

No 11512 Equity

deceased this life some time in the month of January 1819 and that James then
to wit on the 9th day of April 1849, the said John Montgomery executed his last Will
and Testament, so as to pass the title to Real Estate, and that Exhibit No 3, one with
said Pet. of Complaint is or true certified, copy of said last will and testament

These Respondents further admit that the said John Montgomery Jr was in his
life time indebted to the Complainants as per their account as stated in Exh. 1 &
No. 6, and that the same is still due owing and unpaid.

And these respondents further admit that at the time of his death the said John Mont-
gomery Jr had no personal estate and that no letters testamentary were ever obtained from
the Orphans Court for Frederick County by your Respondent James Montgomery and John
W. Montgomery and that this Respondent admits that the personal Estate of said John Mont-
gomery was wholly insufficient for the payment of his debts.

And these respondents further admit that at the time of his death the said John
Montgomery Jr left a wife named Mary Montgomery, her surviving and your respon-
dents - and the said Emily O'Leary and Isabella Boucher wife of Bayles C Bouch-
er her children and legatees under the will of said John Montgomery Jr

And these Respondents agree that a decree be passed by your Honorable Court for a
sale of said Real Estate mentioned in said Will for the payment of the debts of the
said John Montgomery Jr decd. as is prayed for in said Bill of Complaint.

Wm. F. Ross
Charles W. Ross
Sols for Respondents

Filed March 13, 1880

Robert O'Leary, and Emily O'Leary
his wife
(vs)
Mary Montgomery John F. Cook
and Mary Ann Cook his wife, et al

No 11512 Equity
In the Circuit Court for Frederick County,
sitting as a Court of Equity
February, Term, 1880

Decree
to sell

The above cause standing ready for hearing,
and being submitted, the Bill, answers, exhibits and all other proceedings were
by the Court read and considered. It is the order, this 13th day of March in the
year Eighteen hundred and eighty, by the Circuit Court for Frederick County, as a Court
of Equity, and by the authority of the said Court, adjudged, ordered and decreed,
that the land and premises mentioned in these proceedings be sold, for the sum pro-
set forth in said Bill of Complaint, and that Charles W. Ross and John F. Cook Esq
of Frederick County, be, and they are hereby appointed Trustees to execute said sales, and
that the mode and manner of their proceedings shall be as follows: They shall first
file in the Clerk's office of this Court a Bond to the State of Maryland, executed
by them with a surety, or sureties, to be approved by the Court, or the Clerk thereof,
in the penalty of Eight thousand dollars, conditioned for the faithful perform-
ance of the Trust reposed in them by this Decree, or which may be reposed in them
by any future order, or decree in the premises. They shall then proceed to make
sale of the said Real Estate having first given at least three weeks notice, inserted
in some newspaper printed in Frederick County, and such other notice as they
may think proper of the time, place, manner and terms of sale, which terms shall
be as follows. One third of the purchase money to be paid in Cash on the day of
sale, or on the ratification thereof by the Court, the residue in ten equal annu-
al payments, the purchaser or purchasers, give together with their notes, with