

these circumstances and after the lapse of more than a term of your Honorable Court and after said property has actually sold under said order of resale and said sale been ratified and a term elapsed since said ratification Your Honorable Court ought not to rescind or annul said order or any part thereof. Your Respondents further state that said Daniel G. Bisen frequently recognized said purchase and on several occasions promised to see to the payment of the purchase money, that he did try to borrow some money on property owned by him in Baltimore City for such purpose, and that he promised to sell his own property in Baltimore to pay on the purchase of said farm but failed to comply with his promise. Your Respondents insist that said purchase is binding upon the Petitioners and that after the Petitioners have had possession as purchasers of said real estate for nearly a year and by their own conduct the performance of the contract had been entered into, it would be grossly inequitable under the circumstances of this case to rescind any portion of the order of the 11th of August 1874 or to relieve in any way the Petitioners of the difference between the first and second sales and of the expenses of resale all of which would be a great loss to the estate occasioned and caused solely by the conduct of the Petitioners. Your Respondents admit that some of the complainants have filed claims against the estate of Henry Shafer deceased but these respondents have no knowledge of said claims being unjust nor do they believe them to be so and they further say that the justice or injustice of said claims are immaterial in this controversy. These Respondents utterly deny that said Daniel G. Bisen was consented to the purchase made by his wife. And they insist that the order of resale at her risk can be legally enforced against her or her property and ought in all good conscience and Equity and fairness to the parties interested in the funds to be so enforced. Your Respondents refer to the papers already filed in this case as proof of many of the Allegations herein contained and filing this answer or cause why the relief prayed for in the Petition should not be granted, and their willingness to prove the allegations herein contained in such manner as Your Honorable Court shall direct and they ask Your Honor to pass some order directing the manner in which the Petitioners may support their Petition by proof and these Respondents may prove the Allegations herein contained, and as in duty bound.

Filed February 3, 1875.

C. W. S. Levy
Sol for Respondents
J. H. A. Shafer & H. J. Shafer.

Petition of
Peter H. Shafer
and
courts
order

To the Honorable the Judges of the Circuit Court for Frederick County - as a Court of Equity. The Petition of Peter H. Shafer of Frederick County respectfully represents that J. H. A. Shafer H. J. Shafer and E. Talbot Shafer Trustees in No. 3911 Equity in the Circuit Court for Frederick County as a Court