

No. 7478 Equity.

real estate advertised by the assignees as aforesaid was alleged to contain One hundred and four acres of land more or less, but that the petitioner has since ascertained that said tract of land sold as aforesaid contained but one hundred and three and three eighths acres of land, which is fully and at large set forth in a plat which was made by Edward Sebaugh, Surveyor, at the request of a Survey had and made on May 8th, 1901. Not quite one year ago, which said plat is herewith filed as a part of this petition marked Exhibit No. 1.

Third, That the mortgagee, Jacob M. Skuterman on the 20th day of August 1887. Conveyed unto the Board of County School Commissioners a parcel of the land which was included in the mortgage, and which said parcel of land so conveyed amounts to One Eighth of an acre of land more or less, and the mortgagee Eva Houch joined in said conveyance all of which will fully appear by reference to Liber V. J. P. No. 21, Folio 656, One of the Land Records for Frederick County.

Fourth, That the assignee of mortgage as aforesaid could see no more land than was actually contained in the mortgage and owned by the said Jacob M. Skuterman, and which said land was surveyed by the mortgagee so that a time ago.

Fifth, That your petitioner purchased the said land and promises at the price of thirty six dollars per acre, and is willing to comply with the terms of sale as set forth in the advertisement of sale, but that he is ^{not} willing to pay for a greater amount of land than is actually contained in the farm sold as aforesaid and as is designated by the survey and plat which is referred to herein as Exhibit No. 1.

Sixth, That the total amount of sales for one hundred and three eighths acres of land at thirty six dollars per acre aggregates the sum of thirty seven hundred and twenty one dollars and fifty cents, while the assignees as aforesaid have reported the sale as aggregating the sum of thirty seven and forty four dollars, which said first mentioned sum should be the total amount of sale to be reported by said assignees.

Therefore your petitioner prays:-

(a). That said sales made to him as aforesaid be ratified to him at the sum of thirty seven hundred and twenty one dollars and fifty cents being for the amount of one hundred and three and three eighths acres of