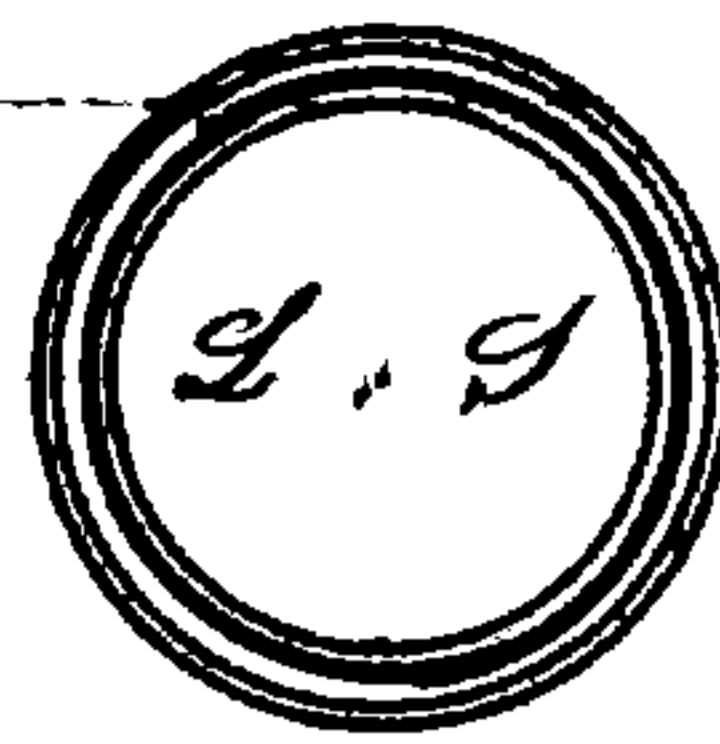


No. 4640 Equity

State of Maryland, &c.



The State of Maryland, To Alfred Potter Esquire of Frederick County, Circuiting

Whereas, John Simmons has lately exhibited his Bill of Complaint before us in the Circuit Court for Frederick County, sitting as a Court of Equity, against Thomas M. Holbrow, John M. Whalen, and Susan Whalen his wife and others. And whereas, we have by our writ, lately commanded the said Defendants to appear before us in said Court as a Court of Equity, at a certain day, now past, to answer the said Bill of Complaint, but for as much as the said Thomas Holbrow, John M. Whalen, and Susan Whalen are infants, under age, and cannot, under the said Bill of Complaint, defend this suit, without having a Guardian assigned to them, we have given unto you full power and authority, in pursuance of the special order in said Court, to assign, and appoint a Guardian for the aforesaid infants, and to take the names of the said infants, by such Guardian, to the said Bill of Complaint, and therefor we Command you, that at such certain day and place as you shall think fit, you assign and appoint a Guardian for the aforesaid infants, and to take the names of the said infants, by such Guardian, to the said Bill of Complaint on such Guardian's Corporal Oath, from the Holy Evangel, to be administered by you, the said Guardian, distinctly and plainly, and that you shall have taken the said Oath, you are to send the same, closed up under your seal, together with your Certificate of your having assigned and appointed such Guardian, as aforesaid, and this writ unto us in said Court.

Commissioner to assign Guardian to Infant &c.

Witness, the Honorable Richard J. Bowie, Chief Judge of said Court, the Twenty first day of February, Anno Domini 1881. Dated the 24th day of April, 1881

Test. - Adolphus Leachaker Jr., Clerk

John Simmons

No. 4640 Equity

Thomas M. Holbrow, John M. Whalen, Susan Whalen his wife, and others

In the Circuit Court for Frederick County, sitting in Equity. To the Honorable, the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity

Guardians Common

The subscribing the Commissioner named in the annexed Commission, hereby certify, that in execution of the power aforesaid, I did, on the 24th day of April, A. D. 1881, assign and appoint William H. Hellyar, Esq. of Frederick County, Guardian to the infants named in said Commission, and took the names of said infants by their said Guardian, and under the oath of said Guardian, by me administered, to the Bill of Complaint in said Commission, mentioned, which said return, with said Commission, is herewith returned, closed under my hand and seal this 24th day of April A. D. 1881.

Answer of Infant &c.

The Answer of Edward Holbrow, Sherman Holbrow, Daniel Holbrow and Lewis Holbrow, infants under the age of twenty one years, by William H. Hellyar their Guardian, to the Bill of Complaint of John Simmons, against them in the Circuit Court for Frederick County, sitting as a Court of Equity, exhibited. These Defendants cannot admit any of the matters and things alleged in the Bill, and being infants of ten years, submit their rights to the protection of this Court.

Guardian's Oath

On this 24th day of April, A. D. 1881, the above named William H. Hellyar, appeared before me, the Commissioner, and made oath that the matters and things stated in the foregoing answer, to the best of his knowledge and belief. Alfred Potter, Commissioner

John Simmons

No. 4640 Equity

Thos. M. Holbrow & others

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

Report of Sales

The Report of Sales of William S. Potter, Auctioneer, appointed by the decree in this Cause, to make sale of certain Real Estate therein mentioned, shows, - That by the terms of the decree in this Cause, it was ordered that unless the Defendants should pay or before the 10th day of February, A. D. 1881, pay or bring into Court to be paid to the Complainant, the mortgage debt and interest and costs, the mortgage property or so much thereof as may be necessary, to hold that the said Defendants did not bring said money into Court but they procured a purchaser at private sale, for said property, viz. Nathaniel J. Helms, who is willing to pay the sum of Twenty-eight hundred Dollars Cash, for the same and set described in the proceedings in this Cause, but in as much as some of the Defendants, being infants and under age, are infants and incapable of conveying their property to said Helms and Conveyance, said sale, and thereby bringing said money into Court, according to the terms of said decree, was agreed to sell said property to said Nathaniel J. Helms, at and for the said sum of Twenty-eight hundred Dollars, Cash, and which is a fair and reasonable price for said property. Your Justice would further represent that making said sale at private sale was a saving of Costs and in his judgment to the interest of all parties concerned, wherefore he prays your Honor to ratify and confirm said sale. All of which is respectfully submitted. William S. Potter, Justice

Trustees Affidavit

State of Maryland, Frederick County, &c. I hereby certify that on this 10th day of Feb'y, A. D. 1881, before me Clerk of the Circuit Court for Frederick County, personally appeared William S. Potter, Justice, and made oath that the matters and things stated in the foregoing report, are true to the best of his knowledge and belief, and the sale therein reported was fairly made. Adolphus Leachaker Jr., Clerk.

Order nisi on Sales

John Simmons } In the Circuit Court for Frederick County, sitting in Equity, December Term, 1880. Thomas M. Holbrow and others } Ordered this 10th day of February, 1881, that on the 10th day of March next, the Court will proceed to act upon the Report of Sales this day filed by William S. Potter, Justice, in the above Cause, unless cause to the contrary be shown before said day, provided a copy of this order be inserted in some newspaper published in Frederick County, for three successive weeks prior to said day. The Report states the amount of sales at \$2800. Filed Feb'y 10, 1881. (Commis) Adolphus Leachaker Jr., Clerk of the Circuit Court for Frederick County.

Trustee's Certificate

Office of "The Examiner," Frederick, Md., March 12th 1881. This is to Certify, That the annexed Order nisi was published in "The Examiner," a newspaper published in Frederick County, once a week for three successive weeks prior to the 10th day of March 1881. Filed March 12, 1881. Hecker & Harrauff

Final Ratification of Sale

John M. Simmons } In the Circuit Court for Frederick County, Feb'y Term 1881. Thos. M. Holbrow & others } Ordered by the Court this 12 day of March A. D. 1881, that the foregoing Report of Sales, be and the same be hereby ratified and confirmed, notice having been duly given as required by the foregoing order, and no cause having been shown to the contrary, and the Cause is hereby referred to the Auditor to state an account with instructions to allow the Auditor, his usual Commission, and unshel expenses. Filed March 12, 1881. John A. Lynch

Handwritten notes in the left margin, including "Commissioner to assign Guardian to Infant &c.", "Guardians Common", "Answer of Infant &c.", "Guardian's Oath", "Report of Sales", "Trustees Affidavit", "Order nisi on Sales", "Trustee's Certificate", "Final Ratification of Sale".