fact and if his honor and trustworthiness be attacked I respectfully ask leave to vindicate them by proof against unjust aspersion before the Court shall finally determine against appointing Mr. Curry Trustee.

3rd The amount of Commissions to be received by a Trustee in this cause will be small only three two undivided fifths being to be sold In fact they will not compensate two Lawyers for their trouble, besides two Lawyers could in all probability discharge the trust with as much advantage to all parties as under the peculiar circumstances Mr. Curry could, ordinarily I concur in the view that Solicitors should be Trustees, but this is but the ordinary rule of case if the real facts could be understood, I hope that one Solcr. for defendants will unite in the request that Mr Curry be appointed on reading this Petition and that the Court will so appoint, if not then I respectively ask leave to furnish to the Court proof in regard to Mr Curry worthiness for the trust before a final decision

Wm. P Maulsby
Sol. for Complt.

Filed Nov. 5. 1874.

Decree

Upton Sloner vs. Mary Bankerd & others } No. 3901 Equity

In the Circuit Court for Frederick County, sitting in Equity.

This cause being submitted the Bill, answers and other the proceedings were by the Court read and considered.

Report Trust

It is thereupon this 5th day of November 1874 by the Honorable John A Lynch one of the Judges of the Circuit Court for Frederick County sitting in Equity and by authority of said Court adjudged ordered and decreed that unless the Defendants or some one of them shall on or before the 24th day of November next pay or bring into this Court to be paid to the Complainant the sum of money in the Bill of Complaint mentioned with interest thereon until paid together with the Costs of Suit of Complainant to be taxed by the Clerk, the Real Estate in the proceedings in this cause mentioned or so much thereof as may be necessary purpose be sold for the payment thereof that William A Curry and Milton G Urner Esqr be and they are hereby appointed Trustees to make such sale and that the course and manner of of their proceeding shall be as follows: they shall first file with the Clerk of this Court their joint or separate Bond to the State of Maryland with surety to be approved by this Court or the Clerk thereof in the penalty of Ten Thousand dollars conditioned for the faithful discharge of the trust reposed in them by this decree or that may be reposed in them by any future order or decree in the premises they shall then proceed to make sale of all the right title Estate and interest of the Defendants Josiah Bankerd and wife and Dennis Bankerd and wife in the Real Estate in said cause mentioned having first given at least three weeks previous notice in some newspaper published in Frederick County and other use as they may think proper of the time place manner and terms of sale which shall be one third of the purchase money shall be paid in cash on the day of sale or the ratification thereof by the Court and the balance in two equal payments at six and twelve months to be