No. 4448 Equity (Additional Proceedings)

Newton M. Horner, et al.
vs.
Sophia Horner et al.

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 Newton M. Horner and John C. Motter Trustees in the above entitled cause respectfully represents unto your Honors that since the Solemnity in the above causes, on the 14th day of September A. D. 1880, they proceeded to advertise for sale the property withdrawn at said time, which is below fully described. And did give notice of the time, places, manner and terms of sale by advertisement inserted in the Emmittsburg Chronicle, a newspaper published in Frederick County for more than three successive weeks preceding the day of sale, and by handbills extensively circulated. That on the 12th day of March A. D. 1881 at the place mentioned in said Advertisement, and at the hour of Eleven and a half O'clock A. M. the hour named in said Advertisement the said John C. Motter as Trustee, the said Newton M. Horner being a non-resident and having failed to appear from some reason unknown to this Trustee although notified so to do, offered the remainder of the Real Estate decreed to be sold, at public sale upon the terms prescribed in said decree. Your Trustee first had the land surveyed by one James M. Tyrell, a practical surveyor, and had it laid off into parcels, believing that it would sell better in that way and a plat of it as so surveyed and laid off is herewith filed, marked Exhibit A. to this Report of Sale, which Exhibit with all others herewith filed, it is prayed may be considered as a part hereof.

Your Trustee first offered a farm containing Two hundred and forty two acres two roods and twelve and three fourth perches of land, it being part of a tract of land called Fort Henry; situated in Emmittsburg District, in Frederick County, Maryland along the road leading from Emmittsburg to Baltimore city, lying adjacent to the Town of Emmittsburg on its Eastern side it being a part of the land of which Eli Horner died seized and possessed, and fully described by lines on said Exhibit A. to this Report, and being that portion of the entire tract described by courses and distances on said plat, after taking off the Lot containing 18 Acres and 17 perches, and Lots No. 1, 2, 3 & 4. on said Plat, and sold the same then and there to one John Monaghue, at public Auction, at and for the sum of twenty six dollars per acre, the said John Monaghue being then and there the highest bidder therefor, and took his certificate of purchase for the same to which is attached a copy of the Advertisement of the whole tract of said real estate and the terms of sale as prescribed by the Decree. The survey made by the said Tyrell made the entire tract contain 274 A. 2 R. & 19 P. of land, which survey was made just before the day of sale, and after the Advertisement was inserted, and the difference is due to an error in the original Deed from which the advertisement is taken. Said certificate of purchase is herewith filed as Exhibit B, to this report. Your Trustee then offered the Lot containing 18 Acres and 17 perches described by courses and distances on the plat above mentioned, it being also a portion of the tract called Fort Henry, and lying in Emmittsburg District, in Frederick County, Maryland, and sold the same at public Auction upon the same terms mentioned in Exhibit B, to this Report to one Jacob Gilliland at and for the sum of Twenty Six Dollars per acres, he being then and there the highest bidder therefor, and took his certificate of purchase therefor which is herewith filed as Exhibit C, to this Report.

Affidavit of J. C. Motter

Order Nisi on Report of