

No. 1375 Equity

James Boyce & Eliza Boyce his wife
(vs)
Henry Bryan, Rebecca Bryan his wife, et al

In the Circuit Court for Frederick County, sitting as a Court of Equity.

Sept Term, 1877

Decree to sell Realty

The above cause standing ready for a hearing, and being submitted, the Bill, answers, Exhibits, testimony and all other proceedings were by the Court read and considered. It is thereupon, this 7th day of November in the year eighteen hundred and seventy seven by the Circuit Court for Frederick County, as a Court of Equity, and by the authority of said Court, adjudged, ordered, and decreed, that the land and premises mentioned in these proceedings be sold, and that William H. Hinks of Frederick County, he and he is hereby appointed Trustee to make the said sales, and that the course and manner of his proceedings shall be as follows. He shall first file in the Clerk's Office of this Court a Bond to the State of Maryland, executed by him with a surety, or sureties, to be approved by the Court, or the Clerk thereof, in the penalty of One thousand dollars, conditioned for the faithful performance of the trust reposed in him by this Decree, or which may be reposed in him by any future order, or decree in the premises. He shall then proceed to make sale of the said Real Estate having first given at least three weeks previous notice, inserted in some one or more papers printed in Frederick County, and such other notices as he shall think proper of the time, place, manner and terms of sale, which terms shall be as follows. One half of the purchase money shall be paid in cash on the day of sale, or within a fortnight thereof by the Court, the residue in one year from the day of sale, the purchaser or purchasers, giving his, her, or their moneys, with approved security and bearing interest from the day of sale; and as soon as may be convenient after any such sale, or sales, the said Trustee shall return to this Court, a full and particular account of the same, with an affidavit of the truth thereof and of the gainness of such sale, or sales annexed, and on the ratification of such sale, or sales by the Court, and on the payment of the whole purchase money and not before, the said Trustee by a good and sufficient deed to be executed and acknowledged accordingly to law, shall convey to the purchaser or purchasers of the said property, and to his, her or their heirs the property to him, her, or them sold of, as, clear, and discharged of all claims of the parties to this cause, and of any person, or persons claiming by, from, or under them; and the said Trustee shall bring into this Court the money arising on such sale, or sales, and the bonds or notes which may be taken for the same, to be disposed of under the direction of this Court, after deducting therefrom, the costs of this suit, and such commission to said Trustee as the Court shall think proper to allow, on consideration of the skill, attention, and fidelity whereunto he shall appear to have discharged his trust.

Filed Nov 7, 1877

John A. Lynch
Judge of the Circuit Court

Agreement of Counsel

James Boyce & wife
(vs)
Henry Bryan et al

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It is hereby agreed that all questions of use and occupation by Henry Bryan and Defendant in above case and of any indebtedness to him by estate of deceased for burial expenses and maintenance be referred for future order of the Court
- J. E. R. Wood, for Defendants
- William H. Hinks, for Complainants.

Filed Nov 15, 1877