your Honors, to order a resale of said property that your accordingly on the 20 day of May 1874 passed an order requiring the said purchaser to bring the said purchase money into Court with interest or show good cause to the contrary on or before the 16th day of June 1874 that a copy of said Petition and order was duly served upon the said Catharine E Byerly according to the requirements of said order but the said Catharine E Byerly failed to bring into Court said purchase money or any part of the same or to show any cause to the contrary and has not yet brought in said money or shown any cause and the whole of said purchase money is still unpaid that said Jas. Whitehill died in the early part of July last without having completed the execution of said trust further than is before stated and your Petitioner is advised he is entitled to have a Trustee appointed by your Honorable Court in the place of said Whitehill to resell said property and distribute the proceeds to the payment of the said note of your Petitioner and the other notes secured by said Mortgage, in tender consideration whereof may it please your Honorable Court to appoint some suitable person as Trustee in the place and stead of said James Whitehill decd. to resell said property and pay your Petitioner out of the proceeds and that he may have such other and further relief as the nature of the case may require and to your Honors shall seem right, your Petitioner will ever pray &c

Milton G Urner
Solor for Petitioner.

Filed Sept. 10. 1874.

Order of Court

Jas Whitehill Mortgagee
on
Petition

No. 3956 Equity.
In the Circuit Court for Frederick County.
May Term 1874.

The foregoing Petition having been duly read & considered and it appearing that a copy of the petition of James Whitehill and the Courts order thereon was duly served upon Catharine E Byerly and she having failed to bring the sum of money therein mentioned into Court or to show cause to the contrary it is thereupon ordered by the Court this 10th day of September 1874 that the said Catharine E Byerly bring into this Court as aforesaid the sum of Forty six hundred dollars with interest from the 10 day of April 1874 together with the costs of this proceeding on or before the 21st day of September inst and in default thereof that the said Mortgaged premises be resold and that Milton G Urner and John Ritchie are hereby appointed Trustees to make such resale in the place and stead of James Whitehill the former Trustee now deceased and that the said Trustees before they proceed to act in the premises shall first file with the Clerk of this Court a bond or bonds in the penal sum of ten thousand dollars conditioned for the faithful discharge of the trust hereby reposed in them or which may be reposed in them by any future order or decree in the premises he shall then proceed to make sale of the said Real Estate for the payment of the said purchase money with interest as aforesaid and the costs of this proceeding in the manner directed by the power of sale in the said Mortgage a copy of which is filed in this case as Exhibit No. 1 for bond to be paid,