

N^o 2781 Equity

Supplemental Record from Liber P. G. S. No 1 folios 4908^o filed September 18th 1863 and is in the words of viz:

George Schley wife
James M. Schley wife

N^o 2781 in the Circuit Court for Frederick County
Sitting in Equity,

vs
W^m Henry Schley & others

In Honorable Madison Nelson Judge of the Circuit Court
for Frederick County sitting as a Court of Equity.

The petition of Jane Mary Cooper devisee and Executrix, Andrew G. Miller and Daniel M. Smyser Executors of James Cooper dec^d and of Joseph Baugher, respectfully sheweth unto your Honor that heretofore, to wit, on the ninth day of November 1859, George Schley and James M. Schley, the trustees duly appointed by a decree previously passed by your Honor in said case, sold to said James Cooper, at and for the sum of ten thousand dollars, the mansion house of the late Frederick A. Schley, situate and fronting on Court square in Frederick - that said sale was duly reported to and ratified by your Honor, all of which with a description of said property will appear by the trustee's report in said case and the acknowledgment of purchase filed therewith marked A, which your petitioners pray may be taken as a part of this petition as if here inserted - that said James Cooper in compliance with the terms of sale, paid to said trustees the one third of said purchase money and the interest on the residue to the first day of April 1862 and died in the month of March 1863, leaving the residue of said purchase with interest thereon from said first day of April 1862 due and unpaid to said trustees and without having received from said trustees a deed of conveyance for said real estate - that said James Cooper, in his lifetime, made and executed his last will and testament in due form of law to pass real estate and died without having in any manner revoked the same - that the said James Cooper, in and by his said last will and testament, amongst other things devised to his wife, the said Jane Mary Cooper, said mansion house purchased by him as aforesaid and nominated, constituted and appointed said Jane Mary Cooper Executrix and Andrew G. Miller and Daniel M. Smyser Executors of said last will and testament and authorized and empowered his said Executors to sell and convey his real estate, as will fully appear by said last will and testament a true and certified extract whereof is filed herewith as Exhibit No 1, to this petition and is to be taken as a part thereof - that your petitioners accepted said trust and obtained from the Orphans Court of said County letters testamentary on said estate as will appear by the Exemplification of said letters filed herewith as Exhibit No 2 - that said Jane Mary Cooper as devisee of said property and as Executrix and said Andrew G. Miller and Daniel M. Smyser as Executors have sold said real estate to your petitioner, Joseph Baugher and that said sale has been duly ratified by the Orphan's Court that the whole balance of purchase money with the interest thereon due and owing to said George and James M. Schley as trustees in this case has been fully paid and satisfied and that said Joseph Baugher has fully paid and satisfied to said Executors the sum of Eleven thousand dollars with the interest due thereon, in full of the purchase money for said real estate due from him to said executors and said devisee and your petitioners pray your Honor to pass a decree herein, authorizing and requiring said George Schley and James M. Schley as trustees in this case to convey