

No 4970 Equity

in favor of the said Calvin, but deemed it decidedly better to allow said Anders to claim the benefit of such exemption in the distribution of the funds arising therefrom. That said property was accordingly sold with that understanding

In the next place your Orators offered the dwelling house of said Calvin B. Anders situated in the village of Double Pipe Creek, and sold the same to John Heybright, he being then and there the highest bidder therefor, at and for the sum of Two Thousand nine hundred and Seventy five dollars, and they have since taken the notes of the said Heybright with approved security for the payment of said sum with interest thereon, in nine and Eighteen months from the day of sale, Your Orators state that said dwelling was sold by them with the consent and at the request of Annie M. Anders wife of said Calvin B. Anders for of her potential right of dower therein. In the next place, they offered a lot improved by Stone dwelling but receiving no bid therefor withdrew the same; next offered another house and lot which was likewise withdrawn for want of a bid and lastly they offered the Mill site of the Double Pipe Mills with the water power and rights incident and appurtenant thereto together with twenty five acres of land or thereabouts improved by three dwelling houses, and received a bid therefor of Three thousand dollars; but deeming this wholly inadequate to the value of the property offered likewise adjourned the sale thereof. Your Orators in concluding their report of sales state that the several purchasers have complied with the terms of sale and they respectfully submit it for the ratification of your Honorable Court.

And they further show that they cannot safely proceed further in the execution of their trust without incurring risk and responsibility and they therefore pray your Honorable Court to intervene its Equitable jurisdiction and powers to the proper administration of said trust so that your Orators may be relieved from risk and responsibility. And that the said Calvin B. Anders and Annie M. Anders his wife may be required to answer the matters and things heretofore stated, and may be required to abide by and perform such decree or order as may be passed therein and that your Orators may have such further and other relief as they may be entitled And to that end may it please your Honorable Court to pass an order *Ne Si* on the report of sales of said property heretofore mentioned as sold, and upon the ratification thereof to pass an order referring the Cause to the Auditor of this Court with instructions to him to give the usual notices to the creditors of the said Calvin B. Anders who were such prior to and on the Eleventh day of May 1853 the date of the execution of said deed of trust, to file their claims properly proven and authenticated with the Clerk of the Circuit Court for Carroll County in the time limited by said notice, and after the expiration thereof to direct said Auditor to state an account of the trust funds and distribute the same according to the provisions of said deed of trust, and report his account to this Court for its further order, May it please your Honorable Court to grant unto your Orators the Writ Subpoena against the said Calvin B. and Annie M. Anders his wife commanding and requiring them to be and appear in this Court on some certain day to be therein named to answer the premises to abide by and perform such order or decree as may be passed therein And in duty &c. ever pray &c.

Geo. McSherry & J. A. O'Bond
Solicitors for Trustees & Comptes

Geo. McSherry James A. O'Bond
Trustees of Calvin B. Anders

State of Maryland Carroll County to wit:

I hereby certify that on this third day of July 1853 before the subscriber a Justice of the Peace of the State of Maryland in and for Carroll County personally appeared James A. O'Bond one of the Trustees of the foregoing Bill and report of sales and made oath in due form of law that the matters and things stated therein are true as therein stated and that the sales made & reported were fairly made

Gustavus W. Cooperster J.P.

Filed July 3^d 1853.