

one perch, and also convey that half of the said One hundred and thirty seven acres, lying North of the broken line from F to G, shaded red, on the said plat marked J. O. E. containing Sixty eight and a half acres; and that the Defendants be required to pay the balance of the purchase money due and unpaid. And that in as much as the Complainant has not performed his part of the Contract by tendering a deed for the land as sold, and as the defendants have slept upon their rights in the premises, and have profitably used and enjoyed the land, without paying the purchase money, both parties are in default, and each should pay his own costs.

It is thereupon this 20<sup>th</sup> day of April A.D. 1872, by the Circuit Court for Frederick County as a Court of Equity, and by the Authority thereof adjudged ordered and decreed that the Complainant, Thomas Claggett, execute and deliver to the Defendants, James O. Easterday, John Easterday, and Gamaliel Easterday, a good and sufficient deed of Conveyance, in full sample, clear of all liens and incumbrances, conveying to the said James O. Easterday, John and Gamaliel Easterday, that one half of the One hundred and thirty seven acres of land which was conveyed to said Claggett by John W. Hammond Trustee, lying on the North of the broken line from F. to G. shaded red, on the plat marked Exhibit J. O. E. to answer of Defendants, and filed November the 16<sup>th</sup> A.D. 1869 and also convey Lot No. 2, part of Daniel's Small Tract, containing Forty acres, two rods and twenty one perches as per "Exhibit J. O. E. No 2 to Answers"; And it is further ordered, adjudged, and decreed, that the Defendants James O. Easterday, John Easterday and Gamaliel Easterday pay to Thomas Claggett, the Complainant the sum of three thousand two hundred and forty six dollars and fifteen cents (\$3246<sup>15</sup>/<sub>100</sub>) with interest thereon from the 10<sup>th</sup> day of October A.D. 1867, on or before the 1<sup>st</sup> day of August next; the aforesaid lands, or as much thereof as may be necessary to pay to the aforesaid sum of money and interest, be sold, and that the Hon. Wm. P. Mansby and John C. R. Wood Esqrs. be, and they are hereby appointed Trustees to make said sale, and that the course and manner of their proceeding shall be as follows, They shall first file in the Clerk's Office of this Court a bond to the State of Maryland, executed by them with a surety, or sureties, to be approved by the Court or the Clerk thereof, in the sum of Eight thousand dollars (\$8000) 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 ~~make~~ to make sale of the said real estate, having given at least three weeks previous notice, inserted in some newspaper printed in Frederick County, and such other notice as he may think proper of the time, place, manner and terms of sale, which shall be as follows: One third of the purchase money to be paid on the day of sale, or on the ratification thereof by the Court, the residue in six and twelve months from the day of sale, the purchaser or purchasers, giving his her or their notes, with approved security and bearing 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 the Court, and on payment of the whole purchase money and on or before, the said Trustees has a good and sufficient deed to be executed and acknowledged, appropriate to be shall convey to the purchaser or purchasers of the 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