

No. 4640 Equity

examined to Interrogatories filed with the Commissioner by the Complainant & herewith returned, deposes and says to the

- 1st Int- Edward A. Gittinger, aged 45 years & resides in Frederick City, Maryland;
- 2d Int:- I knew them both. They were in our care and wife Thomas M. Holbourn is still living, but her wife Elizabeth Holbourn is dead. She died in Frederick City, Maryland, some years ago
- 3d Int:- She left the following children, to wit: Charles W. Holbourn, whose wife's name is Ann S., both adults Susan, adult, wife of John W. Whalen, Thomas M. Holbourn Jr., adult; and Edward, Sheridan, Melville Louis Holbourn, infants under the age of twenty-one years, and all residing in Frederick County, Maryland.
- 4th Int:- Yes sir
- 5th Int:- No
- 6th Int:- Waived, as to this deponent.
- 7th Int:- I look at Exhibit No. 3 S, now here here shown me: The body of said note, and the signature "Thos. M. Holbourn," attached thereto, are in the proper handwriting of the said Thomas M. Holbourn. I have frequently seen him write, and am well acquainted with his handwriting.
- 8th Int:- Waived, as to this deponent
- 9th Int:- I do not.

Whereupon, there being no other articles present to be examined, and no further time being required for the production of Evidences, the Commissioner closed the said Commission, and herewith returns the same, under his hand, and seal, on this 24th day of December A. D. 1880.

William B. Nelson, Commissioner. *(Signature)*

Costs of Commission

Complainant's Costs

Wm. B. Nelson, Commr.	fees	\$ 12.00
J. S. B. Harlocke, Shff.	do	.40
Edward A. Gittinger, Attor.		.75
	William B. Nelson, <i>(Signature)</i>	

Filed Dec 24, 1880

Commissioner

Jno. Simmons

No 4640 Equity

Thos. M. Holbourn et al

In the Circuit Court for Frederick County, sitting as a Court of Equity, December Term, 1881.

Hevree to dele

The above cause standing ready for a hearing, and being submitted, the Bill, annexed Exhibits, testimony and all other proceedings were by the Court read, and considered, and thereupon this 24th day of January A. D. 1881 by the Circuit Court for Frederick County, as a Court of Equity, and by the authority thereof, ordered, and decreed, that unless the defendants shall, on or before the 10th day of February A. D. 1881, pay or bring into this Court, to be paid unto the Complainant the sum of \$800, with interest thereon from October 2nd 1877, until paid, or brought in as aforesaid, and also the further sum of \$700, with interest thereon from the 12th February 1879, until paid, or brought in as aforesaid, together with the Complainant's Costs of this suit, to be taxed by the Clerk of this Court; the Court ordered, pronounced, and decreed, that so much thereof, as may be necessary for the purpose aforesaid, be sold; and that Melville C. Urner Esq. of Frederick County, be, and he is hereby appointed, Trustee to make the said sale, 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 ten thousand dollars, conditioned for the faithful performance of the trust reposed in him or which may be reposed in him by any future order or decree of 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 newspaper, printed in Frederick County, and such other notice as he 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 two equal annual payments to the purchaser or purchasers, giving his, her, or their notes, with approved security, and bearing interest from the day of sale, and as soon as may be accounted 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 fairness of such sale, or sales, ratified, and on the ratification of such sale, or sales by the Court, and on payment of the whole purchase money, and not before, the said Estate by a good and sufficient deed to be executed, and acknowledged agreeably to law; shall, come to the purchaser or purchasers of the said property, and to his, her, or their heirs, the property to him, her, or their heirs, free and discharged of all claims of the parties to this cause, and of any persons, 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 the said Trustee, as the Court shall think proper to allow, in consideration of this Bill, attachment, and fidelity, whereunto he shall appear to have discharged his trust.

Filed January 27, 1881.

John A. Spach
Judge of the Cir. Court.

4640 Equity

In the Circuit Court for Frederick County.

Commissioner Commissioner to take the Auditor of reports in this cause to Alfred Patton

Filed June 26, 1881

Wm. B. Nelson
Judge of the Cir. Court.