

State of Maryland

Frederick County to wit;

On this First day of April in the Year Eighteen Hundred and Seventy Three personally appeared before the Subscribes a Justice of the Peace of said State in and for said County Samuel H. Trundle William D. Kramer and Arthur Cromwell the Trustees named in the foregoing Report of Sales and did each of them (with some Holy Evangelist of Ministry) And that the matters and things stated in the foregoing Report are true to the best of his knowledge and belief, and that the sale therein reported was fairly made

W. Mackay, J.P.

No. 3716 Equity
W. H. Trundle by his next
Friend W. D.

In the Circuit Court for Frederick County
Sitting in Equity

February Term 1873,

Ordered this 8th day of April 1873, that on the 10th day of May 1873, the Court will proceed to act upon the Report of Sales, this day filed by Samuel H. Trundle, William D. Kramer and Arthur Cromwell, Trustees in the above case unless

vs
Samuel Trundle et al

come to the contrary be shown before said; Provided a copy of this order be inserted in some Newspaper published in Frederick County for three consecutive weeks prior to said day.

Filed April 8th 1873,

Charles Hantz, Clerk.

W. H. Trundle by his next
Friend W. D.

No. 3716 Equity
On the Circuit Court for Frederick County as
a Court of Equity
May Term 1873.

vs
Samuel H. Trundle
and others

This case is now before the Court upon objections filed by the Purchaser John H. Penn to the sale as made and Reported by the Trustees. The

objections are nine in number, and the Court will now endeavor to dispose of them having been greatly assisted by the arguments of the Reliators and the authorities cited by them. The first and second objections refer to that part of the a draftment which describes the Land as being divided into six fields all under good rent and rail growing, and running water in every field but one &c; These objections must be overruled as from all the Proceedings, the Court concludes that the purchaser was misled or deceived by that part of the description of the Property even if it were not strictly true and moreover the Public were invited by the a draftment to call and look at the Property; and the son of the purchaser did actually go upon the farm and examine it before the day of sale. The fifth and sixth objections raise the question of jurisdiction in this court, to decree a sale of the Property, and the objector contends that the Power of Sale is in the Executors under the Will, after the happening of the contingency therein mentioned, of the Marriage or death of the Widow, and that a sale under a decree of the Court would in effect be making another Will for the Testator. In Hill on Trustees 718 it is said "where the Trust is to sell after the death of the Tenant for life, a sale in his life time will be bad even though it be made

Court opinion &
order setting aside
the Sale