appear, more particularly, upon reference to said testament and last will, a Copy whereof is herewith shewn, as a part of this bill, marked Exhibit B, that on the 21st day of June 1770 a certain Valentine Summers conveyed to the said William Toms part of a tract of land called Germanity containing the quantity of five acres of land, more or less as will appear upon reference to the said Conveyance bearing date the day and year last aforesaid & recorded in Liber B D No 1 folio 568 &c a Copy whereof is herewith shewn marked Exhibit C, that a certain Ulrick Klipstein, by deed bearing date the 20th day of March 1776 conveyed to the said William Toms a tract or parcel of land called Good for naught, containing the quantity of seventy acres of land more or less as will appear by said deed, recorded in Liber B D No 2 folios 367 &c a Copy of which is Herewith shewn marked Exhibit D, that by deed bearing date the 10th day of April 1788, and recorded in Liber W R No 8 folio 67 &c the said William Toms Sold and Conveyed to one Samuel Toms the quantity of 24 acres of land, part of the tract called Mistake no friend, as will appear upon reference to said deed a Copy whereof is Herewith shewn marked Exhibit E, that by this deed bearing date the 9th day of September 1788, and recorded in Liber W R No 8 folio 254 &c a certain Robertson Eathorne and John Eathorne Conveyed to the said William Toms seventeen acres more or less part of a tract called Norriton, as will appear upon reference to said deed, a Copy whereof is herewith shewn, marked Exhibit F, that by deed bearing date the 7th April 1792 Valentine Summers Junr, Christopher Summers and Jacob Summers, Conveyed to the said William Toms his Heirs and assigns, part of a tract called Germanity, Containing 30 acres more or less as will appear upon reference to said deed recorded in Liber W R No 10 folio 669 &c one of the Land records of Frederick County, a Copy whereof is herewith shewn marked Exhibit G, that on the 15th day of June 1810 the said William Toms

By deed of bargain Sale, bearing date the day and year last aforesaid, and recorded in Liber W.B. No. 37 folio 532 &c. one of the land records of Frederick County, conveyed to said Abraham Demp, one and an half acres of land, part of a tract called William Toms resurvey and John Toms Folly, as will appear by said Deed, a copy whereof is herewith shewn marked Exhibit A) that on the 18th day of June 1770 the said William Toms obtained a patent for a tract called North Point, containing 9 acres more or less, and that on the 2d day of May 1785 he obtained a patent for a tract called William Toms resurvey containing 118¾ acres of land more or less as will appear by Copies of said patents, herewith shewn respectively endorsed as Exhibits B & C your Complainants respectfully further shew to your Honours that they are not aware that the said intestate died seized and possessed of any other lines or parcels of land, than what is hereinbefore mentioned, that all the said Land lies in the County of Frederick in Maryland, that your Complainants are not aware that the said intestate disposed of any other land than what is hereinbefore shewn, that the Estate is large & valuable but lies at present undivided among the Heirs, to their great and manifest loss that your Complainants are greatly desirous that the said real Estate and all other real Estate if any lying in the County aforesaid whereof the said William Toms died seized & possessed should be divided (if it can advantageously be done) and without loss to all the parties interested or else that the said Land should be sold and the proceeds distributed among the parties entitled according to their several proportions but that the infancy of the said Eyre Toms and Catherine Toms renders them incompetent to enter into a partition or to consent to a Sale and your Complainants charge that it will be greatly to the interest of all parties concerned, that the said real estate should be adjudged to be sold by a good suitable person to be appointed a Trustee for that purpose Which now as it is, may it please your Honours, that without the aid and interference of your Honourable Court Sitting as a Court of Chancery, your Complainants are wholly without remedy and relief, To the end therefore that a Decree may be passed and made, adjudging the said real Estate to be Sold for the benefit of the Heirs at Law of the said intestate, and appointing some Suitable person a Trustee for that purpose, may it please your Honours

To grant unto your Complainants, the writt of the State of Maryland of Subpoena to be directed to the said Abraham Jones, Samuel Jones, William Jones Junr, Richard Jones, George Harp and Catherine Harp, his wife all of Frederick County, and to Lydia Jones and Catherine Jones of Washington County Commanding them (and each of them) against a day therein to be named and under a paine therein to be expressed, to be and appear in your Honourable Court, and then and there upon their Corporal Oaths to answer this Bill of Complaint, and the severall matters and things therein Contained and stated and to shew cause, if they had why a Decree should not pass as prayed and may it please your Honours to grant unto your Complainants such other and further relief in the premises as the nature of the case may require and as may be Consistent with Equity and good Conscience and as in duty Bound they will ever pray &c.

Mr. Schley Solr. for Compltts,

Exhibit (A) Exhibit A referred to in the within and aforegoing Bill of Complaint Contained in the following words viz.

This Indenture made on the twenty first day of June in the year of our Lord one Thousand Seven Hundred and Sixty nine Between Peter Fisher of Frederick County and Province of Maryland of the one part and William & Catherine Jones of the County and province aforesaid of the other part Witnesseth that for and in Consideration of the sum of one hundred and fifty pounds Current money at & before the sealing and delivery of these presents well and truly in hand paid by William & Catherine Jones the receipt Whereof the said Peter Fisher doth hereby acknowledge and himself fully satisfied and Contented & of every part and parcel thereof doth acquit and discharge the said William and Catherine Jones their Heirs Executors administrators firmly by these presents hath given granted bargained, sold aliened and Confirmed and by these presents doth absolutely give grant bargain sell alien and Confirm unto the said William & Catherine Jones their Heirs Executors administrators or assigns forever all that tract or parcel of Land situate lying & being in Frederick County aforesaid being part of a tract of land Called the Resurvey on Chestnut Friend Beginning at the Original Beginning Tree and running thence South Eighty three degrees East twenty nine perches South thirty one Degrees West seventy nine perches North forty one Degrees West fifty nine perches South fifty degrees West forty perches South forty five degrees East twenty perches North thirty three degrees West twenty perches South thirteen degrees East forty eight perches to the end of the Sixteenth line of the aforesaid

Resurvey on Mistakend friend Thos South fifty nine degrees East sixty perches North fifty two Degrees East twenty perches North sixty degrees East forty perches North six Degrees East fifty four perches North thirty three Degrees East sixty two perches North forty Degrees East forty eight perches North fifty six Degrees West thirty two perches North one Hundred perches South eighty six Degrees West forty perches South forty two perches South eighty five Degrees West twenty four perches South sixty eight perches then by a Straight line to the Beginning Tree containing and laid out for one Hundred and thirty three acres of Land more or less together with all Houses Buildings and Improvements whatsoever of all and singular the Land and premises therein mentioned or in any ways appertaining To Have and to Hold unto them the said William and Catherine Toms their Heirs and assigns to the only proper use and behoof of them the said William and Catherine Toms their Heirs and assigns forever and the said Peter Fisher for himself and his Heirs doth hereby Covenant promise and agree to and with the said William and Catherine Toms their Heirs and assigns to warrant and forever Defend the before bargained Land and premises with the appurtenances by these presents mentioned or intended to every part and parcel belonging to the aforesaid tract of Land called part of the Ramsey or Mistaken Friend against himself and against his Heirs and every other person claiming any right or title by from or under him In Witness whereof the said Peter Fisher hath hereunto set his Hand and Seal this day and year first above written, Sealed & Delivered
in the presents of
Thos Prather Wm Luckett,

John Fry (Seal)

Received this 21st June 1769 of William and Catherine Toms the sum of one hundred and sixty pounds Current money to being the Consideration money within expressed I say Received by me,
Witness Thos Prather.
Wm Luckett

John Fry Senr

Maryland Frederick County ss June 21. 1769 Came Peter Fisher before us the Subscribers two of his Lordships Justices of the peace for said County and acknowledged the within Deed to be the right and Estate of William and Catherine Toms their Heirs and assigns forever according to an act of assembly in such case made and provided and at the same time Came Frances wife of the said Peter Fisher and acknowledged her

Right of Dower to the within land and premises without threat or fear of her husband according to an act of assembly in such case made and provided. Test Hob. Prather, Wm Luckett

Received June 21st 1769 of William and Catharine Toms five Shillings & four pound Sterling in alienation fine on the within laid by order of Thos Thomas Snifer Esqr his Lordships agent

Christ. Edelen,

Maryland Frederick County Sct. I Hereby Certify that the within and aforegoing is truly taken from Liber M folios 295 & 96 one of the Land Records of Frederick County

In Testimony whereof I have Hereunto Subscribed my name and affixed the Seal of Frederick County Court this 8th December 1826,

John Ashley Clk

(Seal)

Exhibited 13

(Exhibited B)

In the name of God Amen the forth day of August in the year of our Lord One Thousand Seven Hundred and Seventy, I Catharine Toms of Frederick County in the Province of Maryland being very sick and weak in body, but of Perfect mind & memory thanks be given unto God therefor, Calling unto mind the Mortality of my body and knowing that it is appointed for all persons to dye do make and ordain this my last will and Testament that is to say Principally and first of all I give and recommend my Soul unto God that gave it and for my Body I recommend it to the earth to be buried in a Christian like and decent manner at the direction of my Executors, nothing doubting but at the general resurrection, I shall receive the same again by the mighty Power of God, and as touching such Worldly Estate wherewith it hath pleased God to bless me with in this life I give and devise and dispose of the same in following manner and form following.

Item I give to my well beloved Son Henry Toms Sixty pounds Current Money twenty pounds to be paid by my Executors in Six Months after my Decease and then twenty pounds a year until the aforesaid Sixty pounds is paid

Item, I give to my well beloved son Samuel Toms all that Tract or parcel of Land called Humberts Delight Laying in Frederick County & Province of Maryland containing One Hundred fifty acres of Land and all that part of a tract of land called Mistaken my friend that lays the north side of Andrew Leverstons Mill Creek

Item I give to my well beloved son John Toms forty pounds Current Money of the Province of Pennsylvania Twenty pounds to be paid in one year after my deceased and then Ten pounds pr year until the aforesaid Forty pounds is paid. Item I give to my well beloved Son William Toms

All that Tract of land called Toms Folly and also part of a Tract of land called Mistake my Friend all that part of the aforesaid Tract that lays on the South side of Lamistons Mill Creek and also three children that was bound to me, and also a brown Mare and a white horse and a Waggon and a Still and a Iron Stand, and also it is my will that my son William Toms shall pay unto my son John Toms forty pounds as above mentioned, and also one Hundred pounds Current money of Pennsylvania to my Daughter Mary, wife to Anthony Teeter at Twenty Pounds to be paid in six Months after my decease, and two pounds p.r year after until the one Hundred pounds is paid, and likewise it is my will that my son Samuel Toms and William Toms take all my personal Estate into their hands except what is already willed away and Desired to Equally between them and to pay my son Henry Thirty pounds as heard of above mentioned, I do ordain and appoint Samuel Toms and William Toms my only and sole Executors I ratify and Confirm this and no other to be my last will and Testament In Witness whereof I have hereunto set my Hand and Seal the day and year above written, Signed Sealed
in the presents of
Peter Bainbridge
Benjamin Eastburn
Wilfilm Grimbert

her
Catherine C[E] Toms (Seal)
mark

On the 25th day of August 1770 Peter Bainbridge, Benjamin Eastburn and William Humbert the three subscribing Witnesses to the aforegoing will and made Oath on the Holy Evangelists of almighty God that they did see the Testator Catherine Toms sign and seal the said will and heard her publish Pronounce and declare the same to be her last will and Testament and at the time of her so doing she was to the best of their apprehension of a Sound and disposing mind & memory and that they severally subscribed their names as Witnesses to the said will in the presence of the said Testator and in the presence of each other.

Sworn Before I Bowles Dy County

State of Maryland Frederick County to wit I do Hereby Certify that the foregoing is a true Copy taken from the Original recorded in Liber A folio 375 &c one of the record Books of Wills in the office of the register of Wills for the County aforesaid. In Testimony whereof I Have hereunto set my Hand and affixed the Seal.

(Seal) of Office this 7th day of December 1826.

George W Eichelberger Regr of Wills
for Frederick County Maryland

(Exhibit 6)

This Indenture made this Twenty first day of June in the year of our Lord one Thousand Seven Hundred and Seventy five Between Valentine Summers of Frederick County in the Province of Maryland Farmer of the one part and William Toms of the Same place aforesaid Farmer of the other part Witnesseth that the said Valentine Summers for and in Consideration of the sum of five pounds Current and Lawful Money of Maryland to him in hand paid by the said William Toms at and before the sealing and delivery of these presents the receipt whereof is hereby acknowledged hath given granted bargained and sold aliened released enfeoffed and Confirmed and by these presents doth fully Clearly and absolutely give grant bargain and sell alien release enfeoff and Confirm unto the said William Toms his Heirs & assigns forever all that part or parcel of land being part of a tract of land called Germanity Situate lying and being in the County aforesaid Beginning for the first lines of said part at the end of the third line of a tract of Land called John Toms Folly and running thence South Eighteen degrees West one hundred and four perches South Twenty four Degrees East Eight perches to Valentine then North Eighteen degrees East one Hundred Fourteen perches North forty four Degrees West twenty six perches N 76 W 10 perches then by a Straight line to the place of Beginning Containing and now laid out for five acres of Land more or less Together with all & Singular the buildings Improvements profits advantages and appurtenances whatsoever to the Same or to any part or parcel thereof Belonging or in any ways appertaining To Have and to Hold the aforesaid bargained Land and premises hereby granted and every part and parcel thereof with all and every the appurtenances thereunto Belonging unto the said William Toms his Heirs and assigns forever to his and their only proper use & behoof and to and for no other use intent or purpose whatsoever and the said Valentine Summers for himself his Heirs Executors administrators and every of them doth Covenant promise grant and agree to and with the said William Toms his Heirs and assigns by these presents that he the said Valentine Summers his Heirs Executors administrators and every of them all and Singular the said bargained land and premises hereby granted & every part and parcel with the appurtenances thereunto belonging unto the said William Toms his Heirs and assigns from and against him the said Valentine Summers his Heirs Executors administrators and every of them & from and against all and every other person or persons

whatsoever claiming) or that shall or may hereafter claim any right title or Interest to the same or to any part or parcel thereof by from or under him them or any of them shall and will warrant and forever defend In Witness Whereof the said Valentine Summers hath hereunto set his Hand and affixed his Seal the day and year first above written.

Signed Sealed & Delivered
in presence of us.
John Steel, Jacob Young

Valentine Summers (Seal)

Received June 21st 1775 of William Jones the sum of five pounds Current Money of Maryland it being the Valuable Consideration within mentioned.

Witness present,
John Steel, Jacob Young,

Valentine Summers.

Frederick County to Wit be it remembered that on 21st day of June 1775 personally appeared before us the Subscribers two of the Lords Proprietary Justices of the peace for the County aforesaid the within named Valentine Summers and acknowledged the within Instrument of writing to be his act and deed and the bargained Lands and premises therein mentioned to be the proper right and Estate of the within named Jones his Heirs and assigns forever

Acknowledged Before
John Steel
Jacob Young,

Received 21st June 1775 of William Jones two pounds half penny Sterling for and in consideration of the within mentioned land by order of his Lordships agent.

Wm W Beall.

Maryland Frederick County Set I Hereby Certify that the within and aforegoing is truly taken from Liber B D No 1 Folio 668 &c one of the Land records of Frederick County. In Testimony whereof I have hereunto Subscribed my name and affixed the Seal of Frederick County Court this 8th December 1826.

(Seal)

John Sahley Cld

Exhibit C

(Exhibit D)

This Indenture made this Twentieth day of March in the year of our Lord one thousand Seven Hundred and Seventy six Between Ulrick Blickmadorffer of Frederick County in the Province of Maryland Farmer of the one part and William Jones of the same County and Province aforesaid Farmer of the other part Witnesseth that the said Ulrick Blickmadorffer, for and in consideration of the sum of Sixty pounds Current Money to him in hand paid by the said William Jones before the ensealing and Delivery of these presents the receipt whereof he the said Ulrick Blickmadorff doth

Hereby acknowledge himself fully Satisfied and Contented and of every part and parcel thereof doth acquit and discharge the said William Hams his Heirs Executors and administrators by these presents hath given granted bargained sold aliened enoffed and Confirmed and by these presents doth give grant bargain Sell alien enoffe and Confirm unto the said William Hams his Heirs and apigns. all that tract or parcel of Land Called Good for Naught. Lying and being in the County aforesaid Beginning at a bounded white oak standing by the side of a little Spring run. and of the head Springs of Ketoctin branch and running thence North eighty three Degrees West twenty perches thence North thirty nine degrees West sixty perches thence North Sixty Six degrees East sixty nine perches thence North thirty one degrees East Sixty perches thence North twenty perches thence North thirty Six degrees East thirty Six perches thence South fifty two degrees East forty Six perches thence South sixty eight perches thence by a straight line to the Beginning. thee containing and now laid out for seventy acres of Land more or less Together with all Houses Buildings fences and improvements whatsoever with all the remainder and remainders Rents & profits whatsoever of all and singular the premises and every part and parcel thereof To Have and to Hold the said tract of Land and premises with their appurtenances before by these presents bargained and Sold and every part and parcel thereof unto the said William Hams his Heirs & apigns and to his and their only proper use & behoof forever and the said Ulrick Blickensdoffer for himself his Heirs Executors and administrators doth hereby Covenant promise and agree to and with the said William Hams his Heirs Executors and administrators that he the said Ulrick Blickensdoffer his Executors and administrators all and singular the before bargained Land and premises and every part and parcel thereof with all and singular the appurtenances thereunto belonging unto the said William Hams his Heirs and apigns against all persons whatsoever shall and will warrant and forever hereafter defend by these presents. In Witness whereof he hath to these presents set his Hand and Seal the day and year first above written. Signed Sealed & Delivered in presence of us. Ulbrf blickensdoffer [seal]
John Steed. Arah Boyd.

March the 20th 1776 Recd of the within named William Hams the sum of Sixty pounds Current money in full the said Consideration within mentioned
Witnp John Steed. Ulbrf blickensdoffer [seal]
Arah Boyd

Frederick County Maryland Set March 20th 1776 then Came Ulrick Blickensdoffer. party to the within Deed before me

The Subscribers two of his Lordships Justices of the peace for said County acknowledged the within Indenture to be his act and Deed according to the several acts in such cases made and provided.

ackn. acknowledged before Ed. Johns. Stull, Mich.l Royd.

August 22d 1776 Recd. five Shillings and two pence Sterling alienation fine on the within Land by order.

George Scott, Agt.

Maryland Frederick County Sct. I Hereby Certify that the within and aforegoing is truly taken from Liber A.D. No 2 Folio 367 &c one of the Land records of Frederick County.

In Testimony whereof I have hereunto subscribed my name and affixed the Seal of Frederick County court this 9th day December 1826. John Ashby Clerk.

(Seal)

Exhibit (C)

(Exhibit C)

This Indenture made this tenth day of april in the year of our Lord one thousand seven hundred and eighty eight Between William Tom of Frederick County and State of Maryland of the one part and Samuel Tom of the County and State aforesaid of the other part Witnesseth that the said William Tom for and in Consideration of the sum of five Shillings Current Money to him in hand paid by the said Samuel Tom at or before the ensealing and Delivery hereof the receipt whereof is hereby acknowledged and therefrom and therefrom doth acquit release and discharge the said Samuel Tom his Heirs Executors administrators and assigns and every of them by these presents Hath bargained Sold granted aliened released enfeoffed and Confirmed and by these presents doth bargain sell grant alien release enfeoff and Confirm unto him the said Samuel Tom his Heirs and assigns forever part of a tract or parcel of land situate lying and being in the County and State aforesaid called The Running on Mistakes Friend Beginning for said part at the end of fifty three perches on the tenth line of that original Tract of Land called Mistakes Friend to wit where the said fifty three perches Strikes the North Bank of Swaffords Mill Brook and running thence North thirty three Degrees East nine perches North forty Degrees East forty eight perches North fifty six Degrees West thirty two perches North one hundred perches thence South eighty nine Degrees West forty perches across said Land to the end of sixty four perches on the Twenty ninth line thereof then South forty perches South eighty five Degrees West twenty four perches South sixty three perches North forty eight and a half Degrees West six perches South fifty one Degrees West twenty eight perches to the North bank of the aforesaid Swaffords Mill Brook then down on the North side thereof the ten following

Course North Eighty Degrees East ten and a Half perches North Forty one Degrees East thirteen perches South Seventy Degrees East Twenty perches North Eighty three Degrees East thirteen perches South Twenty three degrees East six perches South fourteen Degrees West six perches South thirteen degrees East Seven perches South twenty one Degrees West fourteen perches South ten Degrees East Eight perches South Eighty two Degrees East thirty perches to the first mentioned bead of Beginning Containing twenty four acres of Land more or less Together with all and Singular the Houses Buildings Gardens, Orchards ways Waters Water Courses Timber Timbers Trees Woods underwoods profits Commodities privileges Easements advantages and appurtenances whatsoever to the same belonging or in any wise appertaining and the reversion and reversions remainder and remainders rents issues and profits of the said land hereby granted bargained and sold, or meant mentioned or intended so to be and of every part and parcel thereof and all the Estate right title interest use trust property claim and demand whatsoever of him the said William Tow of into or out of the same and premises with the appurtenances To Have and to Hold the said tract or parcel of land herein and hereby granted bargained and sold meant mentioned and sold meant mentioned or intended so to be and premises with the appurtenances and every part and parcel thereof unto him the said Samuel Tow his Heirs and assigns forever and to and for no other use intent or purpose whatsoever and the said William Tow for himself and his Heirs the said Land as before expressed and premises with the appurtenances unto him the said Samuel Tow his Heirs and assigns against him the said William Tow and his Heirs and against all other persons or persons claiming by from or under him or any of them shall and will warrant & forever Defend by these presents and the said William Tow doth further Covenant promise and agree to and with the said Samuel Tow his Heirs and assigns that he the said William Tow and his Heirs unto at the request and the cost of the said Samuel Tow his Heirs or assigns Execute any other Deed or instrument of writing that he the said Samuel Tow his Heirs or assigns shall be advised by Counsel learned in the Law for the Sure making better assurance and Conveying all & every part and parcel of the within mentioned Land hereby bargained and Sold provided always such other Deed or Instrument of writing Contain no other warranty than herein expressed In Witness whereof the said William Tow hath hereunto Subscribed his name and affixed his Seal the day and year first within written.

Signed Sealed & Delivered
in the presents of
George Scott, Jacob Young

William Tow his mark (Seal)

Rec.ved this 10th day of May 1788 of the within named Samuel Tomes the sum of five Shillings Current money to be the full Consideration within mentioned to be paid by him to me. Test George Scott, William (W/T) Tomes mark
Jacob Young

Sworn the day and year first within written Came before us the Subscribers two of the Justices of the Peace for Frederick County William and Tomes and acknowledged the within Instrument of writing to be his act and deed and the land and premises therein mentioned to be the right & Estate of the within named Samuel Tomes his Heirs and assigns forever according to the true intent & meaning thereof and of the act of assembly in such case made & provided. Before. George Scott,
Jacob Young

Maryland Frederick county to Wit I Hereby Certify that the within and aforegoing is truly taken from Liber W R No 8 folios 67 68 one of the Land records of Frederick County. In Testimony whereof I have hereunto subscribed my name and affixed the seal of Frederick County Court this 8th December 1826
(Seal)
John Ashley Clk

Exhibit F

(Exhibit F).

This Indenture made this ninth Day of September Seventeen Hundred and Eighty Eight Between Robertson Eastburn and John Eastburn of Frederick County and State of Maryland of the one part and William Tomes of said County and State of the other part Witnesseth that the said Robertson Eastburn and John Eastburn for and in Consideration of the sum of forty pounds good and lawful money of them in hand paid by the said William Tomes before the ensealing and delivery of these presents the receipt whereof the said Robertson and John Eastburn doth hereby acknowledge and therefrom and therefrom every part and parcel thereof doth fully clearly and absolutely acquit Exonerate and discharge the said William Tomes his Heirs Executors and administrators hath granted bargained and Sold aliened enfeoffed and Confirmed and by these presents doth grant, bargain Sell alien enfeoff and Confirm unto the said William Tomes his Heirs and assigns forever all that part of a tract of Land lying and being in the County aforesaid to wit being part of a tract of land called Norrisons" Beginning for said part at the end of the first line of a tract of Land called "Pigg Stye and running thence North Sixty three Degrees West fourteen perches thence North forty two Degrees West twenty perches thence North thirty Degrees West fifteen and a half perches to the

the end of forty perches on the second line of Digg thy then North East sixty two perches then North fifty two Degrees East twenty perches then South forty nine Degrees and one quarter of a degree East twenty one perches then South thirty three Degrees and one quarter of a Degree West fifty three perches then by a straight line to the Beginning Containing seventeen acres more or less Together with all and singular the buildings improvements Conveniences and advantages whatsoever to the said tract or parcel of Land and premises belonging or in any manner of way appertaining To have and to hold the said tract or parcel of Land and all and singular the other premises herein mentioned or intended to be hereby granted with the appurtenances thereunto belonging unto the said William Jones his Heirs and assigns forever and the said Robertson Eastburn and John Eastburn for themselves and their heirs the said tract or parcel of Land and all and singular the premises with the appurtenances unto him the said William Jones his Heirs and assigns against them the said Robertson and John Eastburn their Heirs and assigns and against any other person or persons whatsoever shall and will warrant and forever defend by these presents In Witness Whereof the said Robertson Eastburn and John Eastburn hath hereunto set their hands and seals the day and year first above written.

Signed Sealed & Delivered in presence of Wm Magruder, Wm Luckett,

Robin Eastburn (Seal)
John Eastburn (Seal)

Received on the Ninth day of September 1788 of the within named William Jones forty pounds good and lawful Money it being the Consideration Money for the within mentioned Land and premises.

Witness Wm Magruder. Wm Luckett

Robin Eastburn
John Eastburn.

Frederick County to wit on the Ninth day of September 1788 came Robertson Eastburn and John Eastburn before us the Subscribers two of the Justices of the peace for the County aforesaid and acknowledged the within Indenture to be their act and Deed and the lands and premises therein mentioned to be the right and estate of the within named William Jones his Heirs and assigns forever.

Acknowledged Before Wm Magruder, Wm Luckett.

Maryland Frederick County to wit

I Hereby certify that the within and aforegoing is truly taken from Liber W R No 8 Folios 254 & 255 one of the Land records of Frederick County.

(Seal) In Testimony Whereof I Have hereunto Subscribed my name and affixed the seal of Frederick County Court this 8th December 1826. John Ashley Clk

This Indenture Made this 7th day of April in the year of our Lord One thousand Seven Hundred and Ninety two Between Valentine Summers Senr. Christopher Summers and Jacob Summers of Frederick County and State of Maryland of the one part and William Toms of said Land Witnesseth that the said Valentine Summers, Christopher Summers & Jacob Summers for and in Consideration of the sum of one Hundred pounds good and lawful Money of Maryland to them in hand paid by the said William Toms, before the ensealing and Delivery of these presents the receipt whereof the said Valentine Summers Senr. Christopher Summers and Jacob Summers doth hereby acknowledge & therewith fully clearly and absolutely acquit Exonerate and discharge the said William Toms his Heirs Executors and administrators Hath granted bargained and sold aliened enfeoffed and Confirmed and by these presents doth grant bargain sell alien enfeoff and confirm unto the said William Toms his Heirs and assigns forever all the forementioned part of a tract of land called Community a resurvey made for the said Valentine Summers Senr. on or about the ninth day of September Seventeen Hundred and Sixty nine Beginning for said part at the end of Sixty six perches on the third line of the whole tract and running thence with said land three Courses South five Degrees West fifty perches then North Sixty five degrees West thirty eight perches South three Degrees West Sixteen perches to intersect the third line of a tract of Land called Palentine then with said lands reversed two Courses South Eighty four degrees West one Hundred and five perches South Eighteen Degrees West thirty one perches to the end of the mid of the third line of said Toms Deed for part of the aforesaid Land then with it two Courses North forty four Degrees West twenty six perches North seventy six Degrees West two perches to intersect the fourth line of a tract of land called the end of Dispute then with said lands four Courses North thirty two Degrees East fifty five perches North Sixty seven degrees East eighteen perches North fourteen Degrees West seven perches North fifty eight Degrees East twenty eight perches then South fifty one degrees East four perches to a marked White Oak then South fifty nine Degrees East forty perches to a White Oak Bounded with Six Notches then North eighty one Degrees East twenty two perches to a White Oak and Chestnut Oak Bounded with Six notches each then by a Straight line to the Beginning Containing fifty acres of land more or Less Together with all and Singular the buildings and

Improvements Commodities and advantages whatsoever to the said part or parcel of land and premises belonging or in any manner of way appertaining To Have and to Hold the said part and parcel of land and all and Singular the other premises herein mentioned or intended to be hereby granted with the appurtenances thereto belonging or in any manner of way appertaining unto the said William Tows his Heirs & assigns Forever and the said Valentine Summers Senr. Christopher Summers and Jacob Summers for themselves and their Heirs the said part or parcel of land and all & Singular the premises with the appurtenances unto him the said William Tows his Heirs and assigns, against them the said Valentine Summers Senr. Christopher Summers and Jacob Summers their Heirs and assigns and against any other person or persons whatsoever shall and will warrant and Forever defend by these presents In Witness Whereof the said Valentine Summers Senr. Christopher Summers and Jacob Summers hath hereunto Subscribed their names and affixed their Seals the day & year first within written.

Signed Sealed and Delivered in presence of
Jacob Young, Geo Murdock

Valentine Summers (Seal)
Christopher Summers (Seal)
Jacob his mark Summers (Seal)

Frederick County to wit Be it remembered that on the 7th day of April 1798 came before us the Subscribers two of the Justices of the peace for the County aforesaid Valentine Summers Senr. Christopher Summers and Jacob Summers and acknowledged the within Instrument of Writing to be their act and Deed and the Land and premises therein mentioned to be the right and Estate of the within named William Tows his Heirs and assigns forever,

Jacob Young, Geo Murdock,

Mary Land Frederick County Sct

I Hereby Certify that the within and foregoing is truly taken from Liber W No 10 folio 269 &c one of the Land records of Frederick County. In Testimony whereof I have hereunto Subscribed my name and affixed the Seal of Frederick County Court this 8th December 1826.

(Seal)

John Ashley Clk

Exhibit H

(Exhibit H)

This Indenture made this fifteenth day of June in the year of our Lord Eighteen Hundred and Ten Between William Tows of Frederick County and State of Maryland of the one part and Abraham Doup of same place of the other part, Witnesseth that the said William Tows for and in Consideration of the sum of twenty pounds good and lawful Money to him in hand paid the receipt whereof is Hereby acknowledged and thereof & therefrom every part and parcel thereof doth fully clearly and

and Absolutely agree to Execute and discharge the said Abraham Doup his Heirs Executors and administrators Hath given granted bargained and Sold aliened released enfeoffed Confirmed and by these presents doth give Grant bargain and sell alien release enfeoff and Confirm unto the said Abraham Doup his Heirs and assigns forever all that piece or parcel of Land lying and being in the County aforesaid and being part of a tract of land Called William Toms Resurvey and John Toms Folly Beginning at the end of eight perches in the first line of a Tract of Land Called the end of Dispute and with said land four Courses North forty five Degrees East twenty two perches South forty five Degrees East twelve and a quarter perches to the end of said perches in the fifth line of a tract of Land Called John Toms Folly and with said Land reversed North fifty four Degrees East seven perches South forty four Degrees East twelve perches to a stone at the mouth of a Land then by a straight line to the Beginning containing one and a half acres of Land more or less Together with all and singular the buildings Improvements Conveniency advantages with the appurtenances belonging or in any manner of way appertaining to Have and to Hold the said piece or parcel of land and all and singular the premises with the appurtenances herein mentioned or intended to be hereby granted with all the right title and estate of him the said William Toms both in law and Equity unto the said Abraham Doup his Heirs and assigns forever and the said William Toms for himself and his Heirs the said piece or parcel of Land and all and singular the premises with the appurtenances unto the said Abraham Doup his Heirs and assigns against him the said William Toms and his Heirs and all persons claiming under him or them shall and will warrant and forever defend by these presents In witness whereof the said William Toms hath hereunto subscribed his name & affixed his seal the day & year first within written.

Signed Sealed & Delivered
in presence of
Jo Spearingen, James Neale

William his X Toms mark (Seal)

Frederick County to wit Be it remembered that on the fifteenth day of June 1810 William Toms party to the within Deed came before us the Subscribers two of the Justices of the peace in and for the County aforesaid and acknowledged the within Instrument of writing to be his act and Deed and the land and premises therein described to be the right title and

Estate of the within named Abraham Daub his Heirs and Assigns forever & the same time Barbara Toms wife of William Toms aforesaid and being privately Examined by us out of the hearing of her said Husband acknowledged the aforesaid Instrument of writing to be her act and Deed and declared she did the same willingly & freely and without being Induced thereto by fear or threats of or ill usage by her said husband or through fear of his Displeasure. Taken and Certified the day & year above written, Jo Swearingen, James Neale,

Maryland Frederick County to Wit Hereby Certify that the within and aforegoing is truly Taken from Liber W R No 37 Folio 532 &c one of the Land Records of Frederick County.

In Testimony whereof I Have Hereunto Subscribed my name and affixed the Seal of Frederick County Court this 8th December 1826. John Ashley Clk

(Seal)

Exhibited (I)

(Exhibit I)

William Toms his patent 118 Pr a / William Toms Resurvey.

The State of Maryland &c. Know ye that whereas William Toms of Frederick County by his petition to the Proprietarys agents for management of Land affairs did set forth that he was seized in fee of and in one hundred and thirty three acres, part of a tract or parcel of land called "Mistakes Friend" lying and being in the County aforesaid originally on the twentieth day of December Seventeen Hundred and fifty nine granted to Peter Dyches for three Hundred and ninety eight acres. Contiguous to which part he had discovered some vacant Land and being desirous to add the same. prayed a Special warrant to resurvey the aforesaid part for that intent and purpose and that on return of a Certificate of resurvey thereof. he making good rights to the vacancy added, and complying with all other requisites usual in such Cases, might have our grant of Confirmation thereon which was granted him and accordingly a warrant on the second day of September Seventeen hundred and Seventy one, unto him for that purpose did issue. In pursuance whereof it was Certified into the Land office that the aforesaid land was resurveyed by which it appeared the same clear of elder Surveys Contained no more than the quantity of one Hundred and Eight acres, and an Half acre, and that there was the quantity of two acres of vacant land added which was applied to make good as much part of the Deficiency in the original and the said William Toms having pursuant to an Act of Assembly, paid to the Treasurer of the Western shore, the sum of one Shilling Current Money for Each Improvement on the aforesaid Vacancy and the right of the Proprietary

Being vested in the State of Maryland the said State doth hereby grant and Confirm unto him the said William Jones his heirs of the aforesaid Land resurveyed as aforesaid with the vacancy added, reduced into one entire tract and called "William Jones Resurvey lying in Frederick County Beginning for the said lines of the whole at a bounded white Oake the Beginning tree of a tract of land called Mumbetts Delight" it being also the beginning tree of a tract of land called "the North Point" and running thence North forty five Degrees East thirty perches South forty five Degrey East ten perches South fifty four Degrees West fourteen perches South twenty nine Degrees West eighty eight perches South eighty Degrees West ninety two perches South forty nine Degrees East thirty one perches to the end of the Ninth line of the original then with the original reversed South fifty two Degrees West twenty perches North fifty nine degrees West Sixty perches North twenty one Degrees West thirty five perches and an half perch North thirty three Degrees and one quarter of a Degree East twenty Seven perches North fifty four degrees West thirty four perches North forty eight degrees East forty Six perches South forty one Degrees East fifty nine perches North thirty one Degrees East Seventy nine perches North eighty three Degrees West twenty nine perches then North forty five Degrees East thirty two perches South forty eight degrees and an half Degree East Six perches North fifty Seven Degrees East Eleven perches South eighty five Degrees East fifty perches to the end of the fourteenth line of the Original then with the original reversed South fifty Six Degrees East thirty two perches South forty Degrees West forty eight perches then South forty five Degrees and an half degree East twenty three perches to the Beginning of this Resurvey then North Eighty four Degrees West twenty four perches South thirty one Degrees West fifty eight perches South Six degrees West Eight perches South Sixty eight Degrees East fourteen perches then with a straight line to the Beginning Containing one Hundred and Eighteen acres and an half acre according to the Certificate of resurvey thereof taken and returned into the Land office bearing date the Seventh day of August Seventeen hundred and twenty two, and there remaining together with all rights profits benefits and privileges thereunto Belonging To Have and to Hold the same unto him the said William Jones his Heirs and assigns forever Given under the Great Seal of the State of Maryland this Second day of May Seventeen Hundred & Eighty five

Witness The Honourable John Rogers Esqr. Chancellor.

Wm. Isaac (Seal) Rogers Chancr.

In Testimony that the aforegoing is a true Copy from Liber 16 N.A Folio 464 one of the Record books remaining in the Western Shore Land office I Have Hereunto Set my Hand and affixed my official Seal this 2d day of April 1827. George G. Brewer Regr. L.C. office W.S. No.

(Seal)

Exhibit K

(Exhibit K)

Mr. William Toms his Patent } Frederick Co. Know ye that for
9 acres "North Point" } Land in Consideration that
William Toms of Frederick hath due unto him nine acres of Land within our said Province, by virtue of a warrant for that quantity granted him by remainder the fourteenth day of October Seventeen Hundred and Sixty eight as appears in our Land office and upon such Conditions and Terms as are expressed in our Conditions of Plantation of our said Province, bearing date the fifth day of April Eighteen hundred and Eighty four, and remaining upon Record in our said Province together with such alterations, as in them are made by our further Conditions bearing date the fourth day of December Sixteen hundred and ninety Six Together also with the alterations made by our instructions bearing date at London the twelfth day of September Seventeen Hundred and thirty eight, and Registered in our Land office We do therefore hereby grant unto him the said William Toms all that tract of land called the North Point lying in the County aforesaid Beginning at a bounded white Oak the Beginning tree of a tract of Land called "Humberts Delight" and running thence North Eighty four Degrees West twenty four perches South thirty one degrees West Sixty Six perches South Sixty Eight Degrees East twenty perches thence with a Straight line to the Beginning Containing and now laid out for nine acres of Land according to the Certificate of Survey thereof taken and returned into our Land office, bearing date the Eleventh day of April Seventeen Hundred and Sixty nine and there remaining together with all rights profits benefits and privileges thereunto belonging Royal Mines excepted To Have and to Hold the same unto him the said William Toms his Heirs and assigns forever To be holden of us and our Heirs as of our Manor of Conogocheague in fee and Common Socage by fealty only, for all manner of Services yielding and paying therefore yearly unto us and our Heirs at our receipt, at our City of Saint Marys at the two most usual feasts in the year viz. The feast of the annunciation of the blessed Virgin Mary, and St. Michael the Archangel by even and equal portions the rent of four pence half penny Sterling in

Silver or Gold, and for a fine upon every alienation of the said land, or any part or parcel thereof one whole years rent in Silver or Gold or the full value thereof in such Commodities as we and our heirs or such officer or officers as shall be appointed by us and our heirs from time to time to Collect and receive the said shall accept in discharge thereof to the Chief of us and our Heirs or such officer or officers aforesaid Provided that if the said sum for a fine for alienation shall not be paid unto us and our heirs or such Office or officers aforesaid before such alienation and the said alienation entered upon record either in the Provincial Court or County Court where the same parcel of land lyeth, within one Month next after such alienation then the said alienation shall be void and of no effect and provided also and it is the true intent and meaning of these presents that the same is subject and liable to the following especial Conditions that is to say that the said William Toms his heirs and assigns shall well and truly pay or cause to be paid the rent herein reserved, according to the tenor of these presents by the space of thirty days next after it shall become due and due after demand made thereof by the Farmer or other person who shall be appointed by us or our Heirs from time to time to Collect and receive the same Given under our Great Seal of our said Province of Maryland this ninth day of June Anno Domini Seventeen Hundred and Seventy, Witness our Brother Robert Eden Esquire Governor & Commander in Chief in and over our said Province of Maryland Chancellor and Keeper of the Great Seal thereof.

Robert Eden (Seal)

In Testimony that the foregoing is a true Copy from Liber BB & fy I No 39 folio 350 one of the Records belonging to the Western Shore Land Office of Maryland I have hereunto set my hand and affixed my Official Seal this 2d day of April 1827.

(Seal)

George Ly Brewer Regr
Land Office W Shore Maryland

order for Comm No 1

And the said Cause as standing Continued to January Term 1827, the Court passed the following order for Commission viz.

Jonathan Miller & Susanna his wife. vs Abraham Toms, Lyde Toms & Catharine Toms,

No 764 Equity In Frederick County Court Sitting as a Court of Chancery January Term 1827. On Motion ordered that a Commission issue in this Case to Jonathan Shafer, of Boonsborough in Washington County to appoint a Guardian to take the answers of the infant Defendants, Lyde Toms and Catherine Toms, who have duly summoned, Abm Shriver,

Whereupon in pursuance of the within order the following Commission issues viz

Commn.

Maryland Frederick County Sct The State of Maryland. To Jonathan Shafer of Frederick County. Greeting Whereas Jonathan Miller & Susanna his wife hath lately exhibited their Bill before us in our County Court as a Court of Chancery against Abraham Toms, Lyda Toms and Catherine Toms Defendants and Whereas we have, by our writ, lately Commanded the said Defendants to appear before us in our said Court as a Court of Chancery, at a certain day now past, to answer the said Bill but, for as much as the said Lyda Toms and Catherine Toms are infants under age, and cannot answer the said Bill nor defend the suit without a Guardian assigned in that behalf, know ye therefore, that we have given unto you full power and authority in pursuance of the special order in our said Court, to assign and appoint a Guardian for the aforesaid infants, and to take the answer of the said Infants by such Guardian to the said Bill and therefore we Command you, that at such certain day and place as you shall think fit you go to the said Defendants if they cannot conveniently come to you, and assign and appoint a Guardian for the aforesaid infants and take the answers of the said infants, by such guardian, to the said Bill on such guardians corporal oath upon the holy Evangely to be administered by you the said answers being distinctly and plainly wrote and when you shall have so taken the said answers, you are to send the same Closed up under your Seal, together with your Certificate of your having assigned and appointed such Guardian as aforesaid, and this writ unto us, in our said Court Witness the Honourable John Buchanan Esquire Chief Judge of our said Court the 7th day of August Anno Domini 1826 Issued the 6th day of January 1827.

Mr Schley Sol.r — John Schley Clerk.

Infants Answer

Whereupon the following Answer and Certificate of the Infant Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz

The Answers of Lyda Toms and Catherine Toms infants under the age of twenty one years, by David Brookhard their Guardian in this behalf, to the Bill of Complaint of Jonathan Miller and Susanna Miller his wife against them Defendants and others, in Frederick County Court as a Court of Chancery Exhibited the said Infants, by their said Guardian in answering the said Complainants said Bill of Complaint and respectfully Contend and willing that the real property, whereof their said Grand Father the said William Toms Deceased died seized and possessed should be deemed to be sold for the Benefit of his Heirs hoping nevertheless that as they are Infants this honourable Court

Will Protect this interest and the said Infants by their said Guardian, admit the death of their said Father as in said Bill set forth and that they are his Heirs at law and set forth and they pray hence to be discharged as set forth.

David Brookhart,

Marylands Washington County to wit on this 12th day of January 1827 personally appeared David Brookhart the Guardian above named before the Subscriber the Commissioner named in the Commission issued for that purpose, from Frederick County Court, Sitting as a Court of Chancery and made Oath on the Holy Evangely of Almighty God, that the Several facts set forth in the foregoing answer are true as therein stated to the best of his information knowledge and belief.

Sworn to Before Jonathan Shafer Commissioner

To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery By virtue of the annexed Commission to me issued from your Honourable Court Sitting as a Court of Chancery I Caused the Several Infants in said Commission named to be brought before me, and assigned & appointed David Brookhart the Guardian for said Infants, and took the answer of said Infants by their said Guardian to the said Complainants said Bill of Complaint which said answer, together with the said Commission I herewith return to your Honours, in your Honourable Court closed under my hand and Seal, as by the said Commission I am directed this 12th day of January 1827. all which is respectfully Submitted, Jonathan Shafer Commissioner (Seal)

Petition of Jonathan Miller & wife

Whereupon the following Petition was filed viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery The Petition of Jonathan Miller and Susanna Miller his wife, respectfully represents to your Honours, that heretofore to wit on the 11th day of December in the year 1826 they filed in your Honourable Court Sitting as a Court of Chancery their Bill of Complaint against Abraham Toms, Samuel Toms, William Toms Junr Michael Toms, George Harp and Catherine Harp his wife Maria Toms, Eppa Toms and Catherine Toms all Defendants therein named, which said Bill is filed among the proceedings of your Honourable Court, Sitting as a Court of Chancery, marked No 764 Equity that writs of the State of Maryland of Subpoena were thereupon afterwards to wit, on the day and year above mentioned issued from your said Honourable Court directed to the said Abraham Toms, Samuel Toms, William Toms Junr, Michael Toms, Catherine Harp, and George Harp, Maria Toms, Eppa Toms and Catherine Toms, Commanding them that all Causes and apart they should personally appear before

your Honours, Sitting as a Court of Chancery on the first Monday of January then next manning the date of said Subpoenas to answer the said Bill of Complaint of your Petitioners, that the said Subpoenas were afterwards duly returned Summoned and that the said Defendants nevertheless failed to appear according to the exigency of the said writs, and answer the said Bill of Complaint of your Petitioners as they ought to have done by the rules and practice of your Honourable Court Sitting as a Court of Chancery your Petitioners therefore humbly pray your Honours to enter an interlocutory Decree in cause Cause against the said Defendants Abraham Toms Samuel Toms, William Toms Junr, Michael Toms & George Harp and Catherine Harp, and to issue a Commission to take testimony exparte and to proceed to a final Decree in said Cause in the same manner, as if the testimony which shall be taken under said commission, to be issued exparte, had been taken under a commission issued and returned, in the usual way, to answer general replication and issued and as in duty bound your Petitioners will ever pray and Soforth

Mr Sahley Solr for Petitioner

Interlocutory Decree

whereupon the Court hoped the following Interlocutory Decree viz, Jonathan Miller & Susan Miller his wife vs Abraham Toms & others } No 764 Equity In Frederick County Court Sitting as a Court of Chancery January Term 1827 upon reading and filing the aforegoing Petition and the facts therein stated appearing to be true, It is therefore this sixth day of January in the year 1827 by Frederick County Court Sitting as a Court of Chancery upon the application of the Complainants by their Solicitor in Court here adjudged, ordered and decreed, that this Court will proceed to hear and determine the allegations of said Bill upon testimony taken under a commission to be issued exparte in this Cause, and proceed to a final Decree in the Cause in the same manner, as if the said Defendants Abraham Toms, Samuel Toms, William Toms Junr George Harp, and Catherine Harp his wife had appeared and put in their answers and as if the testimony which shall be taken under said Commission to be issued exparte as aforesaid had been taken under a commission issued and returned in the usual way to answer general replication and issued Provided always that the privileges be reserved to the Defendants which by law they are entitled to, Absq Shrieve,

And the said Cause so standing Continued to February Term 1827 The Court hoped the following order viz

now for Commn to be issued exparte

By Frederick County Court Sitting as a Court of Chancery February Term 1826 on Motion of the

Jonathan Miller & Wife vs Abraham Toms & others

Complainants Solicitor ordered that a Commission issue to parties in the above case to Jacob Steiner Esqr for the taking of testimony to support the allegations of the Complainants Bill, Abm Shives.

Whereupon in pursuance of the above order the following Commn. Commission Issued viz

Maryland ss The State of Maryland to Jacob Steiner Esquire of Frederick County Greeting. Be it known that you (Seal) are appointed Commissioner to Examine Testimony exparte to support the allegations of Complainants Bill in a Cause depending in Frederick County Court as a Court of Chancery between Jonathan Miller and Susanna his wife, Complainants and Abraham Tomb, Samuel Tomb and others Defendants you are therefore required, first having taken the Oath hereunto annexed, and also having administered the annexed Oath to the person whom you shall appoint as Clerk, to attend the Execution of this Commission, that at such time and place as to you shall seem convenient you Cause to Come before you all such witnesses as shall be named and produced to you by the Complainants and that you take such other Testimony as shall be produced to you exparte, on behalf of the said Complainants in Support of the allegations contained in their said bill, and that you examine them on their Corporal oaths to be by you administered upon the Holy Evangely of Almighty God, touching their knowledge or remembrance of any thing that may relate to the Cause aforesaid and that you Cause notice to be given to the Complainants or their Attorney of the Execution of this Commission before you Execute the same, and having reduced into writing the depositions of the Witnesses as taken by you, and having taken such further Testimony as shall be offered exparte on behalf of the said Complainants in Support of the allegations in their said Bill, you send the same, with this Commission closed under your hand and seal into this Court as a Court of Chancery with all convenient Speed Witness the Honourable John Buchanan Chief Judge of our said Court this 5th day of February 1827 Issued 21st July 1827. John Ashley Clk.

(Commissioners Oath)

you shall according to the best of your skill & knowledge truly faithfully and without partiality to any or either of the parties, take the examinations and Depositions of all and every Witness or Witnesses produced & examined by Virtue of the within Commission upon the Interrogatories now or which may hereafter before the said Commission is closed, be produced to and left with you by the said Complainants and shall take such other Testimony as shall be produced to you on the part of the said

Complainants in support of the allegations contained in their said Bill. So help you God. Sworn before me Clerks Oath

(Clerks Oath).

You shall truly faithfully and without partiality to any or either of the parties in this Cause take, write down and transcribe the depositions of all and every the Witness and Witnesses, produced and examined by the Commissioner in the Commission within named, as far forth as you are directed and employed by the said Commissioner to take write down and transcribe the said depositions or any of them, and you shall take and note down such other Testimony as shall be received by the said Commissioner in support of the allegations contained in their said Bill as far forth as you are directed by the said Commissioner

So help you God.

Sworn Before Jacob Steinel Commissioner

Jonathan Miller & wife vs. Abraham Toms, Samuel Toms and others } Commission, Capias, from Frederick County Court, Sitting as a Court of Chancery, Interrogatories to be propounded to Peter Schlosser, a Witness to be produced and Sworn, in support of the allegations of Complainants Bill, 1st Do you know William Toms, the elder in the Complainants bill named, and therein stated to be Deceased — If yea, is he now living or Deceased and if Deceased, how long is it since his Death,

2d Do you know whether he died intestate, as is alleged in the Bill, or whether he left any testament and last will. State your knowledge, if any touching this enquiry.

3d Do you know whether the said William Toms left children living at the time of his death, If yea, were they sons or Daughters, and if any Daughters were they sole or married and if married, to whom, Please name the several children as living at the death of the said William Toms, together with the names of the husbands of the married Daughters if any.

4th Do you know whether any child or children of the said William Toms, has departed this life in the life time of their said Father, leaving children or representatives, If yea what was the name of the said child or children and what the names of the children and representatives of the said child or of the said children severally, if more than one

Wm Schley Solr for Complainants.

To the Executive of a Commission issued out of Frederick County Court Sitting as a Court of Chancery, the 31st day of July in the year 1827 directed to Jacob Steinel of Frederick County empowering him to take Testimony exparte in a certain Cause depending in said Court between Jonathan Miller & Susanna his wife, Complainants and Abraham Toms, Samuel Toms and others Defendants. I Jacob Steinel Commissioner

In said Commissions named have this 21st day of September in the year 1847 at the office of William Schley Esquire in Frederick Town, pursuant to notice, having first taken the oath to the same annexed, and Francis Brengle being appointed Clerk having likewise taken the oath to the said Commission annexed opened the said Commission whereupon Peter Schlosser is produced on the part of the Complainants, who being first duly Sworn on the Holy Evangely of Almighty God, as in said Commission is directed, answers to the several interrogatories propounded (which are herewith enclosed as a part of this return) that is to say. To the first interrogatory he answers and says, that he knew William Toms in his life time for about thirty years and that he is now dead, about three years. To the Second interrogatory he answers, he left no will but died intestate. To third interrogatory he answers, he left Children living at the time of his Death, four Sons and two Daughters, the daughters were both married, the Children by name are Abraham Toms, Catharine Mark (the wife of George Mark, William Toms, Susanna Miller (the wife of Jonathan Miller) Samuel Toms and Michael Toms. To the fourth interrogatory he answers that two Children died in the life time of their father Daniel and John the first unmarried and without issue, the latter married and leaving three Children his Heirs and representatives, by name Maria, Catharine and Ezra all infants and under the age of twenty one years, one of whom Maria, as this deponent has been informed and believes is since deceased unmarried and without issue. William Schley Solicitor for Complainants appeared and Exhibited, the following evidence in further support of the allegations of the Complainants bill to wit. Exhibit A (Copy Deed from Peter Fisher to William and Catharine Toms Exhibit B (Copy of Catharine Toms Dower with Exhibit C (Copy Deed from Valentine Summers to William Toms) Exhibit D (Copy Deed from Ulrich Klickendorffer to William Toms (Exhibit E) Copy deed from William Toms to Samuel Toms Exhibit F) Copy deed from Robertson Eastburn and John Eastburn to William Toms) Exhibit G) Copy Deed from Valentine Summers and others to William Toms (Exhibit H (Copy deed from William Toms to Abraham Demp) Exhibit I (Copy patent of William Toms Resurvey (Exhibit K (Copy patent of North Point' when no further testimony being produced the Commission was closed and did by the Commissioners.

Cost of executing this Commission, Complainants bill

Commissioners fee	$4.00
Clerks fee —	2.66⅔
attendance of one Witness for one day	.66⅔
	7.33⅓

Paid by Wm Schley.

I beg leave to return to your Honours in open Court the testimony by me taken in virtue of the Commission directed to me for that purpose, with the interrogatories propounded to the Witness who was produced and duly Sworn, as also the several Exhibits marked A B. C D E F & G & H I & K Exhibited as a part of the testimony together with the said Commission as I am thereby required. Closed under my Hand and Seal this 21st day of September in the year 1827. Jacob Steiner Commissioner (Seal)

The Execution of the inclosed Commission will appear from sundry Schedules thereto annexed,

Jacob Steiner Commissioner (Seal)

Decree

Whereupon the Court hereof the following Decree viz^t

Jonathan Milar & Susanna his wife vs Abraham Jones & Samuel Jones & others } No 764 Equity In Frederick County Court Sitting as a Court of Chancery August Term 1827 The above Cause being ready for hearing and being Submitted for Decision, the Bill, the answers of the infant Defendants by their Guardian, the interlocutory Decree, the Commission Exparte and the return thereof, together with the Testimony thereunto taken and all by the Court here read and Considered, and the allegations in the Bill being fully sustained by the evidence in the Cause It is thereupon this 4th day of October in the year 1827 by Frederick County Court Sitting as a Court of Chancery adjudged ordered and decreed that the real Estate in the proceedings mentioned owned by the said William Jones Deceased at the time of his death, be sold for the benefit of his Heirs at Law, that William Schley be and he is hereby appointed a Trustee to make the said Sale and that the Course & manner of his proceedings be as follows to wit he shall first file his Bond with the Clerk of this Court to be executed by himself and an approved Surety in the penalty of two thousand Dollars Current Money, 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 to sell the said real Estate either at public or private Sale as may be found most Expedient having previously given by advertisement in one or more of the newspapers printed in Frederick and otherwise if deemed advisable at least four weeks public notice of the time, place and terms of Sale The Terms of Sale shall be as follows, one third of the purchase money to be paid in hand on the day of Sale, or on the ratification thereof by the Court, at the election of the purchaser, and the residue in one and two years, with interest from the day of Sale and to be Secured by Bonds or notes with approved Security and as soon as Convenient may be after making said Sale the Trustee shall report to this Court here upon Oath a full and particular account of his proceedings under this Decree

Setting forth particularly the name of the purchaser and the amount of Sale and he shall bring into court here the money by him received to be here distributed according to the rights of the parties interested retaining thereout nevertheless the costs of this Court and such allowance for Commission and Expenses, as this court may award him, in Consideration of the skill and fidelity wherewith he shall appear to have discharged his trust and upon payment of all the purchase money and not before, he shall Convey to the purchaser or purchasers thereof the real Estate by him sold in Execution of this Decree by a good and sufficient Deed to be executed, acknowledged and recorded in all respects according to law all the priveleges and Benefits to which they are entitled by law, are reserved by this Decree, to the infants Defendants, Abm Shrived,

Trustees Bond

Whereupon the Trustee filed the following Bond Endorsed Approved Abm Shrived viz

Know all men by these presents that we William Sehley and Frederick A Sehley both of Frederick County, in the State of Maryland are held and firmly bound unto the said State of Maryland in the just and full sum of Two Thousand Dollars Current Money, to be paid to the said State or its Certain attorney to which payment well and truly to be made and done we bind ourselves and each of us our and each of our heirs Executors and administrators, jointly and severally firmly by these presents sealed with our seals and dated this 11th day of December in the year 1827, Whereas by a Decree of Frederick County Court Sitting as a Court of Chancery bearing date the fourth day of October last, the above bound William Sehley was appointed a trustee and authorized and empowered to make Sale of the real Estate of the late William Jones Deceased as by reference to the proceedings in No 764 Equity will more particularly appear Now the Condition of the above obligation is such that if the said William Sehley do and shall well and truly discharge the trust reposed in him by said Decree or to be reposed in him by any future Decree or order in the premises then the above obligation to be void else of full force and virtue in law,

Signed Sealed & Delivered in presence of W M Bunkard, Wm Sehley (Seal) Fredk A Sehley (Seal)

Trustees Report

Whereupon the Trustee made the following Report viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery I William Sehley who was appointed by a Decree of your said Honourable Court Sitting as aforesaid bearing date the 4th day of October 1827 and passed and made in No 764 Equity, a Trustee to make

Sale of the real Estate of the late William Toms Deceased respectfully beg leave to report to your Honours that having first filed an approved Bond as by the said Decree is required and having previously given more than four weeks previous notice of the time place and terms of Sale by advertisements thereof in the Republican Citizen of Fredericks, in the German paper to Wagers Town and by means of hand Bills See Exhibit "B" I attended on the premises agreeably to said notice on the 15th day of December, instant at the hour of 10 Oclock A.M. that I then offered the said real Estate in parcels, in Compliance with the wish of a majority of the Heirs and in accordance with my own views of its great Expediency and advantage, that the house place Consisting of part of Second Lot was offered in five several Lots respectively Containing the Several quantities set forth in the Surveyors Certificate herewith filed as a part of this report marked A that a Certain John Harp became the purchaser of Lot No 1 Containing 163 acres 2 roods and 8 perches at the sum & price of thirty one Dollars and fifty five Cents per acre (excepting nevertheless, out of said quantity one quarter of an acre of Land which is enclosed as a grave yard and which was excepted) at the sale, in accordance with the various desire of all the Heirs there present, and with the desire also of the several bidders for said Lot, the aggregate amount of said John Harps purchase, being (excepting said quarter of an acre) five thousand one hundred and fifty four Dollars & eight Cents Current Money that a Certain Jacob Daub became the purchaser of Lot No 2, Containing the quantity of thirteen acres three roods and twelve perches at the price of thirty five Dollars per acre, making an aggregate sum of $483.75 that a Certain Samuel Toms became the purchaser of Lot No 3 Containing 32 acres and 32 perches at the price of $40.05 per acre, and of Lot No 5 Containing 50 acres and 31 perches at the price of $15.55 per acre making the aggregate amount of purchase money for said lots, the sum of two Thousand and Seventy Dollars and twelve Cents, and that a Certain Jacob Poffenberger Junr became the purchaser of Lot No 4. Containing 16 acres 3 roods and 37 perches at $33.55 per acre, making an aggregate sum of $561.33, making the total amount of purchase money for which the House Place Sold the sum of Eight Thousand two hundred and sixty nine Dollars and twenty Eight Cents Current Money. I would respectfully further State I offered the mountain property belonging to the Estate of said Deceased, but was unable to obtain for the same any bid at all. I would respectfully also State that in order to the Division of the said property into Lots; it was necessary to employ a Surveyor who Executed his duties, under my Directions faithfully and Satisfactorily and whose bill of Charges and Expences I pray may be allowed, especially

the said property is considered to have sold to very great advantage, in Consequence of its division into parcels as aforesaid and I pray in Consideration that the said Sales as made and now reported may be ratified, according to the practice of your Honorable Court, and that I may be allowed such sum for my Commissions and Expences as to your Honours may seem right and proper all which is respectfully Submitted,

Wm Sehley Trustee,

Maryland Frederick County to wit on this 27th December 1827 personally appeared William Sehley before the Subscriber one of the Justices of the peace in and for Frederick County & made oath on the Holy Evangely of almighty God, that the facts set forth in the above report are true as therein stated to the best of his knowledge & Belief.

Sworn to Before, George Kohr,

order of Publication

Whereupon the Court passed the following order of Publication viz By Frederick County Court, Sitting as a Court of Chancery August Term 1827 ordered that the Sale of the real Estate of the late William Jones, Deceased, made and reported by William Sehley, the Trustee, be ratified and confirmed, unless Cause be shewn to the contrary thereof, on or before the 28th day of January next Provided a copy of this Order be inserted once a week for three times successively in some newspaper printed in Frederick before said day The report States the amount of Sales already made to be $1269.25.

Abm Shriver Dec. 27th 1827.

And the said Cause is standing) Continued to January Term 1828 The following Certificate of the Printer Together with a printed Copy of the above order thereto annexed was filed viz)

Printers Certificate

I Hereby Certify that the annexed notice was inserted in the Republican Citizen for three Weeks successively before the 28th day of January 1828. Geo W Sharp,

order of ratification

Whereupon the Court passed the following order of ratification viz By Frederick County Court, Sitting as a Court of Chancery January Term 1828. Ordered, that the Sale of the real Estate of the late William Jones Deceased, made and reported by William Sehley the Trustee be ratified and confirmed, no Cause having been shewn to the contrary thereof although notice has been only given agreeably to the above order The Trustee is allowed for his Commission and his Expences for Printing the sum of two Hundred and Eighty Seven Dollars and Seven Cents also Surveyors Cost amounting to fifty four Dollars and fifty Cents The auditor is directed to State an account Between the Trustee and the parties entitled and to report the Same for ratification,

Abm Shriver Feby 1st 1828,

Auditors Report

Whereupon the Auditor filed the following Report viz:

Dr. The Estate of William Toms Deceased in Acct with William Sahley Esquire Trustee Cr.

To the Trustee for his Commission and all Expences			£ 267. 07
" the Attorney for his Fee	£3.3⅓		
" the Clerk for his fees	43.53		
" the Sheriffs for their fees Sheff Washg Co 7⅔ Mid Co 39	3.06⅔		49. 93
To the Auditor for his fees in Stating Acct reporting to Court &c			6. —
To Horatio G. Onald, Surveyor, the amount of his Bill for Surveying the lands of said Wm Toms Deceased &c. paper marked ———		No 76	54. 50
To Jonathan Miller & Susanna his wife, the amount of Sundry Costs by them incurred, as Complainants &c. papers filed & marked		I & W	11. 50
To Abraham Toms, Son and one of the Heirs of said Wm Toms Deceased one Seventh of Balance of proceeds of Sales under the Bill &c			1122. 92 4/7
To Samuel Toms, Son and one of the Heirs of said Wm Toms Deceased one Seventh of Balance of proceeds of Sales, under the Bill &c			1122. 92 4/7
To William Toms Junr, Son and one of the Heirs of said Wm Toms Deceased one Seventh of Balance of proceeds of Sales, under the Bill &c			1122. 92 4/7
To Michael Toms, Son and one of the Heirs of said Wm Toms Deceased, one Seventh of Balance of proceeds of Sales under the Bill &c			1122. 92 4/7
To George Harp & Catharine his Wife, a Daughter and Heir, of said William Toms Deceased one Seventh of Balance of proceeds of Sales, under the Bill &c			1122. 92 4/7
To Jonathan Miller & Susanna his wife, a Daughter & Heir of said Wm Toms, Deceased one Seventh of Balance of proceeds of Sales, under the Bill &c			1122. 92 4/7
To Ezra Toms, a Grand child and one of the Heirs of said William Toms Deceased one Half of one Seventh of Balance of proceeds of Sales under the Bill &c			561. 46 4/7
To Catharine Toms, a Grandchild, and one of the Heirs of said William Toms Deceased one Half of one Seventh of Balance of proceeds of Sales, under the Bill &c			561. 46 4/7
			£ 8069. 46 3/7
By Amount of Sales made the 15th day of December 1827 of Sundry parcels of Land as p Report of Trustee filed			£ 8269. 46 3/7

Jonathan Miller & Wife
vs
Abraham Toms & al

In Frederick County Court as a Court of Equity January Term 1828. As Auditor to Frederick County Court Sitting as a Court of Equity. I beg leave to report to the Honourable the Judges thereof that in Compliance with their order I have made an examination of the proceedings Comprising this Cause &

Thereupon stated the aforegoing account. I have in this as in like Cases, by order of the Court, allowed the Trustee for his Commission and all Expenses, and also allowed the Costs of the Court. I have this allowed the Surveyor for his Bill for Services rendered, pt. Bill filed and marked No. 76. I have also allowed the Complainants a Bill of Costs by them incurred in procuring certain papers as Exhibits necessary to the prosecution of this Cause pt. papers filed and marked I do. and the then Balance of proceeds of Sales, I have equally divided amongst the Heirs and Legal representatives of the said William Jones Deceased in Compliance with the instructions Contained in the Bill and proceedings Composing this Cause all which I Respectfully Submit to the Honourable the Judges aforesaid for Confirmation. Henry Sahley Auditor. 2d. February 1828.

Order of Ratifica.

Whereupon the Court passed the following order of Ratification viz. January Term 1828 Ordered by the Court that the aforegoing account as Stated and reported by the Auditor be and the Same is Hereby ratified and confirmed, and that the Trustee pay over the proceeds of Sales, as the same has, or may be received to the parties respectively entitled to the same, according to the distributions in said account made. Abm. Shriver

Test John Sahley Clk

State of Maryland Frederick County to wit

At a County Court Sitting as a Court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the first Monday of March in the year of our Lord Eighteen Hundred and Twenty third.

Present The Honourable John Buchanan Esquire Chief Judge
Abraham Shriver & } Esquires Associate
Thomas Buchanan } Judges
Thomas W. Morgan Esquire Sheriff
& John Sahley Clerk

In the record of proceedings of the said Court amongst others is the following viz.

Bill

To the Honourable the Judges the Judges of Frederick County Court Sitting as a Court of Chancery Humbly Complaining Sheweth unto your Honors your Orator Rhoda Fisher of Anne Arundel County and State of Maryland, That a certain Jacob Forrer late of Frederick County deceased, was seized and possessed in fee simple of a Considerable real estate lying and being in Middle Town Valley in Frederick County aforesaid and being a tract of Land, known and Called by the name of "Town Land on the "New Cut Road and Containing One hundred and four and three quarter acres and which Land was Sold and Conveyed to said Jacob Forrer in his life time by a certain Godfrey Lachenman, by his Deed of bargain and Sale duly bearing

Acknowledged and delivered on the twenty eighth day of July in the year eighteen hundred and four, and recorded in Liber W R No 26 folio 313 &c one of land records of Frederick County and which will fully appear by reference to a copy of said deed herewith Exhibited marked Exhibit No 1 and which your orator prays may together with all other Exhibits hereafter to be made by him be taken and consideration by your Honours as a part of this his Bill of Complaint That the said Jacob Forrest being seized & possessed of said tract of land departed this life some time in the month of July in the year eighteen hundred & twenty by last having previously executed a paper purporting to be his last will and testament, Bill which was attested by only two subscribing Witnesses. a certified copy of which said paper is herewith Exhibited marked Exhibit No 2 That the said Jacob Forrest at the time of his death had the following Children To Wit Rhoda Forrest, John Forrest, Rachel Forrest, Jeremiah Forrest, Solomon Forrest, Owen Forrest, Mahabell Forrest, Rebecca Forrest and Lear Forrest, That Rhoda your orator was married to and Fisher living in aforesaid County, Rhoda is now a Widow That John Forrest at this time does not reside in the State of Maryland, but has long since removed to the State of Ohio Perhaps to the Town of Lady in said State, That Rachel married a Certain James Perkins and since removed to Lady in the State of Ohio That Jeremiah Forrest, Solomon Forrest and Owen Forrest are now residing in Frederick County Maryland That Mahabell Forrest long since died intestate, leaving his Brothers & Sisters his Heirs at law, That Rebecca who intermarried with one John Shubbird, by him had the four following children, and which are grand children of Jacob Forrest Deceased To wit, Anne Shubbird who intermarried with one William Taylor, Sarah Shubbird who intermarried with James Hawkins, Rachel Shubbird who intermarried with one John Kirk, and Eliza Shubbird who married Henry Yoder all living in Baltimore County That the said John Shubbird died intestate leaving the aforesaid Rebecca a widow who has since married a Certain William Hutton and by him has one Son who is an Infant named James Thomas Hutton living in aforesaid County That the said Rebecca has since departed this life Lear Forrest married one Peter Price and by him had the three following children who are now infants and living in Frederick County to wit, Benjamin Price, Rebecca Price & Lear Price and the said Lear Price the mother aforesaid has since departed this life That the said Jacob Forrest also left a Widow named Anna Lacy Forrest who is yet living and enjoying the rents, rents and profits of said real Estate, That your orator is advised that said Jacob Forrest Died intestate as to said real Estate, The said paper being attested by only two Witnesses your orator further represents unto

Your Honours that the said Tract of Land is not Susceptible of a division among all the Parties entitled thereto and that it would be for the Benefit of all the said Parties that the Same should be sold under a Decree of your Honourable Court by a Suitable Trustee, to be appointed for that purpose, and the Purchase money thereof to be divided among said Parties, according to the rules of your Honourable Court To the end therefore that the said real Estate of said Isaac Forrest Deceased may be sold for the Benefit of his said Heirs by a Decree of this Court and the money arising from said Sale divided among them according to the rules of this Court may it please your Honours to grant unto your Orator the writ of Subpoena of the State of Maryland directed to the said John Forrest James Barkett and Rachel his wife, Jeremiah Forrest Solomon Forrest Owen Forrest, Ann Taylor, James Hawking and Sarah his wife John Kirk and Rachel his wife, Henry Gable & Eliza his wife, James Thomas Hullard, Benjamin Price, Rebecca Price and Leah Price Commanding them and each of them at a day therein to be named and under a paine therein to be expressed, to be and appear in your Honourable Court to answer this Bill on them and each of their respective Corporal Oaths and to stand to and abide by such Decree or order as may be hoped in the premises and that your Orator may have such other and further relief in the premises as the nature of the Case and Justice and Equity may require and may it please your Honours to grant to your Orator an order of Publication against the said absent Defendants warning them and each of them to be and appear in your Honourable Court by a certain day to be therein named to answer this Bill of Complaint and to shew Cause if any they or either of them have or hath, why the relief prayed should not be granted and such Decree to pass as prayed and as in duty bound will your Orator ever pray &c

Lefforth, Jas. M. Shellman Solicitor for Complainant.

Exhibited No 1 Exhibited No 1 referred to in the within and aforegoing Bill of Complaint Contained in the following words viz

Know all men by these presents that I Godfrey Leatherman of Frederick County and State of Maryland for and in Consideration of the sum of ninety five hundred Dollars and Six hundred Lawful money to me in hand before the ensealing hereof well and truly paid by Isaac Forrest of the County and State aforesaid the receipt whereof I do hereby acknowledge and myself therewith fully Satisfied & Contented and thereof and every part and parcel thereof do Exonerate acquit and discharge him the said Isaac Forrest his Heirs Executors and administrators forever by these presents have given granted bargained Sold aliened

Convayed and Confirmed and by these presents do fully and freely and absolutely give Grant bargain sell alien convey and confirm unto him the said Jacob Forrett his Heirs and assigns forever all that tract or parcel of Land Situate lying and being in Frederick County and State aforesaid called Foxes Chance Beginning at the Beginning Stone of the original tract called Foxes Chance it being the end of the first line of that original tract of land called Stoney Ratter and running thence with said Land three courses viz North 43 Degrees West 134 perches North 40 Degrees East 40 perches South 88 Degrees East 86 perches then leaving it and running North 85 Degrees East 14 perches North 26 Degrees West 18 perches then South 40 Degrees West 100 perches then South 6 Degrees East 48 perches South fifty four Degrees East 60 perches then leaving it and running South 64 Degrees East 20 perches South 21 Degrees West 20 perches South 62 Degrees East 20 perches South 88 Degrees East 30 perches South 47 Degrees East 16 perches South 8 Degrees East 12 perches North 67 Degrees East 80 perches to the end of the last line of the original then with the given line thereof to the first beginning Containing one hundred and four acres and three quarters more or less Together with all rights profits Benefits and privileges thereunto Belonging and also the Estate right Title Interest use property Claim and demand whatsoever of him the said Godfrey Leatherman of in or to the aforesaid Land and premises To Have and to Hold the aforesaid Land and appurtenances unto him the said Jacob Forrett his Heirs and assigns forever and I the said Godfrey Leatherman for myself my Heirs Executors and administrators do Covenant and engage the above demised premises to him the said Jacob Forrett his Heirs or assigns against the Lawful claims or demands of any person or persons whatsoever claiming by or under me and forever Hereafter to warrant and Defend by these presents In Witness whereof I Have Hereunto Set my Hand and Seal the 28th day of July 1804.

Signed Sealed & Delivered
in presence of
Henry Kuhn. Jno Creager.

Godfrey Leatherman (Seal)

Received the 28th day of July 1804 of the within named Jacob Forrett the sum of ninety five pounds two Shillings & Six pence it being the valuable Consideration within named

Godfrey Leatherman (Seal)

Received by me,
Witness Henry Kuhn
John Creager

Frederick County Sct 28th day of July 1804 then Came before us the Subscribers two of the Justices of the Peace for said County the within named Godfrey Leatherman and acknowledged the within instrument of writing to be his act and Deed and the Land and premises therein mentioned to be the right and Estate of the within

Named Jacob Forrest his Heirs and afsigns forever at the same time hand Mary wife of the said Godfrey Leatherman and being by us Examined apart and out of the Hearing of her said Husband and acknowledged that she freely relinquished all her right of Dower of in and to the within mentioned land and premises and that she Voluntarily did the same without any threats from her said Husband or through any fear of his future displeasure

acknowledged Before { Henry Kuhn,
John Cruger.

Maryland Frederick County Sct. I Hereby Certify that the within and aforegoing is a true Copy taken from Liber W R No 36 folio 313 &c. out of the Land records of Frederick County. In Testimony whereof I Have Hereunto Subscribed my name and affix the Seal of my office

Seal this 27th day of May 1833.

John Schley Clk Fred.k Co.ty

Exhibit No 2

(Exhibit No 2)

In the name of God amen I Jacob Forrest of Frederick County and State of Maryland being affected in body but perfectly sound in my mind and memory Considering the Certainty of death and the uncertainty of the time thereof & being desirous to settle my worldly affairs and therefore better prepared to hear this World in heard when it shall please Almighty God to Call me hence do therefore make and publish this my last will and testament in manner and form following that is to say. First and principally I Commend my soul into the hands of Almighty God & my body to the earth to be decently buried at the discretion of my Executors hereafter named. & after my debts and funeral expences are paid and my will hath taken out of my estate. I divise and bequeath as follows first I give and bequeath to my dearly beloved wife Hannah Lang Forrest the dwelling house in which I now live Com yard and shop yard with all my Household furniture and Stock of all kind that I own hogs excepted Horses, and my two sons Solomon & Owen to pay to her during her life the third part of the grain and Hay and pounded raised on the part of the farm that I shall leave to them which will be after Mentioned my wife is to keep my two grand Children and have a home when ever she wants one to do her necessary business and at her death her property shall be Divided into three equal parts one part to my two Grand children Benjamin and Leah Dryer and the two parts to my sons Solomon and Owen Forrest Secondly I give and bequeath to my Eldest son Jeremiah Forrest a part of land my

Called Foxes Chance, wherein he now lives to the Crop fence and with a straight line to the mill line of the whole tract to him & Heirs and assigns forever with all the improvements and appurtenances thereunto belonging. Third I give and bequeath to my Second Son Solomon Forrest a part of said land joining Jeremiah Part beginning at a Cherry tree standing on the South side of the fence and running with the fence and straight with the fence till it strikes the mill line of my land to secure to him the two backfields and wood Land equal with the field with another part of said Land being near my dwelling House, and joining David Wolf Land beginning at a Stone Standing near the meadow fence and running to a forked Maple near the barn thence with a straight line below my dwelling House to intersect the mill line of my land next to Warners with all the improvements and appurtenances thereunto belonging to him his Heirs and assigns forever and also the use of half the Barn if he wants it as long as his mother lives Fourth the remainder of my land I give and Bequeath to my youngest Son Owen Forrest with all the improvements thereunto belonging on this proviso that he shall keep a road open from the road that goes from Fries Shop to David Woolfs by my dwelling House to the Back Fields To Have and Hold for him his Heirs and assigns forever Fifthly I have my waggon and Horses for the use of both of my Sons, Solomon and Owen they for the use of them both the Seniff of them to be equall and they are to Haul their mothers fire wood or any thing she wants hauled equall Turn & turn about and at my wifes Death the waggon and Horses to be sold and equally divided between Solomon and Owen Sixthly I Hereby Constitute my two eldest Sons Jeremiah and Solomon the Sole Executors of this my last will and Testament. Signed Sealed

& Delivered in the presents
of Daniel Barkman, Georg Lizar

Jacob his mark Forrest (Seal)

Frederick County to wit On the 20th day of August 1821 then came Jeremiah Forrest and Solomon Forrest and made Oath on the Holy evangelly of almighty God that the foregoing instrument of writing is the true whole will & testament of Jacob Forrest late of Frederick County Deceased that hath come to their hands & knowledge and that they do not know of any other. Henry Steiner Regr

Frederick County to wit On the 20th day of August 1821 then came Daniel Barkman and Georg Lizar the two Subscribing Witnesses to the foregoing last will and testament of Jacob Forrest late of Frederick County Deceased and made Oath on the Holy evangelly of Almighty God that that they did see the Testator therein named sign and Seal this

Wit that they heard him publish pronounce and Declare the same to be his last will and testament that at the time of his so doing he was to the best of their apprehensions of a Sound and disposing mind memory and understanding that they respectively Subscribed their names as Witnesses to this will in the presence and at the request of the testator and all in the presence of each other.

Henry Steiner Regr

State of Maryland Frederick County to wit, I Henby Certify that the foregoing is a true copy taken from Liber A S No 2 Folios 484. 485 & 486 one of the record Books of Wills in the office of the Register of Wills for Frederick County Maryland.

In Testimony whereof I Have hereunto set my hand and affixed the Seal office this 1st day of March 1833, Henry Steiner Regr of Wills for Frederick County Maryland

(Seal)

order of Publication

Whereupon the Court hereof this following order of Publication viz. Rhoda Fisher

vs

John Forrest. James Burkett and Rachel his Wife, Jeremiah Forrest. Solomon Forrest. Owens Forrest. Ann Taylor. James Hankins & Sarah his wife John Kirk & Rachel his wife. Henry Gable & Eliza his wife. James Thomas Hutton. Benjamin Price. Rebecca Price & Lear Price.

In Frederick County Court Sitting as a Court of Chancery October Term 1833 The object of the Bill in this Case is to obtain a Decree for the Sale of a Tract of land lying and being in Middle Town Valley in Frederick County the same being the real Estate of which Jacob Forrest died seized & possessed of in fee Simple The Bill States that Jacob Forrest being seized in fee simple of said land Died intestate as to the real property leaving at the time of his death the following children to wit Rhoda Forrest. John Forrest Rachel Forrest. Jeremiah Forrest. Solomon Forrest. Owens Forrest. Mahabill Forrest. Rebecca Forrest & Lear Forrest That Rhoda was married to and Fisher living in aforesaid County, But is now a widow That John Forrest at this time does not reside in the State of Maryland but has long since removed to the State of Ohio perhaps to the Town of Cadiz in said State That Rachel married a certain James Burkett and long since removed to Cadiz in the State of Ohio That Jeremiah Forrest. Solomon Forrest and Owens Forrest are now residing in Frederick County Maryland That Mahabill Forrest long since died intestate leaving his brothers and Sisters his Heirs at law That Rebecca who intermarried with one John Stubbins & by him had the four following children and which

are Grand Children of Jacob Fisher Deceased. To wit Ann Shubbird who intermarried with one William Taylor. Sarah Shubbird who intermarried with James Hawkins. Rachel Shubbird who intermarried with one John Kirk and Eliza Shubbird who married Henry Gable all living in Baltimore County That the said John Shubbird died intestate leaving the aforesaid Rebecca a Widow who has since married a certain William Rutlow and by him had one son who is an infant named James Thomas Rutlow living in Anne Arundel County That the said Rebecca has since departed this life That Lear married and Peter Price and by him had the three following children who are infants under age living in Frederick County and also Grand Children of the said Jacob Fisher To wit Benjamin Price, Rebecca Price and Lear Price That the said real estate is not susceptible of an advantageous division among all the parties entitled thereto and that it would be for their Benefit that the same should be sold by a Decree of this Court It is therefore adjudged & ordered that the Complainant by causing a Copy of this order to be inserted three successive weeks in the Republican Citizen printed in Frederick before the first Monday of July next give notice of this application and of the substance and object of the Bill that the absent Defendants may appear here in person or by Solicitor of this Court before the tenth day of October next and shew Cause if any they have wherefore a Decree should not pass as prayed.

Md. Sct. Sharp, May 31st 1823.

Whereupon the following Certificate of the Printer together with a printed copy of the above order thereto annexed was filed viz

Printers Certificate

I Hereby Certify that the annexed notice was inserted in the Republican Citizen for three weeks successively before the first Monday of July 1823.

G. W. Sharp.

And the said Cause as standing Continued to July Term 1823 the following Answer was filed viz

Answer of Ann Taylor & others

The Joint Answer of Ann Taylor, Samuel Hawkins & Sarah his wife John Kirk and Rachel his wife, Henry Gable & Eliza his wife Seven of the Defendants to the Bill of Complaint of Rhoda Fisher filed in Frederick County Court Sitting as a Court of Chancery These Defendants in answering said Bill admit the several matters and things therein stated and set forth, to be true and are willing a Decree should be passed as prayed and they pray to be hence Dismissed with reasonable Costs and Charges in this behalf sustained

Witness Aquila Hitchenberger. Ann (her mark) Taylor. Samuel Hawkins. Sarah (her mark) Hawkins. John (his mark) Kirk, Rachel (her mark) Kirk.

On the Twenty eighth day of August 1823 the above named

Ann Taylor. James Hawkins and Sarah his wife John Hill and Rachel his wife appeared before me the Subscriber a Justice of the peace of Baltimore and being duly Sworn on the Holy Evangely of almighty God. say that the Several matters stated in the above. or within answer are true to the best of their knowledge information & belief

Sworn Before Authy Mittenberger

Answer of Henry Gable & Eliz Gable

And the said Cause as standing Continued to October Term 1823 the following Answer was filed viz

The Joint answer of Henry Gable and Eliza his wife two of the Defendants to the bill of Complaint of Rhoda Fisher filed in Frederick County Court Sitting as a Court of Chancery These Defendants in answering said Bill admit the Several matters and things therein Stated and set forth to be true and are willing a Decree should be Passed as prayed and they pray to be hence Dismissed with reasonable Costs and charges in this behalf sustained.

Henry his ✕ mark Gable &
Eliza her ✕ mark Gable

Witness A Mittenberger.

On the Eleventh day of October 1823 the above named Henry Gable and Eliza Gable his wife appeared before me the Subscriber a Justice of the Peace of Baltimore County and being duly Sworn on the Holy Evangely of almighty God say that the Several matters stated in the above answer are true to the best of their knowledge information and Belief,

Authy Mittenberger.

Petition of Rhoda Fisher.

Whereupon the following Petition was filed viz

Rhoda Fisher Complainant
and
Solomon & Owen Forrest & others Defendants

To the Honorable the Frederick County Court Sitting as a Court of Chancery the Petition of Rhoda Fisher of Anne Arundel County Humbly sheweth that the Bill of Complaint in the above Cause was filed in the Clerks office of the Frederick County Court Sitting as a Court of Equity on the thirty first day of May 1823 last past and writs of Subpoena thereon duly issued and Served and that the above named Solomon Forrest one of the Defendants Caused his appearance in the above Case to be entered in the office and that said Defendant has not Caused any answer to the said Bill to be filed That the said Owen Forrest another Defendant named in the above Cause and who was duly Served with a Subpoena has neglected to Cause his appearance in the above Case to be entered and an answer to said Bill to be filed your Petitioner therefore prays that your Honours will be pleased to order attachments to be issued to Cause the said Defendants Solomon

And Owen Forrest to put in their answers to the said Bill within such time as your Honours shall be pleased to direct

James M. Shellman Solicitor for the Complainant.

Answer of Jeremiah & Owen Forrest.

And the said Cause as standing Continued to January Term 1824, the following Answer was filed viz/

The Joint answers of Owen Forrest, Jeremiah Forrest & two of the Defendants to the Bill of Complaint of Rhoda Fisher in Frederick County Court Sitting as a Court of Chancery these Defendants in answering said Bill of Complaint admit the several matters & things therein stated and set forth to be true and are willing a Decree should be passed as prayed and they pray to be hence Dismissed with reasonable Costs and Charges in this behalf sustained.

his
Owen X Forrest, Jeremiah Forrest,
mark

I agree to accept of the within answer without oath.

J W Shellman

And the said Cause as standing Continued from Term to Term until February Term 1826 the following Petition to Amend the Bill was filed viz/

Petition to Amend Bill

To the Honourable the Judges of the Frederick County Court Sitting as a Court of Chancery the Petition of Rhoda Fisher humbly gives your Honours to understand, that she filed a Bill in Equity in the Frederick County Court Sitting as a Court of Equity on the 13th day of May 1823 against John Forrest James Rickets and Rachel his wife, Jeremiah Forrest, Solomon Forrest, Owen Forrest, Ann Taylor, James Hawkins & Sarah his wife Henry Gable and Eliza his wife, James Thomas Hutton Benjamin Price, Rebecca Price, and Leah Price all which appears by the said Bill, Exhibits and other papers No 4 & 5 on the Equity Docket and which are to be Considered as a part of this Petition your Petitioner further States to your Honours that James Thomas Hutton one of the Defendants in said Bill in Equity, resides out of the State of Maryland which fact was not Stated in said Bill in Equity and no notice was given to said Defendants, to appear in this Court &c. by order of Publication, may it please your Honours to allow your Petitioner to amend her Bill of Complaint agreable to the fact Stated in the aforegoing Petition. May it please your Honours to grant to your Oratrix an order of Publication in the usual form against the said James Thomas Hutton, his being an absent Defendant residing out of the State, warning him to be and appear before this Honourable Court by some day thereunto be named to answer the premises, otherwise the said Bill will be taken pro confesso against him. & may it please your Honours to grant unto your Petitioner all such other and further relief in the premises as shall

seem to your Honours Just and equitable. which in duty
Bound your Petitioned will ever pray and Soforth.

James. M Shellman for Petitioned

See the bill referred to be amended as above prayed.

Adm Shriver.

order of Publick

Whereupon the Court hafed the following order of Publication viz

Rhoda Fisher
vs
John Forrest. James Burkett and Rachel his Wife. Jeremiah Forrest. Solomon Forrest. Owen Forrest. Ann Taylor. James Hawkins and Sarah his wife John Kirk & Rachel his wife James Thomas Hutton. Benjamin Price. Rebecca Price & Lear Price.

In Frederick County Court Sitting as a Court of Chancery August Term 1806. The object of the Bill in this case is to obtain a Decree for the Sale of a Tract of Land lying and being in Middle Town Valley in Frederick County being the real estate of which Jacob Forrest died seized and possessed of in fee Simple The Bill states, that Jacob Forrest, being seized in fee Simple of said land, died intestate as to the real property leaving at the time of his death the following Childrens to wit Rhoda Forrest, John Forrest, Rachel Forrest, Jeremiah Forrest Solomon Forrest, Owen Forrest, Mahaleel Forrest, Rebecca Forrest and Lear Forrest, that Rhoda was married to one Fisher, living in Anne arundel County But is now a widow, that John Forrest at this time does not reside in the State of Maryland But has long since removed to the State of Ohio perhaps in the Town of Cadiz in said State, that Rachel married a Certain James Burkett and long since removed to Cadiz in the State of Ohio That Jeremiah Forrest, Solomon Forrest and Owen Forrest, are now residing in Frederick County State of Maryland. That Mahaleel Forrest long since died intestate, leaving his Brothers and Sisters, his Heirs at law. That Rebecca who intermarried with one John Shubbird and by him had the four following Childrens and which are Grand Childrens of Jacob Forrest, Deceased To wit Ann Shubbird who intermarried with one William Taylor, Sarah Shubbird who intermarried with James Hawkins Rachel Shubbird who intermarried with one John Kirk & Eliza Shubbird who married Henry Gable all living in Baltimore County That the said John Shubbird Died intestate leaving the aforesaid Rebecca a Widow who has since married a certain William Hutton, and by him had one Son who is an infant named James Thomas Hutton. and who appears in the Bill as stated and amended resides out of the State of Maryland, and have not been notified by order of publication to appear in this Court That the said Rebecca Hutton has since Departed this

Life, that Lead married and Peter Price and by him had the three following children who are infants under the age of twenty one and are living in Frederick County Maryland, and also grand children of the said Sarah Forrest, to wit Benjamin Price, Rebecca Price, and Lear Price. That the said real Estate is not susceptible of an advantageous division among all the parties entitled thereto and that it would be for their Benefit that the same should be sold by a Decree of this Court. It is therefore adjudged and ordered, that the Complainant by causing a Copy of this order to be inserted three successive weeks in the Republican Citizen a paper printed in Frederick before the first day of May next give notice of this application and of the substance and object of the Bill, that the absent Defendants may appear here in person or by Solicitor of this Court before twenty Sixth day of July next and shew Cause if any they have wherefore a Decree should not pass as prayed

Abm Sprigg, March 21st 1826.

Printers Certificate

Whereupon the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz I Hereby Certify that the annexed notice was inserted in the Citizen for three weeks successively before the first day of May 1826. Ig Sharp.

order for Commn

Whereupon the Court passed the following order for Commission viz

Rhoda Fisher
vs
Benjamin Price
Rebecca Price, Lear Price and others

In the Frederick County Court Sitting as a Court of Equity It appearing to the Satisfaction of this Court that Benjamin Price Rebecca Price and Lear Price are Infants as Stated in said Bill of Complaint that Subpoenas have been issued out of this Court directed to said Infants and by the Sheriff of this County returned Summoned &c It is this Sixteenth day of March 1826 on motion of the Complainants Solicitor ordered & adjudged by the Frederick County Court Sitting as a Court of Equity that a Commission issue out of this Court to Samuel Baer directing him to appoint a Guardian to answer for the said Infants &c Abm Sprigg.

Commn

Whereupon In pursuance of the above order the following Commission issued viz

Maryland ss The State of Maryland. To Samuel Baer of Frederick County, Greeting Whereas Rhoda Fisher hath lately exhibited her Bill before us in our County Court as a Court of Chancery, against Benjamin Price, Rebecca Price, Lear Price & others Defendants & whereas we have by our writ lately Commanded the said Defendants to appear before us in our said Court as a court of Chancery, at a certain day now past to answer the said Bill but, for as much as the said Benjamin, Rebecca

Ann Lear and infants under age and cannot answer the said Bill nor defend this suit, without having a Guardian assigned in that behalf, Know ye, therefore that we have given unto you full power and authority in pursuance of the Special order in our said Court, to assign and appoint a Guardian for the aforesaid infants, and to take the answers of the said infants, by such Guardian to the said Bill and therefore we Command you, that at such certain day and place as you shall think fit you go to the said Defendants if they can't conveniently Come to you and assign and appoint a guardian for the aforesaid infants and take the answers of the said infants, by such Guardian, to the said Bill on such Guardian's bodily oath upon the Holy Evangely to be administered by you the said answers being distinctly and plainly wrote and when you shall have so taken the said answers, you are to send the same, closed up under your Seal, together with your Certificate of your having assigned and appointed such Guardian as aforesaid and this writ, unto us, in our said Court. Witness the Honorable John Buchanan Esquire Chief Judge of our said Court, the sixth day of February Anno Dominie 1826. Issued the 22d day of March 1826. John Ashby Clk

And the said Cause as standing Continued to August Term 1826 the following Answer and Certificate of the Infants Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz The Joint and Seperate answer of Benjamin Rebecca and Lear Dries infants under the age of twenty one years by Jacob Baer Guardian to the Bill of Complaint of Rhoda Fisher, filed in Frederick County Court Sitting as a Court of Equity The said infants by their said guardian in answering the said Bill admit the Several matters and things therein set forth and that it will be for the mutual benefit of all parties that and so forth and that such Decree may be made in this Cause as may be Consistent with Equity and good Conscience, hoping that as they are infants, this Honourable Court will regard their Interest, & so forth.

Infants answer

Jacob Baer, Guardian

Frederick County to wit On this Sixteenth day of August in the year Eighteen Hundred and twenty Six personally appears Jacob Baer Before me the Commissioner named in the Commission for that purpose issued out of Frederick County Court, Sitting as a Court of Chancery & makes oath in the Holy Evangely of Almighty God that the Several matters and things as stated in the above

Answer are true as stated to the best of his knowledge and Belief. Sworn Before Sam[l] Carmack

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity I the Subscriber, named in a Commission from the Chancery Court of Frederick County, in a Cause in the said Court depending, Between Rhoda Fisher Complainant and Benjamin Price, Rebecca Price, and Lear Price and others Defendants do Hereby Certify, that by virtue of said Commission herewith enclosed. I have assigned and appointed Jacob Baer Guardian for the said Benjamin, Rebecca & Lear Price, the said infants therein named, and have taken the answer of the said infants by their said Guardian in writing upon his corporal Oath, to the bill in said Commission recited, which I Herewith send enclosed to Witness Whereof I have Hereunto Set my Hand and Seal this Sixteenth day of August in the year Eighteen Hundred & Twenty Six. Sam[l] Carmack (Seal)

Petition of Rhoda Fisher

Whereupon the following Petition was filed viz[t]

To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery The Petition of Rhoda Fisher respectfully represents to your Honours that heretofore to wit on the Thirty first day of May in the year 1823 she filed in your Honourable Court Sitting as a Court of Chancery her Bill of Complaint against a certain Solomon Forrest and others the Defendants therein named, which said Bill is filed among the proceedings of your Honourable Court Sitting as a Court of Chancery marked No. 4284 Equity that the writ of the State of Maryland of Subpoena was thereupon afterwards to wit on the thirty first day of May 1823 issued from your Honourable Court directed to said Solomon Forrest as one of the Defendants in said Bill Commanding him that all Laches and delay set aside, he should personally appear before your Honourable Court Sitting as a Court of Chancery on the first Monday of July then next ensuing the date of said Subpoena, to answer the said Bill of Complaint of your Petitioner, That the said Subp. and was duly returned Summoned, and that said Defendant nevertheless failed to appear, according to the exigency of said writ, and answer the said Bill of Complaint of your Petitioner as he ought to have done by the rules and practice of your Honourable Court Sitting as a Court of Chancery your Petitioner therefore prays your Honours to enter an interlocutory Decree in said Case, against the said Solomon Forrest as one of said Defendants, and to issue a Commission to take Testimony ex parte, and to proceed to a final Decree in said Case, in the same manner as if the Testimony which shall be taken under said Commission

to be ipsed exparte had been when under a Commission ipsed and returned in the usual way in answer and general replication, and as in duty bound your Petitioner will ever pray & Soforth.

James M Shelman Solr for Petitioner

Interlocy Decree

Whereupon the Court hoped the following Interlocutory Decree viz

Rhoda Fisher vs Solomon Forrest and others } No 424 Equity In Frederick County Court Sitting as a Court of Chancery August Term 1826 upon reading & Considering the aforegoing Petition and the facts therein Stated appearing to be true. So it is thereupon this Ninth day of August in the year 1826 by Frederick County Court Sitting as a Court of Chancery upon the application of the Complainants by her Solicitor in Court here aforesaid, ordered and Decreed that this Court will proceed to hear and determine the allegations of said Bill upon Testimony taken under a Commission to be ipsed exparte in the Cause and proceed to a final Decree in the Cause in the same manner, as if the said Defendants Solomon Forrest had appeared and put in his answer and as if the Testimony which shall be taken under said Commission to be ipsed exparte, as aforesaid, had been taken under a Commission ipsed and returned in the usual way on answer general replication & ipsed

Abm Shriver Augt 9th 1826.

order for Commn exparte

Whereupon the Court hoped the following order for a Commission exparte, viz

Rhoda Fisher vs Solomon Forrest and others } No 424 Equity In Frederick County Court as a Court of Chancery August Term 1826 On Motion ordered that a Commission ipsed in this Cause exparte to James Raymond Esqr for the taking of Testimony to Support the allegations of the said Complainants Bill, Abm Shriver Augt 10th 1826,

Whereupon in pursuance of the above order the following

Commn

Commission Ipsed viz

Maryland Set. The State of Maryland to James Raymond

Seal

Esquire of Frederick County greeting Be it known that you are appointed Commissioner to examine Testimony exparte, to Support the allegations of Complainants Bill in a Cause depending in Frederick County Court as a Court of Chancery, Between Rhoda Fisher Complainants and Solomon Forrest and others Defendants you are therefore required first having taken the Oath hereunto annexed and also administered the annexed Oath to the person whom you

Shall appoint as Clerk to attend the Execution of this Commissipion that at such time and place as to you shall seem Convenient you cause to come before you all such evidence as shall be named and produced to you by the Complainant and that you take such other Testimony as shall be produced to you exparte, on behalf of the said Complainant in support of the allegations Contained in his said Bill and that you examine them on their Corporal Oaths to be by you administered upon the Holy Evangely of Almighty God, touching their knowledge or remembrance of any thing that may relate to the Cause aforesaid, and that you cause notice to be given to the Complainant or his Attorney of the Execution of this Commissipion before you execute the same and having reduced into writing the Depositions of the Witness as taken by you, and having taken such further Testimony as shall be offered exparte on behalf of the said Complainant in support of the allegations in his Bill you send the same with this Commissipion closed under your hands and Seal into the Court as a Court of Chancery with all Convenient speed. Witness the Honourable John Buchanan Chief Judge of our said Court the 7th day of August 1826 Issued the 11th day of August 1826. John Ashley Clerk

(Commissioners Oath)

You shall according to the best of your skill and knowledge truly, faithfully and without partiality to any or either of the parties, take the examinations and depositions of all & every Witness or Witnesses produced and examined by virtue of the within Commissipion upon the interogatories now, or which may hereafter before the said Commissipion is closed, be produced to and left with you by the said Complainant and shall take such other Testimony as shall be produced to you on the part of the said Complainant in support of the allegations Contained in his said Bill. So Help you God. Sworn to this 15th day of Aug 1826. Thos W Morgan.

Clerks Oath,

You shall truly, faithfully and without partiality to any or either of the parties in this Cause, take, write down & Transcribe the depositions of all and every the Witness & Witnesses produced and Examined by the Commissioners in the Commissipion within named as far forth as you are directed and employed by the said Commissipion to take, write down, and transcribe the said depositions or any of them and you shall take and note down such other Testimony as shall be received by the said Commissioners in support of the allegations Contained in his said Bill, as far forth as you are directed by the said Commissioners. So Help you God, Sworn to this 15th

Comm[r]s Returns

Day of August 1826 James Raymond Commissioner Whereupon the Commissioner made the following Return viz[t]. to the Execution of a Commission dispensed out of Frederick County Court Sitting as a Court of Chancery dated the Eleventh day of August in the year of our Lord Eighteen Hundred and twenty Six directed to James Raymond empowering him to take testimony exparte to Support the allegations of the Complainants Bill in a certain Cause depending in said Court as a Court of Chancery Between Rhoda Fisher Complainant and Solomon Forrest and others Defendants I James Raymond the Commissioner named having opened the said Commission this 15th day of August in the year Eighteen Hundred and twenty Six at Frederick in Frederick County aforesaid pursuant to notice previously given to the said Complainants Solicitor and having first taken the Oath to the said Commission annexed before Thomas W Morgan one of the Justices of the peace in & for Frederick County and having administered to Wm Finn the person by me appointed as Clerk to attend the Execution of the said Commission proceeded to take the annexed Testimony exparte, produced and read by James M Sheleman Solicitor for said Complainant in Support of the allegations in said Complainants Bill to wit the Copy of the will of Jacob Forrest marked Exhibit N[o] 2 which said paper or Instrument was offered by James M Sheleman Solicitor for the Complainant as evidence in Support of the allegations contained in said Complainants bill also a Copy of Deed from Godfrey Leatherman to Jacob Forrest which said Copy was offered by James M Sheleman Solicitor for the Complainant as evidence in Support of the allegations Contained in said Complainants bill no further evidence being named or produced on the part of Complainant and no further Testimony being offered or taken in Support of the allegations in said Complainants Bill other than as is herein before stated the said Commission was thereupon closed all of which accompanied by the two above mentioned papers produced as evidence together with the said Commission I return closed to your Honours in your Honorable Court under my Hand and Seal (as by the said Commission I am directed this 15th day of August 1826.

James Raymond (Seal)

Decree

Whereupon the Court passed the following Decree viz[t]

Rhoda Fisher
John Rickets & others

In Frederick County Court Sitting Equity as a Court of Chancery August

Term 1826. The said Cause standing ready for hearing & being Submitted. The Bill answer Exhibits and all other proceedings were by the Frederick County Court Sitting as a Court of Chancery read and Considered. So it is thereupon this 22nd day of August 1826 by the Frederick County Court Sitting as a Court of Chancery, aforesaid ordered and Decreed that the property mentioned in the proceedings shall be sold. That James M Shellman be and he is hereby appointed Trustee to make the said Sale and that the Course and manner of his proceedings shall be as follows. He shall first file with the Clerk of this Court, a Bond to the State of Maryland Executed by himself and a Surety or Sureties in the penalty of five Thousand Dollars Current money to be approved by this Court 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 to make the said Sale, having first given two weeks public notice in such newspaper or papers as he may think proper of the time, place manner and Terms of Sale, which shall be that the purchaser or purchasers shall pay the one third of the purchase money to the Trustee on the day this Court shall ratify the Sale and give Bond to the Trustee with Security to be approved by him for the payment of the residue in two equal annual payments with interest from the day of Sale and as soon as Convenient after the Sale the Trustee shall return to this Court a full and particular account of his proceedings relative to said Sale, with an affidavit of the Truth thereof, and of the fairness of the Sale annexed and upon obtaining of this Court Sitting as a Court of Chancery, the ratification of the Sale and the payment of the whole purchase money and not before the Trustee shall by a good and sufficient Deed to be Executed according to Law, convey to the purchaser or purchasers his, her, or their heirs, the property to him her or them, sold free clear and discharged from all claims of the Complainants or of the Defendants & those claiming by from or under them and the Trustee shall bring into this Court the Bond, when taken and the money arising from said Sale to be applied under the direction of this Court Sitting as a Court of Chancery after deducting the Costs of this suit; and such Commission to the Trustee as this Court shall think proper to allow on Consideration of the skill fidelity and attention wherewith he shall appear to have discharged his Trust. Abm Shriner, And the said Cause, so standing Continued to January Term 1827 The Trustee filed the following Bond Endorsed approved Abm Shriner "viz", Know all men by these

Trustees Bond

Presents that we James M Shelman and Benjamin Price of Frederick County in the State of Maryland are held firmly Bound unto the said State of Maryland in the full and just sum of five Thousand Dollars Current money to be paid to the said State or its Certain attorney. To which payment well and truly to be made and done we bind ourselves and each and every of us our and each and every of our Heirs Executors and administrators Jointly and Severally firmly by these presents and dated this Eleventh day of January in the year of our Lord Eighteen Hundred and twenty seven Whereas the above named James M Shelman by virtue of a Decree of Frederick County Court Sitting as a Court of Equity has been appointed a Trustee to sell the real Estate of Jacob Forrest late of Frederick County Deceased Now the Condition of the above obligation is such that if the above bound James M Shelman do and shall well and truly before the Court repose in him by said Decree as Trustee as aforesaid or that may be reposed in him by any further order or Decree in the premises then the above obligation to be void, otherwise to be and remain in full force and Virtue in Law. Signed Sealed & Delivered in the presence of Jno Coale. James M Shelman (Seal) Benj. Price (Seal)

Trustees Report

And the said Cause as standing Continued to February Term 1827 The Trustee made the following Report viz To the Honorable the Judges of Frederick County Court Sitting as a Court of Equity James M Shelman the Trustee appointed by your Honorable Court on the twenty Second day of August in the year Eighteen Hundred and twenty six to sell a tract of land containing one hundred and five acres and being the real estate of Jacob Forrest of Frederick County Deceased Respectfully represents to your Honours that he advertised the said tract of Land for sale in the Citizen and Herald two news papers printed in Frederick a Copy of one of which advertisements is Herewith Exhibited marked A and which he prays may be taken as a part of this his report. That your Trustee would have sold on that day but in Consequence of the inclemency of the weather he was Compelled to postpone the sale to another day That on the Second day and place appointed he attended but for the want of bidders the property was not sold That the said Trustee again gave notice by means of hand bills and made two other attempts, but in both attempts he failed That your Trustee although failing in the other attempts afterwards again gave notice by the means of hand bills and offered said property for

Sale on the Seventh day of April Last Courtlins Harns being the highest bidder became the purchaser at Four Hundred and fifty five dollars for the whole tract Land the said Courtlins Harns has made a payment of ten Dollars in Confirmation of the Sale and is ready to pay one third of the purchase money and Execute Bonds with good Security to Trustee for the residue as soon as your Honourable Court shall ratify the Sale & the end whereof as the property is now sold your Trustee prays that your Honours may take into Consideration the aforegoing report and grant an order of ratification at some early period and your Trustee will ever pray &c Setforth,

James M Shellman Trustee

Frederick County to wit Be it remembered that on this twelfth day of April in the year Eighteen Hundred and Twenty Seven personally appears James M Shellman the Trustee aforesaid before me a Justice of the Peace in and for Frederick County and makes Oath that the aforegoing report is true as stated & the Sale mentioned was Just and equitably made

Sworn Before George Rohr,

order of Publication

Rhoda Fiske
vs
John Rickard & Rachel his wife. John. Jeremiah Solomon & owen Forrest and others

Whereupon the Court passed the following order of Publication viz Frederick County Court Sitting as a Court of Equity February Term 1827 Ordered that the Sale made & reported by James M Shellman Trustee for the Sale of the real estate of Jacob Forrest Deceased be ratified & confirmed unless Cause be shown to the Contrary before the first Monday of May Provided a Copy of this order be inserted in some newspaper printed in Frederick three weeks successively before the said first Monday of May next the Report States the amount of Sales at four Hundred and fifty five Dollars

Abm Shriner,

Printers Certificate

Whereupon the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz, I Hereby Certify that the annexed order has been published in the Herald three successive weeks previous to the first Monday of May. John S Thomson,

order of Ratification

Whereupon the Court passed the following order of Ratification viz, Rhoda Fiske
vs
John Rickard & Rachel his Wife. John. Jeremiah Solomon & owen Forrest and others

Frederick County Court Sitting as a Court of Equity February Term 1827 ordered by the Court that the Sale made by James M Shellman as Trustee in this Cause as reported by him, be and is Hereby ratified and confirmed. the Trustee is allowed for his Commission and all Expenses the sum of forty nine Dollars forty nine Cents So it is further ordered that the auditor of this Court State an account between the said Trustee and the parties

Entitled, shewing the sums to which each of the parties shall be entitled out of the proceeds and so forth and that he allow William Hutton three seventhes of the shares he would be entitled to in right of his Deceased wife Rebecca were she living the same to be in lieu of his right by the Curtesy and also that he allow Peter Price six sixteenths of the shares he would be entitled to in right by his Deceased wife were she living the same being in lieu of his right by the Curtesy, and Ordered Signed May 10th 1827.

And the said Cause as standing Continued to July Term 1828.

Auditors Report

The Auditor filed the following Report viz.

Dr. The Estate of Jacob Forrest Deceased in Acct with James M Shellman Esqr. Trustee

Cr.

		£	s.	d.
To the Trustee for his Commission and all Expenses	£			49.49
" the attorney for his fee		3.33⅓		
" the Clerk for his fees		31.46		
" the Sheriff for his fees		3.06		
" Mr. Linn Copy Clerk to the Compts Bill		2.16⅔		40.52
To the Auditor for his fee in Stating & reporting to Court				9.—
" Lynch Baltzell Esqr Collector for Frederick County and amount due for taxes upon said land as by Bill marked		CB		5.67
To Rhoda Fisher a Daughter and heir of said Jacob Forrest Deceased one Eighth of nett proceeds of Sale under the Bill & proceedings Comprising this Cause				43.79
To John Forrest a Son and heir of said Jacob Forrest Deceased one Eighth of nett proceeds of Sale, under the Bill & proceedings Comprising this Cause				43.79
To Jeremiah Forrest a Son and Heir of said Jacob Forrest Deceased one Eighth of nett proceeds of Sale, under the Bill and proceedings comprising this Cause				43.79
To Solomon Forrest a Son and heir of said Jacob Forrest Deceased one Eighth of nett proceeds of Sale, under the Bill & proceedings Comprising this Cause				43.79
To James Burkett and Rachel Burkett his wife a Daughter and Heir of said Jacob Forrest Deceased one Eighth of nett proceeds of Sale under the Bill and proceedings Comprising this Cause				43.79
To Amos Forrest a Son and Heir of said Jacob Forrest Deceased one Eighth of nett proceeds of Sale under the Bill & proceedings Comprising this Cause				43.79
To William Taylor and Anne his wife who was the Daughter of Rebecca & Grandchild of said Jacob Forrest Deceased one fifth of one Eighth				

Amt Carried forward £

Amt. brot Forward £

= of nett proceeds of Sale, under the Bill & proceedings
Composing this Cause 5.00½

To James Hawkins and Sarah his wife who was the Daughter
of Rebecca and Grandchild of said Jacob Forrest dec.
one fifth of one eighth of nett proceeds of Sale, under
the Bill and proceedings Composing this Cause . . . 5.00½

To John Kirk and Rachel his Wife, who was the Daughter
of Rebecca and Grandchild of said Jacob Forrest Dec.
one fifth of one eighth of nett proceeds of Sale under
the Bill & proceedings Composing this Cause . . . 5.00½

To Henry Gable and Eliza his wife, who was the Daughter
of Rebecca and Grandchild of said Jacob Forrest dec.
one fifth of one eighth of nett proceeds of Sale, under
the Bill & proceedings Composing this Cause . . . 5.00½

To James Thomas Hutton, Son of said Rebecca by William
Hutton, and a Grandson of said Jacob Forrest dec.
one fifth of one eighth of nett proceeds of Sale
under the Bill and proceedings Composing this cause . 5.00½

From the last mentioned 5 shares of the Children
of Rebecca is deducted to Wm. Hutton as Tenant by
the Curtesy as follows

To William Hutton the Husband of Rebecca Deceased
three Sevenths of the shares, he would be entitled to,
by right of his wife and who now living in lieu of
his right as Tenant by the Curtesy by order of
the Court 18.76½

To Benjamin Prior, Son of Leah Prior Deceased and
Grandson of said Jacob Forrest Deceased one third
of one eighth of nett proceeds of sale under the
Bill & proceedings Composing this Cause 8.75½

To Rebecca Prior, Daughter of said Leah Prior dec.
and Grandchild of said Jacob Forrest Deceased
one third, of one eighth of nett proceeds of Sale,
under the Bill and proceedings Composing this Cause 8.75½

To Leah Prior, Daughter of said Leah Prior Deceased &
grandchild of said Jacob Forrest Deceased one third
of one eighth of nett proceeds of Sale, under the Bill
and proceedings Composing this Cause 8.75½

From the last mentioned 3 shares of the Children of
Leah Prior dec. is deducted to Peter Prior as Tenant
by the Curtesy as follows.

To Peter Prior the Husband of Leah Prior Deceased, Six
fifteenths of the Shares, he would be entitled to, by
right of his wife, were she now living, in lieu of his
right as Tenant by the Curtesy, by order of the Court 17.52

By Amount of Sale made the 7th day of April 1827, £ 455.—
as per report of the Trustees filed in this Cause £ 455.—

Rhoda Fisher
or
John Birkell & wife
and many others

In Frederick County Court as a Court of Equity July Term 1828 As auditor to Frederick County Court Sitting as a Court of Equity. I beg leave to report to the Ntble the Judges thereof that in Compliance with their order I have examined the proceedings Composing this Cause and upon said Examination I have Stated the aforegoing account. Credit in this. as in like Cases I have allowed the Trustee for his Commission and all Expences. as agreed by the Court. and also allowed the Costs of the Court I have next allowed to George Baltzell Esqr Collector for Frederick County. and amount due for taxes upon the land Sold. as per Bill filed Marked G B. will shew more fully. and the Balance of proceeds of Sale I have divided amongst the Heirs and proper representatives of the said Jacob Forrest Deceased. according to the rights of the parties interested. as particularly shewn by the proceedings Composing this Cause. and to the tenant by the Curtesy. I have allowed the portions agreed to them by the Court all of which proceedings I Respectfully Submit to the Honorable the Judges aforesaid for ratification.

Henry Schley auditor Sept 5th 1828.

order of Ratifica. Whereupon the Court passed the following order of ratification July Term 1828 Ordered by the Court that the aforegoing account as stated and Reported by the auditor be and the same is hereby ratified and Confirmed and that the Trustee pay over the proceeds of Sale as the same has or may be received to the parties respectively entitled to the same according to the distributions in said audit Made. Abm Shriver Sept 18th 1828.

Test John Schley Clerk

Maryland Frederick County Set

At a County Court Sitting as a Court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the first Monday of August in the year of our Lord Eighteen Hundred and Twenty Seven.

Present The Honorable John Buchanan Esqr Chief Judge
" " " Abraham Shriver & Esquires Associate
Thos Buchanan & Judges
John Rigney Esqr Sheriff
& John Schley Clerk

In the record of proceedings of the said Court amongst others

Bill and the following viz

To the Hon the Judges of Frederick County Court Sitting as a Court of Equity, humbly Complaining sheweth unto your Honors your orator & oratrix Lawrence Minto & Elizabeth

his wife late Elizabeth Kemp Daughter of Conrad Kemp late of Frederick County Deceased; that her father the said Conrad Kemp died on the 8th day of February 1812 Executed in due form of law his last will and testament & soon after departed this life an attested Copy of which will marked Exhibit No 1st hereto annexed they pray may be received and considered as part of this their bill of Complaint that only one of the Executors therein named to wit Solomon Kemp, undertook the burthen of executing the same, the other Executor David Kemp having renounced his right as Executor under said will all which is known by reference to the aforesaid Exhibit No 1st that said Testator at the time of his Decease left the following representatives and devisees viz Anna his Widow, two Sons Peter & Jacob Kemp and two Daughters Mary now the wife of Henry Brandenburgh & your orators Elizabeth now married to your orator Complainant Saith that in the year 1826 Jacob Kemp died intestate leaving the following Heirs at Law viz Abraham, Martha, Mary Conrad & Jacob Kemp infants under the age of twenty one years Julia Kemp as his widow and that Anna the widow of said Conrad Kemp likewise departed this life some time in the year 1826 your orator & orators was that by the said last will & testament of Conrad Kemp all his real and personal estate was devised to his widow during her natural life which she held & enjoyed until her Decease in 1826 that he also devised to his Son Peter Kemp in fee one tract of land containing 126 acres at 40$ per acre & a mountain lot containing 37 acres at 30$ per acre to his Son Jacob he devised in fee his grist mill & fifty one acres at the rate of 80$ per acre and that the monies arising therefrom were to be paid to his Executors in one two & three years from the death of his widow & then to be equally divided among his four children Mary, Peter & your orators Elizabeth, your orator & orators further charge that Jacob Kemp died intestate in 1826 without having elected to receive the aforesaid grist mill & fifty one acres of land at the price specified in his fathers will and that having died without making such election it is now in the power of his infant children (who inherit his portion of Conrad Kemps real estate subject to the dower right of their mother to make such election, that they are informed and do believe that Peter Kemp refuses to receive either tract of land devised to him by his fathers will aforesaid at the respective prices therein mentioned & your orator & orators willingly admit that the said Peter & Jacob were at no time bound to receive said land at the prices specified but were at perfect liberty to accept or refuse the same as they might deem expedient that if said Peter Kemp does so refuse, then that said Devises in the will of Conrad Kemp are in operation, the one by the death of Jacob Kemp before election & the other

By refusal of Peter Kemp, and that upon such refusal which your orator & oratrix understand he has repeatedly made the whole real Estate devised as aforesaid becomes the property of the Heirs at Law or representatives of Conrad Kemp & is subject to be sold & divided equally among the following persons viz: one share to Peter Kemp, one Share to Mary Brandenburg & Henry her husband, one share to Mary, Abraham, Martha Conrad & Jacob Kemp, Children of Jacob Kemp Deceased subject to the Dower interest of Julia widow of said Jacob in said third share & the fourth share to your orator & oratrix. But if said Peter Kemp should elect to take the tracts of land devised to him at the respective prices & on the terms Specified in said will, yet that in Consequence of the death of Jacob Kemp prior to his election as aforesaid, the mills & 54 acres devised to him belong share & share alike to the above named persons & must be disposed of in a way best calculated to promote the interests of all parties Concerned, your orator & oratrix say that if all the tracts of land & mills Specified in the will of Conrad Kemp were sold by Decree of this Court the interests of all Concerned cannot best be promoted if said Peter Kemp should elect refuse to receive the lands devised to him at the prices & on the terms named in the will aforesaid and that the mill property Containing fifty one acres is of such a character that partition thereof cannot be advantageously made, and that the interest of all the parties claimants would be promoted by a Sale thereof and that any other disposition of it would injure said property. In Tender Consideration whereof and for asmuch as your orator & oratrix are remediless in the premises by the strict rules of the Common Law & Can only be relieved in Equity where matters of this sort are Cognizable May it please your Honours to make the aforesaid Peter Kemp, Mary Brandenburgh & Henry her husband, Mary, Abraham, Martha, Conrad & Jacob Kemp Children of Jacob Kemp Defendants to this their Bill of Complaint that they may severally & distinctly answer all & singular the premises that Peter Kemp may on his Corporal Oath answer whether he will now receive all or either of the tracts of land devised to him at the price & on the terms specified in the will of his father that he & the other Defendants may answer on Oath) in case of his refusal to receive all or either of said tracts of Land as aforesaid whether the interests of all parties Concerned would not be best promoted by the Sale of all the real Estate specified in the will aforesaid if not the whole, then what part thereof might be most advantageously Sold & set forth in their answer the

Reasons why the whole should not be sold and whether the Nine & fifty and acres attached thereto can be disposed of advantageously in any other way than by sale thereof your orator & oratrix pray that on examination of the whole case your Honours would order adjudge & Decree that the whole real Estate of Conrad Kemp Deceased as mentioned in his last will & testament aforesaid be sold subject to the Dower of Julia Kemp widow of Jacob Kemp Deceased unless said Peter Kemp should elect to retain all or either of the tracts of land Devised to him at the price & on the terms set forth in said will in which event they pray that the balance of said real Estate not received by him as aforesaid may be sold by a Trustee appointed by this Court on such terms as may be prescribed and in case of his refusal that the whole may on like manner be sold and the proceeds distributed after adjusting the costs charges & Expenses incurred in effecting said Sale among those entitled thereto, or if it should under all the Circumstances be considered expedient and Beneficial to those interested to sell the mill & land attached thereto only that then the proceeds be in like manner distributed under the order of this Court among those entitled thereto and that your Honours would give such other and further relief in the premises as is consistent with Equity & good Conscience & the nature of the Case may require & also the subpoena of the State of Maryland in the usual form &c.

L Pl'd Balch Sol'r for Complainants.

Exhibit No 1

Exhibit No 1 referred to in the within and aforegoing Bill of Complaint Contained in the following Words viz

In the name of God Amen I Conrad Kemp of Frederick County and State of Maryland knowing the Certainty of Death and the uncertainty of the time thereof and being willing and desirous to settle my worldly affairs as far as I am able before I depart from this life being now sick in Body but of a perfect disposing mind memory and understanding do make and establish this my last will and testament in manner and form following Imprimis. It is my will and desire that my funeral charges and all my just debts be first paid out of my Estate by my Executors hereinafter named without delay then I give and bequeath in the following manner viz. Item I give and bequeath unto my dear and loving wife during her natural life all my Estate both real and personal of every kind whatsoever and after the Decease of my dear and loving wife I give & bequeath as follows. It is my will and desire that my Son Peter Kemp shall have the Plantation whereon I now live containing one hundred and twenty six acres of land at the rate and for the price of forty Dollars per acre as also the mountain lott containing fifty one acres of Land at the rate of

Price of thirty Dollars per acre, to him and his Heirs forever and to my son Jacob Kemp I give and bequeath my grist Mill and land belonging to the mill containing fifty six acres of land at the sale and price of Eighty Dollars per and to him and his heirs forever. and the money therefrom arising, and the money arising from the land bequeathed to my son Peter Kemp to be paid into the hands of my Executors and equally divided Between my four Children Peter Kemp, Jacob Kemp, Elizabeth Kemp & Mary Kemp share and share alike. Item to my will and I do order that my son Peter Kemp and my son Jacob Kemp shall pay the money arising from the land and mill by installments that is to say one third of the money to be paid in one year after the decease of my Dear and loving wife and another third in one year thereafter and the last third in the year after. Item I give and bequeath my personal estate of every kind whatsoever after the death of my dear and loving wife to my aforesaid four Children Peter Kemp, Jacob Kemp, Elizabeth Kemp & Mary Kemp to be equally divided between them share & share alike. Item it is my will and I do order that my House shall be open to receive preaching as heretofore in my life time and lastly I Hereby Constitute and appoint my Brother and my trusty friend Solomon Kemp & David Kemp my true and lawful Executors of this my last will and testament revoking and annulling all former wills by me heretofore made ratifying and confirming this and none other to be my last will and testament In Testimony whereof I Have hereunto set my hand and affixed my seal this eighth day of February in the year of our Lord Eighteen Hundred and twelve.

Signed, Sealed published & Declared by Conrad Kemp the Testator as and for his last will and testament in the presence of us who at his request in his presence have subscribed our names as Witnesses thereto.

Conrad Kemp (Seal)

Jacob Coco. Pittstown Junior.
Jacob Hoffman.

Frederick County March 2d. 1812. Then came Solomon Kemp & David Kemp and made oath on the Holy Evangels of Almighty God that the foregoing instrument of writing is the true whole will and testament of Conrad Kemp Late of Frederick County deceased that [illegible] bound to their knowledge & belief and they do not know of any other

Richard Ruther Regr

Frederick County March 2d 1812 Then Came Jacob Whip, Frederick Rayer and Godfrey Boyer three of the Subscribing Witnesses to the foregoing last will and testament of Conrad Kemp late of Frederick County deceased and made oath on the Holy Evangely of Almighty God that they did see the Testator therein named sign and seal this will that they heard him publish pronounce and declare the same to be his last will & testament that at the time of his so doing he was to the best of their apprehensions of a sound and disposing mind memory & understanding that they respectively subscribed their names as Witnesses to this will in the presence and at the request of the Testator and that they did also see Jacob Coss & George Hoffman the other subscribing Witnesses sign their names as Witnesses to said will in the presence and at the request of the Testator and all in the presence of each other.

Richard Butler Regr

Maryland Frederick County to wit, I do Hereby Certify that the foregoing is truly Copied from the original filed in the Office of the Register of Wills for said County on the 2d day of March 1812, In Testimony whereof I Have Hereunto Set my Hand & affixed the Seal of said Office this 3d day of December 1827.

Seal

Test G. W. Eichelberger Regr

I David Kemp one of the appointed Executors of the last will and testament of Conrad Kemp late of Frederick County Deceased, do hereby declare acting as one of the Executors aforesaid. October 17th 1826.

David Kemp

To The Hon the Orphans Court of Frederick County

Maryland Frederick County to wit I do Hereby Certify that the foregoing renunciation of David Kemp is truly Copied from the original filed in the Office of the Register of Wills for said County on the 17th day of October 1826.

In Testimony whereof I Have Hereunto Set my Hand and affixed the Seal of said Office this 4th day of December 1827. Test G. W. Eichelberger Regr

Answer of Henry Brandenburg & Wife

And the said Cause is standing Continued from Term to Term until February Term 1828. The following Answer was filed viz The Answer of Henry Brandenburg and Mary his wife to the Bill of Complaint of Lawrence Mink and Elizabeth his wife in Frederick County Court as a Court of Equity Exhibited these Defendants with the usual savings and reservations in answer to said Bill or to such parts thereof as they are advised it is material and proper, they should answer unto say True so it is, as is stated in said Bill that Conrad Kemp late of Frederick County on the Eighth day of February Eighteen Hundred and Twelve made and executed in due form of Law his

Last will and Testament of the Body whereof is hereto
by the Complainants marked No 1 and upon after diverse
the Life without having received of the same estate
the Said Kate and Conrad Life as the Heirs at Law and
Widow the persons following and Stand Sir Peter
Isabel Berry the wife of Henry Brandenburg, Thos Defendants
and Elizabeth the wife of Lawrence Slade the Complainants
Kate Sarah Kemp is since dead Intestate Leaving Chas Kemp
his widow and five Children viz Mary Adam Sarah
Henry, Conrad and Sarah all of whom are minors under the
age of Twenty one years, Kate Ann Kemp the widow of
Conrad Kemp also leaving the said Eighteen Hundred & Twenty
the Said Defendants Saith that by the will of the said
Conrad Kemp the Testator Mentioned Lot and Sarah
were devised to Peter and Sarah as the Heirs of
said Peter stated that the said Sarah and Peter were ad-
vised to take the Lands devised to them and either
of them, but as the Custom of the Defendants Isbel
and always refuse to take lands in the Right
which they were devised these Defendants Thinks that it
would be for the advantage of all persons Concerned in
said Lands devised by the will of Conrad Kemp that
the said shares be sold and the proceeds equitably
distributed they are willing that a Decree for the purpose
above Prayed and your Orator Should Appointed a Trustee
to effect same but these Defendants may Leave to be
Governed &c Solicitors for Defts.

Henry & Brandenburg
Wittnesses Patrick McGee Sworn } Mary Brandenburg

Maryland Frederick County to wit on this 24th day of March 1821
personally appeared Mary Brandenburg & Elizabeth his wife Defen-
dants above named before the Subscriber a Justice of the Peace
and severally Sworn that the facts stated in the foregoing answer
are true to the best of their knowledge information & belief

Sworn Before Patrick McGee Just

Answer of Peter Kemp

Whereupon the following answer was filed viz
The Separate answer of Peter Kemp of Frederick County to
the Bill of Complaint of Lawrence Slade & Elizabeth his
wife in Frederick County Court & a Court of Equity holden
the Defendant with the usual Saving & reservations as
answer to the Bill or to such parts thereof as he is
advised it is material that he Should answer saith and
that true it is as it stands in the Bill that Conrad
Kemp late of Frederick County on the Eighth day of
February Eighteen Hundred and Twenty Executed in due
form of Law his Last will and Testament (a true Copy
whereof is Exhibited by the Complainants marked
Exhibit No 1) and soon after Departed this life without

Nancy Marsh as in any wise stands and refer thereto and Answer
left as the Rest and Residue the balance following viz. Unto her
mother Peter of the Complainants Intestate Nancy the wife of Nancy Marsh
Starling and Elizabeth the wife of Lawrence Minter Marsh Executors
as above named in Trust to Convey the following Slaves viz Ned
Moses and Lucy wife of Abraham and their Children and Increase
all of whom are under the age of twenty one years Hall Slave
the residue of the said Estate of Richard Marsh deceased
namely Unto Nancy the Intestate of Richard Marsh deceased and
that she was in 1826 This Defendant admits that by the
will of his father he was authorized to take the Slaves and
therein mentioned or the value thereof for the sum of Forty
Dollars for each and the Slave Moses Eighty Dollars and
Thirty Dollars for each This Defendant denies that at any
time he hath signified his wish or intention to take such
Slaves when the same are therein mentioned but the Contrary
This Defendant hath always refused or to do and was desirous
to secure the same to the said Nancy and other entitled
thereto Believing as This Defendant does that the Slaves and
Estate must first be secured to answer honestly expenses &
charges Incurred with the Intestate This Defendant believes
that Richard Marsh named also Peter to take the said
Slaves Believing he had by his father's will as the said
Richard Marsh fixed upon them This Defendant believes that
the Estate of his father may be safely settled & all
persons interested and of which Peter or Both they
should be secured by some person to be appointed Trustee
for that purpose that This Defendant may hence to be
Discharged as to both. J Nelson for Defts

Witness Patrick McGill Junr. Peter Y Marsh

Maryland Frederick County to wit On this 24th day of March
1828 appeared Peter Marsh the Defendant above named before
the Subscriber a Justice of the Peace in and for Frederick County
the Said State and the foregoing answer and Plea to the
best of his Knowledge & Belief

Sworn Before Patrick McGill Junr

Answer of Richard Marsh. Whereupon the foregoing Answer was filed in my
the Chancery of Said and Marsh of the said County according of Said
Marsh Deceased to the Rule of Practice of Frederick Circuit
Court and Frederick County Court as a Court of Equity
Whereupon This Defendant answers the Several matters &
things in the Said Bill Stated and is ready that the said
Estate of Richard Marsh Deceased remains charged for the sum
and to account for the Same of his Executors and Administrators of
the personal thereof in Frederick County Court charged against
said Peter Marsh the Defendant &c

Witness Patrick McGill Junr Peter Y Marsh

I agree to receive the within answer in full Satisfaction of my
Claim this 24th day

Last will and Testament (a true Copy whereof is Exhibited by the Complainants marked No 1 and soon after departed this life without having revoked, or in any wise altered the Same, That said Conrad left as his Heirs at Law and Devisees the persons following viz Anna his widow, Peter Jacob Mary the wife of Henry Brandenburg, these Defendants and Elizabeth the wife of Lawrence Clinks the Complainants That Jacob Kemp is since dead Intestate leaving Julia Kemp his widow, and five Children viz Abraham, Martha Mary, Conrad and Jacob all of whom are minors under the age of Twenty one years. That Anna Kemp, the widow of Conrad Kemp, died during the year Eighteen Hundred & Twenty Six These Defendants admit that by the will of the said Conrad Kemp the Plantation, Mountain Lots and Mills were devised to Peter and Jacob at the rates & prices in said Bill stated That the said Jacob and Peter never did elect to take the Lands devised to them, nor did either of them, but on the Contrary of these Defendants believe did always refuse to take said Lands at the prices at which they were devised These defendants think that it would be for the advantage of all persons concerned in said Estate devised by the will of Conrad Kemp that the same should be sold and the proceeds equitably distributed They are willing that a Decree for this purpose should be passed and some suitable person appointed a Trustee to effect said Sale and these Defendants may hence to be Dismissed &c

Nelson for Defts.

Ridenour, Patrick McGill Sen^{r}

his
Henry + Brandenburg
and
Mary Brandenburg

Maryland Frederick County to wit On this 24th day of March 1828 personally appeared Henry Brandenburg & Mary his wife Defendants above named before the Subscriber a Justice of the Peace and made oath that the facts stated in the foregoing answer are true to the best of their knowledge information & belief

Sworn Before, Patrick McGill Sen^{r}

Answer of Peter Kemp.

Whereupon the following Answer was filed viz

The Separate answer of Peter Kemp of Frederick County to the Bill of Complaint of Lawrence Clinks & Elizabeth his wife in Frederick County Court as a Court of Equity Exhibited This Defendant with the usual savings & reservations in answer to said Bill or to such parts thereof as he is advised it is material that he should answer saith, saith That true it is as is stated in said Bill that Conrad Kemp late of Frederick County on the Eighth day of February Eighteen Hundred and Twelve Executed in due form of Law his last will and Testament (a true Copy whereof is Exhibited by the Complainants marked Exhibit No 1) and soon after Departed this life without

Having reorkan or in any wise altered said Will. That said Conrad left as his Heirs and Devisees, the persons following viz Anne his widow, Delia / this Defendant Jacob, Mary the wife of Henry Rhoads, Elenbury and Elizabeth the wife of Lawrence Minto That Jacob is since dead, intestate leaving the following children as his Heirs at Law viz Abraham, Martha, Mary, Conrad, & Jacob all of whom are under the age of twenty one years That Julian the widow of the said Jacob is likewise living This Defendant admits that Anne the widow of Conrad Kemp is dead and that she died in 1826 This Defendant admits that by the will of his father he was authorized to take the plantation therein mentioned at the rate and for the hire of Forty Dollars per year and the mountain Lot therein mentioned at Thirty Dollars per year This Defendant denies that at any time he hath signified his wish or election to take said Lands upon the terms in said Will mentioned, on the Contrary this Defendant hath always refused so to do and now declines to receive the same at the price and rate in said Will mentioned Believing as this Defendant does that the Lands are worth much less he would be doing himself injustice to charge himself with that amount This Defendant believes that Jacob Kemp never did elect to take the Will and Lands devised to him by his fathers will at the rate and price thereby fixed upon them This Defendant believes that the Estate of his father may be sold with advantage to all persons interested, and is willing that a Sale thereof should be made by some person to be appointed Trustee for that purpose and this Defendant prays hence to be Dismissed and so forth, I Nelson for Defts,

Witness Patrick McGill Junr. Peter his mark Kemp

Maryland Frederick County to wit on this 24th day of March 1828 appeared Peter Kemp the Defendant above named before the Subscriber a Justice of the Peace and made Oath, that the facts stated in the foregoing answer are true to the best of his knowledge & Belief

Sworn Before Patrick McGill Junr

Answer of Julian Kemp.

Whereupon the following Answer was filed viz

The Answer of Julian Kemp of Frederick County widow of Jacob Kemp Deceased to the Bill of Complaint of Lawrence Minto and wife in Frederick County Court as a Court of Equity Exhibited This Defendant admits the Several matters & things in said Bill stated, and is willing that the real Estate of Conrad Kemp therein mentioned should be sold and to receive in lieu of her Dower, such proportion of the proceeds thereof as Frederick County Court shall allow and prays Hence to be Dismissed &c

Witness Solomon Kemp. Julian her mark Kemp

I agree to receive the within answer without Oath May

Order for Commn

28th 1828. L P W Balch for Complainants
Whereupon the Court hapon this following order for Commission in
Lawrence Mink & Elizabeth } In Chancery in Frederick County
his Wife vs } Court February Term 1828 In this
Peter Kemp and others. } cause the Complainants state
that five of the Defendants viz Abraham, Mary, Martha, Conrad
& Jacob Kemp are infants under the age of twenty one years
that they have been summoned as appears by the Subpoena
returned summoned the Complainants pray that a Commission
may issue to George Rohr Esqr of Frederick County to assign
& appoint a Guardian for said infants to answer said
Bill, L P W Balch Solr for Complainants,
Let Commission issue as prayed, Abm Shriner Apl 8th 1828.
Whereupon In pursuance of the above order the following Commission
Commn issued viz

Maryland Ss The State of Maryland. To George Rohr Esquire of
Frederick County. Greeting Whereas Lawrence Mink and
Seal Elizabeth his wife hath lately exhibited their Bill of
Complaint before us in our County Court as a Court
of Chancery against Abraham Kemp, Mary Kemp, Martha Kemp
Conrad Kemp, Jacob Kemp and others Defendants and Whereas we
have by our writ lately commanded the said Defendants to
appear before us, in our said Court as a Court of Chancery
at a Certain day now past, to answer the said Bill, but
for as much as the said Abraham, Mary, Martha, Conrad
and Jacob are infants under age, and cannot answer the said
Bill nor defend this suit, without having a Guardian assigned
in that behalf know ye therefore, that we have given
unto you full power and authority in pursuance of the
special order in our said Court, to assign and appoint a
Guardian for the aforesaid infants; and to take the answer
of the said infants; by such Guardian to the said Bill
and therefore we Command you, that at such Certain day
and place as you shall think fit, you go to the said Defen-
dants if they cannot conveniently Come to you, and
assign and assign and appoint a Guardian for the aforesaid
infants, and take the answers of the said infants, by such
Guardian, to the said Bill on such Guardians Corporal
Oath upon the Holy Evangely, to be administered by you
the said answers being distinctly and plainly wrote and
when you shall have so taken the said answers, you are to
send the same, closed up under your Seal, together with
your Certificate of your having assigned and appointed
such Guardian as aforesaid and this writ unto us in
our said Court Witness the Honourable John Buchanan Esquire
Chief Judge of our said Court the 25 day of February Anno
Domini 1828 Issued the 8th day of April 1828,
L P W Balch Solr John Ashley Clerk

Whereupon the following Answer & Certificate of the Infants Defendants by their Guardian regularly appointed together with the
Infants answer within Commission thereto annexed was filed viz
The Joint & Several answers of Abraham Kemp, Mary Kemp, Martha Kemp, Conrad Kemp & Jacob Kemp infants under the age of twenty one years by Solomon Kemp their Guardian to the bill of Complaint of Lawrence Minto and Elizabeth his wife preferred against them and others in the County Court of Frederick Sitting as a Court of Equity the said Defendants coming & reserving to themselves all and all manner of exceptions to the manifold errors and uncertainties in said bill of complaint, answer by Solomon Kemp their guardian - & say that the facts stated in said Bill of Complaint are true that they are willing that the real estate whereof Conrad Kemp Deceased died seized and possessed, be sold for the purposes in said Bill of Complaint mentioned & Hope that this Honourable Court will regard their interests in as much as they are Infants

Solomon Kemp, Guardian

On this 28th day of May 1828 personally appears Solomon Kemp before me the Subscriber the Commissioner named in the Commission for that purpose issued out of Frederick County Court Sitting as a Court of Equity and makes oath on the Holy Evangely of Almighty God that the facts stated in the above answer are true to the best of his knowledge & Belief.

George Rohr, Commissioner (Seal)

To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery I Hereby certify that by virtue of the Commission herewith enclosed I have assigned and appointed Solomon Kemp Guardian for the infants named in the said Commission I have taken the answers of said infants by their said Guardian upon his Corporal Oath to the bill in said Commission mentioned which I Herewith send enclosed In Testimony whereof I have hereto set my Hand & affixed my Seal this 28th day of May 1828, George Rohr (Seal)

Decree Whereupon the Court passed the following Decree viz

In Chancery Frederick County Court Sitting as a Court of Equity February Term 1828.

Lawrence Minto & Elizabeth his wife late Elizabeth Kemp
vs
Peter Kemp, Henry Brandenburgh and Mary his wife Abraham Kemp Mary Kemp, Martha Kemp, Conrad Kemp & Jacob Kemp Infants Children of Jacob Kemp Deceased

This Cause standing ready for hearing and being Submitted, the Bill, answers, Exhibits and all other proceedings were read and Considered and the Complainants appearing to be entitled to relief & the Defendants Consenting that a Decree should pass for the Sale of all the real Estate whereof Conrad Kemp died seized and possessed in Frederick County. It is thereupon this 29th day of May 1828 by Frederick County Court Sitting

As a Court of Equity ordered adjudged & Decreed that all the real estate whereof Conrad Kemp died seized and possessed in Frederick County and which is specified in his last will and testament & an attested Copy whereof is made an Exhibit in this Cause be sold that Lewis P W Balch & Solomon Kemp, and are hereby appointed Trustees to make the said Sale and that the Cause & manner of their proceedings shall be as follows they shall first file with the Clerk of this Court a Bond to the State of Maryland executed by them and two sureties to be approved by a Judge of this Court in the penalty of six 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 order or Decree in the premises they shall then proceed to make said Sale having first given three weeks public notice thereof, in some newspaper printed in Frederick of the time place, manner & terms thereof, which terms shall be one third of the purchase money to be paid on the day of Sale & for the remaining two thirds thereof the purchaser or purchasers shall execute to them two Bonds, payable in one and two years from the day of Sale, bearing interest from date & as soon as Convenient after said Sale the said Trustees shall return to this Court a full & particular account of their proceedings relative to said Sale with an affidavit of the fairness of the Sale thereto annexed, and on obtaining a ratification thereof & payment of the whole purchase money & not before the said Trustees shall by a good & sufficient deed to be executed & acknowledged according to law convey to the purchaser or purchasers in fee simple the property to him, her or them sold free, clear & discharged from all claims of the Complainants & Defendants and those claiming by from or under them, or either of them and the Trustees shall bring into this Court the money arising on the said Sale to be applied under the direction of this Court after deducting the costs of this suit & such Commission to the Trustees as the Court shall think proper to allow, on Consideration of the skill attention & fidelity wherewith they shall appear to have discharged the trust. Mord Shriver,
And the said Cause as standing Continued to July Term 1828 The Trustees filed the following Bond Endorsed Approved Mord Shriver' viz

Trustees Bond

Know all men by these presents that we Lewis P W Balch, Solomon Kemp, John McPherson & Thomas Norwood of Frederick County Maryland, are held & firmly bound unto the State of Maryland in the full & just sum of

Six Thousand Dollars Current Money, to be paid to the said State or its certain attorney, to which payment well and truly to be made and done, we bind ourselves & each of us our & each of our Heirs Executors & administrators, jointly and severally, firmly by these presents sealed with our seals and dated this 16th day of July 1828, The Condition of the above obligation is that whereas the said Lewis D W Balch and Solomon Kemp by virtue of a Decree of Frederick County Court Sitting as a Court of Equity have been appointed Trustees to sell all the real estate whereof Conrad Kemp late of said County died seized & possessed now if the said Lewis D W Balch & Solomon Kemp do and shall well & faithfully perform the trust reposed in them as aforesaid by said Decree, or that may be reposed in them by any future order or Decree in the premises then the above obligation to be void otherwise to be & remain in full force & virtue in law

Signed Sealed & Delivered
in the presence of
John Beard

Lewis D W Balch (Seal)
Solomon Kemp (Seal)
Thomas Norwood (Seal)
John McPherson (Seal)

Trustees Report

Whereupon the Trustees filed the following Report viz

To the Hon Judges of Frederick County Court Sitting as a Court of Equity under and by virtue of authority given us by a Decree of your Honorable Court for the sale of certain real Estate formerly Belonging to Conrad Kemp Deceased which Decree was lodged in a cause No 840 Equity wherein Laurence Mintz & wife were plaintiffs and Henry Brandenburgh & others were Defendants, reference being thereto had will more fully appear we did on Saturday August 16th 1828 last on the premises after giving more than three weeks previous notice of the time place manner and terms of Sale, as directed in said Decree offer said real estate for Sale, on the following terms viz one third of the purchase money in Hand and the remaining two thirds thereof in one & two years from the day of Sale, with interest thereon from date, the purchaser giving Bonds with approved Security as which time and place Andrew Kepler of Frederick County became the highest bidder for the home plantation containing one Hundred and twenty six acres more or less at 19/ per acre the Second or mill lot containing 65 acres more or less was sold to William Lynch at £14.10 per acre and the mountain Lot containing 61 acres was sold to Anthony Souder for the sum of £10.10 per acre all the purchasers are residents of Frederick County The amount of Sales is £3.699.90. The said Andrew Kepler proposing to pay the amount of his purchase on the ratification of the Sale together with interest on the amount from the day of Sale, in ready money instead of Executing

Auditors Report

Dr. The Estate of Conrad Kemp Deceased in a/c with L. & W. Balch & Solomon Kemp Esquires Trustees &c.

To the Trustees for their Commission & all Expences	£	148. 60.
" the attorney for his fee	£ 3.33⅓	
" the Clerk for his fees	15.12	
" the Sheriff for his fees	2.45	
" Register of Wills for his fees	1.04⅙	22. 95
To the auditor for his fees in stating a/c reporting to Court & so forth		6. —
To Peter Kemp, a Son and one of the Heirs of the said Conrad Kemp Deceased one fourth of the nett proceeds of Sale under the Bill & proceedings Composing this Cause		880. 58⅓
To Henry Brandenburg and Mary his wife a Daughter of the said Conrad Kemp Deceased and heirs as aforesaid one fourth of the nett proceeds of Sale under the Bill and proceedings Composing this Cause		880. 58 3/4
To Lawrence Minto and Elizabeth his wife a Daughter of the said Conrad Kemp Deceased and heirs as aforesaid one fourth of the nett proceeds of Sale under the Bill and proceedings Composing this Cause		880. 58 3/4
To Abraham Kemp, a Son of Jacob Kemp Deceased & Grandson to said Conrad Kemp Deceased and also one of the Heirs one fifth of one fourth of the nett proceeds of Sale deducting however from said one fourth for Julia Kemp the widow of the said Jacob Kemp Deceased two fifteenths in lieu of her right of Dower by order of the Court, under the Bill Proceedings Composing this Cause		152. 63 3/5
To Martha Kemp, a Daughter of said Jacob Kemp Deceased, and Granddaild to said Conrad Kemp dec'd and also one of the Heirs one fifth of one fourth of the nett proceeds of Sale deducting however from said one fourth for Julia Kemp as aforesaid, under the Bill Proceedings Composing this Cause		152. 63 3/5
To Mary Kemp; a Daughter of said Jacob Kemp Deceased and Granddaild to said Conrad Kemp Deceased and also one of the Heirs one fifth of one fourth of the nett proceeds of Sale deducting however from said one fourth for Julia Kemp as aforesaid, under the Bill and proceedings Composing this Cause		152. 63 3/5
To Conrad Kemp, a Son of said Jacob Kemp Deceased and Grandson to said Conrad Kemp dec'd and also one of the Heirs, one fifth =		

Nett Carr'd forw'd £

Amount brot forward

– of one fourth of the nett proceeds of Sale deducting however from said one fourth for Julius Kemp as aforesaid, under the Rule of proceedings Confirming this Cause ... 152. 63 3/5

To Jacob Kemp a son of said Jacob Kemp Deceased and Grandson to said Conrad Kemp Deceased and also one of the Heirs one fifth of one fourth of the nett proceeds of Sale deducting however from said one fourth for Julia Kemp as aforesaid under the Rule of proceedings Confirming this Cause ... 152. 63 3/5

To Julia Kemp the widow of said Jacob Kemp dec^d two fifteenths of the Share that would have belonged to the said Jacob Kemp now Deceased were he alive, in lieu of her Right of Dower in said Share, by order of the Court ... 117. 40 3/4

By Amount of Sales made the 16th day of August 1828 as p^r report of Trustees filed, taken of this Cause ... £3699.90

£3699.90

Lawrence Klink & wife
vs
Peter Kemp, Henry Brandenburg & others

In Frederick County Court as a Court of Equity July Term 1828 to auditor to Frederick County Court Sitting as a Court of Equity. I beg leave to report to the Honorable the Judges thereof, that in Compliance with their order I have examined the proceedings Conposing this Cause and thereupon stated the aforegoing account & in this as in like Cases I have allowed the Trustees for his Commission and all Expences, and also allowed the Costs of the Court and the nett proceeds of Sales, as made and reported by the Trustees in this Cause I have divided amongst the Heirs and hopes representatives of the said Conrad Kemp Deceased according to the rights of the parties, as set forth in the Bill and proceedings Conforming this Cause giving however to Julia Kemp the widow of Jacob Kemp Deceased two fifteenths of the Share that would have belonged to the said Jacob Kemp Deceased were he alive, in lieu of her right of Dower in said Share as ordered by the Court all which I Respectfully Submit to the Honourable the Judges aforesaid for ratification. Henry Sahley Auditor October 10th 1828.

order of ratification

Whereupon the Court passed the following order of Ratification viz July Term 1828 ordered by the Court that the aforegoing account as stated and reported by the auditor be and the same is hereby ratified and confirmed, & that the Trustees pay over the proceeds of Sales as the same has or may be received to the parties respectively entitled to the same, according to the distributions in said audit made. Adm Shriver, Octr 10th 1828.

Test John Sahley Clerk

Maryland Frederick County Sct
At a County Court Sitting as a Court of Equity Begun
and Held at the Court House in Frederick Town in and
for said County on the first Monday of March in the
year of our Lord Eighteen Hundred and twenty two
Present the Honourable John Buchanan Esquire Chief Judge
" " " Abraham Shriver } Esquires
" " " John Buchanan } Associate Judges
" " " Thomas W Morgan Esquire Sheriff
" " " John Ashley Clerk

In the course of proceedings of the same Court amongst
Bill others and the following viz.

To the Honorable the Judges of the Frederick County Court
Sitting as a Court of Equity Humbly Complaining, sheweth
unto your Honors your orator John Shook of Frederick County
that Independant Gist late of Frederick County is dead, &
died intestate leaving Mary L Gist, Joshua F Gist, States
R Gist, Mordecai Gist, Independant Gist, George W Gist &
Richard Gist his Children and only Heirs at Law who
are all infants under the age of Twenty one years, your
orator would give your Honors to understand, that
George W Gist and Joshua C Gist took out letters of
administration on the personal Estate of the said
Independant Gist Deceased and that the personal
effects will not be sufficient to pay the just debts of
the said Independant Gist and that they cannot be
paid without a Sale of some part of the real Estate
of which the said Independant Gist died seized your
Honours are informed that the said Independant Gist
died the owner in fee simple of the two following
Tracts or parcels of Land Situate and lying in the
County of Frederick one a Tract known and called by
the name of 'Benjamins Portion and a Tract called
Riggs Lot the two tracts being a part of the real Estate
of which the said Independant Gist died seized and for
a further discription your Honors are referred to true
Copies of the deeds for said Lands certified and Here-
exhibited marked Exhibit A which together with all
other Exhibits your orator prays may be made a part
of this Bill of Complaint your orator would give your
Honours to understand that the said Independant Gist
Died indebted to him your orator in a large sum of
money to wit in the sum of Six Thousand Dollars
and for the true amount your Honors are referred to
the Notes and Bonds here Exhibited marked B which
sum of money is bonafide due and owing to your
orator from the Estate of the said Independant Gist

Deceased which sum of money your orator cannot collect unless by the interference of this Honourable Court as a Court of Equity by ordering and Decreeing the aforesaid real Estate to be sold for proper consideration whereof, and for that your orator is remediless in the premises by the strict rules of the Common Law, and relievable only in a Court of Equity where matters of this nature are properly cognizable. To the end therefore that the said Mary L Gist, Joshua T Gist, States L Gist, Mordecai Gist Independant Gist, George W Gist of Independant, Richard Gist and George W Gist and Joshua C Gist the administrators aforesaid may respectively full. true, direct and perfect answers make upon their respective corporal oaths according to the best of their respective knowledge information and belief to all and singular the matters charged aforesaid, as fully, in every respect, as if the same were here again repeated and they thereto particularly interrogated and more especially that the administrators State whether the said Independant Gist left personal estate enough to pay all his Debts may it please your Honors to order and Decree that the real Estate of the said Independant Gist Deceased mentioned in the Exhibit A be sold to pay his debts and may it please your Honours to grant unto your orator all such other and further relief in the premises that your Honors shall have power to do. and as to your Honors shall seem meet may it please your Honors to grant unto your orator the State of Marylands writ of Subpoena to be directed to the said Mary L Gist, Joshua T Gist, States L Gist, Mordecai Gist, Independant Gist, George W Gist & Richard Gist, who are all infants under the age of twenty one years and to George W Gist and Joshua C Gist the administrators aforesaid Commanding them and every of them, at a certain day therein to be Specified, personally to be and appear before your Honors in this Honourable Court, and then and there to answer all and singular the premises aforesaid and to stand to perform and abide, such order direction and Decree therein as to your Honors shall seem meet and your orator shall ever pray &c. &c. Jos. W Palmer Solicitor for Complainant

Exhibit (A) Exhibit A referred to in the aforegoing Bill of Complaint Contained in the following Words viz

This Indenture made the Twenty Eight day of August in the year of our Lord one Thousand Eight Hundred & nineteen Between David Whitmore, Benjamin Whitmore and Isaac Whitmore Executors of the last will and testament of Benjamin Whitmore late of Frederick County in the State of Maryland Deceased of the one part and Independant Gist of the County and State aforesaid of the other part Whereas the said Benjamin Whitmore Deceased by his last will and testament bearing date the third day of January

In the year of our Lord one Thousand Eight Hundred and fourteen and recorded in the office of the Register of Wills in Frederick County aforesaid as will appear by reference thereto being had did authorize and empower the said David Whitmore, Benjamin Whitmore and Jonas Whitmore his executors to dispose of and convey his Estate for the purposes expressed in his said Will now this Indenture Witnesseth that the said David Whitmore, Benjamin Whitmore and Jonas Whitmore executors aforesaid as well by virtue of the power and authority to them given as aforesaid as in consideration of the sum of Eight Thousand nine Hundred and fifty two Dollars and ninety six Cents Current money to them in hand paid by the said Independant Light at and before the sealing and Delivery of these presents the receipt Whereof the said David Whitmore, Benjamin Whitmore and Jonas Whitmore do hereby acknowledge and themselves therewith to be fully satisfied and paid. have given granted bargained sold aliened released enfeoffed and confirmed and by these presents do give grant bargain sell alien release enfeoff & confirm unto the said Independant Light his Heirs and assigns all the following described two parts of tracts of Land adjoining each other Situate lying and being in Frederick County State of Maryland one of which is part of a tract of Land called Benjamin's Portion the other part of a tract called Digge's Lot Beginning for the part called Benjamins Portion at the original Beginning Stone of the whole Tract Called "Benjamins Portion and running thence with the outlines thereof the two following courses and distances South Seventy Seven Degrees East thirty five perches to a Stone planted on a corner of Jacob Shorbs land thence North one Degree East one Hundred and thirty seven 137 perches to a Stone formerly planted and marked WG at the Beginning of William Grimes part of the resurvey on Marys Fancy thence South Seventy nine and a half Degrees West four and a half perches to a Stone formerly planted on a corner of part of said resurvey on Marys Fancy Formerly Conveyed by the name of Beavers Dear Bought and now the property of John Knouff thence with said part reversed the seven following Courses allowing one and a half Degrees for variation on the lines thereof South fifty eight and a Half Degrees West thirty six perches to a Stone formerly planted North fifty one and a half degrees West one Hundred and twenty perches to a Stone now planted North nineteen and a half Degrees West sixty six perches to a Stone now planted North eighty eight & a Half Degrees East twenty perches to a Stone now

Planted North eleven and a Half Degrees West eighty five perches to a Stone now planted North two and a Half Degrees West twenty perches to a Stone now planted North thirty three and a half Degrees East nine perches to a Stone now planted then leaving the outlines of said tract and running acrop the same South Seventy Six and a Half Degrees West about twelve perches to the end of fifty two perches on the twentyeth outlines of the whole tract then with the said line South eleven Degrees East thirty two perches to a Stone now planted thence South eighteen degrees West twenty eight perches to a Stone now planted at the end of the twenty first and line of the whole tract Still with the out lines of the whole tract the said following courses & distances South one Degree East Sixty perches to a Stone formerly planted South thirteen Degrees East fifty four perches to a Stone formerly planted thence South one Degree East Eighteen perches to a Stone formerly planted near a white oak tree to bring a corner formerly agreed and between John Whitenow and Jonas Smith thence South Seventeen Degrees East Sixty one perches to a Stone formerly planted and Corner agreed and by the parties aforesaid thence South one Hundred and thirty two perches to a Stone formerly planted near a marked White Oak tree agreed on as an old Corner by the parties interested thence North fifty nine Degrees East one Hundred perches to the first mentioned Beginning Stone Containing by the Courses taken from the patent and calculated agreably thereto one hundred and thirty eight and one quarter acres of Land Beginning for the part of Digg Lot to a Stone now planted at the end of forty six perches on the twenty Sixth outlines of Benjamins Portion and running thence with said line reversed North forty six perches to a Stone planted for the Beginning of said twenty Sixth line then leaving said tract North Seventy one and three quarter Degrees West Ninety four perches to a Stone planted for a Corner of Abraham Whitenow's and Frederick Troxel's land thence South thirteen and a quarter Degrees West thirty six perches to a Stone planted for a corner of Christian Klopp's and said Benjamin Whitenow Deceased Land then by a Straight line to the beginning Containing twenty four acres two quarters and five square perches of Land together with all and singular the rights profits and advantages to the said two parts of tracts of Land Belonging or in any wise appertaining To Have and to Hold the same with their privileges and appurtenances unto him the said Independant Gist his Heirs and assigns to and for his & their only proper use and behoof forever and to and for no other use intent or purpose whatsoever and the said David Whitenow, Benjamin Whitenow and Jonas Whitenow do hereby in the Capacity aforesaid Covenant with the said Independant Gist his Heirs and assigns that the said

Benjamin Whitmore Dec'd assigns of the premises that they the said David Whitmore, Benjamin Whitmore and Jonas Whitmore were duly authorized by the said will to make Sale of the same and that the Sale was made in Conformity with the provisions contained in said will & for the purposes therein expressed and the said David Whitmore, Benjamin Whitmore and Jonas Whitmore do further in the capacity aforesaid Covenant & agree to and with the said Independant Gist his Heirs and assigns that they the said David Whitmore, Benjamin Whitmore and Jonas Whitmore the aforesaid two parts of Tracts of Land with their appurtenances unto him the said Independant Gist his Heirs and assigns will warrant and forever defend by these presents from and against all manner of person or persons lawfully claiming or that may hereafter claim any right or title to the same or any part thereof In Witness Whereof the said David Whitmore, Benjamin Whitmore and Jonas Whitmore have hereunto set their hands and affixed their Seals the day and year first aforesaid.

Signed Sealed & Delivered in presence of
Patrick Cennings, Patrick Reid.

David Whitmore (Seal)
Benjamin Whitmore (Seal)
Jonas Whitmore (Seal)

State of Maryland Frederick County to wit on this Twenty Eighth day of August in the year of our Lord one Thousand Eight Hundred and nineteen before the Subscribers Justices of the Peace in and for said County appears David Whitmore, Benjamin Whitmore & Jonas Whitmore and as Executors of Last will & Testament of Benjamin Whitmore late of said County Deceased acknowledges the within instrument of writing to be their act and deed and that the lands & premises therein conveyed mentioned or intended to be conveyed are the right and estate of the within named Independant Gist his Heirs and assigns forever according to the purport true intent and meaning of said instrument and the acts of assembly in such case made and provided

Patrick Cennings
acknowledged Before } Patrick Reid.

Maryland Frederick County to wit. I Hereby Certify that the foregoing is a true Copy taken from Liber D P No 10 Folios 341, 342, 343, 344 & 345 one of the land records of Fred'k County,

In Testimony whereof I have Hereunto Subscribed my name and affixed the Seal of my office this 17th day of April 1822.

(Seal)

John Ashley Clerk.

Exhibit B referred to in the within Bill of Complaint is not among the proceedings,

And the said Cause is standing Continued from Term to Term until October Term 1822 the following Answer was filed viz

Answer of Geo W Gist & Joshua C Gist

The Joint and Several answer of George W Gist and Joshua C Gist as administrators to the Bill of Complaint of John Shorb in the Frederick County Court Sitting as a Court of Equity the Defendants as the administrators of the personal Estate of Independant Gist. Deceased coming to themselves and each of them all and all manner of advantage take of exceptions to the many untruths, errors, uncertainties and imperfections in the said Bill of Complaint contained for answer thereunto, or to so much thereof as these Defendants are advised is material for them or either of them to make answer unto, they answer and say that Independant Gist is dead and died intestate leaving the infant Children his only Heirs at Law as stated in said Bill, that he died largely indebted to the said John Shorb as stated in said Bill that these Defendants are the administrators to attend the personal Estate of Independant Gist that the said Independant Gist died the owner and possessor of the real Estate as stated in said Bill, these Defendants further state for answer that the said Independant Gist did not leave personal Estate sufficient to pay his just Debts, and that his just debts can not be paid unless the real Estate is sold as prayed in said Bill of Complaint these Defendants admit the facts stated in said Bill of Complaint.

G W Gist, Joshua C Gist.

State of Maryland Frederick County to wit On this first day of November 1822 personally appear George W Gist & Joshua C Gist the within named Defendants before me the Subscriber a Justice of the Peace in and for said County and make solemn oath on the Holy Evangely of almighty God that the several matters and facts are true as stated in said Bill of Complaint to the best of their knowledge information and Belief. Sworn Before. Henry G Waters.

Whereupon the Court passed the following order for Commission viz. John Shorb vs Gist Heirs and others } In Chancery in Frederick County Court In this Case subpoenas have issued for the Infant Defendants & have been returned Summoned the Complainants to pray that a Commission may issue to Isaac Baughen to assign a Guardian to the said Infants.

order for Commission

Jos H Nelson & H C Warfield for Complainants

Let the Commission issue as prayed Abraham Shriver November 1st 1822 viz.

Whereupon the Chancellor of the above ordered the

Commn

following Commission Issued viz
Maryland Ss The State of Maryland. To Isaac Baughen
Gentleman of Frederick County. Greeting Whereas
John Shark Senior Hath lately Exhibited his
Bill of Complaint before us in our County Court
as a Court of Chancery, against Mary Gist, Joshua
Gist, States Gist, Mordecai Gist, Independant Gist
George W. Gist, Richard Gist & George W. Gist & Joshua
Gist administrators of Independant Gist Defendants
and Whereas we Have by our writt lately Commanded
the said Defendants to appear before us in our said
Court as a Court of Chancery at a certain day now
past to answer the said Bill but for as much as the
said Mary, Joshua, States, Mordecai, Independant, George
W. and Richard Gist are infants under age and cannot
answer the said Bill nor defend their right without
having a Guardian assigned in that behalf, Know
ye therefore that we have given unto you full power &
authority in pursuance of the special order in our said
Court to assign and appoint a Guardian for the aforesaid
infants, and to take the answer of the said Infants, by
such Guardian to the said Bill and therefore we Com-
mand you, that at such certain day and place as you
shall think fit, you go to the said Defendants if they cannot
conveniently come to you, and assign and appoint a
Guardian for the aforesaid infants, and take the answers
of the said Infants by such Guardian, to the said Bill on
such Guardians Corporal Oath upon the Holy Evangely, to
be administered by you, the said answers being distinctly
and plainly wrote and when you shall have so taken the
said answers, you are to send the same, closed up under
your Seal, together with your Certificate of your
having assigned and appointed such Guardian as
aforesaid and this writ unto us in our said Court
Witness the Honourable John Buchanan Esquire Chief
Judge of our said Court the 4th day of March Anno
Commn 1823 Issued the 8th day of July 1824.
Jos Mo Palmer Solr John Ashley Clk.

Whereupon the following Answer and Certificate of the
Infant Defendants by their Guardian regularly appointed
Together with the above Commission thereto annexed was
filed viz

Infants answer

The Joint and Several answers of Mary Gist, Joshua Gist
States Gist, Mordecai Gist, Independant Gist, George W. Gist
of Independant and Richard Gist, infants under the age
of Twenty one years by George W. Gist, their Guardian
to the Bill of Complaint of John Shark in the Frederick

County Court Sitting as a Court of Equity the said Defendants Saving to themselves and each of them all and all manner of advantage of exception to the untruths errors uncertainties and other imperfections in the said Bill of Complaint Contained, for answer thereunto, or to so much thereof as these Defendants are advised is material for them or either of them to make answer to, they answering by their said Guardian Severally say and admit that Independant Gist late of Frederick County is dead & died intestate leaving these Defendants his only Children and Heirs at Law who are all infants under the age of twenty one years these Defendants admit for answer by their said Guardian that George W Gist and Joshua G Gist took out Letters of administration on the personal Estate of the said Independant Gist, and that the said Independant Gist did not leave personal Estate sufficient to pay his just debts and that his real estate ought to be sold for the payment thereof as prayed in said Bill of Complaint and that the said Independant Gist died the owner and possessor of the real Estate as stated in said Bill of Complaint These Defendants State for answer and admit as that the said Independant Gist died greatly indebted to John Short the Complainant as stated in said Bill of Complaint, these Defendants admit the facts to be true as stated in said Bill of Complaint and are willing a Decree should pass &c John G Gist Sworn

State of Maryland Frederick County to wit on this first day of November 1822 personally appears George W Gist, before me the Subscriber the Commissioner named in the inclosed Commission for that purpose Issued from the Frederick County Court Sitting as a Court of Equity and makes Solemn Oath on the Holy Evangely of almighty God that the Several facts stated in the within answer are true as stated to the best of his Knowledge information and belief, Sworn before me as Commissioner, Isaac Baughn,

To the Honorable the Judges of the Frederick County Court Sitting as a Court of Equity By virtue of the Commission hereunto inclosed I have on this first day of November 1822 assigned and appointed George W Gist Guardian for the within named Infants and have taken the answers of the said infants by their said Guardian upon his Corporal oath, to the Bill of Complaint in said Commission recited which I herewith send inclosed to your Honours In Witness Whereof I have hereunto Set my Hand and affixed my seal this first day of November Eighteen Hundred & twenty two Isaac Baughn (Seal)

Decree Whereupon the Court passed the following Decree viz

John Short Sen^{r} } In Frederick County Court as a Court
Mary F Gist & others } of Chancery October Term 1822 This cause

cause standing ready for Hearing and being submitted, the Bill answers and all other proceedings were by this Court read and considered & it is therefore this 2nd day of November 1802 by this Court as a Court of Chancery and by the authority thereof adjudged ordered and Decreed that the property mentioned in the proceedings be sold that Joshua G Gist and Thomas Boyer be and they are hereby appointed Trustees to make said Sale and that the Course and manner of their proceedings shall be as follows they shall first file with the Clerk of this Court a Bond to the State of Maryland Executed by them and a Surety or Sureties in the penalty of Twelve Thousand Dollars Current money to be approved by this Court Conditioned for the faithful performance of the trust reposed in them by this Decree or to be reposed in them by any future Decree or order in the premises. They shall then proceed to make said Sale having first given Eight weeks public notice in Such newspaper or papers as they may think proper of the time place manner & the terms of Sale which shall be that the purchaser or purchasers thereof shall pay one third of the amount of the purchase money to the trustees on the day of Sale and shall give notes to the trustees with Sixty Sureties to be approved by them for the payment of the residue in two equal annual payments with Interest thereon and as soon as Convenient after the Sale the Trustees shall return to this Court a full particular account of their proceedings relative to said Sale with an affidavit of the truth thereof and of the fairness of the said Sale annexed and upon obtaining the Courts ratification of the Sale and on payment of the whole of the purchase money and not before the trustees shall by a good and sufficient Deed to be Executed according to law convey to the purchaser or purchasers thereof his her or their Heirs the property to him her or them sold for Clear and discharged from all claims of the Complainants and Defendants and those claiming from by or under them and the trustees shall bring into this Court the notes when taken and the money arising from said Sale to be applied under the direction of this Court after deducting the costs of this suit and such Commission to the trustees as the Court shall think proper to allow on Consideration of the skill fidelity and attention wherewith they shall appear to have discharged their trust.

Abm Shriver, Jh Buchanan,

Trustees Bond

Whereupon the Trustees filed the following Bond Endorsed approved Abm Shriver, & Jh Buchanan viz

Know all men by these presents that we Thomas Boyer,

Joshua Gist, Michael Wagoner and Nicholas Durbin all of Frederick County are held and firmly bound unto the State of Maryland in the sum of Twelve Thousand Dollars lawful money to be paid to the said State or its certain attorney to which payment well and truly to be made we bind ourselves our Heirs Executors and administrators firmly by these presents Sealed with our Seals and dated this Eleventh day of November 1822 Whereas the said Thomas Boyer, Joshua Gist, were by Decree of Frederick County Court Sitting as a Court of Chancery appointed Trustees to sell a part of the real Estate of Independant Gist Deceased for the payment of his Debts Now the condition of the above obligation is such that if the above named Thomas Boyer and Joshua Gist do and shall well and truly perform the Trust reposed in them by said Decree or which may Hereafter be reposed in them by any further Decree or order in the premises then the said obligation to be null and void.

Signed Sealed & Delivered
in the presence of Ble Otto

Tho Boyer (Seal)
Joshua G Gist (Seal)
Michael J Wagner (Seal)
Nicholas Durbin (Seal)

And the said Cause is standing Continued from Term to Term until July Term 1823 The following Supplemental Bill was

Suppl Bill filed viz

To The Honorable the Judges of Frederick County Court Sitting as a Court of Chancery Humbly Complaining sheweth unto your Honors your orator John Hook of said County that your orator did on or about the nineteenth day of April 1822 Exhibit his Original Bill of Complaint in this Honorable Court against Mary Gist, Joshua J. Gist, Charles L Gist Millender Gist, Independant Gist, George W Gist & Richard Gist all of whom are the infant Children and only Heirs at Law of Independant Gist Deceased to obtain a Decree for the Sale of part of the real Estate of said Deceased to pay a Debt due to your orator by said Deceased in his life time and for the payment of which the personal estate of said Deceased was greatly insufficient That to said Bill the said Heirs were Summoned appeared, filed their answers by their Guardian, and a Decree was passed by your Honorable Court directing the Sale of a part of said real estate to wit part of a tract of land called "Benjamin Partiss" and part of a tract of land called "Diggs Lot" containing together about one Hundred and Sixty three acres of Land & Joshua G Gist and Thomas Boyer were appointed Trustees to make said Sale and all which will more fully appear by reference to said original Bill and the proceedings thereon and to which your Honours are referred your Orator further represents that the said Trustees filed their Bond according to the terms of said Decree which was approved by your

Honours and then proceeded to offer and did offer the said part of said real Estate for Sale Several different times according to the terms of said Decree but no person has or will bid for or purchase the same and your orator has discovered and by way of Supplement doth now Hereby Charge and aver that said land can not be sold for near as much as will pay the amount of his said claims or for half the value of said land your orator further represents to your Honours that besides the said land Decreed to be sold as aforesaid the said Independant Light owned and was possessed in fee at the time of his death of part of a tract of land originally called the Resurvey on Marys Fancy but now called "Boston" Containing one Hundred and ninety five acres and a Half and five perches which were sold and Conveyed to said Deceased by William and Lyons Junr by his Deed of Bargain and Sale a Copy of which is Herewith Exhibited marked (6) and which together with all other Exhibits Hereafter to be made by your orator he prays may be taken and Considered as a part of this his supplemental Bill also a tract of land Called the Retreat Containing three Hundred and seven acres of land granted to said Deceased by Patent issued by the State of Maryland on the 9th day of January in the year 1815 and which is Herewith Exhibited marked D Excepting thereout one Hundred and Seventy acres of said tract which said Deceased in his life time to wit on the 17th day of April in the year 1816 sold and Conveyed by deed of that date and duly Executed and recorded among the land records of Frederick County to the said William and Lyons Junr your orator further represents unto your Honours that he has been informed and believes that in order to satisfy his said claims it is necessary the whole of said Deceased real Estate lying in Frederick County aforesaid should be sold and that if a Decree for the Sale of the last said parts of said tracts of land was had the same could be sold for a fair price and for enough to satisfy the claims of your orator to the end therefore that they the said Children and Heirs at Law of said Deceased as also the said Trustees may answer all and every the things and matters herein before charged by way of Supplement and that the whole of said Deceased real Estate aforesaid may be sold by said Trustees or such others as the Court may think proper to appoint and your orator be paid the full amount of his said claims principal and interest as set forth in the original Bill and that your orator

may have such other and further relief in the premises as the nature of his case and Justice and Equity may require may it please your Honours to grant to your orator the States writ of Subpoena in the usual forme to be directed to the said Heirs at Law and said Trustee Commanding them to be and appear in your Honourable Court to answer this Supplemental Bill and to stand to and abide by such Decree or order in the premises as your Honours may help &c.

Fred.k A Ashley for Complainant

Exhibit (B) Exhibit B/ referred to in the within & aforegoing Bill of Complaint Contained in the following Words viz.

This Indenture made this thirteenth day of April one thousand Eight Hundred and Sixteen, Between William Grimes Junr. of Frederick County & State of Maryland of the one part & Independent Gist of the County and State aforesaid of the other part Witnesseth that the said William Grimes Junr. for and in Consideration of the sum of Seven thousand eight hundred and twenty one Dollars Current money to him in Hand paid by the said Independent Gist the receipt whereof is Hereby acknowledged and him the said William Grimes Junr. fully Satisfied Contented and paid Hath granted Bargained and sold confirmed and by these presents doth grant bargain & sell enfeoff and Confirm unto the said Independent Gist, his Heirs & assigns forever part of a Tract of Land lying and being in the County and State aforesaid being part of a Tract of Land Originally Called The Resurvey on Mary's Fancy but now Called Boston Beginning for said part at a stone planted marked W G 1792 and running thence South one and a Half Degree West fifty eight perches to a Stone South fifty four and three quarter degrees East Seventy three perches to a Stone North eight and a half Degree East Seventy eight and three quarter perches North four and a half degree West one hundred and eighteen perches South Eighty and a half degree East twenty perches North nine Degrees East Eighty six perches South Seventy Seven Degrees East one Hundred & Twenty one perches South Sixty one Degrees East thirty two perches North thirty Degrees East thirty Seven perches to intersect a line of John Morrisons Land and with said line South Eighty nine Degrees West twenty four perches to a Stone at the end of the fourth line of a tract of Land Called Frenchmans Purchase and with said line North fifty nine and three quarter degrees West thirty seven and an Half perches to a stone North Seventy Eight and a quarter Degrees West one hundred and thirty six perches North one Degree West three and one quarter perches North Seventy nine and a half degree West fifty six perches North Sixty Six & three quarters degrees West thirty three perches South Seven and one quarter Degree West thirty six and three quarter perches South forty five Degrees West twenty five perches South twenty two and a half Degree East Sixty five perches

South Twenty three Degrees East thirty perches South one and a Half Degrees West one Hundred and three perches to a Stone thence with a Straight line to the Beginning containing one Hundred and ninety five acres and a half and five perches of Land together with all and Singular the Buildings Improvements and appurtenances whatsoever thereunto belonging or in anywise appertaining thereto. To Have and to Hold all and Singular the above described Land and premises with the above described land and premises with the appurtenances unto him the said Independant Gist his Heirs and Assigns forever and to and for no other use intent or purpose whatsoever and the said William Grimes Junr for himself his Heirs Executors and administrators doth Covenant and agree to and with the said Independant Gist his Heirs Executors administrators and Assigns that he the said William Grimes Junr and his Heirs Executors & administrators the above mentioned Land and premises with the appurtenances unto him the said Independant Gist his Heirs and Assigns against him the said William Grimes Junr and his Heirs and against all persons whatsoever claiming any right or title to the same or any part thereof will warrant and forever defend by these presents In Testimony whereof the said William Grimes Junr hath hereunto set his Hand and affixed his Seal the day and year above written.

Signed Sealed & Delivered
in presence of
Jacob Phillips. Geo Kelly.

Wm Grimes Junr (Seal)

Maryland Frederick County to wit On the thirteenth day of April One thousand Eight hundred and sixteen before us the Subscribers two Justices of the Peace of the State in and for the County aforesaid personally appeared William Grimes Junr and acknowledged the within Deed or Instrument of writing to be his act and Deed and the Land and premises therein mentioned to be the right & estate of Independant Gist his Heirs and Assigns forever according to the true intent and meaning thereof and the act of Assembly in such case said made and provided and Now to same time also appears Mary Grimes wife of the said William Grimes Junr who did also acknowledge the within Deed or Instrument of writing to be her act and Deed and the Land and premises therein mentioned to be the right and Estate of the said Independant Gist his Heirs and Assigns forever and being by us privately examined apart from and out of the hearing of her said Husband whether she made her acknowledgements of her own free will declared she made the same of her own free will & was not induced or Compelled thereto by

Fear or threats of or ill usage from the said Husband or through fear of his displeasure. Before { Jason Phillips / Geo Kittler

Maryland Frederick County Sct. I Hereby Certify that the aforegoing Deed is a true Copy taken from Liber J G No 3 folios 368 and 369 one of the Land records of Frederick County.

In Testimony Whereof I Have Hereunto set my Hand and affixed the seal of my office this 2d day of August 1833. John Ashley Clk Fredk County Ct

(Seal)

Exhibit C

The State of Maryland To all persons to whom these presents shall Come Greeting. Know ye that Whereas Independent Gist of Frederick County on the First day of May Eighteen Hundred and thirteen obtained out of the Western shore Land office a Special warrant to resurvey the following Lots lying in the County aforesaid and Contiguous to each other viz Lot No 33 part of Monocacy Manor originally on the Twentieth day of March Eighteen Hundred and Eleven granted Independent Gist for one Hundred & forty one acres and Lot No 34 part of Monocacy Manor originally on the twentieth day of March Eighteen Hundred and eleven granted him for one Hundred and Sixty eight acres with liberty of Correcting errors adding any Contiguous Vacancy and of resurveying the whole into one entire tract in pursuance whereof a resurvey was made when the same were found to Contain with two and a quarter acres of vacancy added the quantity of Three Hundred and Seven acres being Less than originally granted for the State of Maryland doth therefore Hereby grant and Confirm unto him the said Independent Gist the said Lots resurveyed as aforesaid with the vacancy added reduced into one entire tract Called The Retreat lying in Frederick County aforesaid Beginning at a Stone now planted between two white Oak Stumps being the stumps of the original Beginning tree of Lot No 33 one of the present original tracts and running thence with the given line thereof reversed North Sixty three Degrees twenty four minutes West one hundred and forty eight and a tenth perches to a Stone now planted then North twenty three and a half Degrees East thirty nine and a quarter perches to a Stone now planted at the end of Seventy three and three tenths perches on the third & last line of Lot No 44 part of Monocacy Manor then by and with the said line reversed one half Degree for variation South Sixty nine and a Half Degrees West one Hundred and fourteen & Seven tenths perches to a Stone now planted at the end of said third and last line then by and with the given line thereof North thirty three and three quarter Degrees West two Hundred and twenty three and three quarter perches to a bounded black oak tree the Beginning tree of said Lot No 44 it being also the beginning of Lot No 42 part of Monocacy Manor then by and with

the first line thereof allowing a half Degree for variation North thirty four and a half Degrees West fifty four perches to a Stone now planted then South thirty eight Degrees West four and three tenths perches to a Stone now planted at the end of the first line of Lot No 35 part of Monocacy Manor as now surveyed with an allowance of one Degree for variation then by and with said late two courses by said allowance for variation South thirty five Degrees East two hundred and two perches to a Stone now planted South forty five Degrees West one hundred and sixty and six tenths perches to a Stone now planted then South thirty three and three quarters Degrees East sixty nine and a tenth perches to a Stone now planted South eighty four Degrees East six perches to a Stone No 3 formerly planted for the end of the seventh line of a tract of land called "Self Defence" being part of Monocacy Manor Resurveyed for General Otho Holland Williams the 12th day of November 1789 for 305 acres then by and with said land resurveyed as formerly Resurveyed and bounded six Courses North Sixty five and a half Degrees East thirty two and a quarter perches to a large rock marked on the West side No 4 South sixty three and a eighth Degrees East ninety and three tenths perches to a Stone formerly planted No 5 North thirty four and a quarter Degrees East fifteen perches to a Stone No 4 formerly planted South sixty two Degrees fifty Minutes East thirty and one a half perches to a Stone No 3 formerly planted North twenty five and three quarters Degrees East six and three tenths perches to a Stone No 6 formerly planted South sixty three and a Eighth Degrees East one Hundred and fifty eight and four tenths perches to a Stone No 5 formerly planted for the end of the fifth line of Lot No 33 end of the premises originally then by and with the outlines thereof reversed the five following Courses and distances as formerly surveyed and bounded North thirty four and three quarter Degrees East eighty perches to a Stone now planted North fifty four and a Half Degrees West sixteen perches to a Stone formerly planted North thirty five and a quarters Degrees East thirty seven perches to a Stone now planted North twenty Degrees East Twenty three and two tenth perches to a Stone now planted then North sixty three Degrees West eight perches to the first mentioned Beginning Containing three hundred and seven acres according to the certificate of resurvey thereof taken and returned into the Western shore Land Office bearing date the twenty seventh day of October Eighteen Hundred and thirteen and there remaining. Together with all rights profits Benefits and Privileges thereunto Belonging To Have and To Hold the same

unto him the said Independent Gist his Heirs and Asigns forever
given under the Great Seal of this State of Maryland
(Seal of the State of Maryland) this twenty first day of January Eighteen Hundred
and fifteen Witness The Honorable William Kitty
Esquire Chancellor

order for Commissn. Whereupon the Court Passed the following order for Commissioning
John Shirk ... In Frederick County Court as a Court of Chancery
vs. ... } No. 341 In this Case the infant Defendants having
Mary L Gist. } been summoned and so returned by the Sheriff
Joshua F Gist } John Shirk the Complainant prays that a Commission
and others } to appoint a Guardian for them and take their
answers to his said Bill may issue by order of this Honorable
Court, Fredk A Sidney for Compl.t
In Frederick County Court as a Court of Chancery July Term 1825
ordered that a Commission issue to Isaac Baugher to appoint a
Guardian for the above infant Defendants and to take their
answers by such Guardian as above is prayed
Test Wm Shriver Clk. 15th 1825.

Commissn. Whereupon in pursuance of the above order the following Commission issued viz
Maryland ss. The State of Maryland, To Isaac Baugher of Frederick
(Frederick County Court Seal) County, Greeting Whereas John Shirk Senior hath lately
exhibited his Bill of Complaint Before us in our
County Court as a Court of Chancery against Mary L
Gist, Joshua F Gist, States L Gist, Mordecai Gist, Independant
Gist, George W Gist, Richard Gist and Joshua G Gist and
Thomas Boyer Trustee Defendants and whereas we have by our
writ lately Commanded the said Defendants to appear before
us in our said Court as a Court of Chancery, at a certain
day now past to answer the said Bill but for as much as
the said Mary L Gist, Joshua F Gist, States L Gist, Mordecai
Gist, Independant Gist, George W Gist and Richard Gist are
infants under age and cannot answer the said Bill nor
Defend this suit, without having a Guardian assigned in
that behalf, Know ye therefore that, we Have given unto you
full power and authority, in pursuance of the special order in
our said Court, to assign and appoint a Guardian for the afore-
said infants and to take the answer of the said infants by such
Guardian to the said Bill and therefore we Commande you
that at such certain day and place as you shall think
fit you go to the said Defendants if they Cannot Conveniently
come to you, and assign and appoint a Guardian for the
aforesaid infants and take the answers of the said infants
by such Guardian to the said Bill on such Guardian Corporal
Oath upon the Holy Evangely to be administered by you, the
said answers being distinctly and plainly wrote and when you
shall have so taken the said answers you are to send the
same Closed up under your seal, Together with your Certificate

Of your Having apigned and appointed such Guardian as aforesaid, and this writ came to us in our said Court to Witness the Honourable John Buchanan Esquire Chief Judge of our said Court the third day of March Anno Domini 1823 Issued the 15 day of September 1823, John Ashley Clerk,

Infants answer

Whereupon the following Answer and Certificate of the Infants Defendants by their Guardian regularly appointed together with the Aleas Commission thereto annexed was filed viz the Joint and Separate answer of Mary L Gist Sabina T Gist, Charles S Gist, Nathaniel Gist, Independant Gist, George W Gist & Richard Gist the Infant Heirs of Independant Gist deceased by George W Gist their Guardian to the Bill of Complaint of John Shook Complainant filed against them in Frederick County Court Sitting as a Court of Equity the said Infants Defendants by their said Guardian in answering said Bill of Complaint admit the several matters and things therein set forth to be true as they stand stated and the said infants by their said Guardian further answering say that they are willing a Decree should pass by this Honourable Court directing a Sale of all the real Estate of their said Father lying in Frederick County for the purpose of paying the said Claim of the Complainant

by W Gist Guardian for said Infants,

On this Eleventh day of October 1823, personally appears George W Gist the Guardian within named before the Subscriber the Commissioner named in the annexed Commission for that purpose issued from Frederick County Court Sitting as a Court of Chancery and maketh oath on the Holy Evangely of almighty God that the several matters stated in the within answer are true to the of his knowledge information & belief, Sworn Before me the Commissioner, Isaac Baughes

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity By Virtue of the Commission hereunto annexed I Have on this Eleventh day of October 1823 apigned and appointed George W Gist Guardian for the within named infants and Have taken the answers of the said infants by their said Guardian upon his Corporal Oath to the Bill of Complaint in the said Commission mentioned which I Herewith send annexed In Witness Whereof I Have Hereunto set my Hand and affixed my seal this 11th day of October 1823. Isaac Baughes Commissioner (Seal)

Answer of Thomas Boyer & Joshua G Gist

Whereupon the following Answer was filed viz The Joint and Separate answer of Thomas Boyer & Joshua G Gist to the Supplemented Bill of John Shook Complainant These Defendants for answer to said Bill of Complaint or as much thereof as they are advised it is material or necessary for them to make answer unto They answer and say that they admit the several

Matters and things stated and set forth in said Bill of Complaint to be true as they stand stated therein and they further say that as Trustees they have repeatedly attempted, but in vain to sell said land which they are authorized to sell as stated in said Bill and they believe it is necessary a Decree should pass as prayed by the Complainants in his said Supplemental Bill to enable him to get his Money from said Independant Gist Deceased estate these Defendants pray to be hence dismissed with their Costs &c.

Thomas Boyer, Joshua B Gist.

On this Eleventh day of October 1828 the above named Thomas Boyer & Joshua B Gist appeared before the Subscriber a Justice of the Peace for Frederick County and made oath that the Several matters and things Contained in the within answer are true to the best of their knowledge information and Belief Sworn Before Benjn Ginghing,

Whereupon the Court passed the following Decree on Supplemental Bill viz

Decree on Suppl. Bill

John Shaw
vs
Mary F Gist
Joshua F Gist
Mary L Gist
Alexander Gist
Independant Gist
George W Gist
Richard Gist
Joshua B Gist
Thomas Boyer,

In Frederick County Court Sitting as a Court of Equity October Term 1828 This Cause upon the Supplemental Bill filed by the Complainant and Standing ready for hearing and being submitted, the said Supplemental Bill answers thereto, Exhibits the original Bill and all the Exhibits and proceedings thereon as referred to by said Supplemental Bill were by the Court read and Considered & it appearing reasonable and Equitable that the relief prayed should be granted It is thereupon this 27th day of October in the year 1828 by the Court as a Court of Equity adjudged ordered and Decreed that the land mentioned in the said Supplemental Bill shall be Sold by the said Trustees and on the same terms mentioned in the Decree passed by this Court on the Second day of November 1826 on the original Bill and proceedings thereon in said Cause except that it shall not be necessary for said Trustees to give more than three weeks notice of the time place and terms of Sale It is also further adjudged and ordered that said Trustees shall execute an additional Bond with good Securities to be approved by this Court in the penalty of five Thousand Dollars Conditioned for the faithful performance of the additional trust reposed in them by this Decree or which may be reposed in them by any future Decree or order in the premises and the said Trustees after they have sold said land are to report the same to this Court in the same manner they are directed in the said original Decree

Abm Shriver,

Whereupon the Trustees filed the following Bond Endorsed

Trustees D° Bond

Approved Abraham Shives vs Know all men by these Presents that Joshua b Gist of Baltimore County and Thomas Boyer, Joshua Gist and Moses Shaw of Frederick County are held and firmly Bound unto the State of Maryland in the sum of Five Thousand Dollars lawfull money to be paid to said State or its certain attorney to which payment well and truly to be made we Bind ourselves and Heirs Executors and Administrators firmly by these presents Sealed with our seals and dated this Tenth day of November 1823 whereas the said Thomas Boyer & Joshua b Gist, were by a Decree of Frederick County Court Sitting as a Court of Chancery appointed Trustees to sell the real Estate of Independant Gist Deceased for the payment of his Debts Now the Condition of the above obligation is such that if the above Named Thomas Boyer and Joshua b Gist do and shall well and truly perform the Trust reposed in them by said Decree or which may hereafter Be reposed in them by any future Decree or order in the premises then the said obligation to be void and void.

Thos Boyer (Seal)
Joshua b Gist (Seal)
J Gist (Seal)
Moses Shaw (Seal)

Signed Sealed & Delivered in the presence of
Wm Currey,

Widows Agent

Whereupon the following Agent of the Widow was filed viz
To the Honourable the Judges of Frederick County Court Sitting as a Court of Chancery I the Subscriber the widow of Independant Gist late of Frederick County Deceased do hereby agree and agree that my right of Dower in the Farm called the Retreat as also my right of Dower in the Farm near Williams Ford called Benjamins Portion & part Diggs Lot the real Estate of said Deceased which has been Decreed to be sold by the said Court may be sold by the Trustees appointed by your Honourable Court to sell the Same and agree to receive in lieu of my said right of Dower such proportion of the hundred money as said Court shall think just and equitable Witness my Hand this Tenth day of November 1823

Witness Geo b Gist

Rachel Gist,

And the said Cause as standing continued from Term to Term until March Term 1824 the Trustees named the following Report viz

Trustees Report

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity Gentlemen the Subscribers being appointed Trustees by the Court as a Court of Equity by their Supplemental Decree bearing date on the 27th October 1823 to sell the real Estate of Independant Gist late of said County Deceased Beg leave to report that they gave three weeks notice of the time and terms of Sale and a description of said property in several newspapers published in Frederick and a number of persons attended and the premises on the day of Sale that was offered to sell to the highest bidder

Bidder. a farm called "Retreat" being a part of "Mountaney Manor Lyny near Woodsborough containing one Hundred and thirty seven acres of Land and that John Short became the purchaser for two Thousand Eight Hundred and Eight Dollars and fifty Cents under the terms of the Decree as further report that we attended on the day Specified in and noticed as two other parcels of land for the purpose of offering the same for Sale and that no bidders attended and the property was not offered for Sale Witness our Hands & Seals the 1st of June 1824. Thomas Boyd (Seal) Joshua B Gist (Seal)

Maryland Frederick County to wit on this 1st day of June 1824 Before me one of the Justices of the Peace for said County appears Thomas Boyd and makes oath that the within Statement of the Sale of part of the property of Independent Gist is just and true as stated according to the best of his knowledge and Belief.

Witness my Hand. Wm D Farquhar.

Maryland Frederick County To wit on this 3d day of June 1824 before me a Justice of the Peace appears Joshua B Gist and makes Oath that the within Statement of the Sale of part of the property of Independent Gist is just and true as stated according to the best of his knowledge and Belief.

Witness my Hand Wm D Farquhar

order of Publication

Whereupon the Court passed the following order of Publication viz) In Frederick County Court as a Court of Chancery March Term 1824 ordered that the Sale made and reported by the Trustees of a part of the estate of Independent Gist Deceased consisting of a Farm called "Retreat" be ratified and confirmed unless Cause be shewn to the Contrary on or before the first Monday of July next provided a copy of this order be inserted in the Republican Citizen a newspaper printed in Frederick for three Successive Weeks before the said first Monday of July next, The Report States that the Farm sold for the sum of 3808.50.

Absm Shriner June 4th 1824.

Trustees certificate

Whereupon the following Certificate of the Trustee together with a printed Copy of the above order therein annexed was filed viz) I Hereby Certify that the annexed order was published in the Citizen for three Successive weeks before the 1st Monday of July last.

Jy 26 Sharp.

order of ratified

And the said Cause as standing Continued to July Term 1824 The Court passed the following order of ratification viz)

In Frederick County Court as a Court of Chancery July Term 1824 ordered that the Sale of part of the real Estate of Independent Gist as reported by the Trustees be and the same is Hereby ratified and Confirmed, no Cause to the Contrary having been shewn & the notice appears to have been given according to a former order of this Court The Trustees are allowed for their Commission and Expences one Hundred and ninety two Dollars and twenty one Cents and that the widow be allowed one Eighth of the nett proceeds of Said The Auditor is directed

To State an account in this Case between the Trustee and the Estate thereby to distribute the proceeds of Sale to those entitled first giving the usual notice to Creditors to Exhibit their Claims Abm Shriner July 15th 1824.

Affidavit of Widow age — Whereupon the following Affidavit of the Widows age was filed viz) On this 26th day of July 1824 Georg W Gist made Oath on the Holy Evangely of almighty God before the Subscriber a Justice of the Peace of the State of Maryland for Frederick County that he is well acquainted with Rachel Gist the widow of Independence Gist Deceased and that she is at this time about forty years of age, and of tolerable good health and Constitution. Sworn Before Isaac Mantz,

Trustees Report) And the said Cause is standing Continued to August Term 1824 the Trustee made the following Report viz) To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity the Subscriber one of the Trustees appointed to make Sale of the real Estate of Independence Gist beg leave to report that the property has been advertised agreable to the Decree and that on the Twenty fifth day of this Month we offered the same to the highest bidder and sold one hundred and Sixty acres and one fourth of Land to Lewis Mosher at nine Dollars and Twelve and half cents per acre and pray the Court to ratify the same. Thomas Boyer one of the Trustees in the absence of Joshua Gist,

Maryland Frederick County Set on this 1st November 1824 personally appears Thomas Boyer for said County and made Oath on the Holy Evangely of almighty God that the within report is true and that the said therein Stated was fairly made.

Sworn Before Georg Kohr,

Order of Publica Whereupon the Court Passed the following order of Publication viz) In Frederick County Court as a Court of Equity August Term 1824 ordered by the Court that the Sale made and reported by Thomas Boyer Trustee for the Sale of the real Estate of Independence Gist be ratified and Confirmed unless Cause be shewn to the Contrary before the Eleventh day of December next provided a Copy of this order be inserted in the Republican Citizen a newspaper printed in Frederick for three Successive weeks before the said Eleventh day of December next. Trustee reports that he sold 160¼ acres of Land 9 p 12¼ per acre Abm Shriner Nov 11th 1824.

Whereupon the following Certificate of the Printer Together with a Printed Copy of the above order thereto annexed was filed viz)

Printers Certificate I Hereby Certify that the annexed advertisement was published in the Citizen for three Successive Weeks before the 11th day of December Inst. Geo Sharp Dec 22d 1824.

And the said Cause is standing Continued to January Term 1825 The Trustee made the following Supplemental report viz

Trustees Report

To The Honourable The Judges of Frederick County Court Sitting as a Court of Equity Thomas Boyd one of the Trustees appointed to sell the real estate of Independant Gist Deceased by a Decree of your Honourable Court and who has reported the Sales of parts of said real estate to wit, a part called The Retreat being a part of Monterey Manor and containing 137 acres sold to John Shook and a part called "Benjamins Portion" part of Diggs Lot Containing Together 160¾ acres sold to Lewis Motter for 9$ 12½ Cents per acre begs leave in addition to said Reports of said Sales further to report as Supplemental to said reports that all the said parts of said real estate were sold free of the right of Dower of the widow of said Independant Gist she having Signed and filed her release to that effect with the Clerk of your Court and that the land sold to said Lewis Motter mentioned in the general terms of sale in the Second report is the said land Called "Benjamins Portion and part of Diggs Lot" and that there remains yet to be sold the Tract of Land called "Boston" The said Trustees therefore pray your Honours to take and Consider this Supplemental as a part of their two former reports for the purpose of shewing what lands were sold to said Motter and that the said lands sold to him and said Shook were sold free of any incumbrance of Dower and they pray that said reports may be ratified and Confirmed. Tho Boyd,

on this 10th day of January 1825 Thomas Boyd made oath before the Subscriber a Justice of the Peace for Frederick County that the several matters Stated in the foregoing Supplemental report are true to the best of his information knowledge & belief

Second Report George Rohr,

Order of ratifying

Whereupon the Court passed the following order of ratification viz In Frederick County Court as a Court of Chancery January Term 1825 ordered that the Sales heretofore made by the Trustees of the Estate of Independant Gist as reported by them be and the same are hereby ratified and confirmed no cause to the contrary having been shewn & the notices of said Sales appear to have been given according to the orders of this Court The widow of the said Gist is allowed in lieu of her Dower in the lands Sold One Eighth of the nett proceeds of Sale and the Trustees are allowed for their Commission and Expenses forty three Dollars and ninety two Cents The Auditor is directed to State an account in this Case Between the Trustees and those entitled to the proceeds of Sale and report the same to this Court

Abm Shriver. January 13th 1825

And the said Cause as standing Continued from Term to Term until August Term 1825 the following Agent of the widow was filed viz

Widows agent

I Rachel Gist widow of Independant Gist late of Frederick County Deceased do Hereby give my agent to the Sale of the Boston Farm lying and being in Frederick County late

The property of the said Independant Gist and for the Sale of which a Bill in Equity has been filed and said property Decreed to be sold by Frederick County Court as a Court of Equity by Trustees appointed by said Court as mentioned by any right or title of Dower reserving to myself such Consideration as the said Court shall award and in Lieu thereof Witness my Hand this 15th day of August 1835.

Rachel Gist.

Witness Gabl Gist
Isaac Baughn, E

Trustees Report

Whereupon the Trustee named the following Report viz
To the Honourable the Judges of Frederick County Court
Sitting as a Court of Equity Thomas Boyer one of the Trustees
appointed to sell the real estate of Independant Gist
Deceased, reports to your Honours in addition to his
former reports of Sales that having to Gist his co Trustee
and himself advertised for Sale in the Citizen and other
newspapers printed in Frederick the residue of said real
estate a Copy of which advertisement is herewith Exhibited
as a part of this report marked No 1 That the said Trustees
on the day and at the price specified in said advertisement
attended and offered said Land for Sale on the terms
specified in said advertisement, that Rachel Gist the widow
of said Independant Gist having authorized the said Trustees
by his Consent in writing which is herewith filed marked
No 2 to sell said Land free of her right of Dower the
Trustees sold the same accordingly that Royd. Brashears
was the highest bidder and became the purchaser of the
Tract of land called Barton and part of a Tract called
Diggs Lott Containing together Two Hundred and one
acres and a quarter and twenty and one quarter perches
of land at the price and for the sum of thirteen Dollars
per acre, and the said purchaser has paid to said
Trustees the Cash payment of said purchase money being
one third thereof and the said trustees pray that the said
Sale may be ratified & confirmed by your Honours.

Thos Boyer one of the Trustees the other being absent.

On this 17th day of October 1835 Thomas Boyer made Oath before
the Subscriber a Justice of the Peace for Frederick County that
the several facts stated in the aforegoing report of Sale are
true to the best of his Knowledge & Belief

Sworn Before George Rohr,

order of Publication

Whereupon the Court passed the following order of Publication viz
Ordered that the Sale of part of the real Estate of Independant
Gist Deceased made and reported by Thomas Boyer and
Joshua Gist be ratified and Confirmed unless Cause to
the Contrary be shewn on or before the 20th day of November
next provided a Copy of this order be inserted in the
Republican Citizen for 3 Successive Weeks before said

Day the Report States the land to have been Sold to Basil Brafeter for 13 Dollars per acre, Abm Shriver Octo 21st 1825.

order of ratifica

Whereupon the Court passed the following order of Ratification viz In Frederick County Court as a Court of Chancery August Term 1824 ordered that the Sale of part of the real Estate made & reported by Thomas Boyer and Joshua G Gist as within stated be and the Same is hereby ratified and confirmed no Cause to the contrary being shewn at the notice thereof appears to have been and ding to a former order of this Court the Trustees is allowed for their Commission and expenses one Hundred and Six Dollars and twenty eight Cents and the widow of Independant Gist is allowed in lieu of her Dower one eighth of the nett proceeds of Sale the Auditor is directed to state an account in this Case Between the Trustee and those entitled to the proceeds of Sale and report the same Abm Shriver Decr 22d 1825

Auditors Report

Whereupon the Auditor made the following Report viz

Dr The Estate of Independant Gist Deceased in account with Joshua G Gist and Thomas Boyer Esquires Trustees &c

To the Trustees for their Commission and all Expences on Sale filed 4th June 1824 first Sale	$ 190.21		
" the Trustees for their Commission and Expences on Sale of 25th October 1824 Second Sale	43.92		
" the Trustees for their Commission and Expences on Sale filed 21st October 1825 third Sale	106.25	342	41
" the Attorney for his fee	3.33⅓		
" the Clerk for his fees	29.92½		
" the Sheriff for his fees	10.35	43.	61
To the Auditor for his fees on Stating & reporting account & giving the necessary notices to Creditors &c	——	17.	00
" Rachel Gist the widow of said Independant Gist Deceased one eighth of the nett proceeds of Sales made in lieu of her right of Dower in said Lands under the order of the Court		810.	70½
To John Shook Complainant one Creditor his proportion of Balance of proceeds of Sales upon his first Judgment with Interest & Costs to filing last Sale see the papers filed and marked J S No 1	127.28	918.	18
To John Shook Complainant one Creditor his proportion of Balance of proceeds of Sales upon his second Judgment with Interest & Costs to filing last Sales see also papers J S No 1	285.75	2051.	80
To John Shook Complainant one Creditor his proportion of Balance of proceeds of Sales upon his third Judgment with Interest and Costs to filing last Said See also papers J S No 1	273.46	1955.	43
To Jacob Coons Senr his proportion of Balance of proceeds of Sale upon his claim with Interest to filing last Sale, see papers marked —— J C	12.12½	8.	73

Amt Carrd forward

Amount brot forward			
To Jacob Riggs assignee of George Strong his proportion of Balance of proceeds of Sales upon his claim filed with Interest to filing last Sale and paper marked J R	64.44	46.31	
To Joshua Gist his proportion of Balance of proceeds of Sales upon his claim filed with Interest to filing last Sale and paper marked J G	238.12½	171.93	
To Patrick Lowe his proportion of Balance of proceeds of Sales upon his claim filed with Interest to filing last Sale and paper marked P L	1.70	1.03	
To Patrick Lowe assignee of Isaac Wilson his proportion of Balance of proceeds of Sales upon his claim filed with Interest to filing last Sales and papers marked I W	68.94	49.52	
To John Mattill his proportion of Balance of proceeds of Sales upon his claim filed with Interest to filing last Sales and paper marked J M	4.03	2.90	
To John Delafland his proportion of Balance of proceeds of Sales upon his claim filed with Interest to filing last Sale and papers marked J D	11.51	8.29	
To John P Konnow his proportion of Balance of proceeds of Sales upon his claim filed with Interest to filing last Sale and paper marked J P T	24.28	17.47	
To Cornelius McNulty assignee Christian Hannaid his proportion of Balance of proceeds of Sales upon his claim & Judgment filed with Interest to filing last Sale and paper marked C M	136.53½	98.04	
To Dr Thomas Boyd his proportion of Balance of proceeds of Sales upon his claim by draft filed with Interest to filing last Sale and the paper marked T B	32.10	23.42	
To Dr Thomas Boyd his proportion of Balance of proceeds of Sales upon his claim (and ?) filed with Interest to filing last Sale and the paper marked Dr T B	364.14	261.37	
To John Sheeley his proportion of Balance of proceeds of Sale upon his claim (and Indgt) filed with Interest to filing last Sale and the paper marked J S	84.80	60.90	
To John Ashley his proportion of Balance of proceeds of Sales upon his claim as			
Amt brot forward			

Amt brot forward			
Filed in the papers marked E B C	63/4	1	45
		6888.	67/4
By Amount of Sales made by Trustees as filed 4th June 1824	2508.50		
By Amount of Sales made by Trustees 26th Octo 1824 as filed	1464.28		
By Amount of Sales made by Trustees as filed 21st Octo 1825	267.89/4		
		6888.	67/4

John Shanks
or
Independent Gist's Heirs

To Frederick County Court as a Court of Equity January Term 1826 I beg leave to report to the Honourable the Judges of Frederick County Court Sitting as a Court of Equity, that in Compliance with this order I gave the usual notices to Creditors to produce their claims and said Notice having expired, I have examined the proceedings Constituting this Court and upon said Examination I have Stated this account. In this as in like Cases I have allowed the Trustee for their Commission and all Expences, and also allowed the Costs of the Court, and to the widow of said Independent Gist I have allowed one Eighth of nett proceeds of Sales as made, under the order of the Court; and the Balance of proceeds of Sales I have divided amongst the Creditors of said Independent Gist Deceased, upon the Claims filed with me for that purpose allowing Interest upon the Claims to day of filing Trustees last Sale, the Amount of the several Sales as made and reported, is not Sufficient for the Payment of all the Claims against said Deceased Estate the dividend to each is Seventy one Cents three quarters and a fraction in the Dollar. All which I Respectfully Submit to the Honourable the Judges aforesaid for their Confirmation.

Henry Ashley Auditor January 2d 1826

order of ratifica

Whereupon the Court passed the following order of ratification viz January Term 1826 Ordered by the Court, that the aforegoing report of the Auditor be and the same is Hereby ratified and confirmed, and that the Trustees pay over the proceeds of Sales to the parties respectively entitled thereto, according to the distributions in said Auditor made,

Abm Shriver Clerk 2d 1826.

Petition of Geo Adam Ohler

And the said Cause so standing Continued to February Term 1826 the following Petition was filed viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity The Petition of George Adam Ohler of Frederick County respectfully represents. That on the Seventh day of February Eighteen Hundred and Eighteen Independent Gist of Frederick County executed to your Petitioner a Single Bill, by which he Bound himself together with George W Gist whose Security he was, to pay to your Petitioner the sum of Three Hundred

Dollars Current Money That the said money not having been paid your Petitioner on the day of Eighteen Hundred and Twenty Caused suits to be instituted on said Single Bill against Geo W Gist the Principal and the administrators of Independant Gist the (Security and recovered Judgements thereupon at the March Term 1824 of Frederick County Court Copies of which said Judgements are herewith Exhibited as part of this petition and marked No 1 your Petitioner further represents to your Honours that the said George W Gist is Insolvent and that upon the Judgements thus obtained your Petitioner hath received only the sum of one Hundred Dollars paid 1st of April 1825 and fifty Dollars paid on the 16th July 1825 That said sums were paid to your Petitioner by the Administrator of Independant Gist Deceased your Petitioner further represents to your Honours That in April 1823 a Bill was filed by John Short of Frederick County in this Honourable Court praying for the sale of the real Estate of said Independant Gist for the payment of his Debts, That proper parties were made to said Bill and a Decree passed as prayed and that afterwards upon a Supplemental Bill, likewise filed by said Short, the whole real Estate of said Independant Gist was Decreed to be sold for the payment of his Debts, That Joshua Gist and Thomas Boyer of Frederick County were appointed Trustees, to make said Sales That in fulfillment of their Trust, They sold said real Estate, and reported their Sales to this Honourable Court, by whom said Sales were ratified, That Subsequently notice was given by the Auditor in Conformity with the practice of this Honourable Court to Creditors to produce their Claims and at the January Term 1826 the monies of Sale were distributed amongst the Creditors of said Independant Gist, Deceased by the audit, filed in said Cause to which your Petitioner prays leave to refer, and to all the proceedings Connected therewith in Support of the Statements Contained in this petition, said Cause is numbered on the Equity Docket of this Court No 341 your Petitioner further represents to your Honours, that residing in a remote part of the County and having no access to the means of information, and presuming that the administrators, of Independant Gist who knew of his Claims would cause it to be brought into view your Petitioner omitted to produce the same in this Honourable Court for Audit, that no notice is taken of the Claims of your Petitioner in the report aforesaid of the auditor of this Court and that without the interposition of your Honours, your Petitioner will lose all Benefit of the Sale of the Estate of Independant Gist Deceased, Decreed by your Honours your Petitioner

Represents that a very large proportion of the proceeds of the aforesaid Sale have not been paid out by the Trustees but that the same remains in their Hands to be distributed, your Petitioner prays that a new audit may be made of the proceeds of Sale and the Joint proportion of your Petitioner allowed to him. That your Honours would be pleased to grant to him a Subpoena to the said Thomas Boyer and Joshua Gist to be directed, Commanding them to be and appear in this Court upon their Corporal Oaths to answer in the premises, and to state what amount of the proceeds of the aforesaid Sales made by them as Trustees as aforesaid remains in their Hands to be distributed. And your Petitioner prays that an order may be passed by your Honours Commanding the said Joshua & Gist and Thomas Boyer, or either of them to forbear any further payments upon said Estate, until the further order of this Court in the premises. And may it please your Honours to grant to your Petitioner such other and further relief as may Consist with Equity &c. J Nelson for Pet.

Exhibit No 1

Exhibit No 1 referred to in the within and aforegoing Petition Contained in the following words viz

George Adams Exr
vs
George W Gist

No 695 Trials March Term 1824 in Frederick County Court Entry 2d March 1824 for 300 ff Curr Debt & 600 ff Curr Damages & Costs Costs 7/ 6 1/2 Ret 2 years Int to him.

Defts pleas released Test John Ashley Clerk

Same
vs
George W Gist & Joshua G Gist exors Independent Gist

No 696 Trials March Term 1824. Judgment 2d March 1824 same as in 695 Ret all but Costs of 695 to be satisfied. Costs 7/ 6 1/2

Test John Ashley Clerk

And Damaged and promised and obliged ourselves our Heirs Executors & administrators to pay or Cause to be paid unto George Adams Exr the full and just sum of three hundred Dollars Current money of the State of Maryland with Legal Interest from the date Hereof Witness our Hands and Seals this Seventh day of February in the year one Thousand Eight Hundred and Eighteen.

Test Thomas Exr,

Geo Adams Exr (Seal)

Test John Ashley Clk

G W Gist (Seal)

Indpt Gist (Seal)

A True Copy Test John Ashley Clk

Courts order

Whereupon the Court passed the following order viz

George Adams Exr
upon
Petition

In Frederick County Court as a Court of Equity February Term 1826 The Petition in the above Cause having by the Court been read and Considered and the relief prayed for by the Petitioner being reasonable and such as ought to be granted. It is thereupon on this 8th day of May Eighteen Hundred and Twenty Six by Frederick County Court Sitting as a Court of Equity, ordered adjudged and Decreed that Joshua G Gist & Thomas Boyer Trustees for the Sale of the real Estate of Independent Gist Deceased, do and shall suspend all further payments upon

Said Estate till the further order & direction of this Court in the premises and that they answer the within Petition, & it is further Decreed that the petitioned cause a Copy of this order to be served on said Trustees one or before the first day of June next, and that nothing in this order Contained shall be Construed to the prejudice of said Trustees for any Payments which they may make in Compliance with the formed order of this Court before the said Copy shall be served on them as aforesaid, Absm Shriver,

And the said Cause as standing Continued from Term to Term until August Term 1826 the following answer was filed viz

Answer of Lockwood Gist and Thos Boyer

The Answer of Thomas Boyer and Lockwood Gist to the petition of Jos A Ohler in Frederick County Court as a Court of Equity Exhibited Thos Defendants avoid the several matters and things set forth in said Petition and that the sums therein stated to be due is due to the said Petitioned from the Estate of Independent Gist Deceased they further represent that in Compliance with the order of the Court upon the audit Heretofore Confirmed by this Court Thos Defendants have paid to John Mark the full amount due to him as by the said audit appears (the receipts of which are hereby exhibited marked A) and that the residue of the proceeds of the Sales made by them remains in their Hands subject to the order of this Court they are willing that a new audit shall be stated, and the claim of the Petitioned allowed in its just proportion, Thos Defendants have paid the Costs to the several officers as by formed audit directed, Lockwood Gist, Thomas Boyer,

And the said Cause as standing Continued from Term to Term until February Term 1827 the Auditor Made the following Report viz

Auditors 2d Report

2d The Estate of Independent Gist Deceased in account with Lockwood Gist and Thomas Boyer Executors &c

To the Trustees for their Commission & all Expenses on Sales filed the 4th June 1824 first Sale :	192.	21	
To the Trustees for their Commission and all Expenses on Sale of 25th October 1824 Second Sale.	43.	92	
To the Trustees for their Commission and all Expenses, on Sale filed 21st Oct 1828 this Sale	106.	28	342.41
To the attorney for his fee as in first audit	3.	33⅓	
" the Clerk for his fee as in first audit	29.	92½	
" the Sheriff for his fee as in first audit	11.	35	43.61
To the Auditor for his fee in stating and reporting account, and giving notices to Creditors &c as in first audit			17.00
To Rachel Gist the widow of said Independent			

Amt to Carry forward

Said Decand one Eighth of the nett proceeds of Sales made in lieu of her right of Dower in said lands under the order of the Court			₰ 870.70½
To the Clerk for his fee in this the 2d audit & taken from the claims of the new claimants in proportion		5.02½	
To the Sheriff do do in this 2d audit		76½	
To the auditor for his fees in this the 2d audit for Stating account, and reporting to Court 16 and taken from the new claims as filed by the new claimants, in and proportions		12.	7.79
To John Monk Complainant and Creditor his proportion of Balance of proceeds of Sales upon his first Judgment with Interest to filing last Sale, & Costs & the papers filed & marked J S No 1	₰	1279. 28.	870.26
To John Monk Complainant and Creditor his proportion of Balance of proceeds of Sales upon his 2d Judgment with Interest to filing last Sales & Costs and the papers filed and marked J S No 1		2856.75	1944.63
To John Monk Complainant and Creditor his proportion of Balance of proceeds of Sales upon his third Judgment with Interest to filing last Sales and Costs and also papers filed & marked J S No 1		2704.46.	1853.28.
To Jacob Bond Sen. his proportion of Balance of proceeds of Sale upon his claim, with Interest to filing last Sales, and papers filed and marked J B		12. 12½	8.26
To Jacob Riggs assigned of Geo. Strong his proportion of Balance of proceeds of Sales upon his claim filed with Interest to filing last Sale, and papers marked J R		64. 48½	43.93
To Joshua Gist, his proportion of Balance of proceeds of Sales upon his claim filed with Interest to filing last Sale and paper marked J G		238. 12½	162.02
To Patrick Lowd his proportion of Balance of proceeds of Sales upon his claim filed with Interest to filing last Sale and papers marked P L		1.70	1.17
To Patrick Lowd assigned of Isaac Wilson his proportion of Balance of proceeds of Sales upon his claim filed with Interest to filing last Sale and papers marked . . . I W		68.94	46.93
To John Merritt, his proportion of Balance of proceeds of Sales, upon his claim filed with Interest to filing last Sale and papers marked J M		4.02	2.75
To John Delaplaine his proportion of Balance of proceeds of Sales upon his claim filed with Interest to filing last Sale and papers marked J D		11.54	7.86
To John D. Hampson, his proportion of Balance of proceeds of Sales upon his claim filed			
and last Sale			₰

Amt brot forward			
- both Interest to filing last Sale, see Paper marked	198	24. 28	16.57
To Cornelius McAnulty assignee Christian Harman his proportion of Balance of proceeds of Sales, upon his Claim. & Judgment filed. with Interest to filing last Sale, see Paper marked Filed	Cm	136. 53¼	92.94
To Do Thomas Boyd his proportion of Balance of proceeds of Sales. upon his Claim by draft with Interest to filing last Sale, see the Paper filed marked	TB	32. 60	22.28
To Do Thomas Boyd, his proportion of Balance of proceeds of Sales. upon his Claim, in ℔ with Interest to filing last Sale, see the Paper as filed marked. —	Do TB	364. 14	247.79
To John Shirley, his proportion of Balance of proceeds of Sales. upon his Claim (℔ Draft) with Interest to filing last Sale, see the Paper filed marked	JS	84. 80	57.73
To John Schley his proportion of the Balance of proceeds of Sales. upon his Claim. as filed see the Paper marked	JS	62¼	43
To George Adam Oler, a new Claimant his proportion of Balance of proceeds of Sales upon his Claim with Interest to filing last Sales and deducting the Payments taking thereupon the proportion of Costs occasioned by this reandit, see the petition and the Claim thereto filed marked — —	X or 1.	259. 78.	166.17
To Tobias Coard. the assignee of Jacob Decker, a new Claimant, his proportion of Balance of proceeds of Sales upon his Claim with Interest to filing last Sales & deducting payment made, taking therefrom a due proportion of Costs occasioned by the reandit, see the Paper as filed marked	V	175. 46.	112.22
Amt of Debts		$ 8341. 61¼	$ 6888. 67¼
By Amount of Sales made by the Trustees as filed 4th June 1824		$ 2808. 50	
By Amount of Sales made by the Trustees the 25th October 1824 as filed ———		1462. 28	
By Amount of Sales, made by the Trustees as filed 21st October 1825		2617. 89¼	
			$ 6888. 67¼

John Short
vs
Gist Mills & others

To Frederick County Court as a Court of Equity

Auditors Report to Frederick County Court February Term 1827 sitting as a Court of Equity

I beg leave to report to the Honorable

the Judges thereof that in obedience to their Decree upon the Petition of Lyd Oler, I have examined these proceedings and restated this Cause or audit as within set forth. I have here allowed the Trustees for Commissions & the Costs and the widow for Dower as in former audit and the Balance of proceeds of Sales as made and reported I have divided amongst the creditors of the said Independent Gist Demand adding Interest & as before, the dividend to the creditors is Sixty eight Cents and a fraction beyond, in the Dollar, upon the amount of Claims and Interest, as within Exhibited, the new claimants here admitted, in participation with other creditors and George Adam Oler and Tobias Bower. the Costs occasioned, since the last audit I have taken in due proportions from the Claims of the two said parties I Respectfully Submit the same to the Hble the Judges aforesaid for ratification. Henry Schley Auditor.

March 15th 1827

And the said Cause as standing Continued from Term to Term until February Term 1828. the Court passed the following order of ratification viz/

order of ratifica

In Frederick County Court as a Court of Equity February Term 1828

Ordered that the within and above recited audit, be and the same is hereby ratified and Confirmed (except the Claim of Jacob Decker use Tobias Bower which is reserved for further Consideration and future order) and that the Trustees pay over the proceeds of Sale to the parties entitled thereto according to the distribution in said audit mode and that they distribute in like proportion the Interest by said Trustees received upon said Sales, Abm Shriver May 15th 1828,

Test John Schley clerk

Maryland Frederick County Sct

At a County Court Sitting as a court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the first Monday of February in the year of our Lord Eighteen Hundred and Twenty Eight,

Present The Honourable John Buchanan Esqr Chief Judge
Abraham Shriver & Esquires Associate
Thomas Buchanan & Judges
John Rigney Esquire Sheriff
& John Schley clerk

In the record of proceedings of the said Court amongst others

Bill

and the following viz/

To the Hon the Judges of Frederick County Court Sitting as a Court of Equity. Humbly Complaining sheweth unto your Honours your orator Benjamin Heffner. that a certain George Heffner formerly of Frederick County, but now a resident of the State of Ohio being indebted to your orator in the sum of one Hundred & fifty three Dollars & seventy two Cents in

Order to secure the said Debt with interest thereon. executed to your orator a deed of Mortgage dated June 21st 1822 & which was on the same day duly acknowledged before one of the Judges of this Honourable Court all which is proven by the Deed of Mortgage marked Exhibit No 1 Hereto annexed and prayed to be taken and Considered as part of this Bill of Complaint your orator without any fraudulent design or intention, but solely from forgetfulness and inadvertence, failed to have said Deed of Mortgage recorded within the period of time in such Case made and provided & he further charges that no part of the Money Secured by said Mortgage has at any time been paid by any person and that the same is yet due with interest from June 21st 1822 your orator is advised that in this State of things, his remedy is to be found only in this Honourable Court where matters of this kind are properly Cognizable and that it is Conducive for a Court of Equity to decree that said Mortgage deed be recorded, according to the provisions of the act of the General Assembly passed 1705 Chapter 72 Sec 11 & the acts of 1791 Ch 79 & 1792 Ch 41 your orator charges that said George Heffner has for many years resided in the State of Ohio beyond the Jurisdiction of this Court. In tender Consideration of the premises and as your orator is remediless by the strict rules of Common Law, may it please your Honors to order & decree that the usual rules of publication be made against the non-resident Defendant the aforesaid George Heffner requiring him to be & appear in this Court either in person or by Solicitor against a day limited in said order, & in Case of his appearance as aforesaid that he do distinctly set forth in his answer on his Corporal oath, whether he the said George Heffner did not execute his said deed of Mortgage on the day & year aforesaid & whether it was not given bond & fine to secure the sum therein specified & on the terms therein set forth whether any part of said debt has been paid & if so how much and to produce the proof of such payment if any and attach them to his answer & to show cause & good reason if he can or do why said Mortgage should not now be recorded, but if said George Heffner should not by the day limited by your Honours respond to this your orators bill in the manner aforesaid, then your orator prays that the matters & things Contained in this Bill & all the Exhibits attached thereto, be received and taken pro confesso and in pursuance of the act in such Case made and provided that your Honor would further decree that said Deed of Mortgage marked Exhibit No 1 be recorded among the land records of Frederick County & that the same being recorded be taken and Considered in all Courts of law & Equity against

Said George Heffner and all persons claiming under him in the same State and to have the same effects and consequences, as if such deed had been recorded in due time. That a Trustee be also appointed to sell the Mortgaged premises named in said deed according to the Course of this Court unless said George Heffner shall on or before a day to be limited in said Decree pay your Notor his debt aforesaid & interest due thereon & Costs of this suit & that if default be therein made, that the Trustee appointed by your Honors, sell said Lands to pay the debt interest and Costs of this suit and that your Honors would further order adjudge & Decree any other & further relief in the premises which the nature of the Case demands & which is consistent with Equity & the rules of this Court &c.

E. & W. Balch Solicitors for Plaintiff

Frederick County to wit On this 25th day of February 1828 personally appeared before me the Subscriber a Justice of the Peace for said County, Benjamin Heffner, who made Solemn Oath that the matters & things set forth in the above & aforegoing Bill of Complaint are substantially true, that the money specified in the mortgage therein named Exhibit No 1 is justly due & that affiant shall be omitted to have said sum named from inadvertence & forgetfulness & from no other Cause & that George Heffner is a resident of the State of Ohio as he is informed and does verily Believe. Sworn Before Me E Bartgis

Exhibit No 1

Exhibit No 1 referred to in the aforegoing Bill of Complaint Contained in the following Words viz

This Indenture made this 21st day of June in the year of our Lord One Thousand Eight Hundred and Twenty two Between George Heffner of Frederick County State of Maryland of the one part and Benjamin Heffner of the County & State aforesaid of the other part, Witnesseth whereas the said George Heffner is largely indebted to Benjamin Heffner by note in the sum of One Hundred & fifty three Dollars and seventy two cents dated the 20th June 1822 Now This Indenture Witnesseth that in Consideration of the premises and of the sum of five dollars Current Money of the United States to him the said George Heffner by the said Benjamin Heffner in Hand paid at or before the sealing and Delivery of these presents the receipt whereof is Hereby acknowledged, the said George hath given, granted bargained and sold and doth give grant bargain and sell unto the said Benjamin, all the right, title Interest and Estate of the said George Heffner of in and to all those two lots or portions of Land No 10 and 11 known by the name of Heffners Resurvey Containing fifty two acres of Land more or Less which was divided by deed of Partition Executed the 28th day of October in the year of our Lord Eighteen Hundred and fifteen and recorded in Liber I. S. No 2 Folio 136

Out of the Land records of Frederick County referred thereunto being had will more fully and at large appear to have and to hold the said lots or portions of land, tenements hereditaments and real estate, situate in Frederick County aforesaid, and all the right, title estate and interest in hope upon reversion or remainder of him the said Georg Hoffman either in law or in Equity therein or thereto unto the said Benjamin Hoffman & his Heirs or assigns, to and for the use trust and purpose following, and to and for no other use intent or purpose, that is to say, in trust Benjamin Hoffman and his Heirs may sell & dispose of all or any part of the said estate, land and premises at public or private Sale for Cash or on Credit as he may judge most expedient and the proceeds of the said Sale to apply to the payment of the note aforesaid, with the interest and costs that may accrue thereon and the ballance to be returned to the said Georg Hoffman. In Witness whereof the said Georg Hoffman hath hereunto subscribed his name and affixed his seal the day and year first aforesaid herein written,

Signed Sealed & delivered in the presence of Abm Shriver, } Georg Hoffman [Seal]

Maryland Frederick County to wit On this 21st day of June in the year of our Lord, one thousand eight hundred & twenty two, personally appear Georg Hoffman of Frederick County party granted mentioned in the within deed or instrument of writing and acknowledges the within deed or instrument of writing to be his act and deed and the lots or portions of Land and premises therein mentioned and thereby bargained and sold, to be the right and estate of Benjamin Hoffman party granted also therein mentioned his Heirs & assigns forever according to the purport true intent & meaning of the said deed or instrument of writing and the acts of assembly in such case made and provided acknowledged Before me Certified by me the Subscriber an associate Judge of the fifth Judicial District of Maryland, Abm Shriver.

order of Publication

Whereupon the Court passed the following order of Publication viz

Benjamin Hoffman Complainant Defendant In Frederick County Court Sitting as a Court of Equity

vs

Georg Hoffman, February Term 1828. The object of the Bill in this case is to obtain a Decree for the recording of a certain deed of Mortgage executed by the Defendant on the 21st day of June 1822 & for the Sale of certain real property therein specified lying in Frederick County. The Bill States that said Mortgage deed was in due form of law acknowledged by defendant on the day of its date, but that from forgetfulness & inadvertence & not from any fraudulent design, the Complainant failed to have to

Recorded within the period of time prescribed by law that the sum of money therein Specified & to Secure which said Deed of Mortgage was given, yet remains unpaid and that unless the same with said interest due thereon & the costs of this suit be paid or cause to be paid on or before a day to be limited by the Court, the Mortgaged premises be sold to satisfy the same & that the Defendant George Hoffner is a resident of the State of Ohio beyond the Jurisdiction of this Court &c. It is thereupon ordered this 26th day of February 1828 by Frederick County Court Sitting as a Court of Equity ordered adjudged & Decreed that the Complainants shall give notice to the absent Defendant aforesaid by publishing a Copy of this order once in each of three successive weeks before the 20th day of March next in some newspaper printed in Frederick warning the absent Defendant aforesaid, to appear in this Court in person or by Solicitor on or before the first Monday of July next to shew cause if any he can why a Decree shall not pass as prayed & in default thereof that the matters & things Contained in said Bill be taken pro Confesso, Abm. Shriver, H. Buchanan,

Printers Certificate

Whereupon the following Certificate of the Printer together with a printed Copy of the above thereto annexed was filed viz^t

I Hereby Certify that the annexed notice was inserted in the Citizen for three weeks in succession Before the 20th day of March last past. G. D. Sharp,

And the said Cause as standing Continued to July Term 1828. the following Answer was filed viz^t

Geo. Hoffner answer

The Answer of George Hoffner of Ohio to a Bill of Complaint preferred against him by Benjamin Hoffner in the County Court of Frederick Sitting as a Court of Equity This respondent in answer to said bill saith that the Complainants claim is Justly due, that he is willing the Mortgaged land in the proceedings mentioned be recorded according to law that he is willing a Trustee be appointed by this Court to effect the Sale of the land Mortgaged by respondent to Complainant & further that he requests this Court to appoint L. P. W. Balch Esquire to act as said Trustee and this respondent &c.

Witness George Rohr, George Hoffner

Frederick County to wit On this 7th of August 1828 George Hoffner personally appeared before the Subscriber a Justice of the peace for said County and made oath according to law that the above answer to be true to the best of his knowledge and Belief, Sworn Before George Rohr,

Decree

Whereupon the Court passed the following Decree viz^t

Benjamin Hoffner vs George Hoffner.

In Frederick County Court Sitting as a Court of Equity February Term 1828 This Cause standing ready for hearing & being Submitted on the Bill Exhibits, answer of the Defendant & other proceedings, & the Defendant by his answer Consenting to a Decree as prayed in the Bill; It is by Consent of parties on this

Seventh day of August 1828 by Frederick County Court Sitting as a Court of Equity ordered adjudged and decreed that the deed in the proceedings mentioned marked Exhibit No 1 be recorded among the land records of Frederick County that the said deed be as valid to all intents & purposes & have the same effect in law & Equity as if the said Deed had been recorded within the period of time prescribed by the act of Assembly in such case made & provided that the real estate in the proceedings mentioned Consisting of the right claim interest & demand of the defendant George Hoffner of in and to two lots or portions of ground No 1 & No 11 known by the name of Hoffners Resurvey Containing fifty two acres of land more or less which was vested by deed of Partition Executed the 28th day of October 1815 and recorded in Liber I S No 2 folio 186 &c one of the land records of Frederick County reference being thereto had will more fully appear be sold for Cash that I S W Balch be and is hereby appointed Trustee to effect said Sale & that the Course and manner of his proceedings shall be as follows He shall first file with the Clerk of this Court a Bond to the State of Maryland Executed by himself with a Security to be approved by a Judge of this Court in the penalty of one Thousand Dollars Conditioned for the faithful performance of the trust reposed in him by this Decree so that may be reposed in him by any future order or decree of the Court in the premises. He shall then proceed to make said Sale having first given two weeks public notice thereof in some newspaper printed in Frederick of the time, place, manner & terms of Sale & as soon as Conveniently the said Trustee shall return to this Court a full & particular account of his proceedings relative to said Sale with an affidavit of the fairness thereof & on obtaining a ratification of said Sale and the payment of the whole purchase money & not before the said Trustee shall by a good & sufficient deed to be executed and acknowledged according to law; Convey to the purchaser or purchasers the property sold as set forth and described in the deed aforesaid marked Exhibit No 1 & filed among the proceedings in this Cause free from the claims of the aforesaid George Hoffner & of all persons claiming by from through or under him. The said Trustee shall bring into this Court the money arising on said Sale to be applied under the direction of this Court; after deducting the Costs of this suit & such Commission to the Trustee as the Court shall think proper to allow, on Consideration of the skill attention & fidelity wherewith he shall appear to have discharged the trust; Adm Shriver. August 7th 1828.

Trustees Bond

Whereupon the Trustee filed the following Bond Endorsed Approved Adm Shriver" viz

Know all men by these presents that we Lewis P W Balch and John Graham of Frederick County Maryland are held & firmly bound unto the State of Maryland in the full and just sum of One Thousand Dollars Current Money to be paid to the said State or its certain attorney, to which payment well and truly to be made & done we bind ourselves & each of us, our and each of our Heirs Executors and administrators jointly & severally firmly by these presents Sealed with our Seals and dated this 7th day of August 1828. The Condition of the above obligation is such that whereas the said Lewis P W Balch by virtue of a decree of the County Court of Frederick Sitting as a Court of Equity has been appointed Trustee to sell certain real estate mortgaged by George Heffner to Benjamin Heffner as appears by reference to the proceedings in said cause pending in the Court aforesaid now if the above bound Lewis P W Balch do and shall well & faithfully perform the trust reposed in him as aforesaid by the said Decree, or that may be reposed in him by any future Decree or order in the premises then the above obligation to be void, otherwise to be & remain in full force & virtue in law.

Signed Sealed & Delivered
in presence of N Doyle

Lewis P W Balch (Seal)
J Graham (Seal)

Trustees Report

Thereupon the Trustee made the following Report viz

To the Honorable Judge of Frederick County Court Sitting as a Court of Equity under & by virtue of authority given me by a Decree of your Honorable Court for the sale of certain real Estate formerly Belonging to George Heffner (which had been by him mortgaged to Benjamin Heffner to secure the payment of a certain sum of Money therein specified) which Decree lodged in a Cause depending in your Honorable Court in which said Benjamin Heffner was Plaintiff and said George Heffner was Defendant. as by reference to said suit will more fully appear, I did on the 23rd day of August last last on the premises after giving more than three weeks previous notice of the time place manner and terms of sale as described in said Decree, offer said real estate for Sale, but there being no bids. I adjourned said Sale to the Monday following August 25th at Barlys Tavern in Frederick but not being then Successful in disposing thereof I advertised in the Herald the postponement of said Sale until Monday September 8th 1828 at Barlys Tavern aforesaid, when the said real estate was purchased by David Sebley & the same Consisting of twenty six & one quarters acres more or less being the share of said George Heffner according to the deed of Partition dated October 28th 1815 & his interest in the real Estate of his Brother John Heffner being two tenths more or less of the share of said John under the deed of partition aforesaid was struck off to the said David Sebley for the sum of 24 $ which has not yet been paid all which is respectfully Submitted.

Lewis P W Balch Trustee.

Maryland Frederick County To wit On this 10th day of September 1828 came L D W Balch, Before me the Subscriber a Justice of the Peace for said County & made Oath on the Holy Evangily that the within report is true as stated & that the Sale therein mentioned was fair,

Sworn before George Rohr,

order of Publica^n

Whereupon the Court hapsed the following order of Publication viz: Benjamin Heffner vs George Heffner, } In Chancery Frederick County Court Sitting as a Court of Equity February Term 1828, ordered by this Court that the Sale of the real estate of George Heffner made and reported by Lewis D W Balch the Trustee be ratified & Confirmed if no Cause be shown to the Contrary on or before the first Monday of October next. Provided a Copy of this order be published once a week for three Successive weeks before the first Monday of October next in some newspaper printed in Frederick Town. The report States the amount of Sales to be 240 ff. Abm Shriner,

Printers Certificate

Whereupon the following Certificate of the Printer Together with a Printed Copy of the above order thereto annexed was filed viz I Hereby Certify that the annexed notice was inserted in the Citizen for three weeks in Succession before the 6th day of October Instant, G W Sharp,

order of ratifica^n

Whereupon the Court hapsed the following order of ratification viz Benjamin Heffner vs George Heffner, } Frederick County Court Sitting as a Court of Equity February Term 1828, Ordered by this Court that the Sale of the real estate of George Heffner as made and reported by Lewis D W Balch, the Trustee be absolutely ratified and Confirmed in case cause having been shown to the Contrary, although notice hath been given according to the rules of the Court. The Trustee is allowed for Commission & all expences 24 ff 30 The Auditor is directed to State an account according to the practice of this Court & report the same. Abm Shriner,

Auditors Report

Whereupon the Auditor made the following Report viz

Dr The Estate of George Heffner in % with D W Balch Acquired Trustee

			Cr
To the Trustee for his Commission & all Expences	ff		ff 24 30
" the Attorney for his fees		3 33⅓	
" the Clerk for his fee		8 85	12 15%
To the Auditor for his fee in stating % reporting to Court and so forth			3 —
To Benjamin Heffner Complainant in this Cause, and a Creditor of the said George Heffner, the Balance, on note proceeds of Sale in part of his Claim under the note, and Mortgage, filed as Exhibits in this Cause which said Balance is not Sufficient to			

Amt Carr^d forward

Amt brot forward $ 208.57

- Satisfy the said Claims, as Exhibits
The Amount of Claims, with $ 240.
Interest to day of Sale is $ 210.91
By Amount of Sale made 8th September 1828 asper
report of Trustee filed $ 240.

Heffner vs Benjamin Heffner } In Frederick County Court as a Court of Equity July Term 1828
} As auditor to Frederick County Court Sitting as a Court of Equity. I beg leave to report to the Honorable the Judges thereof, that in Compliance with their order I have examined the proceedings Composing this cause, and thereupon Stated the aforegoing account. In this, as in like cases, I have allowed the Trustee for his Commissions and all Expenses and also allowed the Costs of the Court and the Balance or nett proceeds of Sale I have audited to Benjamin Heffner, Complainant and Creditor of the said George Heffner, in part of the Claims and to him upon the note and intended to be Secured by the Mortgage, both Exhibits filed, and in part of this Cause which said Balance is not Sufficient to the entire amount due and owing with the Interest added to day of Sale, as here particularly shewn & set forth all which I respectfully submit to the Honourable the Judges aforesaid for Confirmation, Henry Schley auditor
October 16th 1828,

order of ratifi[cation] Whereupon the Court passed the following mode of Ratification viz: July Term 1828 Ordered by the Court that the aforegoing account as stated, and reported by the auditor, be and the Same is hereby ratified and confirmed, and that the Trustee pay over the proceeds of Sale as the same has or may be received to the parties respectively entitled to the same, according to the distributions in said audit made, Abm Shriver.
Test John Schley Clerk

Maryland Frederick County Set—
At a County Court Sitting as a Court of Equity Begun and held at the Court House in Frederick Town in and for said County on the first Monday of March in the year of our Lord One thousand Eight Hundred & twenty four.
Present The Honourable John Buchanan Esquire Chief Judge
Abm Shriver & } Esquires Associate
Thomas Buchanan } Judges,
Thomas Willmyard Esquire Sheriff
and John Schley Clerk.

Bill In the mode of proceedings of the same Court amongst others are the following viz:
To the Honourable the Judges of the Frederick County Court Sitting as a Court of Equity, Humbly complaining shew unto your Honours, your orators Henry Fundenburg, Henry Cronise and Susanna Cronise his wife, that Walter Fundenburg late

of Frederick County Deceased did on the Eleventh day of December Eighteen hundred and thirteen make and execute his last will and testament, which was executed according to law a certified copy is here exhibited marked No 1 which together with all other exhibits your orators pray may be taken as a part of this Bill of Complaint, your Honours are informed that the said Walter Fundenburg did by said devise give to David Fundenburg his eldest son, his plantation on which he the said Walter Fundenburg lived known and called by the name of "Neighbours agreed "Addition" and Sandy run" Containing together about three hundred and ten acres more or less which limitation was given to the said Daniel Fundenburg upon Condition that he should pay the legacies specified in said will, which Condition has not been complied with, and that the said Daniel Fundenburg has become an Insolvent debtor and unable to discharge the legacies Specified in said will your orators would further represent that the said Daniel Fundenburg did on the fourth day of April 1816 Convey all the above mentioned real Estate to one Thomas Draper, a true copy of said deed of Conveyance is here exhibited marked No 2 your orators would further represent to your Honours, that the said Thomas Draper is an Insolvent debtor and unable to pay the legacies Specified in said will and that the said Thomas Draper did on the first day of April One Thousand Eighteen Hundred and Seventeen Convey to a Certain Michael Zimmerman a part of the real Estate purchased by the said Draper of Daniel Fundenburg and for and exact description your Honours are referred to a true copy of the Deed of Bargain and Sale from Draper to M Zimmerman here exhibited marked Exhibit No 3 your orators further represent unto your Honors that the aforesaid Michael Zimmerman did on the first day of April 1817 Convey all the said land so purchased of Thomas Draper specified in Exhibit No 3 to James Johnson Esquire as appears by a Certified Copy of said Deed of Conveyance here exhibited marked Exhibit No 4 your orators further represent to your Honors that the said Thomas Draper did on the Ninth day of July 1821 make and execute a mortgage deed to George Zimmerman of all that part of the land purchased of Daniel Fundenburg not before Conveyed to Michael Zimmerman for a further description of the lands mortgaged to George Zimmerman your Honors are referred to a Copy of said Mortgage deed here exhibited marked No 5 your Honors are informed that a Certain John Ritchie obtained a Judgment against Thomas Draper in the Frederick County Court which Judgment was obtained after the Conveyance from Daniel Fundenburg to said Thomas Draper a short Copy of said Judgment is here exhibited marked No 6 your Honors are informed that the following named persons

are the legatees named in said last will and testament and the children of the said Walter Fundenburg (viz) Catherine who intermarried with Jacob Bronise, Daniel Fundenburg, Henry Fundenburg and of your orator, Maria who married Edward McBride. Susanna who married Henry Bronise and Samuel Fundenburg your Honors are informed that Jacob Bronise and his wife Catherine have received their full share of said Estate who were by the directions in said last will and testament, to be paid first that the said Edward McBride and Maria his wife have received part of the money due them by virtue of said will and the Balance they have for a Bonafide Consideration, assigned to your Orator Henry Bronise which assignment is in writing and here exhibited marked No 7 your Orator Henry Fundenburg further represents to your Honors that he has not received but Seven Hundred and twenty three Dollars toward his legacy Specified in said will of Walter Fundenburg, and that the Balance is still due and owing to your orator, Henry Fundenburg your orator Henry Bronise further represents to your Honors that he has received no part of the legacy due him by virtue of said will of Walter Fundenburg, your Orators further represent to your Honors that the great depreciation in value of the lands devised to the said Daniel Fundenburg has caused it to be of value that the amount of the legacies charged upon it and the legatees will be greatly injured unless the said land is ordered to be Sold to Satisfy the legacies as they become due & payable your Honors are informed that the aforesaid plantation ought to be sold altogether, as it will not admit of a Division without injury and loss to all the Legatees who are unpaid & unsatisfied your Orators further represent to your Honors that the said Walter Fundenburg died in the year 1813 leaving said Devise, a Copy of which is here exhibited, unmarked which was regularly proved before the orphans Court of said County your Honors are informed that the said Elizabeth Fundenburg the widow of Walter Fundenburg is dead and died in the year 1818, and that that part of the money devised to the said Elizabeth during her life ought to be that kind to have been paid to the Legatees according to the directions in said devise which has not been done your Honors are referred to the said last will and testament here Exhibited marked (No 1 to ascertain the true intent and meaning of the said testator, and to order and decree in this case accordingly, your Honors are informed that Samuel Fundenburg one of the legatees named in said last will and testament is a Lunatic, and has been found Lunatic by an inquisition under the direction of the Frederick County Court sitting as a Court of Equity The Commission de lunatico inquirendo and inquisition taken by virtue thereof and all the proceedings touching the same are here exhibited marked Exhibit No 8 your Honors are informed that the

Said Court appointed Jacob Bronius a Trustee for said Lunatic who accepted the appointment and gave Bond with Security as ordered by said Court. your orator Henry Fundenburg further represents unto your Honors that he made an arrangement with Daniel Fundenburg to pay money which he Henry Fundenburg was owing to Edward McBride & Maria his wife. Jacob Bronius and Catherine his wife Henry Bronius and Susanna his wife. and Samuel Fundenburg, which money was a charge on the real Estate devised to the said Henry Fundenburg by Walter Fundenburg Deceased as will more fully appear by exhibit No1 and that your orator Henry Fundenburg did in pursuance of said arrangement on the 29th day of June 1815 Execute a receipt to Daniel Fundenburg for the sum of three thousand Eight Hundred Sixty Dollars ninety Seven Cents. in full of the legacy bequeathed to him in and by the last will and testament of Walter Fundenburg a true Copy of said receipt is here Exhibited marked No2 your Honors are informed that the said Daniel Fundenburg did not pay the money due to the said Edward McBride and Maria his wife Jacob Bronius and Catherine his wife Henry Bronius and Susanna his wife and Samuel Fundenburg. and the same is now due and money which is a charge on the real estate devised to the said Henry Fundenburg as aforesaid. your Honors are informed that the said Daniel Fundenburg is insolvent and unable to pay the aforesaid sum of money and that the said Daniel Fundenburg obtained said receipt by fraud & falsehood and without paying said legacy as is Stated in said receipt, your Honors are informed that the said Henry Fundenburg has not received from Daniel Fundenburg or any other person any more than Seven Hundred and twenty three Dollars towards the legacy and him by virtue of the will of Walter Fundenburg aforesaid. In tender Consideration whereof, and for that your orators are remediless in the premises by the Strict rules of the Common Law, and relievable only in a Court of Equity where matters of this nature are properly Cognizable To the end therefore that the said Daniel Fundenburg, Thomas Draper, Edward McBride and Maria McBride his wife, Jacob Bronius and Catherine his wife Samuel Fundenburg, James Johnson Esq. Michael Zimmerman. George Zimmerman, John Ritchie may respectfully true full direct and perfect answers make upon their respective Corporal Oaths, according to the best of their respective knowledge information and belief to all and Singular the Charges and matters aforesaid as fully in every respect as if the same were here again repeated and they thereunto particularly interrogated and more especially that the said Daniel Fundenburg set forth

According to the best of his knowledge the amount of money he paid Henry Fundenburg towards the legacy bequeathed him by said Walter Fundenburg in his last will & Here exhibited marked No1. that he States and set forth to the best of his knowledge under what circumstances the paper purporting to be a receipt was executed which is exhibited marked No2 and whether he paid the money to Henry Fundenburg Specified in said receipt and that he state and set forth all his knowledge relative to the execution of said receipt and for what it was given may it please your Honors to order and Decree that the plantation Conditionally devised to Daniel Fundenburg by the said Walter Fundenburg which is known and called by the name of "Neighbours speed' additions' and Sandy run' be sold by a Trustee for that purpose and the money brought into this Court to be distributed under the direction of the Court as to this Court shall seem just and Equitable and may it please your Honors to grant unto your orators all such other and further relief in the premises as shall seem just and Equitable May it please your Honors to grant unto your orators the State of Maryland writ of Subpoena to be issued out of and under the Seal of this Honorable Court to be directed to the said Daniel Fundenburg Thomas Draper, Edward McPhail and Maria his wife. Jacob Bruner and Catherine his wife Samuel Fundenburg, James Johnson Boyer Michael Zimmerman, George Zimmerman and John Ritchie thereby Commanding them and every of them at a certain day and under a certain paine therein to be specified, personally to be and appear before your Honors in this Honorable Court and then & there to answer all and Singular the premises aforesaid and to stand to perform and abide by such order and Decree therein as to your Honors shall seem meet and your orator will ever pray

I Nelson. I.W. Palmer Solr. for Complainants

Exhibit No1

Exhibit No1 referred to in the within and aforegoing Bill of Complaint Contained in the following words viz.

In the name of God Amen I Walter Fundenburg of Frederick County in the State of Maryland being sick and weak in body but of Sound and disposing mind memory and understanding considering the Certainty of death and the uncertainty of the time thereof and being desirous to settle my worldly affairs and thereby be the better prepared to leave this world when it shall please God to call me Hence do therefore make and publish this my last will and Testament in manner and form following that is to say first and principally I Commend my soul into the hands of Almighty God and my Body to the earth to be decently buried at the discretion of my Executors hereinafter named and after my debts and funeral Charges are paid & the property hereinafter mentioned in lieu of my wifes thirds taken out I devise and Bequeath as follows. Item. I give and Devise unto Daniel my eldest son upon the Conditions hereinafter mentioned my dwelling plantation whereon I now dwell known

By the name of 'Neighbours Agreed' additions and 'Sandy run' containing together about three Hundred and ten acres by ad. (more or less to him the said Daniel and his Heirs & assigns forever at the rate of Seventy Dollars Current Money of the United States per acre to be equally divided between all my Children and shard and shard alike as hereinafter provided five Thousand Dollars and of the whole amount of said Land is to be paid or accounted for immediately after my death in the following manner Two Thousand Six Hundred Sixty Six Dollars & Sixty Six Cents and of the five Thousand is to be retained in the said Daniels Hands till after the death of my Dear wife Elizabeth then the same to be equally divided Between all my my Children and the said Daniel is to pay annually and every year during my wifes natural life the Interest of the said Two Thousand Six Hundred and Sixty Six Dollars and Sixty Six Cents to my beloved wife aforesaid and to her order after this my son Daniel is to pay one Thousand Dollars at the end of one year next after my Death and so on at the rate of one Thousand Dollars annually and every year thereafter until the whole is paid and my Daughter Catharine is to have her share of the remaining nineteen Thousand and Thirty Three Dollars and Thirty Three Cents after the retention aforesaid out of the first payments and my son Daniel is to have his share next after Catharine is paid and my son Henry is to have his share next after Daniel is paid and my Daughter Maria is to have her share next after Henry is paid and Susanna is to have her share next after Maria is paid and Samuel is to have his share the last, my will is that my wife have the use of the Lift Hand Room below Stairs the Chief of the rooms above Stairs a necessary part of the Cellar and Milk House this House room is to be in my Brick dwelling House. my will is that my Dear wife have a necessary part of the Garden and also a Sufficiency of fruit for family use out of the orchard as also the peaceable right of ingress and egress to and from her rooms in the House the Cellar Milk House, Garden and Orchard during her natural life my will is that my son Daniel find two Cows and one Horse Creature Cattle and Deliver the same to my dear wife ready for use during her natural life — Item I give and devise unto my Second son Henry my Mills and the Land attached thereto situate on Fishing Creek in said County to be accounted for by my son Henry the other Children according to the first cost of purchase and rebuilding and the amount thereof to be equally divided between my son Henry and other Children share and share alike, I give & bequeath unto my Dear Wife Elizabeth two Cows, one Horse, two Beds & furniture such as she may choose two plate Stove, all the hemp and flax on Hand grain and meat out of the present Stock Sufficient for her family use for one year after my

Death. also one Hundred Dollars out of my personal estate my will is that my Daughter Maria and Susanna each have five Beds Furniture out of my personal estate my will is that all the advances that I Herein made to Children as well as the value of the bed Furniture Hereby given to Maria and Susanna are to be brought into view & deducted from their Several shares respectively my will is that all the residue of my estate not otherwise disposed of by this will be Sold at Public Sale by my Executors and the money arising therefrom be equally divided between all my Children herein before mentioned share and share alike, Lastly I do Hereby Constitute and appoint my Son Daniel and my son in law Jacob Brunner to be sole Executors of this my last will & testament revoking and annulling all former wills by me Heretofore made ratifying and confirming this and none other to be my last will and Testament In Testimony Whereof I Have Hereunto set my Hand and affixed my seal this Eleventh day of December Eighteen Hundred and Thirteen,

Signed Sealed Published & declared by Walter Fundenburg the above named Testator as and for his last will & testament in the presence of us who at his request in his presence and in the presence of each other have subscribed our names as Witnesses thereto

Jacob Graver, Jacob Valentine Junr, Richard Myers

Walter Fundenburg (Seal)

Frederick County to wit On the 27th day of December 1813 then came Daniel Fundenburg & Jacob Brunner and Solemnly & Sincerely affirmed and declared that the foregoing instrument of writing is the true whole will and Testament of Walter Fundenburg late of Frederick County declared that hath come to their Knowledge and possession and that they do not know of any other,

Richard Butler Regr

Frederick County to wit On the 27th day of December 1813 then came Jacob Graver, Jacob Valentine Junr & Richard Myers the three Subscribing Witnesses to the foregoing last will and Testament of Walter Fundenburg late of Frederick County Deceased and made oath on the Holy Evangels of Almighty God that they did see the testator therein named sign and Seal this will that they heard him publish pronounce and declare the same to be his last will and testament that at the time of his so doing he was to the best of their apprehensions of a Sound & disposing mind memory and understanding that they respectively Subscribed their names as Witnesses to this will in the presence and at the request of the testator and all in the presence of each other,

Richard Butler Regr

Exhibited No 2

This Indenture made this fourth day of April in the year of our Lord One thousand Eight Hundred & Sixteen Between Daniel Frundenburg (now of Pennsylvania) late of Frederick County in the State of Maryland of the one part and Thomas Draper of the County and State aforesaid of the other part. Witnesseth that the said Daniel Frundenburg for and in Consideration of the sum of thirty one thousand Dollars Current Money of the United States To him in hand paid by the said Thomas Draper Before the sealing and delivery of these presents the receipt whereof he the said Daniel Frundenburg doth hereby acknowledge Hath granted Bargained sold aliened enfeoffed and confirmed and by these presents doth grant bargain sell alien enfeoff and confirm unto the said Thomas Draper his Heirs and assigns all that Tract of land called "Neighbours agreed lying in Frederick County aforesaid containing two Hundred and Eighty acres it being the same land that was sold and conveyed by Samuel Cook to Walter Frundenburg by deed bearing date the twenty third day of November one Thousand Seven Hundred ninety and recorded in Liber W.C. No 9 fol 532. 533 one of the land records of Frederick County aforesaid being thereunto had the Courses and all other things thereunto Belonging will more fully and at large appear. also all those parts of those two tracts of Land called "addition" and "Sandy Run" lying in the County aforesaid Containing twenty nine and one half acres it being the same land Conveyed by Col James Johnson to Walter Frundenburg by deed bearing date the 28th of April AD 1797. and recorded in Liber W.C. No 15 fol 296 & 297 one of the land records of Frederick County aforesaid being thereunto had will more fully appear (excepting and out of the said part called Addition one Hundred and one perches previously sold by the said Daniel to John Brown) the said above lands called "Neighbours Agreed" "addition" and "Sandy Run" being the same lands devised by Walter Frundenburg to the said Daniel party hereto by will bearing date 11 December AD 1813 and recorded in Liber W.B. No 1 fol 454 Frederick County also One Hundred and one perches of land a part thereof of "Sandy Run" sold and conveyed to Daniel Frundenburg a party hereto by the above mentioned John Brown being in lieu of the one Hundred and one perches of the addition and Conveyed as above mentioned to the said John Brown together with all and Singular the Buildings improvements woods ways waters water Courses rights liberties priviledges Hereditaments and appurtenances whatsoever thereunto Belonging or in any wise appertaining and the reversions & remainders rents issues and profits thereof and all the estate right title and interest whatsoever of him the said Daniel Frundenburg Both at law and in Equity of in to and out of the said lands and premises hereby Bargained & sold

be meant mentioned or intended hereby so to be and every part & parcel thereof & have and to hold the said several Tracts of Land & premises described together with the Rights and appurtenances unto all and singular other the premises hereby Bargained and sold or meant mentioned or intended hereby or to be and every part and parcel thereof with their and every of their appurtenances unto the said Thomas Draper his Heirs and assigns forever and to none other use intent or purpose whatsoever and the said Daniel Fundenburg for himself his Heirs Executors and administrators doth hereby Covenant and grant promise and agree to and with the said Thomas Draper his Heirs Executors administrators and assigns that he the said Daniel Fundenburg and his Heirs the said several Tracts of land and premises hereby granted Bargained and Sold and every part and parcel thereof with the appurtenances thereunto belonging to Him the said Thomas Draper his Heirs and against all & every person or persons whatsoever claiming or to claim any right title or interest in and to the same or any part thereof from by or under him or them or any of them shall and will hereafter warrant & forever defend by these presents In Witness whereof the said Daniel Fundenburg hath hereunto set his hand and seal the day & year first above written,

Signed Sealed & Delivered
in the presence of
Chas. Manro. Geo. Kolb.

Daniel Fundenburg (Seal)

State of Maryland Frederick County to wit On this fourth day of April in the year of our Lord One thousand Eight hundred & Seven personally appear Daniel Fundenburg formerly of Frederick County being the Grantor named in the above instrument of writing to be his act and deed and the land and premises therein mentioned and thereby bargained and Sold to be the right & estate of the within named Thomas Draper party Grantee also therein named his Heirs and assigns forever according to the purport true intent and meaning of the said Instrument of writing and the acts of Assembly in such Case made & provided And at the same time also personally appears Rebecca Fundenburg wife of the said Daniel Fundenburg Before us two Justices of the County & State aforesaid and acknowledges the said Deed or Instrument of writing to be her act and deed and the land and premises therein mentioned to be the right & Estate of the within named Thomas Draper his Heirs and assigns forever and the said Rebecca Fundenburg being also by us privately examined apart from and out of the Hearing of her husband acknowledges that she doth make her acknowledgement of the same willingly and freely and without being induced thereto by fear or threats of or ill usage by her Husband or fear of his Displeasure. Taken and Certified the day & year above written. Chas. Manro. Geo. Kolb

State of Maryland Frederick County Set. I Hereby Certify that

The within and aforegoing is truly Copied from Liber I S No 2 folios 632. 633. 634. 635 & 636 one of the Land records of Frederick County

In Testimony whereof I have hereunto set my Hand and affixed the seal of my Office this 30th day of April 1824. John Ashley Clk of Fredk Co Ct

Seal

Exhibit No 3

This Indenture made the first day of April one Thousand Eight Hundred and Seventeen between Thomas Draper of Frederick County and State of Maryland, of the one part and Michael Zimmerman of the County and State aforesaid of the other part Witnesseth that the said Thomas Draper for and in Consideration of the sum of five thousand and Seventy five Dollars Current Money to him in hand paid by the said Michael Zimmerman at or before the ensealing & delivery of these presents the receipt whereof he doth hereby acknowledge and therefrom and therefrom doth release acquit and discharge the said Michael Zimmerman his Heirs and Assigns by these presents Hath given granted bargained Sold aliened released enfeoffed and Confirmed and by these presents doth give grant bargain sell alien release enfeoff and confirm unto the said Michael Zimmerman his Heirs and Assigns all that five parcel or Tract of land lying and being in the County & State aforesaid being part of a tract of land called Neighbours agreed Beginning for said part at a White Oak Stump and Stone planted it being the Beginning of the whole Tract called "Neighbours agreed", and the end of twenty Sixth line of a tract of land called "Spring Fields" and running thence North fifty four Degrees West 36 perches to a Stone planted South 68 Degrees West 43 perches to a Stone planted N 8 degrees West 12 perches to a Stone planted North 89 Degrees West 78 perches to a Stone planted South 43 Degrees West 28 perches to a Stone planted North 67 Degrees West 20 perches to a Stone planted South 26 Degrees West 70 perches to a Stone planted South 6 Degrees East 26 perches to a Stone planted South 81 Degrees West 28 perches to a Stone planted thence leaving said land called "Spring fields" South 19¼ Degrees West 28¼ perches to a Stone planted thence acroft said land called "Neighbours agreed" North 82½ Degrees East 184 perches to a Stone planted North 8¼ Degrees West 67½ perches to a Stone planted South 82½ Degrees East 66 perches to a Stone planted on the guess line of the whole tract" called "Neighbours agreed" and twenty perches from the Beginning of said land thence by and with said line North eleven and three quarters Degrees East 20 perches to the Beginning containing one Hundred and and acres & one half and of land together with all and Singular the privileges advantages and appurtenances to the same belonging or in any wise appertaining and the reversions and remainders rents issues and profits thereof and all the Estate right title

Interest use Profit and hereditament whatsoever of the said Thomas Draper of in and to the same To Have and To Hold the aforesaid lime kiln parcel or tract of land with its rights members and appurtenances to the said Michael Zimmerman his Heirs and assigns forever to his and their only proper use and behoof and to and for no other use intent or purpose whatsoever and the said Thomas Draper for himself and his Heirs doth hereby Covenant grant and agree to and with the said Michael Zimmerman his Heirs and assigns that he the said Thomas Draper and his Heirs the aforesaid lime kiln parcel or Tract of land and premises with its rights members & appurtenances to the said Michael Zimmerman and his Heirs & assigns against him the said Thomas Draper and his Heirs and against all persons claiming and Demanding whatsoever shall hereafter forever warrant and Defend by these presents In Witness Whereof the said Thomas Draper Hath Hereunto set his Hand and Seal the day & year first above written.

Signed Sealed & Delivered
in the presence of
Wm B Head, Wm Hard,

his
Thomas + Draper (Seal)
mark

Frederick County to wit On the 1st day of April 1817 Came before us the Subscribers two Justices of the Peace for the County aforesaid the within named Thomas Draper and acknowledged the within Instrument of writing to be his act and deed and the land & premises therein mentioned with the appurtenances to be the right and Estate of the within named Michael Zimmerman his Heirs & assigns & at the same time Came Mary Wife of the said Thomas and being by us privately examined apart from and out of the hearing of her said Husband and Released and relinquish all her right and title of Dower of in and to the same land and premises with the appurtenances & also at the same time Declared that she did the same & made this her Acknowledgment freely and voluntarily without being induced thereto by fear or threats of or ill usage from her said Husband or third fear of his Displeasure according to the true intent and meaning of the same and the acts of assembly in such case made & provided.

Acknowledged Before } Wm B Head,
Wm Hard,

Maryland Frederick County To wit I Hereby Certify that the within and aforegoing is a true Copy Taken from Liber I G No 4 Folios 240 & 241 one of the Land records of Frederick County.

In Testimony Where of I have Hereunto Subscribed my name and affixed the seal of my Office this 30th day of April in the year 1824, John Selby Clk
Fred. Co. Ct.

(Seal)

Exhibit No 4

(Exhibit No 4)

This Indenture made this first day of April One Thousand Eight Hundred and Seventeen Between Michael Zimmerman of Frederick County, and State of Maryland of the one part & James Johnson of

The County and State aforesaid of the other hart Witnesseth that the said Michael Zimmerman for and in Consideration of the sum of Five Hundred Five Hundred and Seventy five Dollars Current Money to him in Hand paid at or before the ensealing and Delivery of these presents by the said James Johnson the receipt whereof he doth Hereby acknowledge and therof and therefrom doth release acquit and discharge the said James Johnson his Heirs and Asigns by these presents hath given Granted bargained Sold aliened released enfeoffed & confirmed and by these presents doth give grant bargain sell alien release enfeoff and Confirm unto the said James Johnson his Heirs and Asigns all that Land Lieing & Situate lying and being in the County and State aforesaid being hart of a Tract of Land called "Neighbours agreed" Beginning for said hart at a White Oak Stump and Stone planted to being the Beginning of this whole Tract called "Neighbours agreed" and the end of the twenty Sixth line of a tract of Land called "Spring Fields" and running thence North 34 Degrees West 26 perches to a Stone planted South 66 Degrees West 43 perches to a Stone planted North 8 Degrees West 12 perches to a Stone planted North 89 Degrees West 78 perches to a Stone planted South 43 Degrees West 20 perches to a Stone planted North Sixty Seven Degrees West 21 perches to a Stone planted South twenty Six Degrees West 70 perches to a Stone planted South Six Degrees East 26 perches to a Stone planted South Eighty one Degrees West 25 perches to a Stone planted then leaving said land called Spring Fields South nineteen and a Half Degrees West twenty three and three quarter perches to a Stone planted then across said land called "Neighbours agreed" N 82 1/2 Degrees East 184 perches to a Stone planted North 5 1/4 Degrees West 7 1/2 perches to a Stone planted South 82 1/2 Degrees East 66 perches to a Stone planted on the given line of the whole tract called "Neighbours agreed" and 20 perches from the Beginning of said land then by and with said line North eleven and 3/4 Degrees East 20 perches to the beginning Containing one Hundred and one acres and one half acre of land more or less Together with all and Singular the privileges advantages and appurtenances to the same belonging or in any wise appertaining and the reversion and remainders rents issues and profits thereof and all the estate right title Interest use trust & Inheritance whatsoever of the said Michael Zimmerman of in and to the same To Have and to Hold the aforesaid hired hereby or tract of land with its rights members and appurtenances to the said James Johnson his Heirs and Asigns forever to his and their only proper use and behoof and to and for no other use intent or purpose whatsoever and the said Michael Zimmerman for himself and his Heirs doth Hereby Covenant grant and agree to and with the said James Johnson his Heirs and

Assigns that he the said Michael Zimmerman and his Heirs the aforesaid piece Parcel or tract of Land and premises with its rights members and appurtenances to the said James Johnson his Heirs and Assigns against him the said Michael Zimmerman and his Heirs and against all persons claims and demands whatsoever shall hereafter forever warrant and Defend by these presents. In Witness whereof the said Michael Zimmerman Hath Hereunto Set his Hand and affixed his seal the day & year above written

Signed Sealed & Delivered
in presence of
Wm B Mead, N W Randall

Michael Zimmerman (Seal)

Frederick County to wit On the 1st day of April one thousand eight Hundred and Seventeen came before us the Subscribers two Justices of the Peace for the County aforesaid the within named Michael Zimmerman and acknowledged the within Instrument of writing to be his act and deed and the lands and premises therein mentioned with the appurtenances to be the right and estate of the within named James Johnson his Heirs and Assigns forever & the same time came Lilly now Wife of the said Michael and being by us privately examined apart from and out of the hearing of her said husband did release and relinquish all her right and title of Dower of in or to the said land and premises with the appurtenances and also at the same time declared that she did the same and made this her acknowledgment freely and voluntarily without being induced thereto by fear or threats of or ill usage from her said Husband or through fear of his Displeasure according to the true intent and meaning of the Laws and the act of Assembly in such case made and provided,

Acknowledged Before Us Wm B Mead
N W Randall,

Maryland Frederick County Sct.
I Hereby Certify that the within and aforegoing is a true Copy taken from Liber I S No 4 Folios 251. 252 and 253 and of the Land records of Frederick County,

In Testimony whereof I Have Hereunto Subscribed my name and affixed the Seal of my office this 1st day of May in the year 1824

(Seal)

John Tabery Clerk of Frederick County Court

Exhibit No 4

Exhibit No 4

This Indenture made this ninth day of July in the year of our Lord one Thousand Eight Hundred and twenty one Between Thomas Draper of Frederick County in the State of Maryland of the one part and George Zimmerman of the County and State aforesaid of the other part Whereas the said George Zimmerman has become endorser for the said Thomas Draper on his note payable in the Westminster Bank for the sum of Eight Hundred and fifty Dollars and on his note payable in the Frederick County Bank for the sum of nine Hundred Dollars and

Whereas also the said Georg Zimmerman also stands Bound as Security for the said Thomas Draper to a Certain John Ritchie in the sum of two Hundred and Sixty Six Dollars Sixty Six & two third Cents with Interest and Costs thereon and due on note and to a Certain Michael Cauliflower in the sum of one Hundred Dollars Current money with Interest thereon and due on note and the said Thomas Draper being willing and desirous to indemnify and save harmless the said George Zimmerman from all Loss or responsibility that may or might arise from his becoming an endorser and Security as aforesaid doth agree to Execute these presents Now this Indenture Witnesseth that the said Thomas Draper for and in Consideration of the premises and also in Consideration of the sum of five dollars Current money to him the said Thomas Draper by the said George Zimmerman in hand the receipt whereof is Hereby acknowledged hath granted Bargained sold released and Confirmed and by these presents doth grant bargain sell release and Confirm unto the said George Zimmerman his Heirs and Assigns all that tract of land called "Neighbours agreed" lying & being in the County and State aforesaid Containing two Hundred and Eighty acres it being the same land that was Conveyed by Samuel Cook to Walter Trundenburg by deed bearing date the twenty third day of November One Thousand Seven Hundred & ninety and recorded among the land records of Frederick County aforesaid reference being thereto had may more fully appear also all those parts of those two tracts of land called Addition and "Sandy Run" lying in the County aforesaid Containing twenty nine and one Half acres it being the same land Conveyed by Colonel James Johnson to Walter Trundenburg by deed bearing date the 28th of April 1797 and recorded among the land records of the County aforesaid reference being thereto had will also more fully appear excepting out of the said part called "addition" one Hundred and one perches previously sold by the said Daniel to John Brand the said above land called "Neighbours agreed" addition" and Sandy Run" being the same land devised by Walter Trundenburg to Daniel Trundenburg by last will and Testament recorded in the Office of the Register of Wills of said County also one Hundred and one perches of land part of Sandy Run aforesaid sold and Conveyed to the said Daniel Trundenburg by the above mentioned John Brand being in lieu of the one Hundred and one perches of the "addition containing as above mentioned to the said John Brand Together with all and Singular the Buildings and improvements thereunto Belonging or in any wise appertaining also three negroes viz Alexander, Nancy & Sold and one Mulatto namely Ruth To Have and To Hold the above described property unto the said George Zimmerman his Heirs and Assigns to the

duly proper use and behalf of the said Georg Zimmerman his Heirs and Asigns forever Provided always & these presents are upon this express Condition that the said George Zimmerman shall Continued to endorse the aforesaid notes when renewed until paid or so long as said notes Can be discounted in said Banks and provided also if the said Thomas Draper his Heirs Executors or administrators do and shall well and truly pay or Cause to be paid to the Bank of Westminster and the Frederick County Bank the aforesaid sums of Seventeen Hundred and fifty Dollars and all interest and discounts thereon and shall also well and truly pay unto the said John Ritchie his Heirs and Asigns the aforesaid Sum of Two Hundred and Sixty Six Dollars Sixty Six and two third Cents with all interest & Costs that may be and thereon and to the said Michael Colleflower his Heirs & Asigns the aforesaid sum of One Hundred Dollars with all interest & Costs that may be and thereon or in any manner exonerate & discharge the said George Zimmerman his Heirs Executors and administrators from this responsibility as Security & endorser as aforesaid then and from thenceforth this present and every matter and thing therein Contained shall cease and be utterly void and void any thing herein Contained to the Contrary thereof in any wise Notwithstanding and lastly it is Covenanted & agreed upon by and Between the parties aforesaid that until Default shall be made in payment of the aforesaid Several sums of money and interest and Cost as aforesaid as the said George Zimmerman his Heirs & Asigns shall be liable & responsible for the payment of the aforesaid Several sums of money interest and discounts and Cost as aforesaid that the said Thomas Draper his Heirs and Asigns shall peaceably and quietly have hold occupy possess and enjoy all and Singular the Land and premises aforesaid Together with the rents and profits aforesaid and to have received and take the rents issues and profits thereof to his and their own particular use and Benefit any thing herein Contained to the Contrary thereof notwithstanding In Witness whereof the said Thomas Draper hath hereunto subscribed his name & affixed his Seal the day and year first above written,

Signed Sealed & Delivered
in presence of Abm Shriver

Thomas his T Draper mark (Seal)

Maryland Frederick County Sc and this 9th day of July 1821 appears Thomas Draper Before me the Subscriber one of the Associate Judges of the Fifth Judicial District of Maryland & acknowledges the foregoing Instruments of writing to be his act & Deed for the purposes therein expressed & set forth, Abm Shriver.

State of Maryland Frederick County to wit I Henry Bartgis that the within and aforegoing is a true Copy taken from Liber I S No 18 folio 624, 625 and 626 one of the Land records of Frederick County, In Testimony whereof I have hereunto set my Hand & affixed the Seal of my Office this 30th day of April 1824. John Bartgis Clk (Seal)

Exhibits No. 6. 7 & 8 are not filed among the proceedings of this Cause

Exhibit No 9

Exhibit No 9

Received this 29th day of June 1815 of Daniel Fundenburg Executor of the last will and testament of Walter Fundenburg late of Frederick County and State of Maryland Deceased the sum of three thousand eight Hundred and Sixty Dollars & ninety Seven Cents Current money being in full of the legacy bequeathed to me and in and by the last will and testament of the said Walter Fundenburg exact to my proportion of one thousand pounds to be divided among the representatives of the said Walter Fundenburg after the death of my Mother. I say received by Henry Fundenburg,

State of Maryland Frederick County to wit On this 19th day of September 1815 Before me a Justice of the Peace for the State & County aforesaid appears Henry Fundenburg and acknowledges the within receipt to be his act and deed and the within sum to be a full discharge to the said Daniel Fundenburg Executor of the last will and testament of Walter Fundenburg for the sum first mentioned in the within receipt according to the purport, true intent and meaning thereof and the act of assembly in such Cases made & provided. Michael Howard.

State of Maryland Frederick County Set I Henry Steiner Register do hereby certify that the foregoing is a true Copy taken from Liber A. S. No. folios 14 & 15 one of the record Books of receipts and releases in the office of the Register of Wills for Frederick County,

In Testimony whereof I have hereunto Set my hand and affixed the seal of office this 31st day of March 1819. Henry Steiner Regr

(Seal)

Elijah McBride & wife answered

Whereupon the following Answer of Elijah McBride & wife was filed viz

The Answer of Elijah McBride & Maria his Wife to the Bill of Complaint of Henry Fundenburg and Henry Browne and Wife in Frederick County Court as a Court of Equity Exhibited. These Defendants admit that the several matters and things Stated in the Bill of the Complainants are true as therein set forth, and are willing that the lands therein referred to should be sold. They admit of the legacy and there under the last will and Testament of Walter Fundenburg Deceased. The payments following to wit from Daniel Fundenburg 21 April 1814 $ 456,50, From Daniel Fundenburg 21st April 1814 $ 1.25 From Daniel Fundenburg 26 August 1815 204 $ From Daniel Fundenburg 31 December 1816. 240 $ from Thomas Draper 25 December 1818 - 43 $ And for the amount of personal property 143 $ The said Defendants deny that any other part or portion of the legacies due there under the will aforesaid has been paid them, but allege the Balance thereof to be still due and unpaid They further State that for a fair Consideration they have assigned

suits Henry Cronise, the Several sums due them from the Estate aforesaid and the legacies aforesaid they likewise admit the payment to them by Thomas Draper of the sum of four hundred and forty four Dollars and forty four cents, the proportion due them out of the legacy bequeathed by Walter Fundenburg aforesaid, to be retained by his said Executors for the use and Benefit of Elizabeth Fundenburg during her life and after her death to be divided amongst his Children and they pray them to be Discharged They further State that it was understood by the Executor Daniel Fundenburg as well as by themselves that no Interest was to be charged on the Several advances above stated until the forty three Dollars paid them by

Thomas Draper, Elijah McBride, Maria McBride,

Maryland Frederick County to wit On this 26th June 1824 appeared Elijah McBride Defendant above named Before the Subscriber & made oath and Maria McBride the other Defendant who affirms that the facts above Stated are true to the best of their knowledge information and Belief, Sworn &

& affirmed. Before Jacob Firor.

And the said Cause as standing Continued to July Term 1824. The following Answer was filed. viz

Answer of Daniel Fundenburg

The Answer of Daniel Fundenburg one of the Defendants in the Bill of Complaint of Henry Cronise and Susanna his wife & Henry Fundenburg in the Frederick County Court Sitting as a Court of Equity This Defendant saving and reserving to himself now and at all times hereafter, all and all manner of benefit of advantage of exception to the manifold uncertainties and imperfections in the Complainants said Bill of Complaint contained for answer thereunto or unto as much thereof as materially concerns this defendant to make answer unto he answereth and Saith that he as one of the Executors of Walter Fundenburg Deceased, did Satisfy Jacob Cronise & wife for all the money due them by virtue of the last will of Walter Fundenburg, that Henry Fundenburg has been Satisfied for the Legacy due him by virtue of said will with the exception of One Hundred two Hundred and thirty Dollars which is now due and owing to the said Henry Fundenburg in Justice and Equity This Defendant States for answer that the receipt for three Thousand eight Hundred and Sixty Dollars Ninety seven cents dated the 29th day of June 1815 exhibited by the Complainants in said Bill in Equity marked No 9 was given and executed upon the terms and conditions stated in said Bill of Complaint, which have not been Complied with on the part of this Defendant, this Defendant States for answer that Elijah McBride and wife, Henry Cronise and wife and Samuel Fundenburg have not by this Defendant been paid the money due them from Henry Fundenburg which money is a charge on the real Estate devised to the said Henry Fundenburg by Walter Fundenburg which sum of money this Defendant promised to pay when the receipt marked No 9 was executed. This Defendant States

that Henry Fundenburg has been fully paid and satisfied his whole legacy with the exception of one thousand, two hundred & thirty dollars aforesaid and Interest thereon this Defendant States that Elijah McBride and wife have been paid one thousand Ninety seven Dollars and ninety cents towards this legacy charged on the real Estate devised to this Defendant and the Balance is now due, as to the assignment of Elijah McBride and wife clard to Henry Bronise this Defendant know nothing. This Defendant States for answer that Henry Bronise and wife have received forty Dollars towards this Legacy This Defendant States for answer that he believes that Samuel Fundenburg has not received his part of the money bequeathed to the widow of Walter Fundenburg Deceased during her life. This Defendant States for answer that all the legatees named in the said will of Walter Fundenburg have been paid proportion of the money bequeathed to the widow of Walter Fundenburg Deceased during her life with the exception of Samuel Fundenburg This Defendant States for answer and gives this Honourable Court to understand that all the facts and charges in said Bill of Complaint not here answered, specially and admitted to be true, and that this Defendant is willing the real estate Specified in said Bill of Complaint should be sold as prayed and this Defendant is of opinion that it ought to be sold all together as it will not admit of a Division without injury to the parties interested. Daniel Fundenburg

State of Maryland Frederick County to wit On this 30th day of June 1824 personally appears Daniel Fundenburg the above named Defendant, before me the Subscriber a Justice of the Peace in and for said County and makes oath that the facts stated in the above answer are true as they stand stated to the best of his knowledge information and Belief.

Sworn Before. Rd. Ritchie,

Petition &c. And the said Cause as standing continued to August Term 1824 the following Petition was filed viz.

To the Honourable the Judge of the Frederick County Court Sitting as a Court of Equity. The Petition of Henry Fundenburg Henry Bronise and Susanna his wife Humbly pray your Honor to understand that they did on the 15th day of May 1824 file a Bill of Complaint in your Honourable Court against Elijah McBride and Mariah his wife, Thomas Draper, Daniel Fundenburg, Jacob Bronise and Catherine his wife, George Zimmerman, Michael Zimmerman James Johnson Esqr. John Ritchie and Samuel Fundenburg your Honor is informed that George Zimmerman one of the Defendants named in said Bill of Complaint held a Mortgage of the real Estate Specified in said Bill of Complaint your petitioners hereby Suggest to this Court the death of George Zimmerman the

Said Defendant and give your Honors to understand that he died leaving a will and testament in which Elizabeth Zimmerman and John Zimmerman are the executrix and executor named as appears by a true and certified Copy of said Will Here Exhibited marked A/ your Honors are informed that Elizabeth Zimmerman hath renounced and declined taking out letters under the will. that Letters testamentary were on the 14th day of September 1824 granted to John Zimmerman as appears by a Certificate thereof marked B your Honors are informed that Georg Zimmerman died on or about the 20th day of June 1824 and that the said executor having failed to appear in this Court and have himself to be made a party instead of such Deceased party within the four first days of the August Term 1824 it being the next Term after the death of the said Georg Zimmerman may it please your Honors to order that a Subpoena issue out of this Honourable Court to be directed to the said John Zimmerman the executor of Georg Zimmerman Deceased thereby Commanding him to be & appear in this Court on a certain day therein to be Specified then and there to answer the Bill of Complaint of your Petitioners filed on the 12th day of May 1824 in this Honourable Court, which in duty Bound your Petitioners will ever pray &c

Jos. Palmer for the Petitioners

Courts order

Whereupon the following order was filed viz.

In the Frederick County Court Sitting as a Court of Equity August Term 1824 The within Petition being read and Considered and the Court being Satisfied that the facts therein stated are true. It is thereupon this 17th day of September in the year 1824 ordered by the Frederick County Court Sitting as a Court of Equity that Subpoena issue as prayed to be served personally on the said Executor & he be left at his usual place of abode at least two Weeks before the time required for his appearance and that he appear by the first Monday of January next.

Alex. Ghrist,

Exhibit (A)

Exhibit A referred to in the above Petition Contained is the following to wit viz.

In the name of God Amen I Georg Zimmerman of Frederick County in the State of Maryland being sick in body of a Sound and disposing mind Memory and understanding. Considering the uncertainty of this Mortal Life do make and publish this my last will and Testament in manner and form following First and principally I Commit my Soul into the Hands of the Almighty God and my body to the Earth and as touching such Worldly Estate wherewith it hath pleased divine providence to bless me with in this life. I give devise and dispose of the Same in the following manner viz I desire that all my personal Estate shall be and remain in the hands of my herein after named Executors for the term of Eight years with the following exceptions. They are to sell and take to Market

All they can spare of my personal property to raise money to pay towards my Debts and Carry on the Farm and still to support the family School my youngest children and if there should arise any profits it shall be applied to paying my debts. I also impower my Herein after named Executors to sell and Convey by deed all the following Tracts or parcels of Land and all the money that will arise from the Sale of such Lands shall be applied towards of paying my debts all that part of a tract of Land called the two Brothers which was Conveyed to me by a Certain Thomas Decker containing by and one Hundred and Twenty eight acres of Land more or less also that part of tracts of Land called Woods Design and part of another Tract called Den of Wolves which was Conveyed to me by a Certain Frederick Lowshiver also two tracts of Land one called parts of the Rumney on Isles Mountain and part of a tract called The Den of Wolves part of a tract of land called the Rumney on Isles Mountain which was Conveyed by Deed to me by a Certain Jacob Brandenburg all the above described Lands I impower my hereinafter named Executors to sell and convey provided they would Consider it needful for paying my just Debts. The residue of my Real and personal estate after my debts are paid and after the Term of eight years are Expired it is to be Sold and Conveyed by my Executors to the best advantage and divided in the following manner as my Hereinafter named Executors shall deem the proper to sell such of my negroes as they think proper and apply the proceeds towards paying of my Debts or for the use of my Heirs, provided during the term of Eight years my Hereinafter named Executors should have money in their hands of the proceeds that may arise from Cultivation of the premises it is to be equally divided amongst my Heirs, Item I give & Bequeath as follows, Item. I give & Bequeath unto my loving wife Elizabeth one thousand Dollars from the proceeds of the Sale of my Estate after the expirations of Eight years for her support in the following manner the money to be put on Interest and she is to draw the interest yearly if in case she should be incapitated of part of the principal she shall draw part yearly, of the principal if in case she should and there should be any of the principal left it is to be equally devided amongst my Heirs. Item I give and bequeath unto my Son John after my debts are paid Four Hundred and Twelve Dollars & fifty Cents extra and in preferance to all my other children Item I give and Bequeath unto my son John, my Daughter Maria Catharine, my son George Thomas, my Son William

Michael, my Daughter Lilly Lenn. my son Jacob Alexander, my son Samuel my Son Eaton, my Son James Marlow, my Son Hiram of all the proceeds of the Sale of my property share and share alike & Lastly I do hereby Constitute and appoint my loving wife Elizabeth & my Son John Executors of this my last will and Testament with full power to transfer and convey by a good & lawful Deed of Bargain and Sale of all my Lands and premises agreable to the manner before described in virtue of this my will or by & under the directions thereof revoking all former wills by me made ratifying and confirming this and none other to be my last will & Testament. In Testimony Whereof I Have Hereunto set my Hand and affixed my Seal this Twenty Seventh day of February in the year of our Lord Eighteen Hundred and Twenty four,

Signed Sealed published & declared by George Zimmerman the above named Testator as his last will and Testament who at his request and in his presence and in the presence of each other have Subscribed our names as Witnesses thereto,
Michael Zimmerman, James Werdle,
John Welker,

George Zimmerman (Seal)

Frederick County. To wit On the 31st day of June 1824 then came John Zimmerman and made Oath on the Holy Evangely of Almighty God that the foregoing Instrument of writing is the true whole will and Testament of George Zimmerman late of Frederick County Deceased that Oath he bore to his Knowledge & belief and that he doth not know of any other,

Sworn Before Henry Steiner Register

Frederick County to wit On the 20th day of June 1824 then came Michael Zimmerman, James Werdle and John Welker the three Subscribing Witnesses to the foregoing last will & Testament of George Zimmerman late of Frederick County Deceased & made Oath on the Holy evangely of Almighty God that they did see the Testator therein named sign and seal said will that they heard him publish pronounce and declare the same to be his last will and Testament that at the time of his so doing he was to the best of their apprehensions of a sound and disposing mind memory and understanding and that they respectively subscribed their names as Witnesses thereto in the presence and at the request of the Testator and also in the presence of each other,

Sworn Before Henry Steiner Regr

State of Maryland Frederick County to wit I Hereby Certify that the foregoing is a true Copy taken from the Original filed

In the office of the Register of wills for Frederick County.
In Testimony whereof I Have Hereunto Set my Hand
and affixed the Seal of Office this 16th day of
September 1824. Henry Steiner Regr of Wills
Frederick County Maryland

(Seal)

Exhibit B

(Exhibit B)

State of Maryland Frederick County to wit. I Henry Steiner Register of Wills for Frederick County do Hereby Certify and attest that on the fourteenth day of September 1824 (last) Letters Testamentary with a Copy of the will annexed were granted by me to John A Zimmerman and the Estate of George Zimmerman late of Frederick County Deceased the said John A Zimmerman having given Bond with Nicholas Holtz George Miller, and Adam Smith as Securities in the sum of Twenty Thousand Dollars Current Money for the due performance of the trust in him reposed.

In Testimony Whereof I Have Hereunto Set my Hand
& affixed the Seal of office this 16th day of September
1824, Henry Steiner Regr of Wills for Frederick
County Maryland

(Seal)

Answer of Michael Zimmerman & others

Whereupon the following Answer was filed viz

The Joint and Several answer of Michael Zimmerman & John Zimmerman to the Bill of Complaint of Henry Browne and Susanna his wife and Henry Fundenburg filed in Frederick County Court, Sitting as a Court of Equity against Elijah McBride and Maria his wife and others. These Defendants Jointly and Severally admit the several matters and things as stated in the said Bill of Complaint and in the Petition Suggesting the death of George Zimmerman who was one of the Defendants in the said Bill, except those matters and things herein and hereafter excepted to These Defendants do not admit that Henry Fundenburg one of the Complainants has not received more than Seven Hundred and twenty three Dollars towards his legacy Specified in the will of the said Walter Fundenburg and that the balance of the said Legacy is still due to the said Henry. These Defendants have always understood and believed they can prove that the said Henry has been fully paid the amount of the legacy bequeathed to him by the will of the said Walter and as that the said Henry when called upon by Thomas Draper another Defendant in this said Bill of Complaint before the said Thomas purchased the said Land as mentioned in the said Bill told the said Thomas that he the said Thomas might purchase with Safety as it respected his the said Henry's Legacy, for that he the said Henry had received full Satisfaction for the same & had executed a release for the Same and the said Michael Zimmerman one of these Defendants for himself further saith that he understood and believes he can prove that

The said Henry told many persons before this Defendant to purchased as stated in the said Bill that he the said Henry had no claim as lien upon the said Land for that his Legacy had been fully discharged and that he had given a release by which he had released the said Land from any thing due to him This Defendant also says that as he is a Bona fide purchaser without any notice that Henry Fundenburg aforesaid had any lien upon the Land thus purchased by him that the said Land ought not to be sold to pay any money if any should be found to be due to the said Henry and that the whole of the Land mentioned in the said Bill is more than sufficient to pay the Legacies now due to the Legatees of the said Walter this Defendant therefore objects to the Sale of the whole Land and prays that the Court will not direct the Land conveyed to this Defendant should be sold, until it is ascertained that the whole of the said Land ought to be sold to pay the Legacies. This Defendants have no knowledge of any agreement made Between the said Henry and Daniel Fundenburg nor the intention with which it was made nor that the receipt stated in the said Bill was obtained by fraud and falsehood, these Defendants Come & therefore demur to the same but put the complainants upon the proof of the same in such way as other facts are to be proved in Courts of Chancery, and this Defendants further say that they are informed by their Counsel that as the said Thomas Draper purchased the said Land under and assumed to him by the said Henry made, that the Legacy Bequeathed to him by the will of the said Walter was fully Satisfied and that it no longer Continued a Lien upon the said Land, that the said Thomas Draper and those claiming under him are to be Considered as purchasers for a Valuable Consideration without notice, and that the Legacy of the said Henry should any thing still be due and the same must be looked to the Equity of the said Thomas and those claiming under him These Defendants also say that the Construction placed upon the will of the said Walter by the Complainants in their said Bill of Complaint is different from that, these defendants have received from their Counsel, and as these defendants are unlearned in the matters they refer the will of the said Walter to the Consideration of the Court, all which matters and things these defendants are ready to aver, maintain and prove as this Honourable Court shall direct and humbly pray to be hence dismissed with their reasonable costs and charges in that behalf most wrongfully sustained

Michael Zimmerman, Jno. D. Zimmerman Executors of
George Zimmerman

State of Maryland Sc Frederick County Sc on this 25th day of December AD 1824 personally appear before me one of the Justices of the peace in and for the County aforesaid the within named Defendants Michael Zimmerman and John Zimmerman & being duly sworn depose and say that the facts as respectively stated by them in the aforegoing answer are true as therein stated

To the best of their knowledge Information and belief.

Sworn Before Sam[l] Duvall,

Answer of Samuel Frundenburg

Whereupon the following Answer of Samuel Frundenburg was filed viz[t]

The Separate answer of Samuel Frundenburg (a Lunatic) by Jacob Cronise his Trustee, to the Bill of Complaint of Henry Cronise and Wife and Henry Frundenburg in Frederick County Court as a Court of Equity Exhibited This Defendant admits that Walter Frundenburg, being seized and possessed of the Tracts of Land mentioned in the Complainants Bill, did on the Eleventh day of December Eighteen Hundred and thirteen, make and Executed in due form of law his last will and Testament a true Copy whereof has been Exhibited by the Complainants with their said Bill, marked No[1] That by said last will the said Walter Frundenburg, devised to his Eldest son Daniel Frundenburg, his Plantation in Frederick County, Consisting of three several Tracts or parts of Tracts of land called 'Neighbours agreed' 'addition' and 'Sandy Run' Containing together three Hundred and Two acres more or less upon the Conditions therein particularly specified and set forth. That said Daniel Frundenburg sold said Land to Thomas Draper of Frederick County who has Executed the Deed and Mortgage exhibited by the Complainants, and that the said Daniel Frundenburg and Thomas Draper are both insolvent, This Defendant further answering saith that no part of the money due Samuel Frundenburg under said Testament and last will has been paid, but that the same remains wholly and entirely unsatisfied This Defendant is willing that such Decree may be passed in the premises as may Consist with Equity & good Conscience, and prays Leave to be Dismissed &c.

Jacob Cronise Trustee of Samuel Frundenburg (a Lunatic), Maryland Frederick County to wit On this 6th January 1825 appeared Jacob Cronise Trustee of Samuel Frundenburg, above named and Solemnly, Sincerely and truly affirmed, that the facts stated in the above Answer are true to the best of his Knowledge information & Belief. —

Before George Kohr,

Answer of Jacob Cronise & wife

Whereupon the following Answer of Jacob Cronise & Wife was filed viz[t]

The Separate answer of Jacob Cronise and Catharine his wife to the Bill of Complaint of Henry Cronise and wife & Henry Frundenburg in Frederick County Court as a Court of Equity Exhibited This Defendant admits the death of Walter Frundenburg of Frederick County and the due Execution of the last will and Testament referred to by the Complainants in their Bill a Copy whereof is exhibited by them marked No[1] That by said will the said Walter Frundenburg did devise to Daniel Frundenburg, the tract of Land called "Neighbours agreed addition" and Sandy run" Containing together about three

Hundred and Ten acres upon the Conditions in said last mill Speci-
fied and set forth, That the legacy bequeathed by said mill to these
Defendants has been fully paid and Satisfied as also the proportions of
the land reserved to the widow of the said Walter Frundenburg, &
that these Defendants have no claim whatever upon said Estate
Except what is due him as Executor for Elizabeth Frundenburg
Deceased These Defendants are willing that such Decree may be
passed in the premises as may Consist with Equity and good Conscience
and pray, to be hence Dismissed with their Costs &c

Jacob Cronise, Catherine Cronise

January 6th 1826 I agree to receive the above answer without Oath,

John Nelson for Complainants,

Answer of James Johnson

And the said Cause as standing Continued to February Term 1826
the following Answer was filed viz
To the Honourable the Judges of Frederick County Court Sitting as a Court
of Equity The Seperate answer of James Johnson one of the Defendants to
the Bill of Complaint of Henry Frundenburg, Henry Cronise & Susannah
Cronise Complainants This Defendant saving and reserving to himself
now and at all times hereafter all manner of Benefit & advantage
of Exception to the many errors uncertainties insufficiencies & false
allegations in the Complainants said Bill of Complaint Contained
for answer thereunto or to so much thereof as this Defendant is
advised materially Concerns him to make answer unto he this
Defendant answereth and Saith it may be true for any thing he
knows to the Contrary that all the facts Stated in the Complainants
said Bill of Complaint are true with the exception that he Believes
that instead of three Hundred and two acres of Land Contained
in the Plantation of the said Walter Frundenburg Deceased that upon
an accurate Survey thereof it Contained only three Hundred &
two acres the said Walter Frundenburg having Heretofore in his
life time to wit on or about the twentieth day of April One
Thousand Seven Hundred and ninety Seven by deed of Bargain
and Sale duly Executed acknowledged and recorded among
the Land Records of Frederick County aforesaid a Certified Copy
of which marked No 1 and which this Defendant prays may
be taken as part of this his answer is Herewith exhibited
and Convey to Col James Johnson the father of this Defen-
dant two Several parcels of the Tract of Land called
Neighbours agreed Containing together Eight acres of land
more or less This Defendant further answering saith that
in repeated Conversations with Henry Frundenburg one of the
Complainants since the 21st day of June 1815 the said Henry
Frundenburg has as often acknowledged to him that he had
no claim upon the Plantation of the said Walter Frundenburg
Deceased and this Defendant further answering saith that he
admits that he did purchase of Michael Zimmerman one of
the Defendants in the said Bill of Complaint the part of
the plantation of the said Walter Frundenburg as therein

Stated and that he hold the said Michael Zimmerman answerable to him and his assigns upon the General Warranty Contained in the said Deed of Bargain and Sale Exhibited in the said Bill of Complaint provided he be ejected from said Land without that that there is any other matter or thing in the Complainants said Bill of Complaint Contained material or effectual for this Defendant to make answer unto and not herein Sufficiently answered unto confessed or avoided traversed or denied is true to the knowledge and belief of this Defendant. all which matters and things this Defendant is ready to aver and prove as this Honourable Court shall award and humbly prays to be hence dismissed with his reasonable Costs and Charges in this behalf wrongfully Sustained,

Jas Johnson.

Frederick County to wit on the 15th day of March 1825 appeared Before me the Subscribed James Johnson the Defendant above named and made Oath on the Holy Evangelists of Almighty God that the facts as stated in the above answer are true to the best of his knowledge & Belief.

Sworn Before Geo. Kohr,

Answer of Thos Draper

Whereupon the following Answer was filed viz.

To the Honorable the Judges of Frederick County Court Sitting as a Court of Equity The Separate answer of Thomas Draper one of the Defendants to the Bill of Complaint of Henry Fundenburg, Henry Browne and Susannah Browne Complainants The Defendant saving and reserving to himself now and at all times hereafter all manner of Benefit and advantage of exception to the many errors uncertainties insufficiencies and false allegations in the Complainants said Bill of Complaint Contained for answer thereunto or to so much thereof as this Defendant is advised materially Concerns him to answer unto he this Defendant answereth and saith that it may be true for any thing he knoweth to the Contrary that all the facts stated in the Complainants said Bill of Complaint are true with the exception that two days previous to the Conclusion of the Bargain Between him and Daniel Fundenburg for the Plantation devised as stated in the Bill of Complaint aforesaid he called on Henry Fundenburg one of the Complainants at his own Store in Fredericktown and inquired of him whether he had then any claim on the Plantation of his Deceased Father and he the said Henry Fundenburg answered and told him that he had not any that his Brother Daniel had paid him all his legacy charged on said Plantation and that he had executed a release for the same That this Defendant made the enquiry to Satisfy himself respecting the same did on account of said Plantation and that the Complainants answer determined him to purchase. That after the purchase

aforesaid as stated in said Bill of Complaint he did sell to Michael Zimmerman about 114 acres as stated for the sum of 9000$ in the annual payments with Interest for which said Michael Zimmerman gave his Bonds that this Defendant sold said Bonds to a certain John Brown for the said and same said mill in Lewis Town that he sold said Mills and Same said mill to a certain Peter Eichelberger for 6500$ who passed his Bonds to this Defendant for the sum of 5.500$ with Jacob Brist and Isaac Eichelberger Securities and paid 1000$ in Cash that This Defendant sold the said Bonds of 5.300$ to Mr. Alexander McPherson of Brist for about 3.800$ that with the said 3.800$ he purchased in his Bonds from Daniel Fundenburg and of the Defendants and paid Edward McBride and wife 30$ and one Sixth part of the £1000 devised the widow Fundenburg that this Defendant since the Decease of the widow Fundenburg has paid up all the shares of the £1000 except Daniel Fundenburg's which was released to him by and that this Defendant understands and believes that Daniel Fundenburg paid to Edward McBride and wife either 900$ or 1050$ toward their legacies out of the money received of this Defendant from the Sale of said Bonds that this Defendant knows nothing of any fraud being practised by Daniel or Henry Fundenburg in obtaining said release and never heard of any Complaint of said fraud as stated until he heard in the Bill of Complaint that this Defendant is informed and believes it to be the truth that the said Mill property mentioned in the will of said Walter Fundenburg Deceased has been sold by the said Henry Fundenburg for the sum of 8.300$ that this Defendant claims a deduction for the 9 acres of Land Sold to Col James Johnson by the said Walter Fundenburg Deceased in his life time at the rate of 100$ P. acre with Interest thereon from the date of the Deed to him of this Defendant further answering saith that since the filing of said Bill to wit on the 1st day of October 1824 he did Convey for a Valuable Consideration all his right and title to the said Plantation mortgaged to George Zimmerman and to James Johnson and of the Defendants and that he hath no objection to the hearing of a Decree directing the Sale of the said Farm according to the will of the said Walter Fundenburg reserving to the said James Johnson the right and privilege of taking it according to the Terms of the Decree if he should think proper without that that there is any other matter or thing in the Complainants said Bill of Complaint Contained material or effectual for this Defendant to make answer unto and not herein sufficiently answered unto Confessed or avoided traversed or denied is true to the Knowledge and belief of this Defendant all which matters and things this Defendant is ready to aver and prove as this Honourable Court shall award and humbly prays to be Hence Dismissed with his reasonable Costs and Charges in this Behalf wrongfully sustained, Wm Ross Attorney for Defendant Frederick County to wit on the 15th day of March

1825 appeared Before me the Subscriber Thomas Draper the Defendant above named and made Oath on the Holy Evangelists of Almighty God that the facts as stated in the above answer are true to the best of his knowledge & Belief.

Sworn Before George Kohl,

Answer of John Ritchie

Whereupon the following Answer was filed viz

The Answer of John Ritchie one of the Defendants to the Bill of Complaint of Henry Fundenburg & Henry Browse in Frederick County Court as a Court of Equity Exhibited This Defendant Answers that he obtained the Judgment against Thomas Draper referred to in the Complainants Bill. of the other facts stated in said Bill he knows nothing. and prays Hence to be dismissed &c Fred.k A Talley atty for Ritchie

I agree that the above answer may be filed without oath

John Nelson April 14th 1825

Decree

Whereupon the Court passed the following Decree viz

Henry Browse & Wife & Henry Fundenburg vs Chas McPherson & Wife. Thomas Draper. Daniel Fundenburg & others

In Frederick County Court as a Court of Equity February Term 1825. The said Cause standing ready for hearing and being submitted. the Bill. answers. Exhibits and all other proceedings had by the Court read & Considered and it appearing to the Court. from the answers that the relief prayed for by the Complainants is reasonable & ought to be granted It is thereupon on this 5th day of May 1825 by Frederick County Court Sitting as a Court of Equity ordered adjudged and Decreed that the real Estate of Walter Fundenburg Deceased mentioned in the proceedings shall be sold, that for the purpose of making said Sale Jacob Browse, be and he is Hereby appointed Trustee, & that the Course and manner of his proceedings therein shall be as follows he shall first file his Bond with Securities to be approved by this Court, with the Clerk thereof in the penalty of Twenty Thousand Dollars. Current money Conditioned for the faithful performance of the Trust reposed in him by this Decree or to be reposed in him by any future order or Decree in the premises He shall then proceed to sell as much of said real Estate as may be Sufficient to Satisfy the claims of the Legatees and Representatives of the said Walter Fundenburg, dec.d and to become and taking Care in the first place to dispose of that portion of said Estate not now held by James Johnson or Michael Zimmerman which said portions as Held by them shall be sold only in the event of a Deficiency after the Sale of the residue of said real Estate That said Estate shall be sold at Public auction. after giving at least three weeks notice by advertisement in some News Paper Printed in Frederick Town of the time, place, manner and Terms of Sale which shall

So that the purchaser or purchasers shall pay one third of the purchase money in hand or on the ratification of the Sales by this Court and residue in two Equal annual Instalments with Interest from the day of Sale, said Instalments to be Secured by Bond with Surety to be approved by the Trustee, and the Trustee shall as soon as may be after any Sale by him made, return to this Court a full and particular account of the same, with an affidavit of the fairness of the Sales annexed, he shall likewise bring into Court the money and Bonds arising from said Sales to be distributed under the direction of this Court after deducting therefrom the Costs of this suit and such Commission to the Trustee as the Court may think proper to allow, and upon the ratification of said Sale and the payment of the whole purchase money and not Before the Trustee shall by a Deed or Deeds to be Executed acknowledged & recorded according to Law Convey to the purchaser or purchasers, or his her or their Heirs the right and title of the Complainants & Defendants in this Behalf to the real Estate aforesaid. Adm. Shriver.

Trustees Bond

Whereupon the Trustee filed the following Bond Endorsed approved Adm. Shriver viz

Know all men by these presents that we Jacob Browne, Henry Browne and Henry Frundenburg, of Frederick County and State and firmly Bound unto the State of Maryland in the Just and full sum of Twenty Thousand Dollars Current money to be paid to the said State or its Certain Attorney, to which payment well and truly to be made and done we Bind ourselves and each of us our & each of our Heirs Executors and administrators in and for the whole Jointly and Severally firmly by these presents Sealed with our Seals and dated this Sixth day of May Eighteen Hundred & Twenty five Whereas the above Bound Jacob Browne by virtue of a Decree of Frederick County Court Sitting as a Court of Equity Hath been appointed a Trustee to sell the real Estate of Walter Frundenburg of Frederick County Deceased to pay the legacies Charged thereupon Now the Condition of the above obligation is such that if the above bounden Jacob Browne do and shall well and faithfully perform the Trust reposed in him by the said Decree or that may be reposed in him by any future order or Decree in the premises as Trustee as aforesaid then the above obligation to be void otherwise to be and remain in full force and Virtue in Law.

Signed Sealed & Delivered
in the presence of
Jas Nelson

Jacob Browne (Seal)
Henry Browne (Seal)
Henry Frundenburg (Seal)

Trustees Report

And the said Cause as standing Continued from Term to Term until February Term 1826 the Trustee made the following Report viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity The Subscriber who by Decree of this Honorable Court bearing date the fifth day of May 1825 was appointed Trustee to sell the real Estate of Walter Frundenburg deceased

this order I have examined the proceedings composing this Cause and thereupon framed the aforegoing account. In this as in like Cases I have allowed the Trustee for his Commissions and all Expences the sum assigned to him by the Court and also allowed the Costs of the Court and the Balance of proceeds of Sale I have divided amongst three of the Heirs & Legatees of the said Walter Fundenburg Deceased, as particularly set forth in the annexed preceding account being the only three, in my Judgment who are entitled to the proceeds of this Sale, In making out this account I have carefully examined all the proceedings Composing this Cause and ascertained the Legacies when due & according to my interpretation of the will as Exhibited in this Cause, added Interest to them and found the period of their becoming so, to day of Sale, and reduced them to proper Value at day of Sale, not yet due and have taken into consideration the advances made pr Exhibits, and distributed the proceeds of Sale, as within particularly set forth, I Humbly Submit the same, to the Judgment of the Honourable the Judges aforesaid for Confirmation. Henry Schley Auditor

July 12th 1826

Whereupon the Court passed the following order of ratification viz) Bronius & Fundenburg } In Frederick County Court as a
vs } Court of Equity August Term 1826
Fundenburg McBride & } Ordered, that the above report be and the same is hereby ratified and confirmed, and the Trustee is hereby directed to pay out the proceeds of Sale in his Hands to the several persons entitled, agreeably to said Audit, Abm Shriver, Aug 7th 1826.

Suppl Bill

Whereupon the following Supplemental Bill was filed viz
To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity The Supplemental Bill of Henry Bronius and Susannah his wife and Henry Fundenburg respectfully represents That heretofore to wit on the twelfth day of May Eighteen Hundred and Twenty four your orators and oratrix Exhibited in this Honorable Court their certain Bill of Complaint against Elizabeth McBride & Maria his wife and others praying for the Sale of certain real Estate of Walter Fundenburg Deceased, for the Satisfaction of certain Legacies charged thereupon by the Testament and last will of said Deceased, to which your orators & oratrix were entitled in part... and the said Defendants being duly served with Subpoena and other proper process they did appear to & answer said Bill, after the same had been amended, whereupon on the fifth day of May Eighteen Hundred and Twenty five this Honourable Court Decreed the Sale of said real Estate to be made by said Bronius Trustee for that purpose named and appointed, or so much thereof as might be sufficient to Satisfy the claims of the Legatees and representatives of

The said Walter Fundenburg, dec.d and to become due, taking care in the first Place to dispose of that portion of said Estate, not then held by James Johnson, or Michael Zimmerman, which said portion so held by them was decreed to be sold only in the event of a deficiency after the sale of the residue of said real Estate, your orators and oratrix represent, that in pursuance of said Decree the Trustee therein named did proceed to sell the residue of said real Estate mentioned in said Decree containing Two Hundred acres Three Roods, and thirty perches of Land to a certain Frederick Conine for the gross sum of Five Thousand Six Hundred and fifty six Dollars and thirty eight and three fourth Cents, which said Sale was duly reported to, and confirmed by this Honorable Court, that the monies therefrom arising have been distributed under the Decree of this Honorable Court and that a large ballance of the Legacies due under the will of Walter Fundenburg aforesaid remains due and unsatisfied, and that for the purpose of paying the same, the Sale of all the Estate charged, will be indispensable all of which will fully and at large appear upon reference had to the proceedings in this Honorable Court in No. 532 on the Equity Docket thereof, to which for greater certainty your orators and oratrix, beg leave to refer your orators and oratrix further represent that on the Twenty fifth day of October Eighteen Hundred and Twenty three James Johnson, one of the Defendants named in the Original Bill to which this is a Supplement executed and delivered to a certain John B Richardson of the City of Baltimore, the Deed of Conveyance herewith shewn marked A) and which with all other Exhibits hereinafter referred to, it is prayed may be received and taken as a part of this Supplemental Bill: and that the said John B Richardson executed and delivered to the said James Johnson the Instrument of defeasance likewise herewith shewn marked B. That by said Deed the said Johnson has Conveyed to the said Richardson all that part of Neighbours agreed described in Exhibit No. 4 in the Original Bill aforesaid Containing One Hundred and one and one Half acres of Land more or less your orators and oratrix represent, that the Land thus Conveyed was part of the real Estate of Walter Fundenburg Deceased and charged with the payment of the Legacies Bequeathed to your orators and oratrix & others by his last will and Testament a Copy whereof is Exhibited with the Original Bill aforesaid your orators & oratrix represent, that at the time of Exhibiting their original Bill aforesaid, they were ignorant of the existence of the Conveyance from Johnson to Richardson and did not make the said Richardson a party Defendant to said Bill. That the Land thus Conveyed to said John B Richardson by the said James Johnson, is a part of the land Comprehended in the Decree aforesaid and directed to be sold by Jacob Cromwell Trustee as aforesaid. But your orators & oratrix are advised, that in consideration as the said Richardson was not made a party to the proceedings upon which said Decree has been passed by this Honorable Court that his rights are not concluded

Hereby and that it is necessary for that purpose to Exhibit against the said John C. Richards a Supplemental Bill To this end therefore that the said John C Richards may answer all of the matters and things herein before charged by way of Supplement as also the matters and things Heretofore charged by the Original Bill aforesaid, to which this Bill is Supplemental and that the relief prayed by said Original Bill against the parties thereto and Heretofore decreed by this Honourable Court may be extended to embrace the Interest of the said John C Richards and that the Land aforesaid Conveyed to him by James Johnson Called 'Neighbours agreed may be sold to Satisfy the legacies aforesaid Charged thereupon by the Testament and last will aforesaid of Walter Dandridge Deceased may it please your Honours to grant to your orators and oratrix a Writ of Subpoena to the said John C Richards to be directed, Commanding and requiring him to be and appear in this Honourable Court by some day therein to be named then and there fully and particularly to answer the premises and to shew cause if any he hath why a Decree should not be passed as prayed, and may it please your Honours to extend to your orators and oratrix all such other and further relief in the premises as may Consist with Equity and your orators and oratrix will ever pray &c

C Nelson, Sol. for Pltfs

Exhibit (A)

Exhibit A referred to in the above Supplemental Bill. Contained in the following Words viz

This Indenture made this Twenty fifth day of October in the year of our Lord one Thousand eight Hundred and Twenty three Between James Johnson of Frederick County and State of Maryland of the one part and John Custis Richards of the City of Baltimore of the other part Witnesseth that the said James Johnson for said in Consideration of the sum of fifteen Thousand Dollars Current money to him in hand paid at and before the ensealing and delivery of these presents the receipt whereof is hereby acknowledged hath granted bargained sold aliened and Confirmed and by these presents doth grant bargain sell alien and Confirm unto the said John Custis Richards his Heirs and assigns all those three parcels or Tracts of Land lying and being in the County and State aforesaid viz Part of Spring Fields granted to said James Johnson by Patent bearing date as about the 29th day of December Eighteen Hundred and three lying to the West of the main road leading from Lewis to Mechanics Town and South of the land sold to John Walker containing Six Hundred and forty eight acres of Land more or less. also part of Neighbours agreed Conveyed to the said James Johnson by Michael Zimmerman by deed of Bargain & Sale on the 4th day of April Eighteen Hundred & Seventeen

And Recorded in the Land record of the County aforesaid Containing One Hundred and one acres and a half more or less and Two parts of the mountain Tract Containing one Hundred and Thirty Six acres more or less being parts of Lot No 6 and the three acres and a Half conveyed to Col James by Samuel Dunlap & Col Baker Johnson by Deed of Bargain and Sale bearing date on the Sixth day of June Eighteen Hundred and one and the third day of February Eighteen Hundred and one and the third day of February Eighteen Hundred & one and recorded among the Land record of Frederick County aforesaid Together with all & Singular the privileges advantages and appurtenances to the same Belonging or in any wise appertaining To Have and to Hold the aforesaid Lands and premises with their rights members and appurtenances to the said John Curtis Richardson his Heirs and assigns forever to his and their only proper use and Behoof and to and for no other use intent or purpose whatsoever In Witness Whereof the said James Johnson hath hereunto set his hand and Seal the day and year first above written,

Signed Sealed & Delivered
in the presence of
Jacob Cramer, Jacob Fiery

Jas Johnson (Seal)

Frederick County To wit On the Twenty fifth day of October Eighteen Hundred and Twenty three came Before us the Subscribers Two Justices of the Peace for the County aforesaid the within named James Johnson and acknowledged the within Instrument of writing to be his act and deed and the Lands and premises therein mentioned with the appurtenances to be the right and Estate of the said John Curtis Richardson his Heirs and assigns according to the true intent and meaning of the same and the act of assembly in such Case made and provided.

Acknowledged Before Jacob Cramer, Jacob Fiery,

State of Maryland Frederick County Set I Henry Ashley certify that the above and foregoing is a true Copy Taken from Liber J.S. No 19 Folios 625.626 & 627 one of the Land records of Frederick County

In Testimony Whereof I Have Hereunto Subscribed my name and affixed my Official Seal this 16th day of December 1826, John Ashley Clk Fred. Co Ct

Seal

(Exhibit B)

Exhibit B

Whereas I Have this day received a deed of Bargain and Sale from James Johnson of Frederick County for Eight Hundred & Eighty five and a Half acres of Land being part of his Spring Rich Land and one Lot of Mountain Land for the Consideration of Fifteen Hundred Dollars for monies and on note security and monies advanced and to be advanced Now Know all men by these presents that I John Curtis Richardson of the City of Baltimore do Hereby Covenant and agree to and with the said James Johnson his Heirs and assigns to reconvey the said Lands and premises to the said James Johnson

Heir Heirs and apigns upon his the said James Johnson or his Heirs paying and Satisfying to the said John Curtis Richards all sums of money now due and advanced and to be advanced with Interest thereon Witness my Hand and Seal this 25th day of October One thousand Eight Hundred & twenty three

Witness Lewis N Richards. John C Richards (Seal)

Maryland Frederick County Sct. I Hereby Certify that this above is a true Copy taken from Liber J S No 19 folios 627 one of the Land records of Frederick County, In Testimony whereof I Have Hereunto Subscribed my name & affixed my Official Seal this 16th day of December 1836

(Seal) John Tolley Clk Fredk Co Ct

And the said Cause as standing Continued from Term to Term until February Term 1837 the following Answer was filed viz

Answer of John C Richards

The Answer Answer of John C Richards of the City of Baltimore to the Bill of Complaint of Henry Fundenburg and Henry Cronise and Susannah his wife Complainants this Defendant saving and reserving to himself all manner and Benefit of exception to the many untruths and misrepresentations in the Complainants said Bill of Complaint set forth for answer thereto or to such part thereof as he is advised materially to answer he answering saith that of his own knowledge he knows nothing of the transactions therein set forth but he is informed and verily Believes it to be the truth That the said Walter Fundenburg in his life time and made his last will and Testament in the manner and form as set forth in the Complainants said Bill of Complaint and that since the Death of the said Walter Fundenburg a Decree has been passed by Frederick County Court Sitting as a Court of Chancery ordering a Sale of the property devised to be sold by the will of the said Walter Fundenburg for the payment of the legacies charged on said Land by the will aforesaid or so much thereof as might be sufficient to pay the same and the said Court did also appoint Jacob Cronise Trustee for the Sale of the same That the said Jacob Cronise Trustee did in pursuance of the powers vested in him by said Court (as) by giving publick notice in the Frederick Town Herald set up and exposed to public Sale on the premises on the Sixteenth day of June 1835 two Hundred acres being part of the Land devised by the said Walter Fundenburg for the payment of the Legacies Charged in the same That at the said Sale a Certain Elijah McBride who had intermarried with one of the legatees of the said Walter Fundenburg made the highest bid for said land to wit Thirty eight Dollars p.a. and That the said Jacob Cronise altho repeatedly requested and demanded by Michael Zimmerman and James Johnson who had become purchasers

Of one Hundred and one acres and an Half of the land as aforesaid devised by the said Walter Smallwood being injoined to Strike off the said land to the said Elijah McBride or to take any steps whatsoever to compel him to Comply with his Bid that Subsequently to wit on the Eleventh day of February one Thousand Eight Hundred and Twenty Six the said Jacob Cromwell Trustee did in pursuance of publick notice given in the Frederick Town Herald set up and exposed to publick Sale at the House of John Dill in Frederick Town the aforesaid two Hundred acres of Land at which Sale a Certain Frederick Cromwell became the highest Bidder at and for the price and sum of Twenty Eight Dollars and fifteen Cents per acre being far less than the real value of the land the sum of money Bid for it by the said Elijah McBride That this Defendant is further informed and believes it to be the truth that had the said Jacob Cromwell Trustee faithfully discharged his duty and Compelled the said Edward McBride to have Complied with his Contract that the Sales of the said two Hundred acres of Land would have been sufficient to afford a fair and equitable Construction of the will of the said Walter Smallwood to have Satisfied the Claims of the Legatees aforesaid without touching the one Hundred and one acres and a half of Land sold to Simmons and by him to the said James Johnson all which acts and doings are Contrary to Justice and Equity without that there is any other matter or thing in the Complainants said Bill of Complaint Contained material or effectual for this Defendant to make answer unto and not herein and hereby Sufficiently answered unto Confessed or avoided traversed or denied is true to the knowledge and belief of this Defendant all which things & matters this Defendant is ready to aver and prove as this Honorable Court shall award and humbly prays to be hence dismissed with his reasonable Costs and Charges in this behalf wrongfully sustained.

Baltimore City to wit On the Twenty fourth day of April one Thousand Eight Hundred and twenty Seven appeared before me the Subscriber a Justice of the Peace for Baltimore City John L Richardson Defendant in the within answer and made Oath on the Holy Evangelists of Almighty God that every matter and thing Contained in the within answer so far as relates to himself is true and as far as relates to the acts and doings of others and true to the best of his knowledge and Belief. Sworn Before Fielder Israel.

State of Maryland Baltimore County Sct. I Hereby Certify that Fielder Israel, Gentleman before whom the above deposition was made and who hath thereto Subscribed his name was at the time of so doing a Justice of the Peace in and for the City of Baltimore duly Commissioned & Sworn &c &c

Testimony Whereof I Have hereto set my Hand and affixed the

(Baltimore County Court Seal)

Seal of my Office this twenty fourth day of April Eighteen Hundred & twenty Seven.

William Gibson Clk Balto Co Ct

Jacob Cronise's Answer

Whereupon the following Answer was filed viz^t

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity The Subscriber who by Decree of this Honourable Court was appointed a Trustee to sell the Estate of Walter Frendenburg late of Frederick County Deceased on the Twenty ninth day of September Eighteen Hundred & Twenty Seven, Sold one Hundred acres thereof to James Johnson of Frederick County at the price and for the sum of nine Hundred and thirty Dollars, which said Sale was duly reported to this Court, and by it ratified and confirmed, The Subscriber is advised that since said Sale the said James Johnson has assigned his said purchase to a Certain John G Richards and the said Richards hath exhibited his Petition in this Honourable Court praying that he may be substituted as the purchaser of said Estate in lieu and stead of said Johnson The Subscriber is willing and hereby signifies his consent that said substitution may be ordered and Decreed upon condition that the purchase money, all of which is still due, be paid to the Subscriber, by the said John G Richards, Jacob Cronise,

And the said cause as standing continued to July Term 1827

Decree

the Court passed the following Decree viz^t

Jacob Cronise and wife vs^d John G Richards

In Frederick County Court as a Court of Equity July Term 1827 the said cause standing ready for hearing & being submitted the Bill, answer, and other proceedings read by the Court, read and considered and it appearing to the Court from the answer that the relief prayed for by the Complainant is reasonable and ought to be granted It is thereupon on this 19th day of July 1827 by Frederick County Court Sitting as a Court of Equity ordered adjudged and Decreed that the real Estate mentioned in the proceedings charged by the last will and Testament of Walter Frendenburg Deceased with the legacies therein mentioned and now the property of John G Richards the Defendant mentioned the Deed of Conveyance from James Johnson to said John G Richards and marked "B" amongst the Exhibits of the Complainants shall be sold, unless the said John G Richards do and shall on or before the first day of September next pay or satisfy to the Complainants or bring the money into this Court for that purpose, the Balance of the Legacies remaining due and chargeable on said Estate under the aforesaid will of Walter Frendenburg Deceased. That for the purpose of making said Sale Jacob Cronise be and he is Hereby appointed a Trustee and that

the Course and manner of his proceedings therein, shall be as follows
He shall first file his Bond with Security to be approved in the
penalty of five Thousand Dollars, Conditioned for the faithful
performance of the Trust reposed in him by this Decree or that may
be reposed in him by any future order or Decree in the premises
He shall then proceed to sell said real Estate at public
Auction, after giving at least three weeks notice of the time
place, manner and terms of Sale which shall be that the purchaser
or purchasers shall pay the whole purchase money on the day of
Sale, or on the ratification thereof by this Court and upon said
payment and ratification, and not Before, the Trustee shall by
a good and Sufficient Deed to be executed, acknowledged
and recorded according to Law, Convey to the purchaser or
purchasers and to his, her or their Heirs the real Estate so Sold to
him, her or them, free clear and discharged from all Claims of
the Complainants and the Defendants in this Behalf as well as
of the Defendants to the original Bill, filed in the Cause to which
this is Supplemental and the Trustee shall bring the money into
Court arising from said Sale to be distributed under the
directions of the Court after deducting therefrom the Costs of this
suit and such Commission to the Trustee as the Court shall
think proper to allow, Abm. Shriver,
And the said Cause as standing Continued to August Term
1827 the Trustee filed the following Bond Endorsed Approved
Trustees Bond Abm. Shriver, viz
Bond
Know all men by these presents that we Jacob Bronise, Henry
Bronise, and Henry Fundenburg of Frederick County and State of
Maryland, are held and firmly bound unto the said State in
the just and full sum of five Thousand Dollars Current
Money to be paid to said State or its certain Attorney
to which payment well and truly to be made and done
we Bind ourselves and each of us, our and each of our Heirs
Executors, and administrators, Jointly and Severally, firmly
by these presents. Sealed with our Seals and dated this
Twenty ninth day of September Eighteen Hundred & Twenty
Seven. Whereas, the above named Jacob Bronise, by Decree of
Frederick County Court Sitting as a Court of Equity, Hath
been appointed a Trustee, to sell certain real Estate of Walter
Fundenburg of Frederick County Deceased Now the Condition of
the above obligation is such that if the above bound Jacob Bronise
do and shall well and truly discharge the trust reposed in him
as Trustee as aforesaid, or that may be reposed in him by any
future order or Decree in the premises then the aforegoing
obligation to be void, else to be and remain in full force and
virtue in Law,

Jacob Bronise (Seal)
Henry Bronise (Seal)
Henry Fundenburg (Seal)

Signed Sealed & Delivered
in the presence of Jno Nelson

Trustees Report Whereupon the Trustee made the following Report viz
To the Honourable the Judges of Frederick County Court

Sitting) as a Court of Equity the Subscriber who by Decree of this Honourable Court Sitting as a Court of Equity, bearing date on the 19th day of July Eighteen Hundred and Twenty Seven was appointed a Trustee to make Sale of the real Estate of Wallen Frundenburg Deceased reports, That after filing his Bond with Security approved, as is required by said Decree and giving the requisite notice by advertisement in the Citizen Examiner & Herald newspapers Printed in Frederick Town, he on the Twenty ninth of September Eighteen Hundred and Twenty Seven, Sold one Hundred acres of Land in the accompanying advertisement described, to James Johnson of Frederick County, at the price and for the sum of nine Dollars and thirty Cents per acre That said Sale was made by public auction and that James Johnson, was thereat the Highest Bidder which said Sale the Trustee reports to this Honorable Court for its ratification The Trustee personal bail was and estimated at Jacob Cronise

Maryland Frederick County to wit On this 25th day of Octo 1827 appear Jacob Cronise the Trustee above named Before the Subscriber, a Justice of the Peace in and for Frederick County and affirms that the Sale above reported was bona fide and fairly made,

Sworn before, W E Bartgis,

Order of Publica. Whereupon the Court passed the following order of Publication viz, Henry Cronise & wife & others vs James Johnson &c } In Frederick County Court Sitting as a Court of Equity August Term 1827 ordered, that the Sale made and reported by Jacob Cronise the Trustee in the above cause, be ratified and confirmed, unless Cause to the Contrary be shewn on or before the thirteenth day of November next Provided a Copy of this order be inserted for three successive weeks in some newspaper Printed in Frederick Town before the said thirteenth day of November next. The Trustee reports the Sale of one Hundred acres of Land to James Johnson at the price and for the sum of nine Dollars and thirty Cents per acre The amount of Sales is nine Hundred and thirty Dollars,

Abm Shriver, H Buchanan.

Whereupon the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz, I Hereby Certify that the annexed notice was inserted in the Citizen for three weeks in Succession Before the 30th day of November 1827. G W Sharp,

Printers Certificate

Order of ratifica. Whereupon the Court passed the following order of ratification viz Henry Cronise & wife & others vs James Johnson &c } Ordered that the Sale made and reported in the above Cause, be ratified and Confirmed, no Cause to the Contrary having been shewn, notwithstanding notice

given the Trustee is allowed for his commission and all Expences Sixty Dollars and Twenty Cents the Auditor is directed to State an account Current Between the Trustee and the parties interested and to report the same to this Court for its ratification,

May Term Shrines Feby 21st 1828,

Petition of Jno. B Richards

Whereupon the following Petition was filed viz
To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity the Petition of John B Richards respectfully sheweth That a Certain Henry Cronise and others Heretofore Exhibited their Bill of Complaint in this Honourable Court praying for the Sale of the real Estate of Walter Fundenburg Deceased late of Frederick County which was accordingly decreed on the 17th day of July 1827 That on the 29th day of September 1827 Jacob Cronise who was appointed Trustee for that purpose offered part of said Estate Consisting of one Hundred acres of land at public auction and Sold the same to James Johnson who was the highest bidder at the price and for the sum of nine Hundred and thirty dollars That said Sale has been reported to this Honourable Court by said Trustee all of which will be shewn by reference to the proceedings in said Cause mentioned on the Equity Docket of this Honourable Court No. 532 your Petitioner respectfully represents that since the said Sale was reported James Johnson has sold his right to said Estate under the purchase aforesaid to your Petitioner upon the conditions in the assignment stated which said assignment is appended to this Petition your Petitioner prays that he may be Substituted in lieu of the said James Johnson as the purchaser of said part of the Estate and that upon the payment of the purchase money a Deed therefor may be made to your Petitioner, and to the end that an order may be passed by your Honourable Court and that all such other and further relief may be extended to your Petitioner as may Consist with Equity and Soforth. I Dixon for John B Richards

The assignment referred to in the above Petetion Contained in the following Words viz

Whereas by Decree of Frederick County Court as a Court of Equity Jacob Cronise was appointed a Trustee to sell the real Estate of Walter Fundenburg Deceased and did on the 29th day of September 1827 at public auction sell one Hundred acres part of said real Estate to the Subscriber for the sum of nine Hundred and thirty Dollars Current Money which said Sale has been duly reported by said Trustee to said Court and Whereas the Subscriber since said Sale hath agreed with John B Richards to sell him said part of said Estate so purchased as aforesaid Now this agreement Certifies that the said Subscriber hath sold the same, and doth Hereby sell transfer and assign the same and all Benefit and advantage of the purchase from the Trustee aforesaid to the said John B Richards

upon condition that the said John B Richards in all respects kindly with the terms of said Sale as the Subscriber was bound to do by making and soforth the said John B Richards having in Consideration of said transfer and assignment paid to the Subscriber the amount of said Sale Witness my Hand and Seal this 21st day of February 1837

Test Mahlon Talbott. Jas Johnson (Seal)

Order of Substitution John B Richards

Whereupon the following Order of Substitution was filed viz: Upon the Petition of John B Richards } In No 532 Equity the said Petition and accompanying papers having by the Court been read and Considered it is thereupon and this 21st day of February 1838 ordered and Decreed that John B Richards be Substituted in lieu and stead of James Johnson who on the 29th day of September 1837 became the purchaser of one hundred acres of land part of the real Estate of Walter Fundenburg Deceased as appears by the report of the Trustee filed in No 532 Equity filed on the 20th October 1837, and that Jacob Cromer the Trustee shall make and execute a good and Sufficient Deed of Conveyance for the said Land to the said John B Richards upon the payment of the purchase money therefor agreeably to the provisions of the Decree originally passed in the above Cause, Abm Shriver,

Auditors Report

Whereupon the Auditor filed the following Report viz

Dr The Estate of Walter Fundenburg Deceased in % with Jacob Cromer Acquid Trustee.

			Cr
To the Trustee for his Commission & all Expenses			$ 60.20
" the Clerk for his fees in this 2d audit	$ 13.40		
" the Sheriff of Baltimore County (2 audits)		87	13.79
To the Auditor for his fees in stating and reporting this 2d audit and soforth			6.—
To Henry Cromer assignee of Elijah McBride & Maria his wife, Heirs of said Walter Fundenburg Deceased and Legatee under the said third proportion of Balance of proceeds of Sale, upon the amount of the Legacy to them, yet due and unsatisfied, pr proceedings, whole Amount of Legacy pr 1st audit $ 3968.84			
From which deduct advances and amount of dividend in 1st audit viz 2732.18			
Whole Balance yet due			$ 1236.32
No dividend in this audit upon that amount is			32.46
To Henry Cromer and Susanna his wife Heirs of said Walter Fundenburg Deceased & Legatee under the said third proportion of Balance of proceeds of Sale, upon the Amount of the Legacy to them, yet due and unsatisfied, pr proceedings, whole Amount of Legacy pr 1st audit			$ 3414.04
Amt Brot forward			$

Aud^r Bro^t forward $

From which deducts amount of dividend in 1st audit viz^t — 2343.52½ $1060.37½

The dividend in this audit upon that Amount is — 9% 282.55

To Jacob Kronise Trustee for Samuel Fundenburg a lunatic, and an Heir of said Walter Fundenburg Deceased, and a legatee under the will, his proportion of Balance of proceeds of Sale, upon the amount of the legacy to him yet due and unsatisfied by proceedings — Whole Amount of legacy by 1st audit — $2867.52.

From which deducts Amount of dividend in 1st audit viz^t — 1974.09 $893.42½

The dividend in this audit upon that amount is — 9% 238.

$930.9%

Whole Amount of legacies yet due and unpaid is $3190.26½.

By Amount of Sale made the 29th day of September 1827 agt Trustee upon file. & part of these proceedings — $930.9%

Kronise & Fundenburg vs Fundenburg's Heirs & others

In Frederick County Court as a Court of Equity February Term 1828 I beg leave to report to the Honorable the Judges of Frederick County Court Sitting as a Court of Equity that in Compliance with their order I have made another examination of the proceedings Composing this Cause, and upon said examination Stated the aforegoing account in this as in the former audit. I have allowed the Trustee for his Commission and all Expenses, and also allowed the Costs of the Court, and the residue of proceeds of Sale I have divided amongst three of the Heirs of the said Walter Fundenburg deceased as in the former audit and under the proceedings Composing this Cause, upon the Balances of the legacies to them yet due and unpaid. In order to ascertain said Balances I have deducted from the whole, or gross Amounts of the legacies as in first audit the advances to those who have received any, as also the Amounts audited to each in former audit, which shows the Balances yet due to each, the dividends here made upon said Balances, is a fraction left than 26¼ Cents upon the Dollar, which I Respectfully Submit to the Honourable the Judges aforesaid for Ratification. Henry Ashley Auditor April 9th 1828.

order of ratification

Whereupon the Court passed the following order of Ratification viz^t February Term 1828 Ordered by the Court that the aforegoing account as Stated and reported by the Auditor, be and the Same is hereby ratified & Confirmed, and that the Trustee pay over the proceeds of Sale, as the Same had or may be received to the parties respectively entitled to the same according to the distributions in said audit made, Test^d Shriver, April 10th 1828.

Test^d John Ashley Clerk.

Maryland Frederick County Sct

At a County Court Sitting as a Court of Equity Begun and held at the Court House and Frederick Town and for said County on the first Monday of February and the year of our Lord Eighteen Hundred and Twenty Six.

Present The Honourable John Purdum Bayne Chief Judge
Thickens Thruse } Esqrs Associate
Hall Buchanan } Judges
Thomas Gorsuch Esqr Sheriff
& John Tilley Clerk

On the Record of proceedings of the said Court is Entered after
Filed the following Viz^t

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity Humbly Complaining Shew unto your Honours your Orator Abraham Summers, Isaac Summers and John Summers all of said County that on or about the fourteenth day of April in the year 1823 Abraham & Isaac two of your Orators together with a Certain Isaac Wiles Husband of said Abraham Summers Entered into and upon certain Lands lying in said County for the purpose and the terms & Covenants hereinafter described and set forth in an Article of agreement signed by and as Contracting parties to two Copy of which marked No 1 is hereunto exhibited and Called together with and also Certificate Receipts to be read by your Orator they pray may be taken and Considered by your Honours as a part of this their Bill of Complaint That immediately on the execution of said agreement the said Wiles & Abraham & Isaac Summers took possession of said Land and Farm to the said Abraham from the 1st day of said November Called That early in the month of March 1825 the said Wiles for the Consideration hereinafter mentioned sold to your orator John Summers his share of said Land your orators together with said Wiles have the part of said Wiles taken off before from the two thirds owned by your orators Abraham & Isaac the Consideration whereof which said part and Receipts Exhibited marked No 2 That your orator the said John agreed with said Wiles to give him the sum of four hundred Dollars which said Wiles was to pay the said Isaac as the succeeding measured that is the said John was to pay one and pay on the head of said Wiles the part of said Isaac and money and by said Wiles to said Isaac as to Account and from that time forward until the late Colonel gramny and from said Wiles was fully paid, your Orator the said John was to pay to said Wiles the Balance as shown by the Husband Memorandum which said Wiles has already Given to said Isaac prior drawing

Hancock the executor of the account Kennith Cabiness mentioned
No 3 which the said Silas exhibits with the said folio the said John
Hancock not to pay interest on the said Balance as amounts
settled from the time of the said hay account and to said Court
That the said John Hancock administrator aforesaid of the said Silas
said part of said Estate according to the Decree of Distribution
aforesaid No 2 and has continued to comply and do
the said accordingly and agreed with the Consent and approbation
of the said Abraham Clark the other Son of your orator & also
of the said Silas during his life time That your orator the said
Silas his further Executors of the said contract with the said Abraham
did by the first of April 1820 pay to the said John the sum of
One Hundred and fifty Dollars, that being the Balance due and
due day by said Silas to said John, and on the first day of
April in the year 1826 your orator the said John came to the said
John instead of the said Silas the sum of one Hundred and
twenty four Dollars that being the amount of said Hundred Thirty
three and nine pence by said Silas and your orator is willing
and ready to pay up his share or portion of the Balance
of the Husband money for said Land to which the said Jane is
entitled and there is willing and ready to pay to the
representatives of the said Silas the amount aforesaid to which
he said he entitled when the said Account and your orator
further represents unto your Honors that although by the terms of
said agreement the said Jane was bound to execute and
deliver to the said purchasers of said Land a Deed for the
same and ten days after the first instalment was paid by
he did not until the sixteenth day of April 1828 execute the
Deed but on that day the said Jane signed sealed and
acknowledged the said Instrument that is now marked No 3 and
did not execute the same, having before as he has professed
until the 27th day of May 1825 when he returned to Abraham
Clark, one of your orator, the said Silas being at that
time and that the said Silas died on or about the 17th
day of April 1827, intestate, leaving a wife named Catharine
and three children named John, Elizabeth and Jane, and
of whom are infants That Letters of administration on the personal
Estate of said Deceased have been granted by the Orphans
Court of Hunterdon County to Daniel Bowlby your orator the said
further represents unto your Honors that as a part of said
Contract made by him with said Silas and his Executors
of which said Contract your said orator truly the profits
have the money as aforesaid so now your said Orator
Conveys the said Silas part of said Land to the said John
Executor of said Silas at the time that he executed the
deed to your other said orator for that part of said Land
which the said Jane was not to be although signed as to be
your orator was advised that necessary as the said deed

Marked No 3 was not Delivered by the said Toms, during the life time of said Wiles no estate or title passed thereby to the said Wiles or his Heirs. your orator. the said John, is advised that it is the duty of the said Toms to convey to him by a good and Sufficient deed the legal title to the said land described in Exhibit No 2. that he may hold the same in fee in Severalty and for this purpose he applied to the said Toms who refused and still refuses to convey the same To the end therefore that the said Toms may be Compelled to Convey to your orator the said John by a good & Sufficient deed the said land described in Exhibit No 2 and that the said Toms, David Bowles, John, Elizabeth & Jacob & Catherine Wiles may answer this Bill upon oath and that your orator may have such other and further relief in the premises as the nature of their Case and justice and equity may require May it please your Honour to grant to your orator the States writ of Subpoena in the usual form to be directed to the said Abraham Toms, David Bowles, Catherine Wiles, John Wiles Elizabeth Wiles & Jacob Wiles all of Frederick County Commanding them to be and appear in this Honourable Court to answer this Bill of Complaint & to Stand to and abide by such Decree as may be passed in the premises and as in duty Bound &c Fred'k A Sebley Sol'r for Compl'g

Exhibit No 1 Exhibit No 1 referred to in the within and aforegoing Bill of Complaint Contained in the following Words viz

Articles of an agreement made and concluded this Fourteenth day of April Eighteen Hundred and Twenty three by and Between Abraham Toms of the one part and Abraham Summers, Jacob Wiles and Jacob Summers of the other part Both of Frederick County and State of Maryland Witnesseth that the said A Toms doth sell unto the said A Summers Wiles and J Summers all that Tract and parcel of Land known by the name of Part of Land of Promise Deeded to Daniel Gaver by John Gaver, George Gaver, Henry Gaver & others about the first day of April Eighteen Hundred & Seventeen (Except two small Tracts Deeded by Daniel Gaver to a Certain Daniel Toms, and Jacob Mantler Containing Eight acres and thirty three perches (now Containing One Hundred and Sixty acres and Seven perches for the Consideration of Three Thousand and one Hundred Dollars to be paid in manner following that is to say one Thousand Dollars on this day and the Remainder in four Equal payments that is to say the first on the first day of April Eighteen Hundred and Twenty five the Second on the first day of April Eighteen Hundred and Twenty Six and the third on the first day of April Eighteen Hundred and Twenty Seven and the fourth on the first day of April Eighteen Hundred and Twenty Eight for which

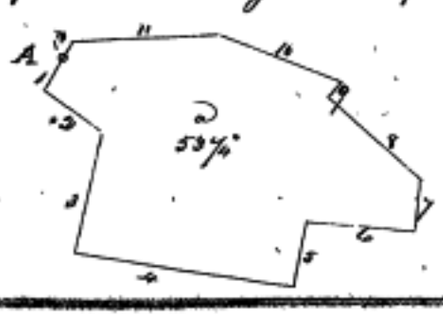
Said A Summers, Wife, and J Summers agree to give their notes, without Interest the one and the said Jones agree to make a deed to the said A Summers, Wife & J Summers, Defended against him and his Heirs, in ten days after the whole of the first instalments is paid & the said A Summers Wife and J Summers agree to take said Tract of Land according to the Courses and Distance as now Laid down in this and given to Daniel Jones, Except the two Tracts above mentioned on their own Defence, and said Jones agree to let said A Summers, Wife and J Summers Safe of all the Taxes on said parcel of Land, up to the first day of October Eighteen Hundred and Twenty Two, and said A Summers Wife and J Summers Have further agreed that in case the Petitions filed of Daniel Long Deceased and the Land aforesaid Should fail on their Premises that they will give privilege to Samuel Jones Guardian of John Jones Minor to Remove the same on the Land or on the Land of said Deceased & the true performance of the Several Covenants and agreements Both parties Bind themselves their Heirs Executors administrators back to the other their Heirs Executors administrators in the sum of Six Thousand and Two Hundred Dollars In Testimony Whereof they Have Hereunto Set their Hands & Seals the day & year first within written, Abraham Jones (Seal)

Signed Sealed & Delivered
in the presence of us
John Summers, Jacob Leatherman

Abraham Summers (Seal)
Jacob Wild (Seal)
Jacob Summers (Seal)

Exhibit No 2

Exhibit No 2 Part of a Tract of Land called 'The Land of Promise' Beginning at the Original Beginning of the whole Tract called The Land of Promise and running thence with the first line thereof North 63° West 14 perches to a Stone Then South 32½ West 27 perches to a Stone planted North 80° West 30 perches to a Stone planted South 86° West 16 perches to a Stone planted South 47½° West 77½ perches to the end of 53¾ perches on the 20th line of the whole Tract called the Land of Promise then by and with the outlines thereof South 82° East 21½ perches to a Stone at the end of the 18th line of the Resurvey on Christian's Good will then with the 19th line of said Land South two Degrees West forty perches Then South 85° East 19 P. North 38½° East 46 perches to the end of the 4th line of a Tract of Land called Risking South 48° East 7¾ P. to the end of the 3d line of Ludwick Rentzongs Deed for part of said Land called The Land of Promise and with said deed reversed 3 Courses viz North 17½° East 49½ perches to the end of the Second line of said and North 6° West 54 perches North 63° West 6 perches to the first Mentioned beginning Containing 53¾ acres of Land Surveyed the 7th day of April 1825.



David Bowles Surv.

Exhibit No 3

Nov.r 19.th 1825 Jacob Wilt To John Summers Dr

To Account of 7/s 7 ff 12/s

Maryland Frederick County Set on this 19.th day of November 1825 Being mind this death of Jacob Wilt personally appears John Summers before the Subscriber a Justice of the Peace in and for said County and made oath on the Holy Evangely of Almighty God that the within and aforegoing 7/s is just and true as stated and that no part of the money therein stated to be due hath been received or any security or Satisfaction for the same, further than the credit entered to the best of his knowledge,

Sworn Before George Rohr,

Exhibit No 4

Exhibit No 4

This Indenture made this Sixteenth day of April in the year of our Lord one Thousand Eight Hundred and Twenty five Between Abraham Toms of Frederick County and State of Maryland of the one part and Abraham Summers, Jacob Wilt and Jacob Summers of the County and State aforesaid of the other part Witnesseth that the said Abraham Toms for and in Consideration of the sum of Three Thousand and one Hundred Dollars current money by them the said Abraham Summers, Jacob Wilt and Jacob Summers in hand paid before the sealing and delivery of these presents the receipt whereof he the said Abraham Toms doth hereby acknowledge Hath granted Bargained sold aliened enfeoffed and Confirmed and by these presents do grant Bargain and alien Enfeoff and Confirm unto them the said Abraham Summers, Jacob Wilt and Jacob Summers their heirs and assigns forever as Tenants in Common and not as Joint Tenants all the following part of a Tract of Land Situate Lying and being in the County and State aforesaid being All that part of a Tract of land called "The Land of Promise" Containing one Hundred and Sixty Eight and one quarter acres of Land which was originally on or about the first day of April one Thousand Eight Hundred and Seventeen Conveyed by John Lyons and others to a Certain Daniel Lyons which said deed is recorded in Liber I S No 5 folio 596. 597. 598 & 599 and of the Land records of said County and more fully often which said above described part of a Tract of land was since Conveyed by a Certain William Ross Trustee to the said Abraham Toms by a Deed of Conveyance duly recorded in the Land records of Frederick County aforesaid which by a reference thereto will more fully and at large appear Reserving and excepting thereout and of the first mentioned and the quantity of Four and one quarter acres & twenty Eight perches of Land which was Conveyed by a Certain Daniel Lyons to Jacob Warstler by deed bearing date the

Eleventh day of July 1818 and recorded in Liber I S No 6 folio 726 & 727 one of the Land records of said County will appear reference being thereunto three acres and three quarters and five square perches which was Conveyed by the said Daniel Jones to the said Daniel Jones by deed bearing date on or about the 11th day of July 1818 & recorded in Liber I S No 6 folio 729, 730 & 731 one of the Land records of the County aforesaid will more fully and at large appear Together with all and Singular the Buildings Improvements and appurtenances whatsoever thereunto Belonging or in any wise appertaining and all the Estate right Title & Interest whatsoever of him the said Abraham Jones both at Law & in Equity of in to and out of the said part or parcel of land and premises or as aforesaid described or any part or parcel thereof and all and Singular other the premises with their and every of their appurtenances unto the said Abraham Summers, Jacob Wild and Jacob Summers their Heirs and assigns to have and to hold the said part or parcel of Land as aforesaid unto them the said Abraham Summers, Jacob Wild and Jacob Summers their Heirs & assigns forever as Tenants in Common and not as Joint Tenants to which is hereto annexed and unto Witness whereof the said Abraham Jones hath hereunto Subscribed his name and affixed his seal the day & year first herein Before written,

Signed Sealed & Delivered
in the presence of
Jas Hammett, Jacob Fiser

Abraham Jones (Seal)

State of Maryland Frederick County to wit On this 16th day of April Eighteen Hundred and Twenty five personally appears Abraham Jones Before us the Subscribers two Justices of the Peace in and for the County aforesaid & acknowledges the within Instrument of writing to be his act and Deed and the land and premises therein described to be the right and Estate of the within named Abraham Summers, Jacob Wild, and Jacob Summers their Heirs & assigns forever and to and for no other use intent or purpose whatsoever according to the true intent and meaning of the said Instrument of writing and the acts of assembly in such Case made & provided, and now at the same time personally appears Hannah Jones wife of the said Abraham Jones Before us two Justices of the Peace in and for the County aforesaid & acknowledges the within Instrument of writing to be her act & Deed and the Land therein mentioned to be the right and Estate of the within named Abraham Summers, Jacob Wild & Jacob Summers their Heirs and assigns and the said Hannah Jones being by us privately examined apart from and out of the Hearing of her said Husband and acknowledges that she doth make this Her acknowledgement of the same willingly and freely and without being induced thereto by fear or threats of or ill usage or fear of his Displeasure

Acknowledged Before
Jas Hammett,
Jacob Fiser,

order for Comm.n

Whereupon the Court passed the following order for Commission viz
Abraham. Isaac & John Summers vs Abraham Sons & others, } In Frederick County Court Sitting as a Court of Chancery July Term 1826 on Motion ordered that a Commission issue in this case to John Sifford Esquire to appoint a guardian to take the answers of the Infant Defendants. John Elizabeth & Isaac Wiles who have been duly Summoned, Absd Thereof,
Whereupon in pursuance of the above order the following

Comm.n

Commission Issued viz
Maryland ss. The State of Maryland. To John Sifford Esquire of Frederick County. Greeting Whereas Abraham, Isaac & John Summers have lately exhibited their Bill of Complaint Before us in our County Court as a Court of Chancery, against Abraham Sons, Elizabeth Wiles & others, Defendants and whereas we have by our writ lately Commanded the said Defendants to appear Before us, in our said Court as a Court of Chancery, at a certain day now past, to answer the said Bill but, for as much as the said John, Elizabeth & Isaac Wiles are infants under age, and cannot answer the said Bill nor defend this suit, without having a Guardian assigned in that behalf. Knowye, therefore, that we have given unto you full power and authority in pursuance of the above order in our said Court, to assign and appoint a Guardian for the aforesaid infants, and to take the answer of the said infants by such guardian to the said Bill and therefore we Commande you, that at such certain day and place as you shall think fit, you go to the said Defendants if they cannot conveniently come to you, and assign & appoint a guardian for the aforesaid infants, and take the answers of the said infants, by such Guardian, to the said Bill on such Guardian's Corporal Oath upon the Holy Evangely, to be administered by you, the said answers being distinctly and plainly writ and when you shall have so taken the said answers, you are to send the same closed up under your Seal, together with your Certificate of your having assigned and appointed such Guardian as aforesaid, and this writ, unto us, in our said Court, Witness the Honourable John Buchanan Esqr. Chief Judge of our said Court, the 6th day of February Anno Domini 1826
Fee $1 Test: John Sifley Clerk 31st July 1826.

(Seal)

And the said Cause as standing Continued to August Term 1826 the following Answer of the Infant Defendants by their Guardian regularly appointed, together with the above Commission thereto annexed was filed viz

Infants Answer

The Joint and Separate answer of John, Elizabeth & Isaac Wiles, who are Infants under the age of twenty one years by Horatio G. Onion, their guardian, to the bill of

Complaint of Abraham Summers, Jacob Summers & John Summers filed in Frederick County Court, Sitting as a Court of Equity. The said Infants by their said Guardian, in answering the said Bill, admits the Several matters and things therein set forth, and are willing that such Decree may be made in this Cause as may be Consistent with Equity and good Conscience, hoping, that as they are infants, this Honourable Court will regard their interest, Horatio G. Urual, Guardian to John, Elizabeth & Jacob Wiles,

Frederick County to wit On this thirtieth day of August in the year Eighteen Hundred and twenty six personally appears Horatio G. Urual Before me, the Subscriber, the Commissioner named in the Commission for that purpose issued from Chancery, and makes Oath on the Holy Evangely of Almighty God, that the several matters stated in the above answer are true, as stated to the best of his Knowledge,

Sworn Before, John Siffond,

I, the Subscriber, named in a Commission from the Chancery Court of Frederick County, in a Cause in the said Court depending, Between Abraham Summers, Jacob Summers and John Summers, Complainants and Abraham Toms, Elizabeth Wiles and others Defendants do Hereby Certify that by virtue of the said Commission Herewith enclosed I Have assigned and appointed Horatio G. Urual, Guardian for John Elizabeth & Jacob Wiles, the said infants therein named, and have taken the answer of the said Infants by their said Guardian in writing, upon his Corporal Oath, to the Bill in the said Commission recited, which I Herewith send enclosed, In Witness Whereof I Have Hereunto Subscribed my name & affixed his Seal, this twenty fourth day of August in the year 1826, John Siffond (Seal)

And the said Cause as standing Continued from Term to Term until August Term 1827, the following Answer was filed viz)

Abraham Toms, answer

The Answer of Abraham Toms, to the Bill of Complaint of Abraham Jacob and John Summers filed in Frederick County Court Sitting as a Court of Equity against the said Abraham Toms, Elizabeth Wiles and others, the said Defendants, Saving and reserving to himself now and at all times Hereafter, all and all manner of Benefit and advantage of Exception to the manifold uncertainties and imperfections in the Complainants said Bill of Complaint Contained, for answer thereunto or unto so much thereof as materially Concerns this Defendant to make answer unto, he answereth and saith that he did on the fourteenth day of April Eighteen Hundred and twenty three enter into an article of agreement for the Sale of certain Land with Abraham and Jacob Summers and Jacob Wiles for the price and on the terms Contained in the article of agreement mentioned in the said Bill of Complaint, He admits also that the said parties did take possession of the said Land and paid to this Defendant the sum of one Thousand Dollars but not as stated with respect to any Contract made Between Jacob Wiles & John Summers or any agreement of a partition of the said Land Between the said Abraham & Jacob Summers & Jacob Wiles this Defendant has no knowledge, but he is willing as far

As the same may concern him to admit the fact as stated in the said Bill. This Defendant also admits that the payments in April Eighteen Hundred and twenty five and six were made by Abraham & Jacob Summers & not by John Summers as the Complainants have stated, but how far the said John Summers is willing and will be ready to pay up his share or portion of the balance of the purchase money for said Land to which this Defendant is entitled, as facts of which this Defendant will be better able to judge by the actual performance thereof by the promise to perform and when the monies are paid, he will then admit his willingness and capacity to pay up his portion of the balance and this Defendant. This Defendant admits the deed was not executed and acknowledged until the Sixteenth day of April Eighteen Hundred and twenty five on that day and year, he signed, Sealed and Delivered it as his act and Deed in the presence of two Witnesses and on the same day he acknowledged the same to be his act and Deed Before two Justices of the Peace in and for the County of Frederick and State of Maryland This Defendant does not know of his own knowledge that Jacob Wiles died on or about the nineteenth of April Eighteen Hundred and Twenty five, but he has understand and believes he died about that time and as far as the same fact, may affect him, he is willing and hereby does admit that the said Jacob Wiles died at the time mentioned in the said Bill of Complaint, This Defendant admits he kept the deed in his possession until the grantees or either of them should call for it, and that he gave it to Abraham and Jacob Summers when they required it, which this Defendant believes was on the twenty eighth of July Eighteen Hundred and twenty five as stated in the Bill of Complaint. This Defendant is willing to admit that the said Jacob Wiles died having a wife named Catherine and three infant children named John, Elizabeth and Jacob & that Letters of administration were granted to David Rowles, This Defendant also further answers that when the said Deed was signed Sealed and Delivered, on the said Sixteenth of April 1825 all the grantees to wit Abraham Summers, Jacob Summers, and Jacob Wiles were living, and that he intended and did so consider that the signing sealing and delivering the said deed in the presence of the said two witnesses who were the Magistrates who took the acknowledgement of this Defendant and his wife, was in law and in fact a delivery of the said deed, and this Defendant is informed by his Counsel, that the said deed so signed Delivered and acknowledged is a good deed and passes a fee in the said Land to the said parties from the date of the said Deed, This Defendant denies that he agreed with the said John Summers, that when he should convey to the said Abraham and Jacob Summers he would convey

To the said John Summers, the said Jacob Wiles Part of the said Land
This Defendant further States that he Commanded and agreed to
convey the Land to Abraham and Jacob Summers and Jacob Wiles
but that he never Commanded and agreed to Convey to John
Summers neither has it that John Summers say he purchased from
Jacob Wiles and this Defendant was Commanded to Convey to the said
John Summers, this Defendant further says that he never did refuse
to Convey to the Heirs of the said Jacob Wiles either this and prop-
erties or undivided Interest in the said Land, or Jointly with the
said Abraham and Jacob Summers, and this Defendant further
States that should the Court be of opinion that the Deed to
Abraham & Jacob Summers and Jacob Wiles was not duly delivered
he is still willing to make a Deed to the said Abraham & Jacob
Summers and the Heirs of Jacob Wiles either Jointly or Seperately
as this Court may direct and that he has never as refused to do,
but he admits he has refused and he still refuses to make a Deed
to John Summers with whom he has never Contracted to Convey
all which matters and things this Defendant is ready to aver &
prove as this Honourable Court shall direct and award, and
humbly prays to be hence dismissed with his reasonable Costs and
Charges in this Behalf most wrongfully sustained

Wm Ross Solr for Defendant

Frederick County to Wit Personally appear Before me the Subscriber one of the
Justices of the Peace in and for the County aforesaid on the 23d of
August 1827 the above named Abraham Sums and upon his Oath
taken according to Law doth depose and say that the facts as
above stated in his answer are true as therein stated to the
best of his Knowledge & Belief,

Sworn Before me Jn.o Harding

Answer of Catherine Wiley

Whereupon the following Answer was filed viz
The Answer of Catherine Wiley one of the Defendants to the Bill
of Complaint of Abraham Summers & others in Frederick County
Court Sitting as a Court of Equity The said Defendant for
Answer to said Bill of Complaint admits the Several matters
and things therein stated to be true and is willing a Decree
should be passed according to whatever is right & Equitable

Witness John Groff, Catherine (her mark) X Wiley

I agree to receive the above answer and that it may be filed
and acted on by the Court in the same manner as if regularly
Sworn to, Hereby waiving all objection to it for the want of
it's being on Oath, Fdbehley for Compltt

Answer of David Rowles

And the said Cause so standing Continued from Term to Term
until July Term 1828 the following Answer was filed viz
The Seperate Answer of David Rowles, the administrator of
Jacob Wiles Deceased, to the Bill of Complaint of Abraham
Jacob and John Summers Complainants filed in Frederick
County Court Sitting as a Court of Equity The said David
Rowles, as administrator of said Jacob Wiles Deceased admits
the several matters and things Contained in said Bill of

Complainants to be true as stated But for further answer he states that Jacob Wiles, in his life time paid the sum of three Hundred and Seventy Dollars in part of the first, or cash payment on said land, which was thirty Six Dollars & Sixty Six cents more than his one third of the said payments; and which last said sum is still due to him from the said Abraham & Jacob Summers with interest on the same from the time it was paid by said Wiles, which was in April 1825, That after deducting the amounts of John Summers account filed in this Case of 70 Dollars & 12½ cents there was due to this defendant as administrator as aforesaid from said John Summers the sum of two Hundred & Sixty three Dollars & twenty one Cents with interest from the first day of April 1828 on account of said purchase money for said land the same being the Balance due cash payments made by said Wiles as aforesaid to said Sons, and this Defendant prays to be Hence Dismissed with his Costs. David Bowles,

On this 7th day of July 1828 David Bowles made Oath Before the Subscribed a Justice of the Peace for Frederick County that the several matters Contained in the foregoing answer are true as stated to the best of his knowledge & Belief — Sworn Before, George Rohr

Decree

Wherefore the Court passed the following Decree viz

Abraham Summers
Jacob Summers,
John Summers
vs
Abraham Sons
Elizabeth Wiles & others

In Frederick County Court Sitting as a Court of Equity July Term 1828. This Case being ready for a Hearing, and being fully argued by Counsel on behalf of the Complainants and Defendants and the Court having read and considered the Bill, answers, Exhibits and all other proceedings in the cause, and being Satisfied that the Complainants are entitled to relief, It is therefore this 25th day of September in the year 1828 adjudged, ordered and Decreed that Abraham Summers, and Jacob Summers pay to David Bowles, the administrator of Jacob Wiles Deceased, the sum of thirty Six Dollars and Sixty Six Cents, with Interest thereon from the first day of April in the year 1825, up to the time that the same shall be paid to said Bowles and that the said John Summers pay to said Bowles as administrator as aforesaid the sum of two Hundred and Sixty three Dollars and twenty one Cents with Interest thereon from the first day of April in the year 1828 until the same is paid to said Bowles and on the payment of said money to said Bowles, It is further adjudged, ordered and Decreed that Abraham Sons one of the Defendants, shall by a good and sufficient deed, to be Executed and Acknowledged by him according to law Convey to the said John Summers in fee simple the following Tract

or parcel of Land by the following mites and Bounds to wit all that part of a tract of Land Called "The Land of Promise" Beginning for the same at the original Beginning of the whole tract called "The Land of Promise" and running thence with the first line thereof North 63 Degrees West 14 perches to a Stone Thence South 32 Degrees West 27 perches to a Stone planted North 80 Degrees West 30 perches to a Stone planted South 86 Degrees West 16 perches to a Stone planted South 44½ Degrees West 77½ perches to the end of 53¼ perches on the 20th line of the whole tract called "The Land of Promise" then by and with the outlines thereof, South 82 Degrees East 21½ perches to a Stone, at the end of the 18th line of the Resurvey on Christians Good will then with the 19th line of said land, South 2 Degrees West forty perches then South 80 Degrees East 19 perches North 36¾ Degrees East 46 perches to the end of the 4th line of a tract of land called "Picking" South 48 Degrees East 73¼ perches, to the end of the 3d line of Lodwick Rentzings Deed for part of said land "called" The Land of Promise and with said Deed reversed 3 Courses to wit North 17½ Degrees East 49½ perches, to the end of the second line of said Deed, North 6 Degrees West 34 perches North 63 Degrees West 6 perches, to the first mentioned Beginning containing 53¼ acres of land more or less and for the husband of answering all doubts as to the sufficiency of the title of said John Summers to said Land it is further ordered & Decreed that the said Abraham & Jacob Summers join the said Jones in the Execution and acknowledgment of the said Deed of Conveyance as by a seperate and to be executed and acknowledged ceremony to have by the said Abraham & Jacob Summers they convey to the said John Summers & his heirs all their right title interest and estate to and in the said 53¼ acres of Land as aforesaid described and it is further adjudged, ordered and Decreed that the said Abraham Jones pay to the Complainants the amount of their Costs in this suit, the same to be ascertained & taxed by the Clerk of this Court,

Alex Shriver.

Test John Ashley Clerk

Maryland Frederick County Set

At a County Court Sitting as a Court of Equity Begun and held at the Court House in Frederick Town in and for said County on the first Monday of February in the year of our Lord Eighteen Hundred and Twenty Seven,

Present The Honourable John Buchanan Esquire Chief Judge

Abraham Shriver & Esquires associate
Thomas Buchanan } Judges

Thomas Carlton Esquire Sheriff

and John Ashley Clerk

In the record of proceedings of the said Court amongst others are the following viz Humbly Complaining sheweth unto

Bill your Honours the Bill of Complaint of Frederick Staley & Elizabeth

Staley and William Tyler of Frederick County, That a certain George Shaffer Junr of Frederick County being seized and possessed of a Considerable real and personal Estate on the fifteenth day of March Eighteen Hundred and Twenty one made and executed his and [illegible] of June his Testament and last will a Copy whereof is Herewith shewn marked No 1 and which with all other Exhibits Hereinafter referred to, it is prayed may be taken and received as a part of this Bill of Complaint. That the said George Shaffer Junr on or about the Sixth day of April Eighteen Hundred and Twenty one departed this life without having in any wise altered or revoked said will. That amongst other provisions in said will Contained is the devise following viz. I give and devise unto my son George Shaffer Junr my plantation wherein I now live and all my real Estate Containing together about Eighty Six acres more or less. unto the said George Shaffer Junr his Heirs and assigns forever in fee simple" Item" I give and bequeath unto my seven Daughters namely, Mary Susanna, Elizabeth, Catharine, Phoebe Christena & Anna Maria Shaffer, the sum of Three Hundred Dollars each to be paid them by my son George when he shall attain to certain age Beginning at the Twenty first year of his age, and pay as much yearly to each as the Executors may deem reasonable and the said Testator named and appointed Catharine Shaffer Executrix and your Orator Frederick Staley Executor of his said Testament and last will your Orators further represent that George Shaffer Junr the Devisee above named went into the possession of the real Estate devised to him and died on or about the first day of March Eighteen Hundred & Twenty four, unmarried, and without having paid any portion of the Legacies bequeathed by the Testament and last will aforesaid your Orators further represent that Letters Testamentary were granted upon the personal Estate of the said George Shaffer Junr Deceased to the Executors in said will named, by whom the said Estate has been finally settled as will be shown by a Certificate of the Register of Wills for Frederick County Herewith Exhibited and marked No 2. That there are many other Claims against the Deceased, which the personal Estate was insufficient to Satisfy, of which the papers marked No 3 shewing debts due to your Orator Frederick Staley, and paper No 4 shewing a Debt due to your Orator William Tyler are a part your Orators further represent, that George Shaffer Junr at the time of his Death left the following Children to wit George Shaffer Junr the Devisee in said will named and Mary the wife of Geo Miller, Susan the wife of Valentine Rhodes, Eliza beth the wife of Frederick Staley your Orator and Oratrix in this behalf, Catharine, the wife of George Hinkle, Christena, Phoebe the wife of

Solomon Shroyer, and Maria, an Infant under the age of Twenty one years, that George Shaffer Junr having died without issue and Intestate, your orators are advised, that his said real Estate descended to his before named Sisters as his Heirs at Law, subject to the legacies bequeathed to them by the will of their father as aforesaid your orators further represent to your Honours, that the said George Shaffer Junr at the time of his Death was possessed of no personal Estate, having died in his minority and before he attained to the age of Twenty one years, that the real Estate above mentioned, is not susceptible of division amongst the parties entitled, but that the Interests of all will be promoted by the sale thereof your orators are advised that so much of said real Estate as may be necessary to satisfy the Debts and from the Estate of said George Shaffer Junr this Court is Empowered to Decree to be sold for that purpose and that the residue may be sold under the order of this Honourable Court for the satisfaction of the legacies aforesaid, and for the purpose of distribution amongst those entitled, and that the same can only be sold by the order of this Court by reason of the minority of Maria Shafer aforesaid. In tender Consideration Whereof and for as much as your orators are remediless in the premises elsewhere than in this Honourable Court sitting as a Court of Equity, and to the end that the real Estate aforesaid should be Decreed to be sold for the purposes aforesaid by a suitable person to be appointed to make said Sales may it please your Honours to grant to your orators the States writ of Subpoena to the aforesaid George Miller and Mary his wife, Valentine Rhodes, and Susanna his wife, George Hinkle and Catherine his wife Christena Shafer, Solomon Shroyer and Rhoda his wife and Maria Shafer, to be directed, Commanding them and each of them to be and appear in this Honourable Court, by some day and under some pain therein to be mentioned, then and there upon their Corporal Oaths, to answer the foregoing Bill and to shew Cause if any they have why a Decree should not be hoped as prayed And may it please your Honours to grant a Commission in the usual form to some discreet person to be directed to assign a guardian to answer for the Infant Defendant aforesaid as is usual in the practice of this Court and may it please your Honours to extend to your orators all such other and further relief in the premises as may Consist with Equity and good Conscience, And your orators will ever pray &c.

J Nelson Solr for Compltt.

Exhibit No 1

Exhibit No 1 referred to in the within and aforegoing Bill of Complaint Contained in the following Words viz

In the name of God Amen. I George Shaffer Senior of Frederick County in the State of Maryland being sick and weak in Body but of sound and disposing mind memory and understanding Considering the Certainty of death and the uncertainty of the time thereof and being desirous to settle my Worldly affairs and thereby be the better prepared to leave this world when it

Shall please God to call me hence do therefore make & publish this my last will and testament in manner and form following, that is to say First and principally I Commit my soul into the Hands of Almighty God and my Body to the earth to be decently buryed and after my debts and funeral charges are paid and my wife third taken out, devise and bequeath as follows. I give and devise unto my son George Shaffer Junior my plantation whereon I now live and all my real Estate containing together about Eighty Six acres more or less unto the said George Shaffer Junior his Heirs and assigns forever in fee Simple, Item I give and bequeath unto my three Daughters namely Mary, Susanna, Elizabeth, Catherine, Rebe, Christena & Anna Maria Shaffer, the sum of three Hundred each to be paid them by my son George when he shall attain a certain age Beginning at the twenty first year of his age and pay as much yearly to each as the Executors may deem Reasonable Item I Give and bequeath unto my beloved wife Catherine Shaffer all my personal Estate of every description my Executors hereinafter named to dispose of only so much thereof as will satisfy my debts, Item I give and bequeath unto my son George Shaffer Junior a Horse Saddle & Bridle as soon as he shall attain the age of twenty one years and it is my will and desire that all rents reserved for my Mill shall be applied by my Executors Hereinafter named to the repairing of said Mill as far as may be necessary and Lastly I do Hereby Constitute and appoint my beloved wife Catherine Shaffer Executrix and my friend and son in Law Frederick Staley Executor of this my last will and Testament revoking and annulling all former wills by me Heretofore made ratifying and confirming this and none other to be my last will and testament In Testimony Whereof I Have Hereunto set my hand and affixed my seal this fifteenth day of March 1821,

Signed Sealed published & declared by George Shaffer Senior the within named testator as and for his last will and testament in the presence of us, who at the request in his presence and in the presence of each other Have subscribed our names as Witnesses thereto,

George Gildy, Philip Augleberger,
John Shafer.

On the 9th day of April 1821 then came Catherine Shafer and Frederick Staley and made Oath on the Holy Evangely of Almighty God that the foregoing Instrument of writing is the true whole will and Testament of George Shafer Senior late of Frederick County deceased that hath come to their Hands and Possession and that they do not know of

Any other ... Test Henry Steiner Regr
Frederick County to wit On the 9th day of April 1821 then came George Gilday Philip Engelberger and John Strofer the three Subscribing Witnesses to the foregoing last will and testament of George Shafer Senior late of Frederick County Deceased and made oath on the holy Evangily of Almighty God that they did see the Testator therein named sign and seal this will that they heard him publish pronounce and declare the same to be his last will and Testament that at the time of his so doing he was to the best of their apprehension of a sound and disposing mind memory and understanding that they respectively Subscribed their names as Witnesses to this will in the presence and at the request of the Testator and all in the presence of each other,
Test Henry Steiner Regr
Maryland Frederick County to wit I do hereby certify that the foregoing is truly Copied from the original filed in the office of the Register of Wills and recorded in Liber A S No 2 folios 457 & 458 one of the record Books of Wills for said County on the 9th day of March 1821. In Testimony whereof I have hereunto set my Hand and affixed the seal of said office this 26th day of March 1827. Test Jo Eichelberger Regr
(Seal)

Exhibits (No 2)

Exhibit No 2)

The 2nd & final account of Catharine Shaffer Executrix and Frederick Staley Executor of George Shafer late of Frederick County Deceased

These accountants charge themselves with a Balance due deceased stated on settlement of a former account exhibited and passed the Orphans Court on the 21st day of November 1825	$161.34¼	$161.34¼
And these accountants pray an allowance for the following payments viz to wit		
For current money paid Nicholas Motz pr Voucher and receipt appears	56.25	
For do pd Jno McDonald on part of claim of F & C Staley on the said Deceased pr statement appears	14.00	
For do paid Henry Keerty assignee of John Klein on part of a note passed by the Dec'd to said Klein pr receipt appears	5.00	
For do paid do assignee of do in full of the balance of said note paid by Frederick Staley pr note & assignment and receipt appears	14.67	
For do paid by do to John Reese pr a/c proved & rect appd	21.29	
For do paid do to George Leard pr do do & do appears	5.56	
For do paid by do to N Steiner late Register for granting letters &c pr a/c and receipt appears	5.06	
For do paid by do to do for recording Inv & pr do & do appears	1.17	
For do paid by Executrix to Jacob Nutz for work at Chimney & House of Dec'd pr a/c and rect appears	16.00	
For do paid by do to T W Morgan for writing deed & also Will & Certificate appears	3.00	

Am Carried Forward ... £

Amt Brot forward ... £ ... ℔

For do paid by do George Feagy Jr. and Bill appears ... 6.4℔

For do paid Register Citations fee ... 0.56

For do paid Continuances fees from 8 Court 1825 to Dec Court 1826 both inclusive ... 1.28

For do paid do for Stating recording &c. this Acct ... 2.41

Searches relative thereto ... 6.6℔ £161.34℔

This acct allowed by the Court as Examination

On the 30th day of January 1827 came Catharine Shafer Executrix and Frederick Staley Executor of George Shafer Deceased and made Oath in the Holy Evangely of Almighty God that the foregoing account as stated is just and true and that they have paid or secured to be paid the several sums for which they have prayed an allowance to the best of their knowledge and belief which upon due examination is passed by the Orphans Court,

Test Geo. L. Eichelberger Regr

Maryland Frederick County to wit I do hereby Certify that the foregoing is truly Copied from the original filed in the office of the Register of Wills for County aforesaid and recorded in Liber G.L.E. No 3 folios 344 & 345 one of the record Books of Administration accounts in the 31st day of January 1827

In Testimony whereof I have hereunto set my hand and affixed the seal of said office this 27th day of March 1827. Test Geo. L. Eichelberger Regr

Answer of Geo. Miller & others

And the said Cause as standing Continued from Term to Term until August Term 1827 the following answer was filed viz The Joint and Several answers of George Miller and Mary his wife George Hinkle and Catharine his wife, Christian Shafer, Solomon Shroyer and Phoebe his wife, to the Bill of Complaint of Frederick Staley and wife and Wm Tyler in Frederick County Court, as a Court of Equity Exhibited These Defendants admit the several matters and things in said Bill stated and Contained That George Shafer Senr died on or about the fifteenth day of March Eighteen Hundred and Twenty one, after making and executing his last will and Testament a Copy whereof is Exhibited by the Complainants with their said Bill That by said will Catharine Shaffer and Frederick Staley were appointed Executors They further admit that George Shaffer Senr to whom the land mentioned in said will was devised, died on or about the first day of March Eighteen Hundred and Twenty four, unmarried and without having paid any portion of the Legacies Bequeathed by the last will and Testament aforesaid They admit that letters Testamentary were granted by the Orphans Court of Frederick County on the Estate of George Shafer Senr Deceased to the Executors in his will named and that said personal Estate proved not sufficient to pay the debts of said Deceased. They

Likewise admit, that the Complainants are Creditors of said Estate and that the Land will not admit of an advantageous division amongst all the Heirs, they are willing that a Decree should be passed for the Sale of said Estate, by a Suitable Person to be appointed Trustee for that purpose, and the purchase money distributed amongst the Heirs, they pray leave to be dismissed

George Miller, Mary Miller, Christian Shafer, Solomon W. Shroyer
Rhoda Shroyer, George Hinkle, Catherine Hinkle

I agree to receive the within answer without Oath,

I Nelson for Complts, Aug 15th 1827

And the said Cause as standing Continued from Term to Term until February Term 1828 the Court passed the following order for Commission viz

order for Comn.

Frederick Staley & others
vs
Maria Shafer

In Frederick County Court as a Court of Equity February Term 1828 upon application by the Complainants Solicitor ordered that a Commission to appoint a Guardian to answer for the Infant Defendant above named issue to Matthias E Barlow Esqr. Abm Shriner April 10th 1828, Whereupon in pursuance of the above order the following Commission Issued viz

Comn.

Maryland ss. The State of Maryland, To Matthias E Barlow Esqr of Frederick County greeting Whereas Frederick Staley & others Have lately exhibited their Bill before us in our County Court as a Court of Chancery, against Maria Shafer Defendants and Whereas we Have, by our writ, lately Commanded the said Defendants to appear before us, in our said Court as a Court of Chancery, at a certain day now past, to answer the said Bill but, for as much as the said Maria Shafer an Infant under age, and Cannot answer the said Bill now depend this suit without Having a guardian appointed on that behalf, Know ye therefore that we Have given unto you full power and authority in pursuance of the special order in our said Court, to appoint & assign a guardian for the aforesaid infant and to take the answer of the said Infant by such guardian to the said Bill and therefore we Command you, that at such certain day and place as you shall think fit, you go to the said Defendant if they Cannot conveniently Come to you and assign and appoint a guardian for the aforesaid infant and take the answer of the said Infant, by such guardian, to the said Bill on such guardian's Corporal Oath upon the Holy Evangely, to be administered by you, the said answer being distinctly and plainly wrote and when you shall have so taken the said answer you are to send the same closed up under your seal, together with your certificate of your having assigned and appointed such guardian as aforesaid, and this writ, unto us, in our said Court Witness The Honourable John Buchanan Esquire Chief Judge of our said Court the 25th day of February Anno Domini 1828 Issued the 10th day of April 1828, John Ashley Clerk,

Whereupon the following Answer and Certificate of the Infant Defendant by her Guardian regularly appointed together with the within Commission thereto annexed was filed viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity The Subscriber Commissioner in a Commission named, issued out of Frederick County Court Sitting as a Court of Equity, in a Cause in the said Court depending Between Frederick Staley and others Complainants and Maria Shafer and others Defendants Hereby Certifies that by virtue of the said Commission Herewith enclosed I have assigned and appointed Catharine Shafer Guardian for the said Maria Shafer, the said Infant therein named and have taken the Answer of the said Infant by her said Guardian, in writing upon his Corporal Oath, to the Bill in the said Commission recited which I Herewith send enclosed, In Witness Whereof I have hereunto set my Hand and Seal this 30th day of April Eighteen Hundred & Twenty Eight,

M & Bartgis (Seal)

Infants Answer

The Answer of Maria Shafer an Infant under the age of Twenty one years by Catharine Shafer her Guardian, to the Bill of Complaint of Frederick Staley & others in Frederick County Court as a Court of Equity Exhibited The said Infant by her said Guardian, in answering the said Bill saveth the several matters and things therein set forth and that it will be proper and necessary, and for the Benefit of all parties Concerned, that the Real Estate mentioned in the proceedings should be sold This Defendant submits to such Decree in this Cause, as may be Consistent with Equity and good Conscience hoping, that as she is an Infant this Honorable Court will regard her Interests

Test M & Bartgis,

Catharine her + mark Shafer, Guardian to Maria Shafer.

Maryland Frederick County to wit: Be it remembered, that on this 30th day of April Eighteen Hundred & Twenty Eight personally appears Catharine Shafer Before the Subscriber the Commissioner named in a Commission for that purpose issued out of Frederick County Court Sitting as a Court of Equity and makes Oath, that the several matters stated in the within answer are true as stated, to the best of his knowledge, information & Belief.

Sworn Before M & Bartgis,

Answer of Valentine Rhodes & Wife

Whereupon the following Answer was filed viz

The Answer of Valentine Rodes and Susanna Rodes his wife to the Bill of Complaint of Frederick Staley, Elizabeth his wife and William Tyler in the Frederick County Court Sitting as a Court of Equity These Defendants saving and reserving to themselves now and at all times hereafter all and all manner of Benefit and advantage of

Exception to the many uncertainties and imperfections in the Complainants said Bill of Complaint Contained, for answer thereunto or unto so much thereof as these Defendants are advised is necessary for them to make answer unto, they answer and say that they admit all the facts stated in said Bill to be true, as stated, and that they are willing, and wish a Decree to pass as prayed by the Complainants, so far as Counsel for these Defendants they answer is agreed to be taken without Oath, & Nelson,

Decree

Whereupon the Court passed the following Decree viz

Frederick Staley & others
vs
Geo Miller & Mary his Wife & others

In Frederick County Court as a Court of Equity February Term 1828, This cause standing ready for hearing and being Submitted the Bill, answers, Exhibits & other proceedings, read by the Court read & Considered, and it appearing to the satisfaction of the Court from the answers, that the relief prayed for by the Complainants, is reasonable and ought to be granted, It is thereupon, on this 6th day of May Eighteen hundred and Twenty Eight, by Frederick County Court, Sitting as a Court of Equity ordered adjudged and decreed, that the real Estate mentioned in the proceedings shall be sold, that for the purpose of making said Sale, John Nelson, be and he is hereby appointed Trustee, and that the Course and manner of his proceedings therein shall be as follows He shall first file his Bond with the Clerk of this Court executed by himself and a surety or sureties approved by this Court, or one of the Judges thereof, in the penalty of Two Thousand Dollars Current money and 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 to sell said real Estate at public auction, after giving at least three weeks notice by advertisement in some one or more of the Newspapers of Frederick, of the time, place, manner and terms of Sale which shall be that the purchaser shall pay one third of the purchase money on the day of Sale or the ratification thereof by this Court, and give note with Security to be approved by the Trustee for the payment of the residue in two equal annual Installments and the Trustee shall as soon as conveniently may be, after any Sale by him made return to this Court, a full and particular account of his proceedings thereto relative, with an affidavit of the truth thereof and of the fairness of the Sale annexed, and on obtaining this Courts ratification of the Sale and on the receipt of the whole purchase money and not Before) the Trustee shall by a good Deed, to be executed, acknowledged, and recorded according to Law convey to the purchaser and his, her or their Heirs the real Estate so sold to him her, or them free clear and discharged, from all claims of the Complainants or Defendants in this behalf claiming under the Decreedee And the Trustee shall bring into this Court, the money arising from the said Sale to be applied, under the

Direction of this Court after deducting the Costs of this suit and such Commission to the Trustee, as this Court may think proper to allow, he have their his a right of Dower the Estate must be sold subject thereto, unless the widow by writing under her Hand and seal to be in this Court filed, shall consent to release her Dower in Consideration of receiving such part of the said money arising from the Sale as this Court shall deem Just, Abm Shriner;

And the said Cause is standing Continued to July Term 1828.

Trustees Bond

The Trustee filed the following Bond Endorsed "Approved Abm Shriner" viz

Know all men by these presents, that we John Nelson & William Tyler of Frederick County and the State of Maryland are Held and firmly Bound unto the said State, in the just and full sum of Two Thousand Dollars Current money to be paid to said State or its certain Attorney to which payment well and truly to be made and done, we Bind our selves, our Heirs, Executors and administrators, jointly and Severally, firmly and by these presents, Sealed with our seals & dated this 23d day of July 1828. Whereas by Decree of Frederick County Court Sitting as a Court of Equity, the above bound John Nelson, hath been appointed a Trustee to sell the real Estate of Lyon Shafer Senr Deceased, Now the Condition of the foregoing obligation is such that if the above bound John Nelson do and shall well and truly perform the trust reposed in him by the said Decree, or that may be reposed in him by any future rule or Decree in the premises, then the foregoing obligations to be void and of none effect, else to be and remain in full force and virtue in law,

Signed Sealed & Delivered
in the presence of
Wm Beall

Jno Nelson (Seal)
Wm Tyler (Seal)

Trustees Report

Whereupon the Trustee filed the following Report viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity The Trustee appointed by Decree of this Honourable Court bearing date on the 6th day of May 1828 reports, That as required by said Decree he filed his Bond with Security approved, That he advertised the Estate of Lyon Shafer Senr Deceased by Hand Bills, and notice in the Republican & Citizen, to be sold on Friday the 6th day of June, That upon that day and at the House and place in said advertisement stated he exposed said Estate at public auction but receiving no offer for the same, which he thought it prudent to accept he at the instance of the parties interested postponed the sale, That he a second time advertised said Estate, and on Saturday the 26th July 1828 Sold the same to Frederick Haley of Frederick County who was the highest bidder, at the price and for the sum of

Twelve Dollars per acre a memorandum of said Sale is herewith shown marked A That the amount of said Sale, is, one Thousand & Thirty Two dollars The Trustees personal Expenses are estimated at said Sale is Submitted for ratification. John Nelson Trustee

Maryland Frederick County to wit On this 28th day of July 1828 appeared John Nelson Before the Subscriber and made Oath that the Sale above reported was Bona fide & fairly made.

Sworn Before George Kohr

order of Publication

Whereupon the Court passed the following order of Publication viz

Frederick Staley & others vs. Geo Miller & others

In Frederick County Court as a Court of Equity July Term 1828 ordered that the Sale made and reported by John Nelson the Trustee in the above Cause be ratified and Confirmed unless Cause to the Contrary be shewn on or before the 20th day of August next Provided a Copy of this order be inserted in some newspaper printed in Frederick Town for three successive weeks Before the said 20th day of August The Amount of the Sales reported by the Trustee is one Thousand & Thirty Two Dollars, Abm Shriver July 31st 1828.

Printers Certificate

Whereupon the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz

I Hereby Certify that the annexed notice was inserted in the Citizen for three weeks in succession Before the date hereof.

Geo W Sharp Aug 20th 1828,

order of Ratifn

Whereupon the Court passed the following order of Ratification viz

Staley & others vs. Miller & al.

Ordered that the Sale within reported be ratified and Confirmed not Cause to the Contrary Having been shewn, notwithstanding notice given. The Trustee is allowed for his Commission and all Expences, Sixty three Dollars and Seventy eight Cents The Auditor is directed to State an account (after giving the usual notice to Creditors) and to report the same for ratification.

Abm Shriver Aug 21st 1828,

Auditors Report

Whereupon the Auditor made the following Report viz

Dr The Estate of George Shaffer late deceased in Acct with John Nelson Trustee Cr

To The Trustee for his Commission & all Expences			$ 63.78
" the attorney for his fees	3. 33⅓		
" the Sheriff for his fees (Certificate)	4. 21⅞		
" the Clerk for his fees	12.92		
" Mr Bartgis Commissr for his fees	3.50		
" Geo W Eichelberger Regr for his fees	1.58	$ 25.05	
To Frederick Staley a Complainant in this Cause the amount due to him from said Deceased Estate with Interest to day of Sale, as Claim marked Exhibit No 1			34.10
To Frederick Staley, the amount due to him from Do with Interest to day of Sale as Claim marked No 2			2.85
To Frederick Staley the amount due to him from Do with Interest to day of Sale as Claim marked No 3			15.23
			$

Amt Carried Forward

Amt Brot Forward $

To Frederick Staley the amount due to him from Dr with Interest to day of Sale as Claim marked No 4 — 14.81

To Frederick Staley the amount due to him from Dr with Interest to day of Sale as Claim marked No 5 — 104.61

To Dr Wm Tyler the amount due to him from Dr with Interest to day of Sale as Claim marked No 6 — 18.44

To Dr Wm Tyler the amount due to him from Dr with Interest to day of Sale as Claim marked No 7 — 19.44

To George Miller & Mary his wife a Daughter & Heirs of said George Shaffer Junr Deceased one Seventh of Balance of proceeds of Sale under the Bill Proceedings — 103.38 4/7

To Valentine Rhodes & Susanna his wife a Daughter and Heir of said Geo Shaffer Junr Deceased one Seventh of Balance of proceeds of Sale under the Bill Proceedings — 103.38 4/7

To Frederick Staley & Elizabeth his wife a Daughter and Heirs of said Geo Shaffer Junr Deceased one Seventh of Balance of proceeds of Sale under the Bill Proceedings — 103.38 4/7

To George Minker & Catherine his wife a Daughter and Heirs of said George Shaffer Junr Deceased one Seventh of Balance of proceeds of Sale under the Bill Proceedings — 103.38 4/7

To Anna Maria Shaffer a Daughter and Heir of said George Shaffer Junr Deceased one Seventh of Balance of proceeds of Sale under the Bill Proceedings — 103.38 4/7

To Solomon Shroyer & Rhoda his wife a Daughter and Heirs of said George Shaffer Junr Deceased one Seventh of Balance of proceeds of Sale under the Bill Proceedings — 103.38 4/7

$1032.6

By Amount of Sale made the 26th day of July 1828 as per report of Trustee filed & a part of this Case — $1032.6

Staley & Wife & Tyler
vs
Geo Miller & wife and others

In Frederick County Court as a Court of Equity July Term 1828 As Auditor to Frederick County Court Sitting as a Court of Equity I beg leave to report to the Honourable the Judges thereof, that in Compliance with their order I gave to Creditors the usual notice to produce their claims by a day certain in said advertisement limited and the time specified in said advertisement having lapsed by I have upon the proceedings as they now stand, stated the aforegoing account & this as in like Cases I have allowed the Trustee for his Commission and all Expenses and also allowed the Costs of the Court, and to the Creditors of the said George Shaffer Junr Deceased. I have allowed the amounts of their Claims as filed, with Interest added to day of Sale.

And the Balance of proceeds of Sale, I Have divided amongst the Heirs and proper representatives of the said George Shaffer Dec'd Deceased, according to the Bill and proceedings Composing this Cause, and Respectfully Submit the Same to the Honorable the Judges aforesaid for ratification.

Henry Sahley Auditor 13th Octo. 1828.

order of ratific'n

Whereupon the Court passed the following order of Ratification viz July Term 1828 ordered by the Court that the aforegoing account as Stated and reported by the auditor be and the same is hereby ratified and Confirmed, and that the Trustee lay over the proceeds of Sale, as the same has or may be received to the parties respectively entitled to the same, according to the distributions in said account named.

Abm Shrimer Dec'r 4th 1828.

Test John Sahley, Clerk

Maryland Frederick County Sct

At a County Court Sitting as a Court of Equity Begun and Held at the Court House in Frederick Town in and for said County on the first Monday of February in the year of our Lord Eighteen Hundred and Twenty Eight,

Present the Honourable John Buchanan Esquire Chief Judge
Abraham Shrimer & Esquires Associate
Thomas Buchanan & Judges
John Rigney Esquire Sheriff
& John Sahley Clerk.

See the record of proceedings of the said Court amongst other

Bill

and the following viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity Humbly Complaining sheweth unto your Honours your Orator Jacob Repp of Frederick County That Whereas on the Twenty fourth day of December Eighteen Hundred and Twenty Six your Orator agreed to sell unto a certain Samuel Smith of Frederick County, Part of a Tract of Land called Particularly described in an article of agreement signed and sealed by said Smith and your Orator for the Consideration of one Thousand Dollars Current money (a Copy of said agreement is Herewith filed marked A. and which with all other Exhibits Hereinafter referred to, your Orator prays may be received and taken as a part of this Bill of Complaint) that in pursuance of said agreement the said Samuel Smith entered into the possession of said Land which he Continued to enjoy during his life time and which is now in the possession of his representatives. your orator further represents to your Honours that the said Samuel Smith departed this life Intestate, some time in the month of August Eighteen Hundred and Twenty Seven without having paid the purchase money for said Land, or any part of it, That he left surviving his Widow Catharine Smith, and four Children as his Heirs

to Law viz Mary Sims, Hannah, Abraham and Margaret all of whom are Infants under the age of Twenty one years. That Letters of administration upon the personal Estate of said Samuel Smith, have been granted by the Orphans Court of Frederick County to Joseph Lynn of said County and that his personal Estate, will be greatly insufficient for the payment of his Debts, your Orator further represents that a Deed of Conveyance for said Land was never made by your Orator to the said Samuel Smith and that the title thereto never vested in the said Samuel Smith, your Orator is advised that under the Circumstances above stated, your Orator has a Specific lien upon said Land for the purchase money and thereupon and that this Honourable Court sitting as a Court of Chancery, is Competent to Decree a Sale thereof for the satisfaction of the claims of your Orator your Orator is willing and now offers to Convey said Land upon the payment of the purchase money and thereof, but is Convinced that it is not within the Competency of the Heirs of the said Samuel Smith to pay the same be tender Consideration of which said premises and for as much as your Orator is remediless therein, elsewhere than in this Honourable Court sitting as a Court of Equity, and to the end that the just claims of your Orator, may be paid and satisfied and for that purpose, should the Heirs of the said Samuel Smith refuse to pay the same that a Decree may be passed by this Honourable Court, may it please your Honours to grant to your Orator the States writ of Subpoena to the aforesaid Catherine Smith, Mary Sims, Hannah, Abraham & Margaret Smith and Joseph Lynn administrators of said Samuel Smith to be directed Commanding them and each of them, to be and appear, upon the return thereof, in this Honourable Court, to answer, to the premises and to show cause if any they have, why a Decree should not be passed as prayed, and may it please your Honours to grant to your Orator a Commission to some suitable person to be directed to assign a Guardian to answer for the Infant Defendants above named, and to extend to your Orator all such other and further relief in the premises, as may Consist with Equity and good Conscience, And your Orator will ever pray &c. Thelson Solr for Compt

Exhibit (A) Exhibit A referred to in the within & foregoing Bill of Complaint Contained in the following words viz Articles of Agreement made Concluded and agreed upon this Twenty fourth day of December Eighteen Hundred and Twenty six Between Jacob Repp of Frederick County & State of Maryland of the one part and Samuel Smith of the same place of the other part as follows to wit the said Jacob Repp for the Consideration Hereafter mentioned doth

Agreed and doth Hereby Covenant and agree to Lend and Convey to the said Samuel Smith a Certain Piece or Parcel of Land Beginning for said part at Paul Hawks Road and the Land of Surrato D Warfield and running with the said Warfields Land opposite the Gate of said Repp then with a straight line to the Turn of Land then with a straight line to the end of the field then acrop the meadow to a thorn Bush then with a straight line to Paul Hawkes road then with said road to the Beginning and the said Samuel Smith on his part doth Hereby Covenant and agree that he will pay to the said Jacob Repp the sum of one Thousand Dollars good and Lawfull money when the said Repp makes him the said Smith a good and sufficient Deed of Bargain and Sale for the true & faithfull performance of the foregoing Covenants & agreements the said Parties do Hereby respectively Bind themselves and their respective Heirs Executors and administrators In the sum of Five Thousand Dollars Current money of Maryland In Witness whereof they Have Hereunto set their Hands and affixed their seals the day & year Before written

Signed & Sealed and the presence of Surrato D Warfield, Joseph Collins,

Jacob Repp (Seal)
Samuel Smith (Seal)

now for Comm[n] Jacob Repp

Mary Ann, Hannah Abraham, and Margaret Smith.

Whereupon the Court passed the following order for Commission viz No 893 in Frederick County Court as a Court of Equity February Term 1828 Ordered, that a Commission to assign a Guardian to answer for the Infant Defendants, abroad named viz to Thomas Hook Esquire.

Nov[r] 19th 1828.

Whereupon in pursuance of the above order the following Commission issued viz

Comm[n]

Maryland to wit The State of Maryland. To Thomas Hook Esquire of Frederick County Greeting Whereas Jacob Repp Hath lately exhibited his Bill of Complaint Before us in our County Court as a Court of Chancery against Mary Ann Smith, Hannah Smith, Absalom Smith and Margaret Smith Defendants and whereas we Have, by our writ lately Commanded the said Defendants to appear before us, in our said Court as a Court of Chancery, at a certain day now last, to answer the said Bill but, for as much as the said Mary Ann, Hannah, Absalom and Margaret are Infants under age, and cannot answer the said Bill nor defend this suit, without having a guardian assigned in this Behalf, Know ye, therefore, that we Have given unto you full power and authority in pursuance of the special order in our said Court, to assign and appoint a guardian for the aforesaid Infants, and to take the answer of the said infants, by such guardian to the said Bill and therefore we Command you that at such certain day and place as you shall think fit, you go to the said Defendants if they cannot conveniently come to you, and assign and appoint a guardian for the aforesaid

Infants Answer

Infants, and take the answers of the said infants by such Guardian, to the said Bill on such Guardians Corporal Oath upon the Holy Evangely, to be administered by you the said answers being distinctly and plainly made, and when you shall have so taken the said answers you are to seal the same, close up under your seal together with your certificate of your having assigned and appointed such Guardians as aforesaid, and this writ to unto us, in our said Court at Upton the Honourable John Buchanan Esquire Chief Judge of our said Court the 25th day of February Anno Domini 1828, Upon the 12th day of June 1828, ... John Sebley Clerk,

Whereupon the following Certificate and Answer of the Infant Defendants by their Guardian regularly appointed together with the above Commission thereto annexed was filed viz To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity. The Subscriber named in a Commission from Frederick County Court Sitting as a Court of Equity in a Cause in the said Court depending, Between Jacob Repp, Complainant and Mary Ann Smith and others Defendants hereby Certifies that by virtue of the said Commission Herewith enclosed I have assigned and appointed Joseph Linn Guardian for the said Mary Ann Smith, Hannah Smith, Abraham Smith, and Margaret Smith infant Defendants therein named and have taken their answers by their said Guardian upon her Corporal Oath to the Bill in the said Commission recited which I Herewith send enclosed, to Upton. Whereof I have Hereunto set my hand and seal this Nineteenth day of June Eighteen Hundred and Twenty Eight.

Hot Hook Seal

Infants Answer

The Joint and Several answers of Mary Ann Smith, Hannah Smith, Abraham Smith and Margaret Smith, Infants under the age of Twenty one years by Joseph Linn, their Guardian, to the Bill of Complaint of Jacob Repp in Frederick County Court as a Court of Equity, Exhibited the said Infants by their said Guardian in answering said Bill, admit the several matters and things therein set forth. That the Complainant Sold to Samuel Smith the father of these Defendants the Tract of Land mentioned in the agreement of the 24th Dec. 1826 for the Consideration of one thousand Dollars, which is due and unpaid, That Samuel Smith never received a Deed for said Land. That he died Intestate in August 1827 leaving these Defendants as his Heirs at Law. That his personal Estate is insufficient for the payment of his Debts, and that these Defendants have no means to pay for said Land. That Defendants are willing that a Decree for the Sale of said Land shall be passed by this Honourable Court and that all other such proceedings shall be had in the Case as consist with Equity Justice, as they are Infants, that this Honourable

Court will protect this Interest Joseph Lynn Guardian for Ch. Infants
Maryland Frederick County to wit Be it remembered that on this
Nineteenth day of June 1828. personally appears Joseph Lynn Before the
Subscriber, Commissioned in and for said County for that purpose
Sworn out of Frederick County Court, Sitting as a Court of Equity
and makes oath, that the several matters stated in the within
answer are true to the best of his knowledge, information and
Belief. Sworn Before, Thos Hook,

Answer of Joseph Lynn.

Whereupon the following Answer was filed viz
The Answer of Joseph Lynn of Frederick County administrator of Samuel
Smith Deceased, to the Bill of Complaint of Jacob Repp in Frederick
County Court as a Court of Equity Exhibited His Defendant admits
that Letters of administration have been granted to the personal
Estate of Samuel Smith Deceased by the Orphans Court of Frederick
County to this Defendant He likewise admits that said personal
Estate will not suffice for the payment of his Debts but that a
Sale of his real Estate will be necessary for that purpose He further
answering says, that the sum of one Thousand Dollars agreed to
be paid to the Complainant by the said Samuel Smith for the
Land described in the agreement of the 24th Dec. 1826, is due
and unpaid He prays Same to be Dismissed &c
Witness present, Thos Hook, Joseph Lynn
I agree to receive the above answer without Oath,
I Nelson Sol. for Compt

Answer of Catharine Smith.

Whereupon the following Answer was filed viz
The Answer of Catharine Smith of Frederick County to the Bill of
Complaint of Jacob Repp in Frederick County Court as a Court
of Equity Exhibited This Defendant admits that the Complainant
Sold the Land mentioned in the article of agreement of the
24th Dec. 1826 to Samuel Smith for the consideration of one
Thousand Dollars. That the purchase money never was paid
nor was the Land Conveyed to said Smith This Defendant
admits That she is the widow of said Smith who died Intestate
and is willing that said Land should be sold, and to receive
in lieu of her dower such proportion of the nett proceeds of the Sale
thereof as to this Honourable Court, may seem Equitable, And
this Defendant prays Same to be Dismissed &c
Witness Present, Catharine her Smith mark
Hol. Hook
I agree to receive the above answer without Oath,
I Nelson Sol. for Compt

Decree

Whereupon the Court Passed the following Decree viz
Jacob Repp
vs
Catharine Smith & others
In Frederick County Court as a Court of Equity February Term 1828 This cause being standing ready for Hearing & being Submitted, the Bill, answers, Exhibits & all other proceedings were by the Court read and Considered and it appearing to the Satisfaction of the Court from the answers, that the relief prayed for by the Complainants is

Reasonable and ought to be granted So it is thereupon and this 26th day of June Eighteen Hundred and Twenty Eight by Frederick County Court Sitting as a Court of Equity, ordered, adjudged and Decreed that the real Estate of Samuel Smith Deceased mentioned in the proceedings shall be sold, that for the purpose of making said Sale John Nelson be and he is hereby appointed Trustee and that the Course and manner of his proceedings therein shall be as follows, He shall first file his Bond with the Clerk of this Court Executed by himself and a surety or sureties approved by this Court or one of the Judges thereof in the penalty of Two Thousand Dollars and Conditioned for the faithful performance of the Trust reposed in him by this Decree or that may be reposed in him by any future order or Decree in the premises He shall then proceed to sell said real Estate at public auction after giving at least three weeks notice, by advertisements in some one or more of the newspapers printed in Frederick of the time place, manner and Terms of Sale, which shall be, that the purchaser shall pay one Half of the purchase money on the day of Sale, or the ratification thereof by Frederick County Court, and the residue thereof in twelve Months from the day of Sale with Interest, said last payment to be secured, by Bond or note, with Security to be approved by said Trustee, and the Trustee shall as soon as conveniently may be, after any sale by him made, return to this Court a full and particular account of his proceedings therein, with an affidavit of the fairness of the Sale annexed, and on obtaining the Courts ratification of the Sale and on the receipt of the whole purchase money and not Before. The Trustee shall by deed, to be executed, acknowledged and recorded according to Law, convey to the purchaser or purchasers, and to his her or their Heirs, the real Estate to him, her or them sold, free, clear, and discharged from all claims of the Complainant and Defendants in this behalf claiming under the Deceased And the Trustee shall bring into this Court the money and Bonds or notes arising from said Sales to be applied under the direction of this Court after deducting the Costs of this and such Commissions to the Trustee as this Court may think proper to allow, Adm Shriver, whereupon the Trustee filed the following Bond Executed Approved Adm Shriver reg

Trustees Bond

Know all men by these presents that we John Nelson and William Tyler of Frederick County and the State of Maryland are held and firmly Bound unto the said State in the Sum and full sum of Five Thousand Dollars Current money to be paid to said State or its certain Attorney to which payment well and truly to be made and done we Bind ourselves our Heirs, Executors and administrators Jointly and Severally firmly by these presents. Sealed with our Seals &

Dated this 29th day of August Eighteen Hundred and Twenty Eight whereas by Decree of Frederick County Court Sitting as a Court of Equity bearing date on the Twenty Sixth day of June Eighteen Hundred and Twenty Eight, the above named John Nelson was appointed a Trustee to sell the real Estate of Samuel Smith Deceased for the payment of his Debts. Now the Condition of the foregoing obligation is such that if the above Bound John Nelson do, and shall well and faithfully perform the Trust reposed in him by said Decree, in that way be reposed in him by any future order or Decree in the premises then the foregoing obligation to be void else to remain in full force and virtue in Law,

Signed Sealed & Delivered in the presence of James Nicholson,

John Nelson (Seal)
W Tyler (Seal)

Trustees Report

Whereupon the Trustee made the following Report viz

To the Honourable the Judges of Frederick County Court Sitting as a Court of Equity The Trustee appointed to sell the real Estate of Samuel Smith of Frederick County Deceased, reports That Having advertised the same according to the terms of the Decree, he on the 23d day of August 1828, offered said Estate at Public auction, and sold the same to Jacob Repp of Frederick County at the Price and for the sum of nine Hundred and Sixty five dollars current money said Sale is reported for the Courts ratification. The Trustee personal expenses are estimated at four Dollars fifty Cents.

John Nelson Trustee

Maryland Frederick County to wit On this 23d day of August 1828, personally appears John Nelson Before the Subscriber a Justice of the peace and makes Oath that the Sale within reported, was bona fide and fairly made,

Sworn Before George Rohr

Order of Publication Jacob Repp vs Catherine Smith & others

Whereupon the Court passed the following order of Publication viz In Frederick County Court as a Court of Equity July Term 1828. Ordered that the Sale made and reported by John Nelson Trustee in the above case be ratified and Confirmed unless Cause to the Contrary be shewn on or before the Twelfth day of October next. Provided a Copy of this order be inserted in some newspaper printed in Frederick Town for three successive weeks Before the said Twelfth day of October. The Trustee reports the Sale of seventy nine acres of Land, more or less at the Price and for the sum of nine Hundred and Sixty five Dollars

Attest Thomas Shriver Sctt 18th 1828,

Printers Certificate

Whereupon the following Certificate of the Printer together with a printed Copy of the above order thereto annexed was filed viz I Hereby Certify that the annexed notice was inserted in the Citizen for three weeks in succession before the 12th day of October next. G Wharton, Octo 27th 1828

And the said Cause as standing Continued to October Term 1828 the Court passed the following order of Ratification viz

order of ratifie^d

Jacob Ripp
vs
Catherine Smith
& others,

October Term 1828 of Frederick County Court Sitting as a Court of Equity Ordered that the said within reported be ratified and Confirmed, no Cause to the Contrary Being been shewn, notwithstanding notice given, The Trustee is allowed for his Commission and Expences Sixty Dollars & Five Cents. The auditor is directed to State an account Current Between the Trustee and the Estate, and to report the same for this Courts ratification. Abm^n Shriver,

Auditors Report

Whereupon the Auditor made the following Report viz^t

D^r The Estate of Samuel Smith Deceased in ^a/c with John Nelson Trustee

			Cr
Beginning			
To the Trustee for his Commission & all Expences			60.10
" the attorney for his fee		3.33⅓	
" the Clerk for his fees		8.80	
" the Sheriff for his fees (Rigney)		2.80	14.43
To the auditor for his fees in stating ^a/c reporting to Court and Sofforth			8.—
" Jacob Ripp, the Complainant in this Cause the entire Balance or nett proceeds of Sale, in part of his claim of $1000 and a lien upon the Land sold as in the proceedings particularly set forth, which said Balance is greatly insufficient to satisfy the entire claim and as Herd shewn			$ 807.47
Am^t of Claim & lien to which is to be added the Interest $1000.			$ 965.—
By Amount of Sale made the 23^d day of August 1828 as per report of Trustee & a part of this Cause			$ 965.—

Jacob Ripp
vs
Catherine Smith
& others.

To Frederick County Court as a Court of Equity October Term 1828. The auditor to Frederick County Court Sitting as a Court of Equity to whom was referred the within proceedings Respectfully reports to this Honorable the Judges thereof that in Compliance with this order I have examined the proceedings Composing this Cause and thereupon stated the aforegoing account, In this as in like Cases I have allowed the Trustee for his Commission and all Expences, and also allowed the Costs of the Court, and the Balance or nett proceeds of Sale, I have so stated, and audited to Jacob Ripp the Complainant in this Cause, in part of his Claim, a lien upon the Land, which said Balance falls far short of Satisfying the Claim, with the Interest added as set forth in the proceedings, I Respectfully Submit the same to the Honorable the Judges aforesaid for Confirmation,

Henry Sahley Auditor November 19th 1828,

order of ratifie^d

Whereupon the Court Passed the following order of Ratification viz^t October Term 1828 ordered by the Court that the aforegoing account as stated and reported by the auditor, be and the same is Hereby ratified and Confirmed, and that the Trustee

Pay over the proceeds of Sale as the Court has, or may be received, to the parties respectively entitled to the same according to the distributions in said Court made,

Abm Shriver Dec'r 4th 1828

Test John Fahley Clerk