

Return of Court.


At the execution of the enclosed Commission issued out of the Circuit Court for Frederick County sitting as a Court of Equity and to me directed, and empowering me to examine evidences in a cause in said Court depending between Joshua Staley and others Complainants and John W Brubaker and others defendants I Frederick J Nelson Commissioner therein named having met at the office of Mr B Suckett on Monday the 27th of September 1852 and taken the oath annexed to the said Commission, did proceed then & there to take the following depositions to wit. Cornelius Staley a witness of lawful age produced on the part of the Complainants, being duly sworn & Examined to interrogatories filed with the Commissioners by the Complainant, and herewith returned deposes and says to the first interrogatory that he knew John Brubaker that he is dead; that he died in 1851 To 2^d interrogatory, That he left children to wit, Ann E. intermarried with Joshua Staley, Isabelle Brubaker, Sarah intermarried with William Whitman, John W Brubaker, Mary J. Brubaker, Isaac Brubaker, Calvin Brubaker, Samuel Brubaker & William J. Brubaker, of these the six last named are infants, all reside in Frederick County To Int. 3^d I know said real estate, I think it would be for the interest and advantage of all parties that it should be sold it is not susceptible of advantageous division And the proceeds of its sale invested in money would yield more than could otherwise be got out of it Further this deponent saith not

(Whereupon I closed said Commission and herewith return the same under my hand & seal the 27th of Sep 1852

Enclosed filed Sep 27, 1852

Decree

Staley & others
vs
Brubaker & others

Frederick J. Nelson Com. 
No 2444 Equity in the Circuit Court for Frederick County
July Term 1852

This cause standing ready for hearing and being submitted without argument, the proceedings were read and considered, It is therefore this first day of November Eighteen hundred and fifty two by the Circuit Court for Frederick County sitting as a Court of Equity, adjudged, ordered and decreed that the real estate in the proceedings be sold that Cornelius Staley and Joshua Staley be and they are hereby appointed trustees to make such sale and that the course & manner of their proceeding shall be as follows, they shall first file with the Clerk of this Court a bond to the State of Maryland executed by himself with sureties to be approved by this Court or the Clerk thereof in the penalty of fifteen 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 future order or decree in the premises. They shall then proceed to make sale of said real estate having first given at least three weeks previous notice inserted in some newspaper published in Frederick Town and such other notice as they may think proper of the time, place, manner and terms of sale, which terms shall be as follows, one third of the purchase money to be paid in Cash on the day of sale or on the ratification thereof by this Court; the residue to be paid in two equal annual payments from the day of sale to be secured by the notes of the purchaser or purchasers with sureties to be approved by the trustees and to bear interest from the day of sale and as soon as may be convenient after any such sale or sales the said trustees shall return to this Court a full and particular account of the same with an affidavit of the truth thereof and of the fairness of such sale or sales annexed, and on the ratification of such sale or sales by this Court & on the payment of the whole purchase money and not before, the said trustees by a good and sufficient deed to be executed and acknowledged agreeably to law, shall convey to the purchaser or purchasers of said property and to his, her or their heirs the property to him her or them sold, free clear and discharged of all claims of the parties to this cause and of any person or persons

Bond

Report of Trustees