

No 4858 Equity

by the proceedings in this cause to an interest in the lands mentioned in the mortgage to Dr Thomas E R Miller filed in this cause.

2^d That under the power of sale contained in said Mortgage Dr Tho E R Miller made the sale reported in this Cause on the on the 6th day of January 1883, that this same was annulled and set aside on the 22^d day of June 1883. upon the ground of the improper conduct of said Mortgagee in making said sale.

3^d That immediately after said order of the Court setting aside said sale the Solicitors of yr Petitioner asked & insisted on a sale being made at once; that the Solicitor of Dr Tho E R Miller promised that in a very short time he would have said sale made. That William P Maulby Jr one of Solicitors of Petitioner called upon Dr Miller and urged him to make said sale and that he received from Dr Miller the assurance that he would make said sale in the month of November or December last.

4th That after said sale was set aside it was the duty of said Thomas E R Miller to make sale of the property within a convenient time; that said sale ought to have been made during the fall of 1883 or at the very latest early in the year 1884. and that by the delay in making said sale the interests of yr Petitioner have been impaired by the increase of the debt of Dr Miller by the additional interest accrued.

5. And yr Petitioner further shows that the said Dr Thomas E R Miller has notwithstanding the requests of yr Petitioner made to him and to his Solicitor and disregard of his duty under the order of yr Honorable Court setting aside the former sale wholly neglected and refused to make said sale and still still neglect to do so wherefore yr Petitioner prays yr Honorable Court to appoint a trustee or trustees to sell the real estate in the proceedings in this cause mentioned.

And as in duty bound &c &c

C P S Lory &
W P Maulby Jr
Sols for Petitioner

State of Maryland Frederick County to wit,

On this 17 day of March 1884 before the Subscriber a Justice of the Peace of the said State in and for said County personally appeared C P S Lory & William P Maulby Jr and made oath on the Holy Evangelists of Almighty God that the matters & things stated in the foregoing Petition are true as therein set forth to the best of their knowledge & belief.

Robt B Tyler J.P.

The foregoing Petition having been read and considered it is thereupon by the Circuit Court for Frederick County in Equity this 17 day of March 1884 adjudged & ordered that Dr Thomas E R Miller show cause on or before the 21st day of March next why an order should not be passed as in foregoing Petition prayed, provided a copy of this order and foregoing Petition be served on Dr Tho E R Miller or his Solicitor on or before the 19th day of March 1884.

Service of copy admitted - C H Ross Atty for Miller

Filed - March 17, 1884

John H Lynch
Judge of the Cir Court

The answer of Dr Thomas E R Miller of Frederick County, State of Maryland Mortgagee of Frederick A Stull and Ann A Stull his wife, to the Petition of Daniel B Stull administrator of the goods &c of Eric E Stull filed in the Circuit Court for Frederick County in Equity in the proceedings No 4858 Equity, requiring this Respondent to show Cause why Trustees should not be appointed to make sale of Certain Mortgage premises in the said proceedings mentioned.