

Answer of
Joseph Miller to
objections to Sale

Charles E. Trail and
Ariana Trail his wife
vs
Philip Stein & others

N^o 3038 In the Circuit Court for Frederick County sitting in
Equity

Joseph G. Miller, trustee in the above case, in reply to the
objections to the ratification of the sale of Lots No: 1, 2, 3, 4, 5 and 7
to John W. Bussard filed by William Nell and Charlotte Nell his wife, states and shows
that said lots No: 1, 2, 3-4, 5 and 7 were mountain lots of little value, being very rocky and
stony and the whole of the valuable timber having been cut off - that your respondent
offered said lots at public sale on the 25th day of October 1862, after having at least three
weeks public notice as required by the decree in this case - that your trustee could find no
one willing to buy said lots at that time but Philip Stone, who became the purchaser
thereof for the sum and price of one dollar, twelve and 1/2 cents per acre, but failed and was
unable to comply with any of the terms of sale and that your trustee, thereupon, by and
with the consent of said Philip Stone readvertised said lots and having been offered by
John W. Bussard the sum of four hundred and fifty dollars for said lots, which your trustee
then thought and still thinks is the full and fair price for said lots - that even now the
said Bussard is not anxious to keep said lots at said price, but as the whole of the proceeds
of sales will be absorbed in the payment of the debts of said John Stone dec^d and the
heirs at law will be entitled to receive no part thereof and only the creditors are interested
and as the said John W. Bussard is a good and responsible man and has paid the whole
of the purchase money for said lots and said William Nell and wife are not responsible for
such an amount of money, even if they should buy said lots at the price named in their
objections, your trustee feels it his duty to ask for the final ratification of sale and that
he and the creditors, who are the only parties interested, shall not be put to the risk of hav-
ing said property resold at possibly half the price given by Bussard for said lots.

Grayson Eichelberger
Sol^r for Respondent

State of Maryland Frederick County to wit

I hereby certify that on this 5th day of May 1863 before me a justice of the peace in
and for said County personally appears Joseph G. Miller and makes oath that the matters
and things stated in the foregoing answer are true to the best of his knowledge and belief.

Thos. M. Hallumer

Charles E. Trail wife
vs
Philip Stein & others

N^o 3038 Equity
In the Circuit Court for Frederick County

The trustee in this case having sold the land in question to Philip
Stone and said Stone being unable or having refused to comply with his contract of purchase,
it was the duty of the trustee to have asked the order of this Court to resell the land, not having
done so but having of his own unauthorized notion disregarded said sale and resold the property
at private sale, he has acted without authority of law and his sale to Bussard is void and must
be set aside. - It is therefore ordered that the objections to said sale be ruled good and that
the sale to Bussard be set aside.

W. Nelson

2^d June 1863