

No. 4499 Equity

Petitioner
of
N. J. Wilson

That under the Mortgage, a certified copy whereof is filed as Exhibit No 1 in this Cause, your Petitioner after having given bond as required by law, and after having given the notice required by said Mortgage sold the Real estate therein described, containing Seventy eight Acres, One Rod and twenty square perches of land, more or less, your Petitioner himself being the purchaser; that said sale was made on the fourteenth day of June A. D. 1879, and has been reported to your Honorable Court for ratification and the Order nisi has been passed upon said Report of Sale; that said sale stands for ratification unless objections be filed, on the 12th day of July A. D. 1879, that at the time of said sale there were growing crops upon the said real estate, and among the growing crops about forty acres of growing wheat, that a certain Christian Meisner son of said Charles Meisner, claims to own said growing crops by a bill of sale executed within the last month, or two, executed long after the Mortgage was executed to your Petitioner, and just about the time your Petitioner advertised said real estate for sale, that in case said sale to your Petitioner is ratified, the ratification retroacts and your Petitioner becomes the owner of the real estate from the period of the sale and entitled to all rents and profits from the day of sale including those intermediate between the day of sale and the ratification thereof; that in case said sale is ratified said growing crops of wheat belong to your Petitioner; that said Christian Meisner lays claim to said crops of wheat and has threatened to cut the same and as your Petitioner is credibly informed, verily believes and therefore charges has with the consent of his father and merely to injure said real estate and the purchaser thereof, commenced to cut said growing crops of wheat although the same is not yet ripe, or fit to be cut; that said Christian Meisner is possessed of little property and that little is personal property, that he is now indebted after deducting the exemptions allowed by law, and is disposing, as rapidly as possible of all his property and of all his father's property with the consent and connivance of his father, and that the said crops ought to be preserved, or cut by a receiver appointed by your Honorable Court so that the same be not wasted and that the proceeds may be distributed to their proper owner. And your Petitioner files herewith as part of this petition a certified copy of said Bill of Sale marked Exhibit C. I. To the end therefore that the said Christian Meisner and Charles Meisner may answer the premises on their respective Confural Oaths as fully as if specially interrogated thereto and that they may be restrained by injunction from cutting, removing or otherwise interfering with said crops and that a receiver may be appointed to take charge of the same and to cut the same when it is proper they should be cut and that your Petitioner may have such other and further relief as his case may require.

May it please your Honor to grant to your Petitioner a writ of injunction against the said Christian Meisner and Charles Meisner enjoining and strictly prohibiting them and each of them, from cutting, selling, disposing of, removing or interfering with any of the crops which were growing or standing upon said Real estate at the time of sale of said real estate to your Petitioner on the 14th day of June A. D. 1879 and also to appoint a receiver to take charge and possession of said crops with power to cut the same whenever it becomes proper to do so and also to grant to your Petitioner the writ of Subpoena against the said Christian Meisner and Charles Meisner, commanding them and each of them to be and appear in this Court on some day to be named therein to answer the premises and abide by and perform such decree as may be passed therein and as in duty bound &c

C. V. S. Levy
Solicitor for Petitioner

State of Maryland Frederick County to wit:

Petitioner's
Affidavit

On this 19th day of June A. D. 1879 before the subscriber a Justice of the Peace of the said state, in and for the County aforesaid, personally appeared Nathaniel J. Nelson and made oath in due form of law that the matters and things stated in the foregoing petition are true to the best of his knowledge and belief.

Sworn before

W. R. Johnson J. P.