

Bill

## No. 3952 Equity.

To the Honorable the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity.

The Report and Petition of Matilda J. Hightshew of Frederick Co respectfully shews unto your Honors that W. S. Beall and Ann Martha Beall his Wife by their deed of Mortgage dated the 24<sup>th</sup> day of May 1871 a copy of which is herewith filed marked Exhibit No. 1 and prayed to be taken as part of this Petition as well as all other Exhibits herewith filed conveyed to Philip Hightshew in his lifetime certain Real Estate in said Mortgage described for the purpose of securing to said Philip Hightshew the payment of the sum of two hundred and Eighty four dollars and Sixty cents and also to indemnify him against loss as surety upon a note to Henry Cook for the sum of One hundred and Fifty dollars that in said Mortgage there was a proviso that in case said Bealls should make default in the payments of said amounts then the said Philip Hightshew was authorized to sell the same at Public Sale in the manner prescribed in said Mortgage that said Philip Hightshew died sometime in the year 1873 with said Mortgage still upon said property that said Philip Hightshew by his last Will and Testament appointed your Petitioner Executor of the same and the Orphans Court for Frederick County duly granted your Petitioner letters Testamentary upon said that said Bealls being in default according to the conditions of said Mortgage. Your Petitioner as Executor of the last Will and testament of said Philip Hightshew died, and by virtue of a power of sale in said Mortgage contained, after having given Bond duly approved as required by Law, and after given at least three weeks public notice of the time, place, manner and terms of sale by advertisement in the Frederick Examiner a newspaper published in Frederick County by hand Bills extensively circulated did pursuant to said notice attend at the Bell House in Frederick City on Saturday the 28<sup>th</sup> day of February 1874 at eleven o'clock A.M. and there offered said Real Estate at Public Sale to the highest bidder and sold the same to D. J. Markey for D. J. Markey & Co with the understanding the Deed for said property should be made to A. J. Wilcox for said firm of D. J. Markey & Co the said D. J. Markey & Co being the highest and best bidder therefor at and for the sum of Five hundred and Twenty five Dollars and the said D. J. Markey & Co have obligated themselves to comply with the terms of sale as well appear by the acknowledgment of purchase filed herewith marked Exhibit A. J. M. And your Petitioner further alleges that the whole of said Mortgage debt is due and unpaid with interest, And your Petitioner prays your Honors to ratify said sale and grant her such other and further relief in the premises as the nature of the case may require and to your Honors shall seem right, and she will ever pray &c.

Melton G. Urner  
Sol for Petitioner

State of Maryland, Frederick County, Act:  
On this 7<sup>th</sup> day of March 1874 before me a Justice of the Peace in and for the County and State aforesaid personally appeared Mrs Matilda J. Hightshew and made Oath in due form of Law that the matters and things stated in the