No. 5031 Equity

as aforesaid to finally ratify and confirm the same unless cause to the contrary thereof 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 to be $1443.50

Dated this 9th day of April 1887.

W. Irving Parsons
Clerk of the Circuit Court for Frederick County.

"Catoctin News"
Filed April 9. 1887.

Courts Opinion & order setting aside Sales &c

Courts Opinion Setting aside Sales

Philip Kuhn Jr et. al.
vs
Magdalena Mozer et. al

No. 5031. Equity.
In the Circuit Court for Frederick County
May Term 1887.

The Question now before the Court arises on exceptions to the report of sales made by Frank C. Norwood Esq. one of two trustees appointed by this Court to sell the real estate, in these proceedings decreed to be sold.

The real objections to the ratification of the sales are two,

First that there was not a proper notice of the time when the sale was to take place,

Second - that Mr Norwood, One of the trustees advertised the property without the knowledge of Milton G. Unger Esq his Co-trustee, and sold the same without Consulting, or Co-operating with him,

The sale was advertised, in the News-paper to take place on Friday the 22nd of March was on Tuesday instead Friday as advertised. This indefinite and wrong statement of the day, the Court thinks was well calculated to mislead the public, as it was uncertain whether the mistake was in the day of the week, or the day of the month.

The other objection, in the opinion of the Court is fatal to the validity of the sales.

The trustees both accepted the trust and had equal power in the premises, Being agents of the Court to make the sale, the Court and the parties interested, are entitled to the benefit of the joint action, skill and judgment of both trustees in making the sale.

The objections must therefore, be sustained and the sale set aside. It is thereupon this 21st day of March A.D. 1887 adjudged ordered and decreed by the Circuit Court Court for Frederick County as a Court of Equity and by the authority thereof, that said objections be sustained and the said sales set aside, and it is further ordered and decreed that the property decreed to be sold, be resold by the trustees upon the terms as set forth in the original decree in this Cause.

Jno Ritchie
John A Lynch
Judges of the Cir. Court

Filed May 21. 1887.