

Decree

Caspar W. Weaver
vs
Wheaton Manufacturing Company

No. 2551 Equity ~
In the Circuit Court for Frederick County ~

January Term 1853

This Cause standing ready for a hearing, and being submitted, the Bill, Answer, and Other proceedings were by the Court read and Considered.

It is thereupon this twenty fifth day of January 1853, by the Circuit Court as a Court of Equity, Adjudged, ordered and decreed that the Defendant, The Wheaton Manufacturing Company, pay to the Complainant, or bring into this Court for that purpose, on or before the Eighth day of February next, the following sums of money now due under the deed of Mortgage filed in this Cause, to wit: The sum of Two thousand two hundred and twenty dollars, being the Amount of the first bond due on the 19th day of October 1852, with interest thereon from last said day, until paid, The further sum of Two thousand One hundred and twenty dollars, being the Amount of the second bond, due on the 17th day of October in the year 1853, with interest thereon from said time when due, until paid, and the further sum of Two thousand and forty dollars, being the Amount of the third bond due on the 17th day of October in the year 1854, with interest thereon from said time when due until paid, and also all the Costs of the Complainant in this Cause, to be taxed by the Clerk of this Court. And unless the Defendant shall pay said several sums of money and Costs, to the Complainant, or bring the same into this Court for that purpose by the day fixed above. It is further adjudged, ordered and decreed by this Court, that the Mortgaged premises in the proceedings mentioned, or so much thereof as may be necessary for the purpose, be sold. That Frederick A. Talley, be, and he is hereby appointed the Trustee to make such sale, and that the course and manner of his proceeding 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, to be approved by this Court, in the penalty of Ten 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. He shall then proceed to make sale of said Mortgaged premises, or so much, and such parts thereof as he may deem proper and sufficient for the purposes of this decree having first given at least three weeks previous notice inserted in some newspaper published in Frederick City, and such other notice as he may think proper of the time, place, manner and terms of sale. whose terms shall be as follows. One third of the purchase money, to be paid in cash on the day of sale, or the ratification thereof by this Court. One third in six months thereafter, and the remaining One third in twelve months thereafter, both said instalments to bear interest from the day of sale, and the payments thereof to be secured by the notes or single bills of the purchaser or purchasers, with a surety or sureties to be approved by the Trustee. And as soon as may be convenient after any such sale or sales, the said Trustee 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, and on payment of the whole purchase money, and not before, the said trustee by a good and sufficient deed or deeds, to be executed and acknowledged according 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 claim of the parties to this Cause, and of any person or persons claiming by, from, or under them. And the said trustee shall bring into this Court the money arising on such sale or sales, and the notes or single bills

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