EQUITY NO. 9203.

Catharine Sulcer, widow, Margaret Hale James D. Hale and Catharine Hale, his wife, Fannie Sulcer and John Sulcer, her husband

Vs.

Bertha Hale, widow, Lenda Hoffman and Lewis Hoffman, her husband; Albert Hale and Minnie Hale, his wife; Fannie and George her husband, Marie Hale and Esther Hale, an infant.

No. 9203 Equity.
In the Circuit Court for Frederick County in Equity.

To the Honorable the Judges of said Court--

The Bill of complaint of Catherine Sulcer, widow, Margaret Hale, James D. Hale, and Catherine Hale his wife, Fannie Sulcer and John Sulcer, her husband, all of Frederick County, in the State of Maryland, respectfully shows unto your Honors--

First--That a certian Elizabeth A. Hale, labe of Frederick County, in the State of Maryland, died on or about the 2nd day of June, in the year 1910, intestate, in said Frederick County, and leaving as her children and heirs at law the parties hereinafter set forth.

Second--That the said Elizabeth A. Hale, left surviving her the following children and heirs at law--

(a) Catharine Sulcer an adult daughter whose husband's name was henty Sulcer and who died about 10 years ago leaving her the said Catherine Sulcer, a widow, residing in said Frederick County, Maryland.

(b) Margaret Hale, an adult daughter, unmarried,residing in said Frederick County Maryland.

(c) James D. Hale an adult son, whose wife's name is Catharine Hale, both of whom reside in Frederick County, Maryland.

(d) Fannie Sulcer, an adult daughter, whose husband's name is Catharine Hale, both of whom reside in Frederick County, Maryland.

(e) An adult son, Luther Hale, who died unmarried, and intestate, in or about the month of July in the year 1914, in said Frederick County, Maryland.

(f) An adult son, Daniel Hale, who died about three years ago in Bloomington, in the State of Illinois, leaving a widow surviving him, whose name is Bertha Hale aged about 50 years, and residing in the Bloomington, in the State of Illinois, and also leaving surviving him five children all of whome reside in Bloomington, in the State of Illinois, as follows-

(1) Lenda Hoffman, an adult daughter whose husband's name is Lewis Hoffman, (2) Albert Hale, an adult son whose wife's name is Minnie Hale, (3) Fannie an adult daughter, whose husband's is George . (4) Marie Hale, an adult daughter, unmarried and (5) Esther Hale, an infant daughter, aged about 18 yrs.

(g) Jennie Mumford, an adult daughter, whose husband's name is Richard Mumford, both of whom reside in Frederick County, and the said Richard Mumford having died leaving no last will and testament, and no children, by the said Jennie MUmford, the said Jennie MUmford having died intestate.

Third That the said Elizabeth A. Hale, in her lifetime and at the time of her death was seized andpossessed in fee simple of certain real estate situated in Jefferson District, in said Frederick county, State of Maryland, and more particularly described in a deed from Daniel Baker, to the said Elizabeth Hale, dated on the 13th day of May in the year 1865 and duly recorded in liber B.G. F. No. 9, folios 1 etc., one of the land records for said Frederick County, a certified copy of which said last mentioned deed is filed herewith as a part hereof and marked exhibit No. 1.

Fourth--That there are no liens on said real estate unpaid and no debts by the said Elizaveth A. Hale that are on record in said Court; although a certain mortgage appeare unreleased on said records which said mortgage was given by David Hale and wife unto Daniel Baker and which said mortgage is dated on the 30th day of March in the year 1863, and duly recorded in liber E. S. No. 2 folio 668 etc., one of the land records for Frederick County, in the sum of $294.14. And your orators allege that the said mortgage has been duly and fully paid together with the interest thereon and should and will be released , the said Daniel Baker having deeded all his interest in said property unto the said unto the said Elizabeth Hale as fully appears by reference to Exhibit No.1 of this bill. (2) The mortgage of Elizabeth A. Hale and husband to Andrew Kessler, Andrew M. Thomas and Abraham Hemp for $300.00 dated May 14th 1863, and duly recorded in liber B. G. F. No. 9 folios 1 etc., one of the land records for Frederick County which said last mentioned mortgage and interest has been fully paidand satisfied, and should and will be released on the land records of this Court. (3) A mortgage from DAvid HAle and Elizabeth A. Hale, his wife,to Margaret Botelerfor the sum of $300.00 dated on the 13th day of January in the year 1877, and duly recorded in liber T. G. No. 6 folios 539 etc., one of the land records for said Frederick county,which

said last mentioned mortgage has been assigned on the said land records of said Frederick County, unto Raymond L. Shaff on October 20th 1890, by order of the Orphans Court for said Frederick County, wto., which by reference to said land record will more fully and at large appear, and that the said last mentioned mortgage was given in full payment of the said mortgage to Andrew Kessler, and others as above described, which said Andrew Kessler's mortgage should have been fully released when paid, but the same was neglected and your complaint further alleges that the said mortgage to the said Margaret Hoteler, and assigned as aforesaid to Raymond L. Shaff, has been fully paid and sh uld have been and will be released on the said land records.

Fifth That the said real estate described in Exhibit No. 1 filed herewith as a part hereof as aforesaid, consists of a single house and lot, worth probably $800 or $1,000 and is not capable or susceptible of being divided amongst the parties interested without great loss, damage and injury to those interested in the same, and it would be to the best interest and advantage of all parties having an interest therein that the same should be sold under a decree of Your Honorable Court, and the proceeds divided amongst the parties entitled thereto, according to their respective rights and interests, the interestof the said infant defendant to be invested for her benefit..

To the End Therefore--

That the said real estate may be sold under an order and decree of Your Honorable Court, free, clear and discharged from all unreleased mortgage claims, and the proceeds distributed amongst the parties interested and entitled thereto, according to their respective rights and interests, the interest of said de endant to be invested for her benefit under the order of Your Honorable Court, and that a trustee or trustees may be appointed by the order and decree of your Honorable Court to make said sale.

And for such other and further relief as the nature of their case may require.

May it please Your Honorable Court to grant unto your said orators an order of publication against the said Bertha Hale, widow, Daniel Hale, Lenda Hoffman and Lewis Hoffman, her husband, Albert Hale and Minnie Hale, his wife, and Fannie and George her husband, Marie Hale and Esther Hale, an infant, all of whom reside in Bloomington, in the State of Illinois, and are non-residents of the State of Maryland, giving notice to them and each of them, of the object and purpose of this Bill of Complaint, and warning them and each of them to be and appear in this Court, either in person or by solicitor, on a certain day to be named therein, and to answer the premises and show cause if any they have, why a decree sh uld not be passed as prayed, and to abide and perform such decree as may be passed therein.

And as in duty bound etc.

Arthur D. Willard

Solicitor for Plaintiffs.

EXHIBIT NO. 1.

At the request of Elizabeth A.Hale, the following deed was recorded June 1st, 1803. (Stamped & Cancelled.)

This deed made this thirteenth day of May eighteen hundred and sixty-three by Daniel Baker and Catherine BAker his wife, of Frederick County, in the State of Maryland, Witnesseth that in consideration of the sum of Three Hundred Dollars the said Daniel Baker and Catherine Baker his wife, do grant unto Elizabeth A. Hale of said County and State all those pieces or parts of tracts or lots of land situated and lying in the village of Centreville in Frederick County, Maryland, it being the same property conveyed by deed by David Hale and Elizabeth Hale his wife to Daniel Baker, said deed bearing date thirty first day of December in the year eighteen hundred and fifty seven and recorded in liber B. G. F. No. 1 folio 96, 97, one of the land records of Frederick County. Witness our hands and seals.

Test--
A. Delashmutt
Wm. G. Baker.

Daniel Baker (seal)
Catharine Baker (seal)

Which is thus endorsed--

State of Maryland, Frederick County towit--

I hereby certify that on this thirteenth day of May in the year eighteen hundred and sixty three be forethe subscriber a Ju tice of the Peace of the State of Maryland in and for the aforesaid County, personally appeared Daniel Baker and Catherine Baker, his wife and did each acknowledge the aforegoing deed to be their respective act.

A. Delashmutt.

State of Maryland, Frederick County, towit--

I hereby certify that the aforegoing deed from Daniel Baker and Catharine Baker his wife to Elizabeth A.Hale is a true copy of the same as it recorded in liber B. G. F. No. 9 at folio 1 one of the land records of Frederick County, Maryland.

In witness whereof I hereunto subscribe my name and affix the seal of the Circuit Court this 1st day of August A. D. 1914.

Harry W. Bowers, Clerk.

Court Seal.
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of the Circuit Court for Frederick County, Maryland.

ORDEROF PUBLICATION.

Cstherine Sulcer, widow and others, Plaintiffs, Vs. bertha Hale, widow and others, defendants, in the Circuit Court for Frederick County, in Equity.

The object of this suit is to procure a decree for the sale of certain property and beal estate situated in Jefferson District, Frederick County, in the State of Maryland, which said real estate is hereinafter described.

This BIll states that a certain Elizabeth A. Hale, late of Frederick County, died on or about the second day of June, in the year 1910, intestate, in said Frederick County and left surviving her the following children and heirs at law towit--Catharine Sulcer, an adult daughter whose husband's name was henry Sulcer and who died about 10 years agoleaving her the said Catherine Sulcer a widow residing in said Frederick County, Maryland, Margaret Hale, an adult daughter, unmarried, residing in said Frederick County, Maryland, James D. HAle, an adult son, whose wife's name is Catharine Hale, both of whom reside in said Frederick County Maryland. Fannie Sulcer, an adult daughter, whose husband's name is John Sulcer, both of whom reside in said Frederick County, Maryland, An adult son Luther HAle, who died, unmarried and intestate, in or about the month of July, in the year 1914, in said Frederick County, Maryland. An adult son, Daniel Hale, who died about three years ago in Bloomington, in the State of Illinois, leaving a widow surviving him, whose name is Bertha Hale, aged about 50 years and five children all of whom reside in Bloomington, in the State of Illinois, as follows, (1) lenda Hoffman, an adult daughter whose husband's name is Lewis Hoffman, (2) an adult son, Albert Hale, whose wife's name is Minnie Hale, (3) an adult daughter, Fannie whose husband's name is George (4) Marie Hale an adult daughter unmarried and (5) Esther Hale, an infant daughter aged about 18 years. Jennie Mumford an adult daughter, whose husband's name is Richard mumford, both of whom reside in said Frederick County, the said Richard Mumford having died leaving no last will and testament, and no children, by the said Jennie Mumford, and the said Jennie Mumford having died intestate and without children.

That the said Elizabeth A. Hale in her lifetime and at her death was seized and possessed in fee simple of certain real estate situated in said Frederick County, Maryland, and more particularly described in a deed from Daniel Baker to the said Elizabeth A. Hale, dated on the 18th day of MAy, in the year 1865, and duly recorded in liber B. G. F. No. 9 folio 1 etc., one of the land records of said Frederick County.

The Bill further states that several mortgages appear on the records unreleased against said property, but that the Plaintiffs are informed and charge that said mortgages have been fully paid and satisfied and will be properly released on said records.

That the said real estate is not capable or susceptible of division amongst the parties interested in and entitled thereto without great loss, damage, and injury to them, and that it would be to the best interest and advantage of all the parties having any interest therein to have the same sold under a decree of said Court and the proceeds divided amongst the parties entitled thereto according to their respective rights and interests, the interest of said infant defendant to be invested for her benefit.

The said Bertha Hale, Daniel Hale, Lenda Hoffman and Lewis Hoffman, her husband, Albert HAle and Minnie Hale his wife and FAnnie and George her husband, and Marie Hale, Adults, and Esther Hale, an infant, all being non-residents of the State of Maryland and residing

in the State of Illinois, and being the defendants and all the defendants in this cause.

It is thereupon this 3rd day of November 1914, ordered by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, that the plaintiffs by causing a copy of this order to be inserted in some newspaper in said Frederick County, once in every week for four successive weeks before the 8th day of December 1914, give notice to the said absent defendants of the object and substance of this Bill, warning them to be and appear in this Court either in person or by solicitor on or before the 25th day of december next, to show cause if any they have why a decree ought not to be passed as prayed.

Harry W. Bowers, Clerk.

PETITION AND COURT'S ORDER APPOINTING ELI G. HAUGH_ GUARDIAN AD LITEM ETC.

To the Honorable the Judges of said Court--

The petition of Catherine Sulcer, widow, James D. Hale and Catherine Hale, his wife, Fannie Sulcer and John Sulcer, her husband, plaintiffs respectfully shows unto Your Honors--

1. That an order of publication was issued out of Your Honorable Court on the 3rd day of November, in the year 1914, against the non-resident defendants in this cause namely--Bertha Hale, widow, Lenda Hoffman and Lewis Hoffman, her husband, Albert Hale and Minnie Hale, his wife, Fannie Blank and george Blank, her husband, Marie Hale,Margaret Hale and Esther Hale, an infant, all residents of the State of Illinois and non-residents of the State of Maryland.

2. That according to said order of publication the said defendants were notified and warned to be and appear either in person or by solicitor on or before the 25th day of December, next, in this Court and to show cause if any they had, why a decree should not be passed as prayed, and that none of the said defendants have so appeared either in person or by solicitation.

Wherefore your petitioner prays Your Honorable Court to pass an order directing that the Bill of Complaint be taken, and a decree pro confesso passed against the said non-resident defendants and that a guardian ad litem may be appointed by Your Honorable Court to appear and answer for the said infant defendant, Esther Hale, who is an infant and under the age of twenty one years.

And for such other and further relief as the nature of the case may require.

And as in duty bound etc.

A. D. Willard
Solicitor for Plaintiffs.

The foregoing petition having been read and considered and it appearing from the publication in this cause and the certificate of the Frederick News of the Order of Publication filed in this cause that the said defendants have been given due notice to appear etc., to said Bill of Complaint and having failed to appear, etc., to said Bill of Complaint and having failed to appear thereto according to the exigency of the said Order of Publication it is thereupon this 2nd day of January in the year 1915 by the Circuit Court for Frederick County, sitting as a Court of Equity and by the authority thereof, adjudged, ordered and decreed that the Plaintiffs are entitled to relief in the premises and that the Bill of Complaint be and the same is hereby taken pro confesso against the said non-resident adults defendants.

it is further ordered that Eli G. Haugh be and he is hereby appointed Guardian ad litem to appear and answer for the said infant non-resident defendant, Esther Hale.

Glenn H. Worthington.

ANSWER OF GUARDIAN AD LITEM.

The answer of Eli G. Haugh, Guardian ad Litem duly appointed by the order of Your Court for infant defendant Esther Hale in the above entitled cause, says--

That being an infant under the age of twenty one years and that said defendant, Esther Hale, can neither admit nor deny the allegations of said Bill of Complaint alleged, and submits her rights there under to the protection of Your Court.

And as in duty bound etc., Eli G. Haugh.
Guardian ad litem for Esther HAle.

GENERAL REPLICATION.

The plaintiffs joins issue on the matters alleged in the answer of Eli Haugh, guardian ad litem of Esther Hale, infant defendant, so far as the same may be taken to deny or avoid the allegations of the Bill.

A. D. Willard.
Solicitor for Plaintiffs.

PETITION AND COURT'S ORDER TO TAKE TESTIMONY.

To the Honorable the Judges of the Circuit Court for Frederick County in Equity.

The petition of the Plaintiffs in this case respectfully represents that they desire to take testimony in this case and pray that leave be granted for them to do so, before one of the standing examiners of this Court; said cause being at issue.

A. D. Willard,

Solicitor for Plaintiffs.

Ordered this 2nd day of January in the year 1915 by the circuit Court for Frederick County, sitting as a Court of Equity and by the authority thereof, that leave be and the same is hereby granted to the parties to the said cause to take testimony as prayed before any one of the standing examiners of this Court.

Glenn H. Worthington.

TESTIMONY.

To the Honorable the Judges of said Court--

The above cause being at issue and a notice having been given to me by the solicitor for the complainant of a desire to take testimony in said cause and pursuant to the desire pro confesso passed in said cause by your Honorable Court, I,D. Princeton Buckey one of the standing Examiners of the Circuit Court for Frederick County Maryland, duly appointed, qualified and sworn met at my law office in Frederick City, Maryland, on Monday January 11th 1915 at the hour of 9.30 o'clock A. M. and then and there proceeded to take the following depositions, that is to say--

Present--A. D. Willard.
Solr. for Plffs. and the witnesses.

Catharine Sulcer, a witness of lawful age, she being one of the Plaintiffs having first been duly sworn deposes and says--

My name is Catharine Sulcer. I reside at 209 East 6th street in Frederick Maryland. I am one of the Plaintiffs in this case and know all of the parties to this suit.

My mother was Elizabeth A. Hale. She died on the 2nd day of June 1910, and left no will. She left no husband surviving her, but left the following named children and grand children, viz--

1st. myself, Catherine Sulcer. I am a widow, my husband having died about 11 years ago. I am 70 years old. 2nd. Margaret Hale an adult daughter who lives in Frederick County, Md., 3rd. James D. Hale a son whose wife's name is Catherine Hale, both of whom are adults and reside in Frederick County Md. 4th. Fannie Sulcer, a daughter, whose husband's name is John Sulcer, both of Whom are adults residing in Frederick County Maryland. 5th. A son Luther hale who died during the year 1914, intestate and left no widow or children or descendants surviving him. 6th. An adult son Daniel Hale, who died about three years ago intestate in Bloomington, Illinois, and left surviving him a widow, bertha Hale aged about 50 years, who is now residing in Bloomington, Ill.

The said Daniel Hale left the following named children viz--

(1) Lenda Hoffman, whose husband's name is Lewis Hoffman.
(2) Albert Hale whose wife's name is Minnie Hale.
(3) An adult daughter Fannie who is married, but I do not remember her husband's name.
(4) Marie Hale a daughter unmarried.

All of the above are adults residing in the State of Illinois.

(5) Ester Hale an infant daughter aged about 18 years, residing in Illinois.

Then there was another daughter of Elizabeth A. Hale, her name was Jennie MUmford, her husband's name was Richard MUmford. They are both dead, having died intestate and leaving no children or descendants surviving them.

My mother the said Elizabeth A. Hale was at the time of her death seized and possessed of certain real estate situated in Jefferson District, Frederick County Msryland.

I do not know how much land is in it, but it is a house and lot and garden and water on the place. This place place is worth from $500 to $700, perhaps more.

This property isnot susceptible of being divided amongst the parties interested therein without great loss, damage and injury to those who are interested in the same and it would be to the best interest and to the advantage of all the parties to this cause, and especially to the interest of

the infant defendant that this property should be sold by a decree of the Court and the proceeds thereof divided amongst them according to their respective interests. It cannot be divided amongst the parties at all as it consists of a house and small tract of land, and there is no way at all it could be divided, and the only thing to do is to have it sold.

The property is now vacant and is depreciating in value and the sooner sold the bet ter it will be for all those who are interested.

To Gen. Int. Answer; No sir.

Catherine her X mark Sulcer.

Witness does not write.

Witness--D. Princeton Buckey.

Lottie Sulcer, a witness of lawful age produced on the part of the Plaintiffs, having been first duly sworn, deposes and says--

My name is Lottie Sulcer. I am 25 years of age and reside in Frederick Maryland, and am a daughter of Mrs. Catherine Sulcer.

I do not know all of the parties to this suit, but I know all of those mentioned in these proceedings as living in Frederick County, Maryland. I know all those out in Illinois, by family talk and reputation and all of those both here and in the West are correctly given to the best of my knowledge, information and belief in my mother Catherine Sulcer who I heard testify in this case.

I remember when my grand mother died in June 1910. She left ni will that I ever heard of and I know my grand father David Hale, her husband, died before my grand mother's death.

I knew the property and real estate that is described in this case and mentioned in the exhibit 1.

Exhibit No. 1 herewith filed with the Examiner as evidence.

It consists of a house and lot andis worth about $500 or $700. Luther Hale and Aunt Margaret Hale lived in this property until my grand mother died, then uncle Luther and aunt Margaret continued to occupy the property until Uncle Luther died, I thing last June 1914, then aunt Margaret went to live with aunt Fannie Sulser, her sister and since that time this property has been vacant and is depreciating in value.

This real estate cannot be divided amongst the parties entitled to interests in it, because it consists of a house and lot and only a little land and the house is the principal value ofthe property.

The only way to divide it is to sell it and it would be to the interest and advantage of all the parties to have the same sold and divide the money, as it is vacant and no one is getting anything from the property as it stands and the longer it stands vacant the less it will be worth.

To Gen. Int. Answer, No sir.

Lottie Sulcer.

No other witnesses being named or produced before me, and no further time being required for the taking of further depositions in said cause, I then at the request of the Solicitors for the complainants closed the depositions taken by me and now return the same to YOur Honorable Court this 14th day of January 1915, at the City of Frederick State of Maryland.

Witness my hand and seal

D. Princeton Buckey (Seal)
Examiner.

COSTS OF DEPOSITIONS.

D. P. Buckey, Examiner's fee, 1 day	$4.00
Catharine Sulcer, witness fee	75
Lottie Sulcer, witness fee	75
	$5.50

I hereby certify that the above costs are correct.

D. Princeton Buckey,
Examiner.

DECREE.

The above cause standing read for a hearing, and being submitted, the Bill, Answer, Exhibit No. 1 and all other proceedings were by the Court read and considered, it is thereupon this 19th day of February in the year nineteen hundred and fifteen by the circuit Court for Frederick County sitting as a Court of Equity and by the authority of said Court, adjudged, ordered and decreed, that the land and premises mentioned in these proceedings be sold at public sale, and that Arthur D. Willard of Frederick County, be, and he is hereby appointed trustee to make the said sales, and that the course and manner of his proceedings shall be as follows--he shall first file in the Clerk's Office of this Court a bond to the State of Maryland, executed by him with a surety or sureties, to be approved by the Court, or the Clerk thereof, in the penalty of One Thousand Dollars, conditioned for the faithful performance of the trust reposed in him by this decree, or which may be reposed in him by sny future order or decree in the premises. he shall then proceed to make sale of the said Real estate, having first given at least three weeks previous nntice inserted in some newspaper printed in Frederick County, and such other notice as he may think proper of the time, place, manner and terms of sale; which terms shall be as follows--One half of the purchase money to ne paid in cash on the day of sale, or on the ratification thereof by the Court, the residue in six months from the day of sale, the purchaser giving his, or her or their note with approved security and bearing interest from the day of sale, or all cash at the option of the purchaser, and as soon as may be convenient after any such sale or sales, the said Trustee shall return to this court a full and particular account of the same, with an affidavit of the truth thereof, and of the fairness of such sale or sales annexed, and on the ratification of such sale or sales by the Court, and on the payment of the whole purchase money, and not before, the said Trustee, by a good and sufficient deed to be executed and acknowledged agreeably to law, whall convey to the purchaser or purchasers, of the said property, and to his her or their heirs, the property to him, her or them sold, free, clear and discharged of all claims of the parties to this cause, and of any person or persons claiming by, from or under them; and the said trustee shall bring into this court the money arising on such sale or sales, and the bonds or notes which may be taken for the same, to be disposed of under the direction of this Court, after deducting therefrom the costs of this suit, and such commissions to the said trustee as the Court shall think proper to allow, on consideration of the skill, attention and fidelity wherewith he shall appear to have discharged his trust.

Glenn H. Worthington.

REPORT OF SALES ETC.

TO the Honorable the Judges of said Court.

The report of Arthur D. Willard, Trustee, appointed by a decree of Your Honorable Court passed in the above entitled cause dated on the 19th day of February in the year 1915, to make sale of certain real estate therein described respectfully shows--

That after giving bond with security for the faithful performance of his trust and after having complied with all the prerequisites required by law and the said decree and giving notice of the time, place, manner and terms of sale by advertisement inserted in "The Frederick News" a newspaper published in Frederick County for at least three successice weeks before the day of the sale and by hand bills posted in the neighborhood of said property, he, did, pursuant to said notice attend at R. E. Culler's store in the village of Jefferson in Frederick County and State of Maryland on Friday, March 19th in the year 1915, at the hour of 3.30 o'clock P. M. and then and there proceed to sell the said property in the manner following,that is to say--

Your trustee offered at public sale to the highest bidder the property and real estate mentioned in said decree situated about one and one-fourth miles Southwest of the town of Jefferson, in said Frederick County, on the State road leading from Frederick City, Maryland, to the Village of Knoxville in said County and adjoining the property of Mr. lemuel Culler, consisting of a lot of ground having a frontage of about sixty feet and a depth of about two hundred and twenty-five feet, more or less, and being the same land and real estate described in a deed from Daniel Baker to Elizabeth A Hale, dated on the 13th day of May in the year 1863, and duly recorded in liber B. G. F. No. 9 folio 51 etc., one of the land records for said Frederick County, together with the improvements thereon.

And your said trustee sold the above described property to Ernest F. Sulcer, of FRederick County, at and for the sum of Six hundred and sixteen dollars, he being at that sum the highest and best bidder therefor.

The terms of the sale being as prescribed by the said decree, one-half of the purchase money to be paid in cash on the day of sale on on the ratification thereof by the Court, the residue in six months from the date of the sale, the purchaser giving his, her or their note with approved security and bearing interest from the day of sale, or all cash at the option of the purchaser.

Your trustee took the certificate of purchase of said property of said property of the said Ernest F. Sulcer, which is herewith filed as apart of this petition and report of sale and marked Exhibit "S" to the report of sales.

Your trustee further reports that the total amount of sales to be the sum of Six Hundred and sixteen dollars.

Arthur D. Willard.
Trustee.

State of Maryland, Frederick County, towit--

I hereby certify that on this 22nd day of March, in the year 1915, before the subscriber, Clerk of the Circuit Court for Frederick County, in the State of Maryland, personally appeared Arthur D. Willard, trustee, named in the above report of sales, and made oath in due form of law that the matters and things stated in the aforegoing report is true to the best of his knowledge and belief and that the sale therein reported was fairly made.

Harry W. Bowers,
Clerk.

ORDER NISI ON SALES.

Ordered that on the 13th day of April 1915, the Court will proceed to act upon the Report of Sales of Real Estate, reported to said Court by Arthud D. Willard, Trustee in the above cause, and filed therein 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 $616.00.

Harry W. Bowers,
Clerk of the Circuit Court for Frederick County.

Dated this 22 day of March 1915.

The News.

PRINTER'S CERTIFICATE.

The News, Frederick Md., Aug. 30 1915.

This is to certify that the annexed Order Nisi on Sales was published in The Daily News, a newspaper published in Frederick County once a week 3 successive weeks prior to the 13th day of April 1915.

The News,
Per. J. Roger Fisher.

SALE.

Trustee's Sale of Valuable Real Estate, situated in Jefferson Election District, in Frederick County, Maryland, in the Village of Jefferson in said County on the State road leading from Frederick City maryland, to the Village of Knoxville Maryland.

By virtue of a decree of the Circuit Court for Frederick County, sitting as a Court of Equity, passed in No. 9203 equity, on the Equity docket of the said Court, the undersigned Trustee will sell at public sale on Friday, the 19th day of March, in the year 1915, at the hour of 2.30 o'clock P. M. at R. E. Culler's store, in the village of Jefferson, Frederick County, Maryland, all that real estate of which Elizabeth A. Hale late of Frederick County, in the State of Maryland, died, seized and possessed, situated about one and one-fourth miles Southwest of the town of Jefferson, in said Frederick County on the State Road leading from Frederick City, Maryland, to the village of Knoxville, in said County, and adjoining the property of Mr. Samuel Culler consisting of a lot of ground having a frontage of about 60 feet and a depth of about 225 feet more or less. It being the same land and real estate described in a deed from from Daniel Baker to the said Elizabeth A. Hale dated on the 16th

day of May in the year 1863, and duly recorded in liber B. G. F. No.9 folio 1 etc.,one of the land records for said Frederick County, which by reference thereto will more fully appear a description of the said real estate. Said land is improved by a two story brick and frame dwelling house, containing about 8 rooms and other necessary outbuildings, which can be inspected at the premises at any time. There is a good well of water near the house on said premises and other conveniences, also fruit trees.

Terms of Sale--One half of the purchase money to be paid in cash on the day of the sale or on the ratification thereof by the Court, the residue in six months from the date of the sale, the purchaser giving his or her or their note, with approved security and bearing interest from the date of sale.

A deposit of One Hundred Dollars ($100.00) will be required of the purchaser at the time of sale.

Conveyancing at the expense of the purchaser.

Possession given upon the ratification of the said sale by the Court.

Arthur D. Willard,
Trustee.

William E. Darner, Auctioneer.

ACKNOWLEDGMENT OF SALE.

I hereby certify that I have this day purchased from Arthur D. Willard, Trustee, the property described in the annexed advertisement of sale, at and for the sum of Six Hundred Dollars, and agree to pay that sum therefor according to the terms mentioned in the said advertisement.

Witness my hand and seal on this 19th day of March 1915.

Ernest F. Sulcer (seal)

Witness--
Wm. E. Darner, Auct.

Ordered by the Circuit Court for Frederick County, in the State of Maryland sitting as a Court of Equity, and by the authority thereof, this 19th day of April, in the yearnineteen hundred and fifteen, that the sale made and reported by Arthur D. Willard, trustee, as aforesaid, be, and the same is hereby finally ratified and confirmed, no cause to the contrary having been shown, although due notice appears to have been given as required by the order nisi passed in said cause; and the trustee is allowed the usual commissions and such proper expenses as he shall produce vouchers for to the Auditor.

Glenn H. Worthington.

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NO. 9315 EQUITY.

Jacob F. Wheaton, Horace Wheaton, and Wheaton, his wife, George Wheaton and Wheaton, his wife, lloyd Wheaton and Wheaton his wife, James Brunner and Brunner, his wife, Emory Brunner and Brunner his wife, William Brunner and Mary Brunner his wife, Susie Wagner and Wagner her husband, Hallie Tyler and Tyler her husband, John Tyler and Mary Tyler his wife Mary C. Pierce, widow and Hannah Graves, widow.

Vs.

Noah Brunner and Brunner his wife,
Joseph brunner and Elizabeth Brunner, his wife;
John Brunner and Laura Brunner his wife.

No. 9315 Equity.
In the Circuit Court for Frederick County, in equity.

To the Honorable, the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity.

The Bill of Complaint of Jacob F. Wheaton, Horace Wheaton and Wheaton, his wife, George Wheaton and Wheaton, his wife, Lloyd Wheaton and Wheaton, his wife, James Brunner and Brunner, his wife; Emory Brunner and Brunner his wife, William Brunner and Mary Brunner his wife, Susie Wagner and Wagner her husband, Hallie Tyler and Tyler her husband, John Tyler and Mary Tyler his wife, Mary C. Pierce, widow, and Hannah Graves, widow, respectfully shows unto Your Honors--

(1) That Maty Wheaton, late of Frederick County, but now deceased, was in her life time and at the tine of her death, seized and possessed of a piece of parcel of land situated, lying and being in Keller's Addition, in Middletown, Frederick County, Maryland, and more particularly described in a deed from Jacob T. C. Miller, Trustee, dated the 17th day of November, 1863, and recorded in liber J. W. L. C. No. 4 folio 128, one of the land records of Frederick County, a certified copy of which said deed is herewith filed marked exhibit A., and which together with all other exhibits filed herewith it is prayed may be taken and considered as a part of this Bill of Complaint.

(2) That the said Mary Wheaton, being seized and possessed as aforesaid, departed this life intestate in or about the year 1890, leaving surviving her the following childred and heirs at law, towit--John Wheaton, a son, who has since died intestate, and without heirs; Jacob F. Wheaton, a son, one of the complainants herein, George H. Wheaton, a son, who has since departed this life intestate, and leaving surviving himthe following children--Horace Wheaton, whose wife's name is Wheaton, who live in Los Angeles, California, George Wheaton, whose wife's name is Wheaton, who live in the city of Boston, Massachusetts, Margaret M. Brunner, a daughter, who has since departed this life, leaving surviving her the following children and heirs at law, Noah Brunner, whose wife's name is Brunner, Joseph Brunner, whose wife's name is Brunner, Joseph Brunner, whose wife name is Brunner, george brunner, whose wife's name is Brunner, all of whom reside in Frederick Maryland; James brunner, whose wife's name is Brunner, and who reside in theCity of Baltimore, Maryland, Emory Brunner, whose wife's name is Brunner, who live in Cleveland, Ohio, Caroline Tyler, a daughter, who has since departed this life, leaving surviving her the following Children and heirs at law; Susie Wagner, who intermarried with one Wagner, and who lives in Atlantic City, New Jersey; Hallie Tyler, unmarried, and who resides in the City of Philadelphia, Pennsylvania; John Tyler, whose wife's name is Tyler, and who live in Lewistown, Pennsylvania; Harriet Sims, a daughter who has since departed this life, leaving surviving her as her children and heirs at law, Mary C. pierce, a widow who lives in Philadelphia, Pa., and Harriet Graves, a widow, who lives in Detroit Michigan.

(3) Your complainants further aver and so charge that said property herein mention

mentioned is not susceptible of division among the parties thereunto entitled without great loss and injury and that it would be for the best interests and advantage of all parties that the property herein mentioned be sold and that the proceeds be distributed to the parties entitled thereto under the direction of Your Honorable Court.

That the property mentioned in this Bill of Complaint may be sold by a trustee to be appointed by Your Honorable Court and the proceeds thereof to be distributed among the parties entitled thereto under the direction of Your Honorable Court;

And for such other and further relief as the nature and equity of the case may require.

May it please Your Honors to grant unto Your Complainants a writ of subpoena in the usual form against the said Noah Brunner and Brunner, his wife, Joseph Brunner and Brunner his wife, John Brunner and Brunner his wife, and George Brunner and Brunner his wife, who reside in the neighborhood of Burkittsville, Frederick County, Maryland, commanding them and each of them to be and appear in Ypur Honorable Court on some day certain to be named therein, either in person or by solicitor, to answer the premises and abide by and perform such decree as may be passed herein.

And as in duty bound, etc.

Emory L. Coblentz

Charles McC. Mathias.

Solicitors for Complainants.

EXHIBIT A.

Stamp 50c
J. T. M. C.
Trustee.
Nov. 17, 1863.

At the request of Mary Wheaton, the following deed was recorded June 7th 1866.

This deed made this seventeenth day of November eighteen hundred and sixty three, by Jacob T. C. Miller, Trustee, of Frederick County, in the State of Maryland, Witnesseth--That whereas Francis Wheaton, of middletown, Frederick County, in the State of Maryland, did on the 12th day of March eighteen hundred and sixty convey by deed of trust to the said Jacob T. C. Miller, a house and lot of land, situate in "Keller's Addition to Middletown," in the county and State aforesaid; being the same property now in the occupancy of Mary Wheaton, to be sold by said Trustee to satisfy certain debts in said deed mentioned; said deed stands recorded in liber B. G. F. No. 5 folio 292, one of the land records of Frederick County, reference to said deed will more fully appear. And whereas by virtue of said trust, the said Jacob T. C. Miller did on the 9th day of June eighteen hundred and sixty, after duly advertising said property for sale, according to law, sell said property at public sale, at and for the sum of Ninety Dollars and fifty cents, to the aforementioned Mary Wheaton, she being the highest bidder therefor, and whereas the said Mary Wheaton hath fully paid and satisfied said trustee, the aforesaid Ninety Dollars and fifty cents being the full claim of said Trustee. Now the said John T. C. Miller, trustee, by virtue of the power and authority in him vested, in said deed of trust, doth hereby convey the aforementioned property to the said Mary Wheaton.

Witness my hand and seal.

Test--

Jacob T. C. Miller (seal)
Trustee.

Thos. M. Holbruner.
Which is thus endorsed--
State of Maryland, Frederick County, towit--

I hereby certify that on this seventeenth day of November eighteen hundred and sixth three before the subscriber, a Justice of the Peace of the State of Maryland, in and for Frederick County, personally appeared Jacob T. C. Miller trustee as mentioned in the foregoing deed and acknowledged (in the capacity therein mentioned) the aforegoing deed to be his act and deed.

Acknowledged before

Thos. Holbruner.

State of Maryland, Frederick County, towit--

I hereby certify that the aforegoing is a true copy of the original deed from Jacob T. C. Miller, Trustee to Mary Wheaton, as recorded in Liber J. W. L. C. no. 4 folio 128&c., one of the land records of Frederick County Maryland. In testimony whereof, I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County, at Frederick, Maryland, this 26th day of April A. D. 1915.

Harry W. Bowers,
Clerk of the Circuit Court for Frederick County.

Court Seal.

EQUITY SUBPOENA.

State of Maryland, Frederick County, towit-

The State of Maryland.

To Noah Brunner and Emma Brunner, his wife, Joseph Brunner and Lizzie Brunner, his wife, John Brunner and Laura Brunner his wife, George Brunner and Lizzie Brunner his wife, near Burkittsville, Md.. of Frederick County, greetings--

You are hereby commanded, that all excuses set apart, you personally appear before the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity, to be held at the Court House in Frederick, in and for Frederick County, on the first Monday of May 1915, to answer the Bill and Complaint of Jacob Wheaton, et. al, vs. Noah Brunner et. al. (For sale of Real Estate of Mary Wheaton, deceased,) against you in said Court exhibited, and so forth.

Hereof fail you not, as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner, Chief Judge of said Court, the 1st day of march A. D 1915.

Idsued the 29th day of April A. D, 1915.

Harry W. Bowers,
Clerk.

To the Sheriff of Frederick County.

Cob lentz anf Mathias, Solicitors.

ANSWER.

The answer of Noah Brunner, widower, Joseph Brunner and Elizabeth brunner, his wife, George Brunner and Lizzie Brunner his wife, by Oscar B. Coblentz, their solicitor, respectfully shows Your Honorable Court--

That they admit the allegations contained in the Bill of Complaint filed in the above entitled matter and consent to the passage of a decree as prayed.

Oscar B. Coblentz,
Solicitor.

GENERAL REPLICATION.

The complainants in the above entitled matter joins issue upon the answer of the defendants filed in the above entitled cause so far as the same may be taken to avoid or deny the allegations of the Bill of Complaint.

Emory L. Coblentz
Chas. McC. Mathias
Solicitor.

PETITION AND COURT'S OR DER TO TAKE TESTIMONY.

To the Honorable, the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity.

The answer of the Defendants in the above entitled cause having been filed, and the same being at issue, the Complainants pray Your Honors to pass an order referring said Cause to one of the Standing Examiners of this court for the purpose of taking testimony to support the allegations contained in the Bill of Complaint.

And as in duty bound, etc.

Emory L. Coblentz
Chas. McC. Mathias
Solicitors for the Complainants.

The aforegoing petition having been read and considered, it is thereupon this 8th day of May, in the year nineteen hundred and fifteen by the Circuit Court for Frederick County sitting as a Court of Equity, and by the authority thereof, ordered tha the aforegoing cause be and the same is gereby referred to any one of the standing Examiners of this court for the purpose of taking testimony to support the allegations of this Bill of Complaint.

Hammond Urner.

TESTIMONY.

To the Honorable the Judges of said Court--

In pursuance of an order of the Court and notice given me by the solicitor for the complainant, I Albert S. Brown, one of the Standing examiners of Your Honorable Court, duly appointed, qualified and sworn did, on the 19th day of May A. D.1915, at the law office of the Examiner in the City of Frederick and State of Maryland, at the hour of 10 o'clock A. M. proceed to take the following depositions of the witnesses then and there produced before me, that is to say--

Present--Mr. Charles McC. mathias, Solicitor for Complainants.

Mr. Jacob F. Wheaton, witness, mr. Russell E. Lighter, witness; Mr. Albert S. Brown, solicitor.

Exhibits--Exhibit A., certified copy of deed filed with the Bill, filed with the Examiner as evidence & is marked.

Jacob F. Wheaton, a witness of lawful age, being duly sworn and examined viva voce, deposes and says, as follows--

My name is Jacob F. Wheaton. I am eighty years of age and reside in Hagerstown, Washington County Maryland.

I know the parties to this cause and am one of the complainants, My mother Mary Wheaton lived in Frederick County during her lifetime and was the owner of a iece or parcel of land lying and being in "Keller's Addition to Middletown" in Frederick County, Maryland. I look at Exhibit A., which is now handed me. it is a certified copy of a deed which correctly describes this property.

My mother, Mary Wheaton, died in and about the year 1890, and left surviving her the following children and heirs at law--John Wheaton a son who has since died without any will and leaving no heirs; George H. Wheaton, who also died leaving no heirs and without a will; Horace Wheaton whose wife's name I do not know and who used to live in Los Angeles, California; George Wheaton and his wife who live in the City of Boston, Massachusetts; Margaret M. Brunner, a daughter, who has since departed this life, leaving surviving her, noah Brunner, a widower; Joseph Brunner, whose wife's name is Elizabeth Brunner; John Brunner whose wife's name is Laura Brunner, and George Brunner whose wife's name is lizzie Brunner, and all of whom reside in the neighborhood of Burkittsville, Frederick County, Maryland; James Brunner, whose wife's name I do not know at this time lives in the City of Baltimore, Maryland, and mory Brunner and his wife Brunner, live in Harrisburg, Pennsylvania; William brunner and his wife, brunner, live in Cleveland, Ohio; Caroline Tyler, a daughter, m y sister, has also since departed this life leaving surviving her a daughter, Susie Wagner, who intermarried with one Wagner; they live in Atlantic City, new Jersey, Hallie Tyler, who is single, lives in the City of Phildelphia, and John Tyler, whose wife's name is unknown to me, lives in Lewistown, Pennsylvania; harriet Sims, another daughter of my mother, has also departed this life leaving as her children and heirs at law MAry Pierce, who lives in Philadelphia, and Hannah Graves, a widow, who lives in Detroit, Michigan.

The property of which my mother died, seized and possessed is a small lot in Middletown, worth probably $100.00 at the outside, and it is not susceptible of division among the parties entitled thereto without loss and injury, and I believe it would be for the best interest of all parties to this proceeding that the property herein mentioned be sold and that the proceeds be distributed to the parties entitldd thereto under the direction of the Court.

To the General Interrogatory. A. Nothing further.

Jacob F. Wheaton.

27 miles
1 day.

Whereupon there being no other witnesses to examine and no further time being required for the production of testimony, the said examiner hereby certifies that the aforegoing are the true and original depositions of the witnesses in this cause as the same were taken down in stenographic notes and subsequently typewritten by Walter D. mehrling, the Examiner's sworn Clerk, and the said Examiner herewith returns the same enclosed to Your Honorable Court.

Witness my hand and seal, this 20th day of May, in the year nineteen hundred and fifteen.

Albert S. Brown (seal)
Examiner.

COSTS OF THE AFOREGOING TESTIMONY.

Jacob F. Wheaton, witness, one day and 27 miles,	$3.45
Russell E. Lighter, witness, one day	75
Albert S. Brown, Examiner, one day	4.00
Walter D. Mehrling, Examiner's Clerk	2.50
	$10.70

Certified to

Albert S. Brown

Examiner.

DECREE.

The above cause standing ready for a hearing, and being submitted, the Bill, Answer, Exhibits, testimony and all other proceedings were by the Court read and considered. it is thereupon this 2nd day of June, in the year nineteen hundred and fifteen, by the Circuit Court for Frederick County, as a Court of Equity, and by the authhority of said Court, adjudged, ordered and decreed, that the land and premises mentioned in these proceedings be sold, and that Charles McC. Mathias, of Frederick County be and he is hereby appointed Trustee to make the said sales, and that the course and manner of his proceedings shall be as follows. He shall first file in the Clerk's office of this Court, a bond to the State of Maryland, executed by him with a surety or sureties, to be appointed by the court, or the Clerk thereof, in the penalty of $200.00 Dollars conditioned for the faithful performance of the trus reposed in him by any futhre order or decree in the premises. He shall then proceed to make sale of the said Real estate, having first given at least three weeks previous notice inserted in some newspaper printed in Frederick County and such other notice as he may think proper of the time, place, manner and terms of sale; which terms shall be as follows--One half of the purchase money to be paid in cash on the day of sale, or on the ratification thereof by the Court, the residue in six months, the purchaser or purchasers giving his her or their noted, with approved security bearing interest from the day of sale, or all cash at the option of the purchaser, and as soon as may be convenient after any such sale or sales, the said trustee shall return to this court a full and particular account of the same, with an affidavit of the truth thereof, and of the fairness of sauch sale or sales annexed, and on the ratification of such sale or sales by the Court, and on the payment of the whole purchase money, and not before, the said Trustee, by a good and sufficient deed to be executed and acknowledged agreeqbly to law, shall convey to the purchaser or purchasers of the said property, and to his, her or their heirs, the property to him, her or them sold, free, clear and discharged of all claim of the party to this cause, and of any person or persons claiming by, from or under them; and the said trustee shall bring into this Court the money arising on such sale or sales, and the bonds or notes which may be taken for the same, to be disposed of under the direction of this Court, after deducting therefrom the costs of this suit, and such commission to the said Trustee as the Court shall think proper to allow, on consideration of the skill, attention and fidelity wherewith he shall appear to have discharged his trust.

Glenn H. Worthington.

PETITION AND REPORT OF SALE.

To the Honorable the Judges of said Court--

The petition and report of Sales of Charles McC. Mathias, trustee in the above entitled matter, respectfully shows unto Your Honors--

That Your petitioner qualified as trustee in said cause, and pursuant to the terms of the decree passed therein, advertised the property decreed to be sold in the Valley Register, a newspaper printed and published in Frederick County, for three successive weeks prior to the 26th day of June, A. D. 1915, and pursuant to said notice your petitioner attended at the Court House door in Frederick City, Maryland, on Saturday June 26th A. D. 1915, at the hour of 11 o'clock, and then and there offered

the real estate decreed to be sold and described in the advertisement of sale,at public sale to the highest bidder, according to the terms of the decree and adveertisement of sale, and then and there sold the same to Eliza E. nash, she being the highest and best bidder therefor, taking her certificate of purchase, which is filed herewith as exhibit No. 1 to this petition and Report of Sales; and Your Petitioner prays that said sale may be ratified and confirmed;the total amount of sale being One Hundred and Forty-three Dollars ($143.00).

And as in duty bound, etc.

Chas. McC. Mathias.

Trustee.

State of Marylandd Frederick County, towit--

I hereby certify that on this 26 day of June, A. D. 1915, before me, the subscriber, Clerk of the Circuit Court for Frederick County, Maryland, personally appeared Charles McC. Mathias, trustee, and made oath in due form of law that the matters and things set forth in the aforegoing petition and report of sales are true and bona-fide to the best of his knowledge and belief, and that the sale was fairly made.

Mary W. Brown,

Clerk of the Circuit Court for Frederick County Md.

ORDER NISI ON SALES.

Ordered that on the 24th day of July 1915, the Court will proceed to act upon the Report of Sales of Real Estate, reported to said Court by Charles McC. Mathias, trustee, in the above cause, and filed therein 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 same newspaper published in Frederick County for three successive weeks prior to said day.

The report states the amount of sales to be $143.00.

Dated this 26th day of June 1915.

Harry W. Bowers,

Clerk of the Circuit Court for Frederick County.

Chas.McC. Mathias, solicitor.

Trus copy test--Harry W. Bowers, Clerk.

PRINTER'S CERTIFICATE.

Valley Register Office,-

Middletown, Md.,July 26 1915.

I hereby certify that the annexed order Nisi on Sales was published in The Valley Register (a newspaper published in Frederick County Md.,) for three successive weeks four issues prior to the 27th day of July 1915.

geo. C. & C. K. Rhoderick,

Publishers.

SALE.

Public Sale--By virtue of a decree of the Circuit Court for Frederick County, sitting as a Court of equity, passed on the 2nd day of June, in a cause pending therein, wherein Jacob F. Wheaton, et.al. are complainants, and Noah Brunner et. al., are defendants, being No. 9315 equity on the Docket of said Court, the undersigned trustee will sell at the Court House door in Frederick City, Frederick County, Maryland, on Saturday June 26th 1915, at 11 o'clock A. M., all that piece or parcel of land situate luing and beigg in (Keller's Addition to Middletown, and being the same property more particularly described in a deed from Jacob T. C. Miller, Trustee, to Mary Wheaton, dated the 17th day of November, 1863 and recorded in liber J. W. L. C. no. 4 folio 128, one of the land records of Frederick county.

Terms of Sale--as prescribed by the decree; one half cash on the day of sale or the ratification thereof by the Court; balance in six months, the purchaser giving his her or their note with approved security on the day of sale. A deposit of $50.00 will be required on the day of sale. All conveyancing at the expense of the purchaser.

Charles McC. Mathias.

trustee.

PRINTER'S CERTIFICATE.

Valley Register Office, Middletown, Md., June 26, 1915.

I hereby certify that the annexed Public Sale No. 9315 Equity, was published in 'The Valley Regis-

ter," a newspaper published in Frederick County, Md., for three successive weeks 4 issues prior to the 26th day of June, 1915.

Geo. C. & Chas. K. Rhoderick,
Publishers.

ACKNOWLEDGMENT OF PURCHASE.

I hereby acknowledged to have purchased from Chas. McC. Mathias, Trustee in No. 9315 Equity, all that piece or parcel of land situate, lying and being in Keller's Addition to Middletown, and more particularly described in the annexed advertisement, at and for the sum of One Hundred and forty three dollars, and also agree to comply with the onditions of sale as prescribed by the annexed advertisement of sale.

Witness my hand and seal, this 26th day of June, A. D. 1915.

Witness--

Chas. McC. Mathias.

Eliza E. Nash (seal)

FINAL RATIFICATION.

The aforegoing petition and report of sales having been by the Court read and considered, it is thereupon this 27th day of July A. D. 1915, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, adjudged, ordered and decreed that the sale reported in the above and aforegoing Report of Sale be and the same is hereby finally ratified and confirmed, no cause to the Contrary having been shown, although due notice appears to have been given, as required by the annexed order nisi on sales.

Glenn H. Worthington.

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NO. 9353 EQUITY.

Frederick Welty, Assignee of Mortgage from Francis E. Kreitz and Sarah Kreitz, his wife, to J. Edwin Payne and Margaret C. Payne, his wife.

ON

Petition.

No. 9353 Equity.
In the Cirouit Court for Frederick County, sitting as a Court of Equity.

To the Honorable the Judges of said Court--

The petition and Report of Sale of Frederick Welty, Assignee of Mortgage from Francis E. kreitz and Sarah Kreitz, his wife, respectfully represents--

1. That on the fourth day of April in the year 1904, a certain Francis E. Kreitz, and Sarah Kreitz his wife, by their deed of mortgage, duly executed, acknowledged and recorded, conveyed unto the said Edwin Payne and Margaret C. Payne, his wife, certain real estate, described therein and situated in the town of Emmitsburg, and State of Mary land, to secure the payment of a promissory note or single bill, for the sum of Twelve Hundred and Fifty Dollars, of even date with said mortgage payable three years after date with interest from the 1st day of April, in the year 1904, at five per cent, per annum, the interest to be paid annually, conditioned that if the said Francis E. kreitz should pay to the said mortgagees the promissory note or single bill aforesaid at maturity with the interest thereon, then the said mortgage should be void, and provided that if default shoukd be made in the payment of the money aforesaid, or of the interest thereon at the time or in the manner aforesaid, then it should be lawful for the said mortgagors to sell the said mortgaged real estate in front of the Emmit House, now New Hotel Slagle, in Emmitsburg, by public auction for cash after having first given at least hhree weeks notice of the time, place, manner and terms of sale, in some newspaper printed in Frederick County once a week for three successive weeks prior to the day of sale and to apply the proceeds arising from such sale to the payment in the first place of the expenses attending said sale, including reasonable counsel fees and commissions, and then to the payment of the said promissory note or single bill and all interest due thereon, and the surplus if any over to the said Francis Kreitz, all of which will more fully appear from a certified copy of said mortgage and also from said promissory note or single bill both of which are herewith filed as part of this petition and Report of Sale marked respectively Exhibits Nos. 1 and 2.

2. That the said Francis E. Kreitz, on the 2nd day of March, in the year 1908, paid fifty dollars of the principal of said debt and on the 1st day of November, in the year 1910, paid three hundred and fifty dollars more of said principal, leaving a balance of Eight Hundred and fifty dollars still due and unpaid and that the interest thereon has been paid to the 3rd day of March in the yea 1914, and that on the 14th day of July, in the year 1915, the aforesaid mortgage and promissory note or single Bill were duly assigned to Your Petitioner for the purpose of foreclosure, as will appear from said Exhibits Nos. 1 and 2.

3. That default having been made in the payment of the balance of said mortgage debt and the interest thereon from the 3rd day of March, in the year 1915, your petitioner thereupon having first filed his bond to the State of Maryland in such sum and with such surety as was approved by the Clerk of the Circuit Court for Frederick County, conditioned as required by law in such case made and provided, and having given at least three weeks notice of the time, place, manner and terms of sale in the Weekly Chronicle, a newspaper printed in Frederick County, by advertisements inserted therein once a week for three successive weeks prior to the day of sale and also by habdbills extensively posted in the neighborhood of said property and elsewhere, did, in pursuance of said notice attend at the former Emmit House, now New Hotel Slagle, in Emmitsburg, Maryland, on Saturday the 7th day of August 1915, at the hour of 2 o'clock P. M.,and then and there proceeded to sell said real estate and sold the same to Howard J. Gladhill he being then and there the highest and best bidder therefor, at and for the sum of Eleven Hundred and Fifty Dollars $1150.00) cash, and took his written acknowledgment of purchase filed herewith as part hereof marked Exhibit No. 3.

4. That your petitioner reports his said sale to Your Honorable Court for ratification and prays the Court to ratify the same and distribute the proceeds of sale and for such other and further relief as he may be entitled to.

5. That the gross amount of sale herein reported is $1150.00.
All of which is respectfully submitted.

Frederick Welty.
Assignee of Mortgage.

Eugene L. Rowe, Solicitor.

State of Maryland, Frederick County, towit--

I hereby certify that on this 7th day of August, in the year nineteen hundred and fifteen, before the subscriber a Notary Public of the State of Maryland, in and for Frederick County, aforesaid, personally appeared the above named Frederick Welty, assignee of mortgage, and made oath in due form of law that the matters and things stated in the foregoing petition and report of sale, are true to the best of his knowledge and belief and that the said sale therein reported was fairly made .

Ahnan Horner,
Notary Public. Notary Public.

ORDER NISI ON SALES.

Ordered, that on the 4th day of September 1915 the Court will proceed to act upon the Report of Sales of Real estate, reported to said Court by Frederick Welty, assignee of mortgage in the above cause, and filed therein 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 $1150.00.
Dated this 10th day of August 1915.

Harry W. Bowers,
Clerk of the Circuit Court for Frederick County.

PRINTER'S CERTIFICATE.

Office of The Weekly Chronicle, Sterling Galt, Editor and Proprietor.
Emmitsburg, Md., Sept. 14, 1915.
This is to certify that the annexed notice was published in The Weekly Chronicle, a newspaper published in Frederick County, once a week, for three successive weeks prior to the 4th day of September 1915.

Sterling Galt,
Publisher.

NOTE.

$1250.00. Emmitsburg, Md.

Three years after date I promise to pay to J. Edwin Payne and Margaret C. Payne, his wife or order Twelve Hundred and Fifty Dollars for Value received with interest from the first day of April 1914, at five per cent per annum, the interest to be paid annually April 4th 1904.
The judgment of this Note is secured by nortgage of even date.

Francis E. Kreitz. (seal)

For value received I hereby assign the within note to Frederick A. Welty. Witness our hands and seals this 1st day of March 1907.

J. Edwin Payne (Seal)
Witness-- Margaret C. Payne (seal)
C. T. Zacharias.

By virtue of an order of the Orphans Court of Frederick County, Maryland, I hereby assign the $1200 balance of the within mortgage note to Catharine M. Welty, individually

Catharine Welty (seal)
Seal-- Executrix.
E. L. Rowe.

I hereby assign the within note to Frederick Welty. Witness my hand and seal this 14th day of July, 1915.
July . 1915. Catharine M. Welty (seal)
Test--E. L. Rowe.

March 1st. 1912. Interest of this note paid to date , (for 1911.
March 2nd 1905 Received one year's interest on the within note, $62.50.
March 2 1906- Rec'd. one year's interest on the within note $62.50

J. E. Payne.

Received on the within interst to to date march 2nd 1908, March 2d 1908, received Fifty Dollars on this within note.

May 7/09. Interest paid to March 14 09.

March 1st 1910, Interest paid to date. --

Nov. 1 1910. Paid $350 om principal and interest in full to Nov. 1 1910.

Francis E. Kreitz note of $1250.

EXHIBIT NO. 1.

At the request of J. Edwin Payne and Margaret C. Payne, the following Mortgage is received for record and recorded May 3rd 1904 at 9.35 o'clook A. M.

Test--Samuel t. Haffner, Clerk.

This mortgage made this fourth day of April in the year ninettn hundred and four, by Francis E. kreitz and Sarah Kreitz, his wife, of Frederick County, Witnesseth--Whereas the said Francis E. Kreitz stands indebted unto J. Edwin Payne and Margaret C. Payne, his wife, in the sum of Twelve hundred and fifty dollars upon his promissory note of even date herewith payable to the said J. Edwin Payne and Margaret C. Payne, his wife or order three years after date, with interest at five per cent per annum from the first day of April 1904, the said interest to be paid annually, the said J. Edwin Payne and Margaret C. Payne his wife to accept payments on the said promissory note at any time, provided that not less than fifty dollars at any one time on the principals and for the purpose of better securing the payment of the said promissory note at maturity and the interest thereon this mortgage is executed. Now in consideration of the above premises and one dollar in hand paid, we the said, we the said Francis E. Kreitz and Sarah Kreitz his wife do grant and convey in fee simple unto J. Edwin PAyne and Margaret C.. Payne his wife, all the following two tracts or parcels of real estate, first, all that lot of ground with the improvements thereon, situate and lying on the North side of West Main street in the town of Emmitsburg, Frederick County, State of Maryland, and fronting on said street thirty five feet and running back to an alley, it being the Eastern part of lot No 14 as designated on the plot of Shields Addition to Emmitsburg, being the same real estate that was conveyed to the said Francis E. Kreitz by J. Edwin Payne and Margaret C. Payne, his wife by deed of even date with these presents. Second, all that lot of ground with the improvements thereon, situated in Frederick County, State of Maryland, about one and ahalf miles North West of Emmitsburg, adjoining lands of Sebastian Florence, Lewis A. Overholtzer and others containing two acres of land more or less. It being the same real estate that was conveyed to the said Francis E. kreitz by Henry Stokes Executor of the last will of JAcob Bentslate of Frederick County, deceased, by deed dated second day of February 1882 and recorded in liber W. I. P. No. folio 233, one of the land records of Frederick County, provided that if the said Francis E. Kreitz shall pay to the said J. Edwin PAyne and Margaret C. Payne his wife the promissory note aforesaid, at maturity with the interest thereon, then this mortgage shall be void. Provided that until default of payment of the said Francis E. Kreitz shall possess the premises and provided that if default shall be made in the payment of the money aforesaid, or of the interest thereon at the time or in the manner aforesaid, then it shall be lawful for the said J. Edwin Payne and Margaret C. Payne his wife to sell the said mortgaged real estate in front of the Emmit House in Emmitsburg by public auction for cash, after having given at least three weeks notice of the time, manner and terms of sale in some newspaper printed in Frederick County four successive weeks prior to the day of sale and to apply the proceeds arising from such sale in the first place of the expenses attending said sale including reasonable counsel fees and commissions and then to the payment of the said promissory note and all interest due thereon, and the surplus if any over to the said Francis E. Kreitz, the said Francis E. Kreitz covenants that he will during the continuance of this mortgage keep the mortgage property in Emmitsburg insured for not less than Eight Hundred Dollars, and that he will assign the policy of insurance to the said J. Edwin Payne and Margaret E. Payne his wife for their benefit on case of lace by fire and the said Francis E. Kreitz also covenants that he will pay all taxes assessed on the said real estate hereby mortgaged as they become due, and it is hereby agreed between the parties hereto that should the said Francis E. Kreitz fail to do or performany one or more of the things hereby by him agreed to be done and performed, it shall be held

to be such a breach of consideration as shall authorize the said J. Edwin Payne and Margaret C. Payne his wife, to proceed forthwith to a sale of the mortgaged property and the payment of the entire debt, interest cost and expenses.

Witness our hands and seals

Test--
J. Henry Stokes.

Francis J. Kreitz (seal)
Sarah Kreitz (seal)

State of Maryland, Frederick County towit--
I hereby certify that on this 4th day of April in the year nineteen hundred and four before me the subscriber a Justice of the Peace of the State of Maryland, in and for Frederick County, personally appeared Francis E, kreitz and Sarah kreitz, his wife, and did each acknowledge the aforegoing mortgage to be their respective act, and at the same time also appeared before me J. Edwin PAyne and Margaret C. Payne and did each make oath in due form of law that the consideration in the said mortgage is true and bona fide as therein set forth and also made oath in due form of law that the mortgagee have not required the mortgagors their agent or attorney or any person for the said mortgagors to pay the tax livied upon the interest covenanted to be paid in advance nor will they require any tax levied thereon to be paid by the mortgagors or any person for them during the existence of this mortgage.

henry Stokes, J. P.

For VAlue received we hereby assign the within mortgage to Frederick A. Welty. Witness our hands and seals this first day of March 1907.

Witness--
C. T. Zacharias.

J. Edwin PAyne (seal)
Margaret C. Payne (seal)

State of Maryland, Frederick county, towit--
On this 27th day of March 1907 before me the subscriber a Justice of the peace of the State of Maryland, in and for said County, personally appeared Frederick A. Welty the mortgagee ahd made oabh in due form of law, that he has not required the mortgagor, his agent or attorney or any person for said mortgagor to pay the taxes levied upon the interest covenanted to be paid in advance nor will he require any tax thereon to be paid by the mortgagor or any person for him during the existence of this mortgage.

henry Stokes,

(Assignment recorded March 25th 1907.
Test--Samuel T. Haffner, Clerk.

By virtue of an order of the Orphans Court for Frederick County, Maryland, dated Octb ber 12" 1910, I Catherine M. Welty, Executrix of the will of Frederick A. Welty, deceased, hereby assign to Catherine M. Welty in her individual capacity, the twelve hundred dollars, balance of the within mortgage. Witness my hand and seal this 1st day of october 1910.

Catherine M. Welty (seal)
Executrix of the Will of Frederick A. Welty.
Test--Frederick Welty, Jr., deceased.

State of Maryland, Frederick County, towit--
I hereby certify that on this 17 day of October in the year nineteen hundred and ten before the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County, aforesaid, personally appeared Catherine M. Welty the assignee of the within mortgage and made oath in due form of law that she has not required the mortgagors their agent or attorney or any person for the said mortgagors to pay the tax levied upon the interest convenant to be paid in advance nor will she require any tax levied thereon to be paid by the mortgagor or any person for them during the existence of this mortgage.

Henry Stokes, J. P.

Assignment recorded October 19" 1910.
Test--Harry W. Bowers, Clerk.

I hereby assign the within mortgage to Frederick Welty, for the purpose of foreclos-

ure. Witness my hand and seal this 14thday of July 1915.

Test-- Catherine E. Welty (seal)

E. L. Rowe.

Filed in No. 1952 Private trusts.

State of Maryland, Frederick County, towit--

I hereby certify that the aforegoing copy of the mortgage from Francis E. kreitz and Sarah Kreitz his wife and assignments thereon is true as taken from liber S. T. H. No. 21&c., In testimony where of I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County, this 9th day of August A. D. 1915.

Harry W. Bowers,

Clerk of the Circuit Court for Frederick County, Md.

Court Seal

SALE.

Mortgage Sale--By virtue of a power of sale contained in a mortgage from Francis E. Kreitz and wife to J. Edwin Payne and wife and duly assigned to the undersigned for the purpose of foreclosure--the Mortgage being dated April 4th, 1904, and recorded in liber S. T. H. No. 268 folio 21, one of the land records of Frederick County--theundersigned of said mortgage, will sell at public sale in front of the Emmit House, now new Hotel Slagle, in town of Emmitsburg, Frederick County, Maryland, on Saturday, August 7th 1915, at the hour of 2 o'clock P. P., all that real estate situated in the Western part of said town on the South side of West Main street, it being the Easgern part of lot No. 14 in what is known as "Shields' Addition to Emmitsburg," fronting thirty-five feet on said street and running back to an alley in the reAl thereof, adjoining the propeety of Miss Marian Hoke on the West and the garage property of John Wagaman on the East. The improvements are a weAther boarded dwelling house, stable, ice House, brick Smoke House, Summer kitchen, corncrib and some other outbuildings.

Terms of sale as prescribed by the Mortgage--Cash. All the expenses of conveyancing including the necessary revenue stampsto be paid by the purchaser or purchasers. A deposit of $50.00 will be required on the day of sale.

Frederick Welty,

Assignee of Mortgage.

ACKNOWLEDGMENT OF PURCHASE.

I hereby acknowledge that I have this 7th day of August 1915, purchased at public sale from Frederick Welty, assignee of mortgage, the property desxribed in the annexed advertisement at and for the sum of Eleven Hundred and fifty dollars and upen the annexed termsof sale, namely, cash, with which I hereby agree to comply.

Witness my hand and seal.

Howard J. Glafhill (seal)

CERTIFICATE OF PUBLICATION.

Office of the Weekly Chronicle--Sterling Galt, Editor and Proprietor--Emmittsburg, Md.,August 9, 1915. This is to certify that the annexed notice was published in The Weekly Chronicle, a newspaper published in Frederick County, once a week, for three successive weeks prior to the 7th day of August, 1915.

Sterling Galt, Publisher.

Per. W. C. D.

September Term, 1915.

Ordered this 6th day of September, 1915, by the Circuit Court for Frederick County, sitting as a Court of Equity, that the foregoing report of Sale be and the same is hereby ratified and confirmed no cause to the contrary having been shown, although due notice appears to have been given as required by the preceding Order Nisi passed in said Cause.

Glenn H. Worthington.

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NO. 8996 EQUITY.

Ida O. Snyder and John S. Snyder her husband, Plaintiffs.

VS.

Harry Garver and Cordelia Garver his wife, Charles Pinkney Garver, William Garver and Bessie Garver, his wife, Vernon L. Garver and Mamie Garber his wife, Grover Guy Garver, Gertie Burrier and Emerson Burrier, her husband, bessie Purdum and William W. Purdum, her husband, Ruby Edna Nash and Grover Nash her husband, Defendants.

No. 8996 Equity.
In the Circuit Court for Frederick County, sitting as a Court of Equity.

To the Honorable the Judges of said Court--

1. That Adam Garver, sometimes known as Adam Garber, died intestate in or about the year 1900, seized and possessed of hhree several parcels of land, lying contiguous and constituting one tract, containing 18 acres, 2 roods and 38 perches of land, more or less, in Frederick County, and conveyed to the said Adam GArver or Adam Garber by three separate deeds of conveyance; one from George Kinzey and wife, containing 2 acres and 1 rood, more or less, a certified copy of which is filed herewith marked Exhibit No. 1, and which with all other exhibits herewith filed is prayed to be taken as part of this Bill of Complaint as fully as if here inserted in words and figures; one from George Cline and wife for 6 acres, 2 roods and 33 perches, a certified copy of which is filed herewith marked Exhibit No. 2, and one from George D. Norris, executor, for 9 acres, 3 roods and 5 square perches of land, more or less, a certified copy of which is filed herewith marked Exhibit No. 3.

2. That the said Adam Garver died leaving a widow surviving him, who has also since died, and leAving the following named childred as his only heirs at law; Harry Garver Charles Pinkney Garver, unmarried; William Garver, who is married and whose wife's name is Bessie Garver; Vernon L. Garver, who is unmarried and whose wife's name is Mamie Garver; Grover Guy Garver, who is unmarried; the plaintiff Ida O. Snyder, Gertie Burrier, the wife of Emmerson Burrier; bessie Purdum, the wife of William W.Purdum, Ruby Edna Nash the wife of Grover Nash.

3. That the said Harry Garver, Charles Pinkney Garver, William Garver, Vernon L. Garver, Grover Guy Garver, Ida O. Snyder, Gertie Burrier, Bessie Purdum, and Ruby Edna Nash, the only children and heirs ay law of said Adam Garver, now own said real estate as tenants in common, but the same is not susceptible of division among them without injury and loss to the parties interested, and it would be to the interest and advantage of them all for said real estate to be sold and the proceeds divided among them, according to their respective interests.

4. That all of said children and heirs at law are adults and they all live in Frederick County, with the exception of said Harry Garver, who is a non-resident of the State of Maryland and supposed to reside in the State of California, and William Garver, who resides in Carroll County MAryland.

To the end, therefore, that the said real estate may be sold by a trustee to be appointed by Your Honorable Court, and the proceeds divided among the said children and heirs at law of said Adam Garver, deceased, your oratrix and Grantor pray;

(1) That Your Honors will pass a decree appointing a trustee to sell said real estate for the purpose above mentioned.

(2) That they may have all such other and further relief to which they may be entitled.

They pray for the following process--

(1) That the State of Maryland's writ of subpoena may be issued to the said Charles Pinkney Garver, William Garver and Bessie Garver, his wife, vernon L. Garver and Mamie Garver, his wife, grover Guy Garver, Gertie Burrier and Emmerson Burrier, her husband, bessie Purdum and William W. Purdum, her husband, Ruby Edna Nash and Grover Nash, her husband, commanding them and each of them to appear in Your Honorable Court upon some certain day, to be therein named, and show cause if any they have,

why a decree should not be passed as prayed.

(2) That an order of Publication may be issued against the said Harry Garver and Cordelia Garver, non-residents, giving them notice of the object and substance of this Bill and requiring them to show cause upon some certain day, if any they have, why a decree should not be passed as prayed. And as in duty bound, they will ever pray.

Urner & Urner

Solicitor for Plaintiffs.

EXHIBIT NO. 1.

At the request of Adam Garber the following deed is received for record and recorded March 1st at 1 o'clock 50 minutes P. M.

Test--Douglass H. Hargett, Clerk.

To all people to whom these presents shall concern, Greeting--

Know ye, that we George Kinzey and Jane Kinzey his wife, of Frederick County, in the State of Maryland, for the consideration of Two Hundred and twenty Dollars, received to our full satisfaction of Adam Garber of the County and State aforesaid, do give, grant, bargain sell and confirm unto the said Adam Garber his heirs and assigns forever the following described parcel of land lyingin the county aforesaid and being part of a tract called "Better than None". Beginning at a stone at the end of sixty two and eight tenth perches on the seventh line of the whole tract and running thence South six degrees East, fifteen perches to a stone South sixty-five & three-quarters degrees, east twenty-seven perches to a stone, North twenty-four & ahalf degrees east fourteen perches to a stone North seventy-nine & ahalf degrees, West sixteen perches, then with a straight line to the beginning containing two and a quarter acres of land. To have and to hold the above granted and bargained premises with the Appurtenances thereof, unto him the said Adam Garber, his heirs and assigns forever to his and their own proper use and behoof. And also we the said parties of the first part do for ourselves and our heirs, executors and administrators, covenant with the said adam Garber his heirs and assigns, that at and until the ensealing these presents, we are well seized of the premises as a good, indefeasible estate in fee simple. And have good right to bargain and sell the same in manner and form as is above written. And that the same is free of all incumbrances whatever. And furthermore we the said parties of the first part do by these presents bind ourselves and our heirs forever, to him the said Adam Garber his heirs and assigns against all claim and demands whatsoever, by from or under us, or our heirs.

In witness whereof we have hereto set our hands and seals this seventeenth dAy of March Anno Domine eighteen hundred and forty nine.

George Kinzey (seal)

Jane I. Kinzey (seal)

Signed & Delivered
in the presence of
Adam Myers
Isaac Brown

State of Maryland, Frederick County, towit--

Be it remembered and it is hereby certified that on the day of the date of the within deed, before us the subscribers two Justices of the peace of the County aforesaid, personally appeared George Kinzey & Jane Kinzey his wife, who from our own personal knowledge, we are satidfied are the persons that are named and described as & professing to be the party grantors in the within deed and severally acknowledge the same to be their respective act and deed, the said Jane having signed & sealed said deed out of the presence & hearing of her husband; and the said Jane being by us examines out of the presence and hearing of her said husband "whether she doth & acknowledge the same" freely and voluntarily and without being induced to do so by fear or threats of or illusage by her husband or fear of his displeasure" declareth and saith that she doth.

Acknowledged before

Adam Myers
Isaac Brown.

State of Maryland, Frederick County, towit--

I hereby sertify that the aforegoing is a true copy of the original deed from George kenzey and Jane kenzey his wife, to Adam Garber, as recorded in liber D. H. H. No. 3 folio 406, one of the land records of Frederick County Maryland. In testimony whereof, I hereunto subscribe my name and affix

the seal of the Circuit Court for Frederick County, Md., at Frederick this 8th day of April A. D. 1915.

Harry W. Bowers,

---------- Clerk of the Circuit Court for Frederick County Maryland.

Court Seal.

EXHIBIT NO. 2.

At the request of Adam W. Garber, the following deed is received for record and recorded March 1st 1899, at 1 o'clock 30 minutes P. M.

Test--Douglass H. Hargett, Clerk.

This deed made this 17th day of June in the year eighteen hundred and sixty seven by George Cline and Sarah W. Cline, his wife, of Frederick County and State of Maryland, Witnesseth--That in consideration of Three Hundred and Thirty Five Dollars and Thirty one cents, the said George Cline and Sarah E. Cline his wife do grant unto Adam W. Garber of AforesAid county and State the following described piece or parcel of ground situated in Frederick County and State of Maryland being part of a tract of land called "Better Than None" beginning for said Pparcel ata stone planted for the end of the sixth line of a deed by William Ensy and Susannah Ensy, his wife to George Cline, dated on the 19th day of February 1839, and running with the 7th line of said deed South twenty-four & ahalf degrees West twenty-five perches to a stone planted at the end of the 3rd line of a deed from George Kinsey & Jane Kinsey his wife to adam Garber dated on the 17th day of March 1849, and running with said deed North seventy-six & ahalf degrees West sixteen perches to a stone North fifty six & three quarters degrees west nineteen & three tenth's perches to a stone planted for the beginning of said deed, and at the end of 15 perches on the 9th line of aforesaid deed from William Ensy and Susannah Ensy his wife to George Cline, thence with said 9th line North six degrees West twenty-seven & ahalf perches to a stone at the end thereof, thence by a line of division South sixty-five & Ahalf degrees east forty eight & fourteen perches to the place of beginning, containing six and ahalf acres and thirty three square perches of land in fee simple. Witness our hands and seals.

Test--
H. Brenneisen.

George Cline
Sarah E. Cline

U. S. Rev. Stamp .50 cancelled.

State of Maryland, Frederick county, towit--
I hereby certify that on this 17th day of June in the year eighteen hundred & sixty-seven before the subscriber a Justice of the Peace of the State of Maryland, in & for Frederick County, personally appeared George Cline and Sarah E. Cline, his wife, and did each acknowledge the aforegoing deed to be their respective act.

H. Brenneisen.

State of Maryland, Frederick County, towit--
I hereby certify that the aforegoing is a true copy of the original deed from George Cline and Sarah E. Cline his wife to Adam W. Garber, as recorded in liber D. H. H. No. 3 folio 405, one of the land records of Frederick County MAryland. In testimony whereof, I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County, Md., ta Frederick, this 8th day of April, A. D. 1915.

Harry W. Bowers,

---------- Clerk of the Circuit Court for Frederick County, Maryland.

Court Seal.

EXHIBIT NO. 3.

At the request of Adam Garber the following deed is received for record and recorded April 19th 1888 at 10 o'clock 45 minutes A. M.

Test--W. irving Parsons, Clerk.

This deed made this 31st day of December in the year eighteen hundred and eighty seven by George D. Norris Executor of the last will and testament of William H. Warner late of Frederick County, deceased, witnesseth, whereas the said William H. Warner having sàls to Adam W. Garber of Frederick County, State of Maryland, a certain parcel of land hereinafter described I the said George D. Norris in consideration of Two Hundred and sixty seven dollars and sixty cents the balance due from the said Adam W. Garber do grant unto the said Adam W. Garber the following described parcel of land situate lyand and being in the county and State aforesaid, being a part of the parcel of land conveyed to said William H. Watner by deed from beale Buckingham, dated May 24th 1865 and recorded in liber J. W. L. C. No. 3 folio 204, one of the land records of Frederick County, beginning at a stone at the end of the fourth line of said deed thence with the outlines thereof North 25¾° East 39 perches to a stone, 2. South 53½° East 50 perches to a stone 3. South 14½° West 15 perches to a stone, 4. South 26¾° west 8.75 perches to a stone then by line of division 5. North 71¼° West 57.5 perches to the beginning containing 9 acres 3 roods 5 square perches of land more or less.

Witness my hand and seal

Gee. D. Norris, Executor (seal)

Test--

H. Brenneisen.

State of Maryland, Frederick County, towit--

I hereby certify that on this 31st day of decwmber in the year eighteen Hundred and eighty seven before the suvscriber a Justice of the peace of the State of Maryland in and for Frederick County, personally appeared george D. Norris Executor and did acknowledge the aforegoing deed to be his act.

H. Brenneison.

State of Maryland, Frederick County, towit--

I hereby certify that the aforegoing is a true copy of the original deed from George D. Norris, Executor to Adam W. Garber, as recorded in liber W. I. P. no. 6 folio 194, one of the land records of Frederick County Maryland. In testimony whereof I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County, Md., at Frederick, this 8th day of April A. D. 1913.

Harry W. Bowers, ----------

Clerk of the Circuit Court for Frederick County, Maryland. Court Seal. ----------

ANSWER OF WILLIAM GARVER AND BESSIE GARVER_ HIS WIFE.

The answer of William GArver and Bessie Gafver his wife, to the Bill of Complaint of Ida O.Snyder, and husband, filed against them and others in the abàve case, respectfully shows--

These respondents say for answer--That admit that the said William Garver is a son of Adam Garver, late of Frederick County, Maryland, deceased, who died intestate some twelve years ago, seized and possessed of a tract of land situated in Frederick County, containing in the aggregate about 18 acres, 2 roods and 58 perches, more or less, and that the said land is not susceptible of division among all the children and heirs at law of said Adam Garver, deceased, without injury and loss to the parties interested, and they are willing for a decree to be passed for the sale of said real estate, the proceeds to be divided equally among all the children of the saidAdam Garver, deceased.

Wm. A. Garver

Bessie E. Garver.

JOINT AND SEPARATE ANSWER OF CHARLES PINKNEY GARVER_ BESSIE PURDUM AND WILLIAM V. PURDUM_ HER HUSBAND_ AND GROVER GUY PURDUM.

The joint and several answer of Charles Pinkney Garver, Bessie Purdum and William W. Purdum, her husband, and Grover Guy Garver to the Bill of Complaint filed against them and others in the above case.

These respondents for answer say--They admit that they, the said Charles Pinkney Garver, bessie Purdum and Grover Guy Garver and Harry Garver, W. C. Garver, Vernon L. Garver, Ida A. Snyder, Gertie Burrier and Ruby Edna Nash are the only children and heirs at law of Adam Garver, late of Frederick County, Maryland, deceased, who died intestate some twelve years ago, seized and possessed of a tract of land situated in Frederick County, containing in the aggregate about 18 acres, 2 roo

and 36 perches, more or less, and that the said land is not susceptible of division among all the children and heirs at law of said Adam Garver, deceased, without injury and loss to the partirs interested, and they are willing for a decree to be passed for the sale of said real estate, the proceeds te be divided equally among all the children of said Adam Garver, deceased. And said children and heirs at law are all over 21 years of age.

Charles P. Garver
Guy G. Garver
Bessie R. Purdum
Willie W. Purdum.

ANSWER OF VERNON L. GARVER AND MAMIE GARVER HIS WIFE.

The answer of Vernon L. Garver and Mamie Garver his wife, to the Bill of Complaint of Ida O. Snyder and husband, filed against them and others in the above case, respectfully shows--

These respondents say for answer--They admit that the said Vernon L. Garver is a son of Adam Garver, late of Frederick County, Maryland, deceased, who died intestate some twelve years ago, seized and possessed of a tract of land situated in Frederick County, containing in the aggregate about 18 acres, 2 roods and 38 perches, more or less, and that the said land is not susceptible of division among all the children and heirs at law of said Adam Garver, deceased, without injury and loss to the parties interested, and they are willing for a decree to be passed for the sale of said real estate, the proceeds to be divided equally among all the children of said Adam Garver, deceased.

Vernon L. Garver
Mamie Garver

ANSWER OF RUBY EDNA NASH AND GROVER NASH HER HUSBAND.

The answer of Ruby Edna Nash and Grover Nash, her husband, to the Bill of Complaint of Ida O. Snyder and Husband, filed against them and others in the above case, respectfully shows--

These respondents say for answer--They admit that the said Ruby Edna NAsh is a daughter of Adam Garver, late of Frederick County, Maryland, deceased, who died intestate some rwelve years ago, seized and possessed of a tract of land situated in Frederick County, containing in the aggregate about 18 acres, 2 roods and 38 perches, more or less, and that the said land is not susceptible of division among ahl the children and heirs at law of said Adam Garver, deceased, without injury and loss to the parties interested, and they are willing for a decree to be passed for the sale of said real estate, the proceeds to be divided equally among all the children of the said Adam Garver, deceased.

Ruby Edna NAsh
Grover M. NAsh.

ANSWER OF GERTIE BURRIER AND EMERSON BURRIER_ HER HUSBAND.

The answer of Gertie Burrier and Emerson Burrier, her husband, to the Bill of Complaint of Ida O. Snyder and husband, filed against them and others in the above case, respectfully shows--

These respondents say for answer--They admit that the said Gertie Burrier is a daughter of Adam Burrier, late of Frederick county, MAryland, deceased, who died intestate some twelve yeArs ago, seized and possedsed of a tract of land situated in Frederick County, containing in the aggregate about 18 acres, 2 roods and 38 perches, more or less, and that the said land is not susceptible of division among all the children and heirs at law of said Adam Garver, deceased, without injury and loss to the parties interested, and they are willing for a decree to be passed for the sale of said real estate, the proceeds to be divided equally among all the childred of said Adam Garver deceased.

E. Gertrude Burrier
Emerson Burrier.

ANSWER OF HARRY GARVER AND CORDELIA GARVER_ HIS WIFE.

The answer of Harry Garver and Cordelia Garver his wife, to the Bill of Complaint of Ida O. Snyder and husband filed against them and others in the above case, respectfully shows--
These respondents say for answer. They admit that the said Harry Garver is a son of Adam Garver, late of Frederick County, Maryland, deceased, who died intestate some twelve years ago, seized and possessed of a tract of land sityated in Frederick County, containing in the aggregate about 18 acres, 2 roods and 38 perches more or less, and that the said land is not susceptible of division among all the children and heirs at law of said Adam Garver, deceased, without injury and loss to the parties interested, and they are willing for a decree to be passed for the sale of said real estate, the proceeds to be divided equally among all the children of said Adam Garver, deceased.

Harry E. Garver
Cordelia C. Garver.

DECREE.

The above cause standing ready for a hearing, and being submitted, the bill, answer, exhibits and all other proceedings were by the Court read and considered and the defendants having filed their answer admitting the material allegations of the Bill and consenting to the passage of a decree for the sale of the real estate described in the proceedings as prayed, and it appearing that the parties to the case are the only children and heirs at law of Adam Garver, dec'd. and all above twenty one years of age. it is thereupon this 19th day of July in the year nineteen hundred and thirteen by the Cirouit Court for Frederick county, as a Court of Equity, and by the authority of said Court, adjudged, ordered and decreed, that the land and premises mentioned in these proceedings be sold and that Milton G. urner, of Frederick County, be, and he is hereby appointed trustee to make the said sale and that the course and manner of his proceedings shall be as follows. He shall first file in the Clerk's office of this Court, a Bond to the State of Maryland, executed by himself with a surety or sureties, to be approved by the court, or the Clerk thereof, in the penalty of Twelve Hundred Dollars, conditioned for the faithful performance of the trust reposed in him by any future order or decree in the premises. he shall then proceed to make sale of the said real estate, having first given at least three weeks previous notice, inserted in some newspaper printed in Frederick County, and such other notice as he may think proper of the time, place, manner and terms of sale; which terms shall be as follows; One half of the purchase money to be paid in cash on the day of sAle, or on the r tification thereof by the Court, the residue in six months from the day of sale the purchaser ob purchasers giving his, her or their notes with approved security and bearing interest from the day of sale, or all cash at the option of the purchaser, and as soon as may be convenien after any such sale or sales, the said trustees shall return to this Court a fukl and particular account of the same with an affidavit of the truth thereof, and of the fairness of such sale or sales ahnexed, and on the ratification of such sale or sales by the Court and on the payment of the whole purchase money, and not before, the said trustee, by a good and sufficient deed to be executed and acknowledged agreeably to law, shall convey to the purchaser pr purchasers of the said property, and to his, her or their heirs, the property to him, her or them sold free, clear and discharged of all claim of the parties to this cause, and of any person or persons claiming by from or under them; and the said trustee shall vring into this Court the money arising on such sale or sales, and the bonds or notes which may be tAken for the same, to be disposed of under the direction of this Court, after deducting therefrom the costs of this suit, and such commission to the said Trustee as the Court shall think proper to allow, on consideration of the skill attention And fidelity wherewith he shall appear to have discharged his trust.

Hammond Urner.

SALE:

Public Sale. By virtue of a decree of the Cirouit Court for Frederick County, sitting as a Court of Equity, the undersigned as trustee, will sell at public sale on Saturday the 20th day of August A. D. 1913, at 2 o'clock P. M. at mr. Marion V. Runkles'store, Linganore, Frederick County, Md., all that vAluable tract or parcel of land of which Adam Garver died, seized and possessed, situated in Linganore Distriot, in Frederick County, containing 18 acres, 2 roods and 38 perches of land more or less, adjoining the lands of William M. Purdum, MAurice Poole, William Baker and others. This land is in a fine state of Cultivation and consists of good farming and meadow land with some tim-

ber. There is a good spring of water on the property. This land is located in an excellent neighborhood, and will make a fine home for anyone desiring a small tract. it is about two and ahalf miles from each of the Villages of Unionville and Libertytown, and about two miles from Linganore.

Terms of Sale--One half cash on the day of sale or ratification thereof by the Court, and the balance in six months from the day of sale, with interest from the day of sale, or all cash at the option of the purchaser. A deposit of $25 will be required on the day of sale. Conveyancing at the expense of the purchaser.

Milton G. Urner
Trustee.

Edgar T. mercer,
Auctioneer.

ACKNOWLEDGMENT OF PURCHASE.

I hereby acknowledge that I have, this 27th day of July, A. D. 1915, purchased at private sale from Milton G. Urner, trustee, all that tract or parcel of land of which Adam Garver died, seized and possessed, situated in linganore District, in Frederick County, containing 18 acres, 2 roods and 38 perches of land, more or less, and described in rhe annexed advertisement, at and for the sum of One Hundred and Seventy-five dollars; and I obligate myself to comply with the terms of sale as set forth in said advertisement.

Emmerson D. Burrier.

Milton G. Urner.

REPORT OF SALE.

To the Honorable the Judges of said Court--

The report of sale of Milton G. urner, Trustee, in the above case, respectfully shows unto Your Honors--

That after having given Bond with approved security, as required by the decree in the above case, and after having given at least three weeks' previous notice of the time, place, manner and terms of sale, by advertisement in The News, a newspaper published in Frederick County, he did, pursuant to such notice, attend at Mr. Marion V. Runkles' store, Linganore, in Frederick County, a public place reasonably convenient to the property decreed to be sold, and then and there offered the real estate consisting of 18 acres, 2 roods and 38 perches of land more or less, described in the proceedings in the above case, at public sale to the highest bidder and who could only get an offer of $150.00 for the whole, which he considered inadequate and did not sell the same; that he has since tried to sell the property at private sale, but failed to do so until the 27th day of July 1915, when he sold it to Emerson D. Burrier, at and for the sum of $175.00 which wAs the best offer he has been able to obtain; that the said property has no improvements upon it whatever and is in bad condition, and he does not believe he would be able under any circumstances, to obtain a greater price than the said $175.00, for which he has agreed to sell it; and the said Emmerson D. Burrier has signed his acknowledgment of purchase and obligated himself to comply with the terms of sale, as will appear by his acknowledgnent of purchase herewith filed, marked Exhibit C. E. D. as part of this report.

That the whole amount of the purchase money of $175.00.

All of which is respectfully submitted.

Milton G. Urner
Trustee.

State of Maryland, Frederick County, towit--

I hereby certify that on this 31st day of July A. D. 1915, before me the subscriber, Clerk of the Circuit Court for Frederick County, personally appeared Milton G. Urner, Trustee in the above case, and made oath in due form of law that the matters and things, stated in the aforegoing report of sale are true to the best of his knowledge and belief, and that the sale therein reported was fairly made.

Harry W. Bowers
Clerk of the Circuit Court for Frederick County.

ORDER NISI ON SALES.

Ordered that on the 23rd day of August 1915, the Court will proceed to act upon the Reportof sales of Real Estate, reported to said Court by Milton G. Urner, Trustee in the above cause, and filed therein 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 $175.00.

Dated this 31st day of July, 1915.

Harry W. Bowers,

Clerk of the Circuit Court for Frederick County.

The Daily News.

FOR PRINTERS' CERTIFICATE SEE BELOW RATIFICATION.

FINAL RATIFICATION.

Ordered by the Circuit Court for Frederick County, sitting as a Court of Equity this 23d day of August, A. D. 1915, that the foregoing Report of Sale and the sale therein reported be and they are hereby finally ratified and confirmed, no cause to the contrary being shown, although due notice appears to have been given as required by the annexed order nisi as shown by the printers' certificate as filed herewith.

Hammond Urner.

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PRINTERS' CERTIFICATE OF ORDER NISI ON SALES.

The News, Frederick Md., Aug. 23rd, 1915.

This is to certify that the annexed Order Nisi on Sales was published in The Daily News, a newspaper published in Frederick County, once a week three successive weeks prior to the 23rd day of August, 1915.

The News.

Per. J. Harry Brandenburg.

NO. 9356 EQUITY.

E. McClure Rouzer, Assignee of Mortgagee.

No. 9356 Equity. In the Circuit Court for Frederick County.

In Equity.

on

Petition.

To the Honorable, the Judges of the Circuit Court for Frederick County--

The petition and Report of Sales of E. McClure Rouzer, Assignee of Joseph Englar, mortgagee, in a mortgage from P. Hanson Hiss Dunden, reppectfully represents unto Your Honorable Court--

1. That on the 3rd day of November, A. D. 1913, certain P. Hanson Hiss Duncan, by his deed of Mortgage bearing said date, conveyed the real estate therein describ ed to Joseph Englar, his personal representatives and assigns, to secure the payment of two promissory notes for $1,000.00 each given by the said P. Hanson Hiss Duncan to the said Joseph Englar, said notes bearing date the 3rd day of November, 1913, the one payable on May 1st, 1914, and the other on November 1st, 1914, for value received, with interest from date, at six per cent, all of which will more fully appear by reference to said original mortgage and the original mortgage notes filed herewith marked Exhibit A., B. C. respectively, which together with all other exhibits herewith filed it is prayed may be taken and considered as a part hereof by Your Honorable court.

2. That the said Joseph Englar, mortgagee in said mortgage duly assigned the same for value to the said E. McClure Rouzer, under date of June 21st 1915, as will more fully and at large appear by reference to said assignment on the back of said origi nal mortgage.

3. That it is provided in said mortgage that "if default be made in the payment of said money or the interest thereon to accrue, or in any part of either of them, at the time limited for the payment of the same, or in any agreement, covenant or condition of this mortgage, then the entire mortgage debt shall be deemed due and demandable; and it shall be lawful for the said Joseph Englar, his personal representatives and assigns, or E. mcClure Rouzer, their attorney or agent, at any time after such default to sell the property hereby mortgaged upon giving twenty days notice of the time, place, manner and terms of sale, in some newspaper printed in Frederick County, and such other notice as by the said mortgagee, his personal representatives or assigns may be deemed expedient."

4. That default was made by the said mortgagor in the payment of said promissory notes hereinbefore mentioned and the full and just sum of $1,352.38, being mortgage debt and interest calculated to July 15th 1915, is due and owing by said mort gagor to your petitioner, as will more fully and at large appear by reference to sworn statement of mortgage debt filed herewith and marked exhibit D.

5. That default having been made as aforesaid, it became lawful for your petitioner, as assignee of mortgagee, to foreclose said mortgage, and your petitioner first filed his bond as required by law in the office of the Clerk of the Circuit Court for Frederick County, Maryland, which said bond was duly approved by said Court, and having given more than twenty days previous notice of the time, manner and terms of sale by advertisement in the Catoctin Clarion, a newspaper published in Frederick County Maryland, once a week for three successive weeks prior to the date of sale, as appears from the printers certificate filed herewith as part here of, your petitioner did attend in front of the Court House, in Frederick City, Frederick County, Maryland, on Saturday, August 14th 1915, at the hour of eleven o'clock A. M. the time and place mentioned in said advertisement, and then and there offered for sale at public auction to the highest bidder for cash the real estate descrived in said mortgage, being all those several parcels of mouhtain land, aggregating 155 acres of land, more or less, and more particularly described in saidmortgage, dated and recorded as aforesaid, and did then and there sell the

same to P. Hanson Hiss Duncan, he being the highest and best bidder therefor, at and for the sum of $1,627.50 and your petitioner took said purchaser's acknowledgment of purchase of said property, which is filed herewith as a part hereof, marked exhibit E.

6. And your petitioner herewith reports the whole and aggregate Amount of sales to be the sum of $1,627.50 and prays that said sale may be finally ratified and confirmed by Your Honorable Court.

And as in duty bound, etc.

E. McClure Rouzer,

petitioner.

Chas. McC. Mathias,
Solicitor.

State of Maryland, Baltimore City, towit--

I hereby certify that on this 16th day of August, A. D. 1915, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, personally appeared E. McClure Rouzer, the above named petitioner, and made oath in due form of law that the matters and things stated in the aforegoing Report of Sales are true and bona fide as therein set forth to the best of his knowledge and belief.

Given under my hand and seal Notarial, the day and year aforesaid.

Roland H. Brady.

Notary Public.

ORDER NISI ON SALES.

Ordered this 10th day of December 1915, the Court will proceed to act upon the Report of Sales of Real estate, reported to said Court by E. mcClure Rouzer, Assignee of Mortgagee in the above cause, and filed therein 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 $1627.50.

Dated this 17th day of August, 1915.

Harry W. Bowers,

Clerk of the Circuit Court for Frederick County.

The Catoctin Clarion.

EXHIBIT A.

This mortgage made this third day of November, in the year nineteen hundred and thirteen, by and between P. Hanson Hiss Duncan of Baltimore County, in the State of Maryland, mortgagor, and Joseph Englar, of Carroll County, in said State, Mortgagee, Witnesseth--

WhereAs the said P. Hanson Hiss Duncan is justly indebted unto the said Joseph Englar, in the sum of $2,000. as evidenced by his two promissory notes of even date herewith, each for One Thousand Dollars, ($1,000.) and due and payable respectively on May 1st 1914, and November 1st, 1914, with interest at 6%; said debt representing a part of the purchase money for the tracts of land hereinafter described which have been conveyed to the said Duncan by the said Englar by deed of even date herewith, recorded, or intended to be recorded, among the land records of Frederick County, just prior to the recording hereof.

And whereas it was a condition precedentto the execution of said deed and the acceptance of the said notes that these presents should be executed.

Now therefore, in consideration of the premises and of the sum of $1.00, the receipt whereof is hereby acknowledged, the said P. Hanson Hiss Duncan does grant and convey unto the said Joseph Englar, all the following described tracts, parts of tracts or parcels of land, situated, lyimg and being in Frederick County, in the State of Maryland-

1. All those two contiguous tracts or parcels of land conveyed by And separately described in a deed from J. Wesley Creager and Effie D. Creager his wife, to the said Joseph D. Englar, dated October 5th A. D.1906, and recorded in liber S. T. H. No. 276 folio 352, one of the land records of Frederick County, the tract or parcel of land first described in said deed containing 115 acres of land, more or less, and the second described tract or parcel therein containing twenty- and three-fourths 20¼ acres of land, more or less.

2. Allthat tract or parcel of land, situated in HAuver's District, in said County, containing nineteen and one-fourth 19¼ acres of land, more or less, which was conveyed to the said Joseph Englar by Daniel I. Manahan, by deed dated March 25th 1911, and recorded in liber H. W. B. No. 296

folio 62, one of said land records.
The tracts or parcels of land hereby conveyed, being located at or near Deerfield in the Northern part of Frederick County and containing in the aggregate One Hundred and fifty; five acres of land, more or less.
Together with the improvements and all the rights, ways and privileges mentioned in and conveyed by the deed from Mary E. Lent to the said Joseph Englar, dated April 13th 1911, and recorded in liber H. W. B. No. 296, folio 574, etc., one of said land records, and the deed from John W. Warner and wife to said Joseph Englar, dated April 25th 1911, and recorded in liber H. W. B. No. 296, folio 575, etc., one of said land records, and all the rights, ways privileges and appurtenances belonging or in anywise appertaining to the land hereby conveyed.
Subject however, to the water rights and privileges granted and set forth in a deed from J. Wesley Creeger and wife to Mary E. lent, dated October 4th 1906, and recorded in liber S. T. H. no. 276 folio 351 etc., one of said land records.
To have and to hold the aforesaid parcels of ground and premises unto and to the proper use and benefit of the said Joseph Englar, his heirs and assigns forever.
Provided that if the said P. Hanson Hiss Duncan, his heirs, personal representatives or assigns shall well And truly pay or cause to be paid the aforesaid sum of Two Thousand ($2,000.) Dollars, and all interest thereon accured, when and as the same may be due and payable, and shall perform all the covenants herein on their part to be performed, then this mortgage shall be void.
And it is agreed that until default shall be made in the premises, the said P. Hanson Hiss Duncanshall possess the aforesaid property upon paying in the meantime, all taxes and assessments, public debts and and charges of every kind levied or assessed or to be levied or assessed on said hereby mortgaged property, which taxes, assessments public dues, charges, mortgage debt and interest the said P. HAnson Hiss Duncan for himself, his heirs, personal representatives and assigns, does hereby covenant to pay when legally demandable. But if default be made in the payment of said money, or of the interest thereon to accrue, or in any part of either of them, at the time limited for the payment of the same, or in any Agreement, covenant or condition of this mortgage, then the entire mortgage debt shall be deemed due and demandable; and it shall be lawful for the said Joseph Englar, his personal representatives and assigns, or E. mcClure Rouzer, their attorney or agent, at any time after such default to sell the property hereby mortgaged, or so much thereof as mAy be necessary, to satisfy and pay said debt, interest and all cost incurred in making such sale, and to grant and convey the said property to the purchaser or purchasers thereof, his, her or their heirs or assigns, and which sale shall be made in the manner following,viz--upon giving twenty days notice of the time, place,manner and terms of sale of sAle, in some newspaper printed in Frederick County, and such other notice as by the said mortgagee, his personal representatives or assigns may be deemed expedient; and in the event of a sale of said property, under the powers hereby granted, the proceeds, arising from such sale, to apply; first to the payment of all expenses incident to such sale, including a fee of One Hundred Dollars And a commission to the party making sale of said property equal to the commission allowed trustees for making sale of property by virtue of a decree of a Court having equity jurisdiction in the State of Maryland; secondly to the payment of all claims of the said mortgagee, his personal tepresentatives and assigns under this mortgage, whether the same shall have mAtured or not; and the surplus (if any there be) shall be paid to the said mortgagor, his personal representatives or assigns, or to whoever may be entitled to the same.
And the said mortgagor for himself, his heirs, personal representatives and assigns does hereby covenant and agree that immediately upon the first insertion of the advertisement or notice of sAle as aforesaid under the powers hereby granted, there shall be andbecome due by them to the party inserting said advertisement or notice, all expenses incident to said advertisement or notice, all Court costs and all ex-

penses incident to the foreclosure proceedings under this mortgage, and a commission on the total amount of the Mortgage indebtedness, principal and interest, equal to one-half the percentage allowed om commissions to trustees making sale under orders or decrees of the Circuit Court for Frederick County in Equity, which said expenses, costs and commission the said mostgagor for himself, his heirs, personal representatives and assigns does hereby covenant to pay; and the said mortgagee,his personal representatives or assigns or E. McClure Rouzer, their said attorney shall not be required to receive the principal and interest only of said mortgage debt in satisfaction thereof, unless the same be accompanied by a tender of the said expenses, costs and commission, but said sale may be proceeded with unless, prior to the day appointed thereof legal tender is made of said principal interest, costs, expenses and commission.

Witnesss the hand and seal of the said Mortgagor.

P. Hanson Hiss Duncan (seal)

Test--

Howard D. Adams.

State of Maryland, BAltimore City, towit--

I hereby certify on this 3rd day of November, in the year nineteen hundred and thirteen before me,a Notary Public of the State of Maryland, in and for the City of aforesaid, personally appeared P. Hanson Hiss Duncan, the mortgagor named in the aforegoing mortgage and acknowledged the aforegoing Mortgage to be his act. At the same time also appeared Joseph Englar, the above named mortgagee, and made oath in due form of law that the considerarion set forth in said mortgage is true and bona fide as therein set forth.

As witness my hand and notarial seal.

Howard D. Adams.
Notary Public

Notary Seal.

State of Maryland, Carroll County Sot--

I hereby certify that on this 5th day of November A. D. 1913, before me a Notary Public of the Stat of Maryland, in and for Carroll County, personally appeared Joseph Englar the mortgagee mentioned in the foregoing mortgage and made oath in due form of law that he has not required the mortgagor his agent or attorney or any person for the said mortgagor to pay the tax levied upon the interest covenanted to be paid in advance nor will he require any tax levied thereon to be paid by the mortgagor or any person for him during the existance of this mortgage.

Cleveland Anders,
Notary Public.

Notary Seal.

For value received I hereby assign the within mortgage to E. McClure Rouzer. As witness my hand and seal, this 21st day of June, 1915.

Test--

John A. Englar.

Joseph Englar (seal)

State of Maryland, Frederick County, towit--

I hereby certify that on this 12th day of August A. D. 1915, before me the subscriber, a Notary Public of the State of Maryland, in and for Frederick County, personally appeared Charles McC. Mathias, agent for E. mcClure Rouzer, assignee of mortgagee, and made oath in due form of law that the consideration mentioned in the aforegoing assignment of mortgage is true and bona fide, and that the said E. McClure Rouzer, Assignee of Mortgagee, has not required the said mortgagor, his agent or attorney or any person for the said mortgagor, to pay the tax levied upon the interest covenanted to be paid in advance, nor will he, the said assignee of mortgagee, require any tax levied thereon to be paid by the said mortgagor or any person for him during the existence of this mortgage; and further that he is the agent of the said E. McClure Rouzer, assignee of mortgagee, and as such is authorized to make this affidavit.

Given under my hand and seal Notarial the day and year aforesaid.

Grayson H. Staley
Notary Public.

Notary Seal.

Assignment recorded Aug. 17 1915.
Test--Harry W. Bowers, Clerk.

EXHIBIT C.

$1000.00 November 3rd, 1913.

Secured by mortgage of even date herewith on May 1st, 1914.
After date I premise to pay to the order of Joseph EnglarOne Thousand 00/100 Dollars, at linwood, Md., with interest at 6%. Value Received.

P. Hanson Hiss Duncan

No. 51344.

EXHIBIT 3.

$1000.00 November 3rd, 1913.

Secured by Mortgage of even date herewith on May 1st 1914.
After date I promise to pay to the order of Joseph Englar, One Thousand 00/100 Dollars, at Linwood, Md., with interest at 6%. Value received.

P. hanson Hiss Duncan

No. 51344.

EXHIBIT D.

Statement of Mortgage Debt.
Statement of the Mortgage Claim of E. mcClure Rouzer, Assignee of Mortgagee, under the mortgage from P. Hanson Hiss Duncan to Joseph Englar dated the 3rd day of November, 1913, and recorded among the land records of Frederick County in liber H. W. B. no. 307 folio 80 etc.

Principal of Mortgage Debt	$2,000.00
Interest from date to Jan. 27, 1915	148.00
	2,148.00
By cash Jan. 27, 1915	100.00
	2,048.00
By cash Jan. 28 1915	316.74
	1,731.26
Interest to feb. 27, 1915	8.66
	1,739.92
By cash Feb. 27 1915	100.00
	1,639.92
Interest to April 6 1915	10.25
	1,650.17
By cash April 6, 1915	221.05
	1,429.12
Interest to June 5, 1915	14.30
	1,443.42
By cash June 5, 1915	100.00
	1,345.42
Interest to July 15, 1915	8.96
Amount of Mortgage Claim	1,352.38

State of Maryland, City of Baltimore, towit--
I hereby certify that on this 17th day of July, in the year nineteen hundred and fifteen, before me the subscriber, A Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared E. McClure Rouzer, assignee of mortgagee, the plaintiff in the above entitled cause, and made oath that the foregoing is a just and true statement of the amount of the mortgage filed in the said mause now remaining due and unpaid.

As witness my hand and Notarial Seal.

Roland H. Brady
Notary Public.

Notary Public.

SALE.

Mortgagee's Sale. By virtue of the power of sale contained in a mortgage from P. Hanson Hiss Duncan to Joseph Englar, bearing date the third day of November, in the year nineteen hundred and thirteen, and duly recorded in liber H. W. B. No.

307 folio 80, one of the land recordsof Frederick county, the undersigned assignee of Mortgagee will sell at public auction in front of the Court House door in Frederick City, Frederick County, Maryland, on Saturday, August 14, 1915, at 11 o'clook A. M., all those pieces or parcels of mountain land more particularly described as follows--

1st. All those two contiguous tracts or parcels of land conveyed by and separately described in a deed from J. Wesley Creeger and effie D. Creeger his wife, to the said Joseph Englar, dated October 5 , A. D. 1906, and recorded in liber S. T. H. No. 276 folio 352, one of the land records of Frederick County, the tract or parcel of land first described in said deed containing One Hundred and Fifteen (115) acres ofland more or less, and the second described tract or parcel of land therein containing twenty and three-fourths (20¾) acres of land more or less.

2nd. All that tract or parcel of land situated in Hauver's District, in said County, containing nineteen and one-fourth (19¼) acres of land, more or less, which was conveyed to the said Joseph Englar by Daniel I. MAnahan, by deed dated March 25th A. D. 1911, and recorded in liber H. W. B. No. 296 folio 62 one of the said land records, and being also all of the same property more particularly described in a deed from Joseph Englar to the said P. Hanson Hiss Duncan, bearing date the third day of November in the year nineteen hundred and thirteen, and recorded in liber H. W. B No. 306 folio 373, one of the land records of Frederick County.

Together with the improvements and the rights, ways and privileges mentioned in and conveyed by the deed from Mary E. Lent to the said Joseph Englar, Dated April 13th 1911, and recorded in liber H. W. B. No. 296 folio 575 etc., one of said land recordsm and all the rights, ways, privileges and appurtenances belonging or in any wise appertaining to the land hereby conveyed.

Subject however, to the water rights and privileges granted and set forth in a deed from J. Wesley Creager and wife to Mary E. Lent dated October 4, 1906, and recorded in liber S. T. H. No. 276, folio 351, etc., one of said land records.

Terms of Sale--Cash upon ratification by the Court the purchaser or purchasers giving his, her or Their notes with approved security, with interest from the day of sake, A deposit of $100 will be required on the first lot, $50 on the second lot, and $50 on the third lot, and all conveyancing to be at the expense of the purchaser or purchasers.

E. McClure Rouzer.

Assignee of mortgagee.

Chas. McC. Mathias, Slocitors.

ACKNOWLEDGMENT OF PURCHASE.

I hereby acknowledged to have purchased from E. McClure Rouzer, Assignee of Mortgage, all those three tracts or parcels of land, containing respectively 115, 20¾ and 19¼ acres of land, more or less, situated near Deerfield, in Frederick County, Maryland, and more particularly described in the annexed advertisement of sale, at and for the sum of $10.50 per acre, making an aggregate sum of $1,627:50; and I hereby agree to comply with the terms and conditions of sale as set forth in the annexed advertisement. I understand that the loose property, including out and sawed timber on said lot, is reserved from the operation and effect of this sale.

Witness my hand and seal this 14th day of August, A. D. 1915.

P. Hanson H. Duncan (seal)

Witness--

Chas. McC. Mathias.

Office of the Clairon Publishing Company. Thurmont Md., Aug. 12, 1915.

This is to certify that the annexed advertisement, mortgagees sale, was published three consecutive weeks prior to August 14 1915 in The Catoctin Clarion, a newspaper published in Frederick County, Md.

Clarion Pub. Co.

Publishers of the Catoctin Clarion.

Per. J. F. F.

PETITION AND REPORT OF SALES.

Void

To the Honorable, the Judges of the Circuit Court for Frederick County.

The petition and report of sales of E. McClure Rouzer, assignee of Joseph Englar, mortgagee, in a mortgage from P. Hanson Hiss Duncan, respectfully rrpresents unto Your Honorable Court--

1. That on the 3rd day of November, A. D. 1913, a certain P. Hanson Hiss Duncan, by his deed of mortgage bearing said date, conveyed the real estate therein described to Joseph Englar, his per-

sonal representatives and assigns to secure the payment of two promissory notes for $1,000.00 e ach given by the said P. Hanson Hiss Duncan to the said Joseph Englar, said notes hearing date the 3rd day of November, 1913, the one payable on May 1st, 1914, and the other on November 1st, 1914, for value received, with interest from date at six percent, all of which will more fully appear by reference to said original mortgage and the original mortgage notes filed herewith marked Exhibit A.,B. and C. respectively, which together with all other exhibits herewith filed it is prayed may be taken and considered as a part hereof by Your Honorable Court.

2. That the said Joseph Englar, mortgagee in said mortgage, duly assigned the same for value to the said E. mcClure Rouzer, under date of June 21st, 1915, as will more fully and at large appear by reference to said, on the back of said original mortgage.

3. That it is provided in said mortgage yhat "If default be made in the payment of said money or the interest thereon to accrue, or in any part of either of them, at the time lomited for the payment of the same, or in any agreement, covenant or condition of this mortgege, then the entire mortgage debt shall be deemed due and demandable; and it shall be lawful for the said Joseph Englar, his personal representatives and assigns, or E. McClure Rouzer, their attorney or agent, at any time after such default to sell the property hereby mortgaged upon giving twenty days' notice of the time, place, manner and terms of sale, in some newspaper printed in Frederick County, and such other notice as by the said mortgagee, his personal representatives or assigns may be deemed expedient."

Void

4. That default wAs made by the said mo tgagor in the payment of the said promisso ry notes hereinbefore mentioned and the full and just sum of $1,352.38 being mortgage debt and interest cAlculated to July 15th 1915, is due and owing by the sAid mortgagor to Your Petitioner, as will more fully and at large appe ar by reference to sworn statements of mortgage debt filed herewith and marked exhibit D.

5. That default having been made as aforesaid, it became lawful for your petitioner, as assignee of mortgage, to foreclose said mortgage, and your petitioner first filed his bond as required by law in the office of the Clerk of the Circuit Court for Frederick County, Maryland, which said bond was duly approved by sAid Court, and having given more than twenty-days previous notice of the time, manner, and terms of sale by advertisement in the Catoctin Clarion, a newspaper published in Frederick County, Maryland, once a week for three successive weeks prien to the date of sale, As appe ars from the printer's certificate filed herewith as a part hereof, Your Petitioner did attend in front of the Court House, in Frederick City, Frederick County, Maryland, on Saturday, August 14th 1915, at the Hour of 11 o'clock A. M. the time and place mentioned in said advertisement, and then and there offered for sale at public auction to the highest bidder for cash the real estate described in said mortgage, being all these several parcels of mountain land, aggregating 155 acres of land, more or less, and more particularly described in said mortgage dated and recorded as aforesaid, and did then and there sell the same to P. Hanson Hiss Duncan, he being the highest and best bidder therefor, at and for the sum of $10.50per acre, being a total of $1,627.50, and your petitioner took said purchaser's acknowledgment of purchase of said property, which is filed herewith as a part hereof, marked exhibit E.

Void.

6. And your petitioner herewith reports the whole and aggregate amount of sales to be the sum of $1,627.50 and prays that said sale may be finally ratified and confirmed by Your Honorable Court.

And as in duty bound, etc.

E. McClure Rouzer.

Petitioner.

State of Maryland, Baltimore City, towit--

I hereby certify that on this 16th day of August, A. D. 1915, before me the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, personally appeared E. McClure Rouzer, the above named petitioner, and made oath in due

form of law that the matters and things stated in the aforegoing report of sales are true and bona fide as herein set forth to the best of his knowledge and belief,

Given under my hand and seal notarial, the day and year aforesaid.

Roland H. Brady,
Notary Public.

Notary Seal.

ORDER NISI ON SALES.

ordered that on the 10th day of September 1915, the Court will proceed to act upon the Report of Sales of Real Estate, reported to said Court by M. McClure Rouzer, Assignee of mortgagee, in the above cause, and filed therein 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 $1627.50.

Dated this 17th day of August, 1915.

Harry W. Bowers,
Clerk of the Circuit court for Frederick County.

The Catoctin Clarion.

PETITION AND COURT'S ORDER.

To the Honorable the Judges of sAid Court--
The petition of E. McClure Rouzer respectfully represents unto Your Honors--

(1) That by virtue of the power and authority vested in Your Petitioner by a mortgage bearing date of the first day of November, 1914, from P. Hanson Hiss Duncan to Joseph Englar, which mortgage was subseqently assigned to Your petitioner, your petitioner sold all those several tracts of land in the said mortgage mentioned on August 14th 1915, unto P. Hanson Hiss Duncan, at and for the price of Sixteen hundred and twenty-seven dollars ($1627.50) which sale was duly reported by your petitioner to this Honorable Court and by it finally ratified and confirmed.

(2) That at the time of the said sale the said P. Hanson Hiss Duncan, paid unto your petitioner the sum of Two Hundred Dollars ($200.00) leaving a balance of fourteen hundred and twenty-seven dollars and fifty cents($1427.50) which sum was to be paid upon ratification of sale.

(3) Although the said balance has long since been due, and your petitioner has called upon the said P. Hanson Hiss Duncan to pay the same, the said P. Hanson Hiss Duncan has failed to pay the same, and now admits that he is financially unable to pay the balance and to carry our his contract of sale.

Wherefore the said P. Hanson Hiss Duncan, purchaser of the property, having failed to comply with the terms of sale, and being admittedly unable to so comply with said terms of sale, as is evidenced by a certificate signed by the said P. Hanson Hiss Duncan, and attached hereto, your petitioner prays your Honorable Court that said property may be re-sold at the risk of the said P. Hanson Hiss Duncan.

And as in dutybound, etc.

E. McClure Rouzer.
Assignee of Mortgage.

State of Maryland, City of Baltimore, towit--

I hereby certify that on this 5th day of November, A. D. 1915, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, aforesaid, personally appeared E. McClure Rouzer, Assignee of Mortgagee, and made oath in due form of law that the matters and facts stated in the aforegoing petition are true to the best of his knowledge and belief.

Witness my hand and Notarial Seal.

Roland H. Brady
Notary Public.

Notary Public.

My commission expires May 1st 1916.

ACKNOWLEDGMENT OF PURCHASE.

I hereby acknowledge that I, the undersigned, P. Hanson Hiss Duncan, the purchaser of the tract of land mentioned in these proceedings, as financially unable to carry out my contract of purchase, and to complete the contract entered into by me, by paying the balance of the purchase money, and I hereby waive any and all rights that I might have, either in law or in equity to the deposit of Two Hundred Dollars ($200.00) paid by me on the day of sale, and further waive any and all rights that I May have as purchaser of said property.

P. Hanson Hiss Duncan.

Witness--

Eleanor B. Bearce

The aforegoing petition having been read and considered, it is thereupon this 6th day of November, in the year nineteen hundred and fifteen, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof adjudged, ordered and decreed that the property hereinbefore reported to the Court as sold to P. Hanson Hiss Duncan, and the said sale reported to this Court for ratification, the Court being satisfied that the said P. Hanson Hiss Duncan has failed to comply with the terms of sale, as hereinbefore prescribed.

Glenn H. Worthington.

PETITION AND REPORT OF SALES.

To the Honorable, the Judges of said Court--

The petition of E. McClure Rouzer, Assignee of mortgagee, respectfully shows unto Your Honors--

(1) That on the 6th day of November, A. D. 1915, Your Honorable Court ordered the property mentioned in these proceedings re-sold at the risk of P. Hanson Hiss Duncan, after having been satisfied that the said P. Hanson Hiss Duncan, the purchaser at the sale heretofore made, was unable to comply with the terms of sale as herebefore set forth.

(2) That since said time your petitioner has procured a purchaser for said property in the person of one Christian W. Gross, who is financially able and willing to purchase the property mentioned in these proceedings, at and for the sum of Fourteen Hundred and twenty-one dollars and fifty cents, ($1421.50) which is equal to the amount for which theproperty was heretofore sold to P. Hanson Hiss Duncan, less the $200.00 deposit which the said P. HAnson Hiss Duncan has forfeited by his failure to comply with the terms of sale as heretofore set forth, and your petitioner files herewith as a part hereof an offer from the said Christian W. Gross, marked Exhibit A, whereby the said Christian W. gross agrees to purchase said property at and for the sum of Fourteen Hundred and Twenty-seven dollars and fifty-cents (1427.50) as hereinbefore set forth.

(3) That Your petitioner believes that the sale hereinbefore reported to P. Hanson Hiss Duncan at and for the sum of Sixteen Hundred and Twenty-seven Dollars and fifty cents)$1627.50) was a fair and equitable one, and that the amount realized from the said sale represents the full value for said property.

(4) That by accepting the offer of the said Christian W. Gross,your petitioner will receive the same amount for said property as he would have received if the said P. Hanson Hiss DUncan had complidd with the terms of sale, and that there will be no financial loss in this matter if said sale to Christian W. Gross is completed, as hereinbefore provided.

Wherefore your petitioner prays that he may be authorized and empowered to accept said offer of Christian W. gross to purchase said property, at and for the sum of Fourteen Hundred and twenty-seven Dollars and fifty cents ($1427.50) and the said sale to Christiah W. gross may be ratified and confirmed by Your Honorable Court without the publication of the usual order nisi, provided hhe consent of the said Christian W. gross and P. Hanson Hiss Duncan to the immediate ratification of said

sale can be procured.

And as in duty bound, etc.

E. McClure Rouzer.

Assignee of Mortgagee.

State of Maryland, City of Baltimore towit--

I hereby certify that on this 8th day of November, 1915, before me the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, aforesaid, personally appeared E. McClure Rouzer, Assignee of Mortgagee, and made oath in due form of law that the matters and facts stated in the foregoing petition are true to the best of his knowledge and belief.

Witness my hand and Notarial Seal

Roland P. Brady,

Notary Public.

My commission expires May 1st, 1916.

The said Christian W. Gross, the purchaser of the property hereinbefore mentioned, P. Hanson Hiss the former purchaser of said property, and E. mcClure Rouzer, Assignee of Mortgagee, hereby consent to the immediate ratification of the sale to Christian W. Gross without the publication of the usual order nisi on sales.

Christian A. Gross

P. Hanson Hiss Duncan

E. McClure Rouzer,

Assignee of Mortgagee.

The aforegoing petition and Report of Sales of E. mcClure Rouzer, Assignee of Mortgage, having been by theCourt read and considered, and the Court being satisfied that no financial loss will result in the above entitled matter, it is thereupon this 9th day of Novemver in the year nineteen hundred and fifteen, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof adjudges, ordered and decreed that the sale hereinbefore reported to Christian W. Gross be and the same is hereby ratified and confirmed without the publication of the usual order nisi on sales, and the said Assignee of Mortgage is hereby authorized and empowered to execute a deed unto the said Christian W. gross upon the payment of the sum of fourteen hundred twenty-seven dollars and fifty cents, ($1427.50) as hereinbefore set forth,the sum of $200.00 heretofore paid by P. Hanson Hiss Duncan and forfeited by him because of his failure to comply with the terms of sale, to be decreed and taken as part of the purchase money or proceeds of sale and to be accounted for by the assignee in this case, and the papers are hereby referred to the auditor to State an account.

Glenn H. Worthington.

I hereby acknowledged to have purchased from E. McClure Rouzer, Assignee of mortgagee in the above entitled matter, all of the property mentioned in these proceedings, at and for the sum of Fourteen hundred Twenty-seven dollars and fofty cents,($1427.50) and I hereby agree to pay unto the said E. McClure Rouzer, said sum of fourteen Hundred and twenty-seven dollars ($1427.00) upon the ratification of said sale to me and the delivery of a good and sufficient deed for said property.

Witness my hand and seal this 8th day of november, in the year 1915.

Christian A. Gross.

Witness--

August N. Schueffe.

Ordered by the Circuit Court for Frederick County, sitting as a Court of Ewuity, and by the authority thereof, this 11th day of September, A. D. 1915, that the sale heretofore made and reported to this Court in the above cause by E. McClure Rouzer, Assignee of Mortgagee, be and the same is hereby finally ratified and confirmed, no caude to the contrary having been shown, although due notice appears to have been given, as prescribed by the annexed order nisi, as appears by the printer's certificate filed herewith, and it is further ordered that this cause be and the same is hereby referred to the auditor of this Court for the purpose of stating an account.

Glenn H. Worthington.

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NO. 9359 EQUITY.

Ann S. Wilson, Executrix, of Nathaniel J. Wilson, deceased, Assignee of Mortgage.

on

Petition.

No. 9359 equity.
In the Circuit Court for Frederick County, sitting as a Court of Equity.

To the Honorable, the Judges of said Court--

This petition and report of sale of Ann S. Wilson, Executrix, of Nathaniel J. Wilson, deceased, Assignee of a certain mortgage, respectfully shows unto Your Honors--

1. That by the last will and testament of Nathaniel J. Wilson, late of Frederick County, Maryland, deceased, Ann S. Wilson was named as executrix, and has duly qualified as will appear by exemplification under the seal of the Register of Wills for Frederick County, marked Exhibit A., and herewith filed as a part hereof.

2. That on the 23rd day of September, A. D. 1892, James Roger McSherry, trustee, Mary E. Noland, Maria Washington and George Washington, her husband, by their deed of mortgage of said date conveyed the real estate therein described to Samuel Wertheimer of Frederick County, Maryland, to secure the payment of a promissory note three years after dAte, in the sum of Four Hundred Dollars, ($400.00) with interest thereon, on the 23rd day of September A. D. 1905, which said mortgage was duly recorded in liber J. L. J. No, 4 folio 542 etc., one of the land records of Frederick county, Maryland, which original mortgage, with the several assignments enscrolled and duly recorded thereon is herewith filed as a partthereof marked Exhibit B.

3. That it is provided in said mortgage "that until default of payment of the said note, the said Mary E. Noland shall possess the premsises as of her present estate therein and that if default shall be made in the payment of the money afore said or in the interest thereon at the time or in the manner aforesAid, then it shall be lawful for the said Samuel Wertheimer to sell the said mortgaged premises at the Court House door in Frederick City, at public sale for cash after giving at least twenty days public notice of the time, place an terms of sale in some newspaper published in Frederick County and by hand-bills prior to the day of sAle and to apply the proceeds of such sale" as provided in said mortgage.

4. That default was made by the said mortgagers in payment of the face of said note, i. e. $400.00, by the time specified in said mortgage and that the sum of three Hundred one and 17/100 dollars is now due and owing by the said mortgagers with interest from August 1st 1915, as per account herewith filed marked Exhibit X.

5. That as will appear from the several assignments entered on said mortgage Exhibit B and the said Mary E. Noland being dead and default having been made as aforesaid and your petitioner having filed her duly approved bond, as required by law and after having given twenty days previous notice of the time, place, manner and terms of sale by advertisement in the Daily news, a newspaper published in Frederick County, Maryland, once a week twenty days prior to the day of sale and by hand bills prior to the dayof sale did attend at the Court House door in Frederick City, Frederick County, Maryland, on Saturday, August 26th A. D. 1915, at 11 o'clock A. M., the time and place mentioned in said adcertisement and did then and there offer for sale at public auction the real estate described in said mortgage it being several lots or parcels of land, with the improvements thereon, situated on the North side of East Church street extended, in Frederick City, and did then and there sell the same to Marcus Wertheimer. he being the highest and best bidder therefor, ~~at and for the sum of Five Hundred~~ and Fifty dollars, and the said purchaser has signed and acknowledgement of said purchase which is here-

with filed marked Exhibit D.

And your petitioner herewith reports the whole amount of said sale to be the sum of Five hundred and fifty dollars and prays that the said sale may be ratified and confirmed by Your Honorable Court, and that she may have such other and further relief as the nature of the sause may require.

And as in duty bound, etc.

Ann S. Wilson,

Executrix of Nathaniel J. Wilson, dec. assignee of mortgage.

State of Maryland, Frederick County, towit--

I hereby certify that on this 28th day of August A. D. 1915, before me, the subscriber, a Justice of the Peace for Frederick County, per sonally appeared Ann S_ Wilson, executrix of Nathaniel J. Wilosn, deceased, assignee of mortgage, and made oath in due form of law thAt the matters and things stated in the aforegoing petition and report of sAle are true to the best of her knowledge and belief and that the sale therein reported wAs fairly made.

Aaron R. Anders.

Justice of the Peace.

ORDER NISI ON SALES.

Ordered that on the 21st day of September, 1915, the Court will proceed to act upon the report of sales of Real estate, reported to sAid Court by Ann S. Wilson, assignee, in the above cause and filed therein 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 $550.00.

Dated this 28th day of August 1915.

Harry W. Bowers,

Clerk of the Circuit Court for Frederick County.

The Frederick Post.

PRINTER'S CERTIFICATE.

Frederick Md., Sept. 21 1915.

This is to certify that the annexed nisi on Sales wAs published in The Frederick Post A newspaper published in Frederick County, once a week for three successive weeks prior to the twenty-one day of September, 1915.

The Post Publishing Co.

Per R. J. Fox.

EXHIBIT A.

State of Maryland, Frederick County, Sct--

I Samuel D. Thomas, register of Wills for Frederick County, Maryland, do hereby certify and attest that on the 1st day of Sept. A. D. 1902, letters testamentary were granted by the Honorable, the Judges of the orphans Court of Frederick County aforesaid to Anna S. wilson on the estate of Nathaniel J. Wilson, late of Frederick County, deceased, having given bond with George I. Wilson and Richard P. Ross, securities, in the sum of One Hundred Dollars, current money, for the due performance of her said administration. In testimony whereof I hereunto set my hand and affix the seal of the Orphans' Court of Frederick County this 19" day of August A. D. 1915.

Samuel D. Thomas.

Register of Wills for Frederick County, Maryland.

EXHIBIT B.

This mortgage made this 23d day of September A. D. 1892, by James Roger McSherry, Trustee, in behalf of the infants, not personally, Mary E. Noland, Maria Washington and George Washington, her husband, witnesseth--Whereas by a decree of the circuit Court for Frederick County, sitting as a Court of Equity, passed in the case pf Pius Noland, et. al., Vs. Maria Washington, et. al., being No. 5981 on the Equity Docket of said Court, appointing James Roger McSherry, trustee, of the infant children and authorizing him to execute a mortgage for them, of their interest in and to all the real estate described in the proceedings in said cause; whereas the said Maria Washington is an Adult tenant in common snd entitled to an undivided interest in said property; and whereas the

said Mary E. Noland is entitled as tenant in dower to her dower interest in said real estate, Now therefore witnesseth--That in consideration of the sum of Four Hundred Dollars, now due from us, the said James Roger McSherry, trustee in behalf of the infants, and not personally, Mary E. Noland, Maria Washington and George Washington, her husband, to Samuel Wertheimer of frederick County, State of Maryland, we the said James Roger McSherry, Trustee in behalf of the infants, and not personally, Mary E. Noland, Maria Washington and george Washington, her husband, of said County and State, do grant unto the said Samuel Wertheimer, all those lots or parcels of ground situated, lying and being on East Church street Extended in Frederick City, Frederick County, Maryland, beginning for the first lot hereby intended to be mortgaged at the Eastern end of a fifteen feet line or lot No. 6, conveyed by a certAin Jacob Doll to a certain Ritchie, on the road leAding from Frederick City to Johnson's Mill (now East Church street extended) and running thence fifty five feet to the nearest corner of Elizabeth Mergard's lot, then up and along the given and other lines thereof to the end of the second line of said lot and thence with a line drawn from the end of the second line with the courses thereof until it intersects or reaches the line of Sophia and Mary Strem's lot, then by a straight line to the beginning, it being the same property described in A deed from Prudence Shipton to David Noland, duly recorded in liber E. S. No. 3 No. 6 one of the land records for Frederick County, as by reference thereto will appear; and for the second lot hereby intended to be mortgaged it being part of the lot conveyed to jacob Doll by David Webster, and beginning for the part of said lot hereby intended to be mortgaged at the end of 229 feet on a line drawn to range on the North side of the main road leading from Frederick City to Johnson's Mill (Now East Church street Extended) which sAid line was North 57° East from the South East corner of Valentine Carroll's small brick house and measuring thence fronting on the North side fronting on the North side of road North 57° East 50 feet to a locust post in the fence, thence leaving the road North 35½° West 70 feet to a stake, thence South 57° west 30½ feet to a stake, then by a line intended to be eleven feet from the end of the lot heretofore laid out by the said Jacob Doll South 7½° West 29½ feet to a stake from thence by a straight line to the place of beginning, it being the same property described in a deed from Anna M. Kunkle, John J. Kunkle and Mary E. Kunkle to David Noland, duly recorded in liber T. G. No. 2 folio 580, one of the land records of Frederick County, as by reference thereto will Appear.

Provided that if the said James Roger McSherry, Trustee, in behalf of the infants and not personally, MAry E_ Noland, Maria Washington and George Washington, her husband, shall pay on or before the 23rd day of September, in the year eighteen hundred and ninety five to the said Samuel Wertheimer, the sum of Four Hundred Dollars, with interest thereon from the date hereof, payment annually, securing to the tenor of their promissory note of even date herewith, payable to the said Samuel Wertheimer, or order, on the 23d day of September, 1895, aforesaid, then this mortgage shall be void.

And the said Mary E. Noland, Maria Washington and George Washington, her husband, for themselves, their heirs and personal representatives, and James Roger McSherry, Trustee, as trustee in behalf of the infants and not personally, hereby covenant that they will pay the aforesaid money according to the tenor of the note aforesaid, and they further covenant and agree with the said Samuel Wertheimer his pwrsonal representatives and assigns, in like manner that in default of payment of said note, the said Samuel Wertheimer may enter and take possession of the property aforesaid.

And the said Mary E. Noland, Maria Washington and george Washington, her husband for themselves, their heirs, executors and administrators, and James Roger McSherry, trustee, as trustee on behalfof the infants and not individually, covenant with the said Samuel Wertheimer, his executors, administrators and assigns, that they will during the continuance of this mortgage, keep the mortgaged prop

erty insured for the sum of Seven Hundred Dollars, paying the premiums thereon from time to time as fall due, and that they will assign the policy of insurance to the said Samuel Wertheimer for his benefit in case of loss by fire; and they further covenant in like manner that should they fail in this particular and the said Samuel Wertheimer pay the premiums for the said insurance, the amount of the premiums so paid, with interest, thereon shall be a lien on the mortgaged property as though included in the first instance in the mortgage itself.

provided that until default of payment of the said note, the said Mary E. Noland shall possess the premises as of her present estate therein, and provided that if default shall be made in the payment of the purchase money aforesaid, or the interest thereon at the time or in the manner aforesaid, then it shall be lawful for the said Samuel Wertheimer to sell the said mortgaged premises at the Court House door in Frederick City, at public sale for cash, after giving at least twenty days' public notice of the time, place andterms of sale in some newspaper published in Frederick County, and by hand bills, prior to the day of sale, & to apply the proceeds of such sale to the payment, in the first place, of the expenses attending said sale, including a reasonable counsel fee, and then to the payment of the said debt, and the surplus, if any, to pay to the said James Roger McSherry, trustee, in behalf of the infants, and not personally, and to the other grantors as their interests may appear.

Witness our hands and seals.

Test--
C. H. Eckstein.

J. Roger McSherry, Trustee (seal)
Mrs. Mary E. Noland (seal)
Mar Washington (seal)
George Washington (seal)

State of Maryland, Frederick County, towit--

I hereby certify that on this 23d day of September, in the year eighteen hundred and ninety two, before me the subscriber, a Justice of the Peace of the Said State in and for the County aforesaid, personally appeared James Roger MCSherry, trustee, in behalf of the infants and not personally, Mary E. Noland, mariA Washington and george Washington, her husband, and acknowledged the foregoing mortgage to be their act, and at the same time before me also appeared Samuel Wertheimer, and made oath in due form of law, that the consideration in said mortgage is true and bona fide as therein set forth.

C. H. Eckstein, J. P.

For value received I hereby assign and transfer to M. Nettie Brown the aforesaid & within mortgage. Witness my hand and seal this 2nd day of December A. D. 1892.

Samuel Wertheimer (seal)

Test--
Noah E. Cramer.

(Assignment recorded December 2 1892. Test--John L. Jordan, Clerk.)

For value received we hereby assign and transfer to N. J. Wilson the aforegoing & within Mortgage. Witness our hands and seals this 4th day of February A. D. 1897.

M. nettie Brown (seal)
James A. Brown (seal)

Test--
Chas. Wilson.

Assignment recorded Aug. 7 , 1915.
Test--Harry W. Bowers, Clerk.

Public Sale of Valuable Real Estate. By virtue of a power of sale contained in a mortgage from J. Roger McSherry, trustee for infants, and from Mary E. Noland, Marie Washington and George Washington, her husband, to Samuel Wertheimer, dated September 23rd, 1892, and recorded in liber J. L. L. No. 4 folio 548, etc., one of the land records of Frederick County Maryland, the undersigned executrix of the last will and testament of Nathaniel J. Wilson, deceased, who was the assignee of said mortgage, will sell at public auction at the Court House door in Frederick City, Maryland, on Saturday, August 28 1915, at 11 o'clock A. M., all those lots or parcels of ground situated, lying and being on East Church street, Extended, in Frederick City, Frederick County, Maryland, beginning for the first lot at the Eastern end of a 15 feet line of lot No. 6, conveyed by a certain JAcob Dill to a certain John Ritchie on the road leading from Frederick City to Johnson's Mill, now

East Church street, extended, and running thence 55 feet to the nearest corner of Elizabeth Maynard's lot, then up and along the given and other lines thereof to the end of the second line of said lot and thence with a line drawn from the end of the second line with the courses thereof until it intersects the line of Sophia and Mary Storm's lot, then by a straight line to the beginning, it also being the same property described in a deed from Prudence Shipten to David Noland duly recorded in liber E. S. No. 3, folio 6, one of the land records of Frederick County, Maryland, and the second lot is a part of the lot conveyed to Jacob Dill and David Webster and fully described in a deed from Ann M. Kunkle to David Noland, duly recorded in liber T. G. No. 2 folio 580 one of the land records of Frederick County.

These two lots adjoin, and are improved by a frame house now occupied by Pius Noland.

Terms of Sale--Cash on the ratification of the sale by the Court.

A deposit of $100.00 will be required of the purchaser at the time of the sale.

Conveyancing and revenue stamps at the expense of the purchaser.

Ann S. Wilson,

Executrix of Nathaniel J. Wilson, deceased, assignee.

Harry C. Hull, Solicitor.

W. E. Darner, Auctioneer.

ACKNOWLEDGMENT OF PURCHASE.

I hereby certify that on this 28th day of August, A. D. 1915, I have purchased at public sale from Ann S. Wilson, executrix of Nathaniel J. Wilson, deceased, assignee of mortgage, all those lots together with the improvements thereon, situated on East Church street extended, in Frederick City, Frederick Co., Maryland, and fully described in the annexed advertisement, at and for the sum of Five Hundred and fifty dollars, And I hereby obligate myself to comply with the terms of sale as set forth in said advertisement.

Marcus wertheimer (seal)

Test-- _____

Seal.

$100. _____ August 28, 1915.

I, Ann S. Wilson, Executrix, hereby acknowledge the receipt of One Hundred Dollars, it being the deposit under the terms of said sale.

Ann S. Wilson, Executrix.

Harry C. Hull, Solicitor.

EXHIBIT A.

State of Maryland, Frederick County, Set--

I Samuel D. Thomas, Register of Wills for Frederick County, Maryland, do hereby certify and attest, that on the 1st day of Sept. A. D. 1902, letters testamentary were granted by the Honorable, the Judges of the Orphans'Court of Frederick County aforesaid to Ann S. Wilson on the estate of Nathaniel J. Wilson, late of Frederick County, deceased, having given bond with George I. Wilson and Richard P. Ross, securities in the sum of One Hundred Dollars, current money, for due performance of her said administration. In testimony whereof I hereunto set my hand and affix the seal of the Orphans' Court of Frederick County, this 19" day of August A. D. 1915.

Samuel D. Thomas.

Register of Wills of Frederick County, Maryland.

FINAL RATIFICATION

Ordered by the Circuit Court for Frederick County, this 22nd day of September, A. D. 1915, that the sale made and reported by the executrix aforesaid be, and the same is hereby finally ratified and confirmed, no cause to the contrary having been shown, although due notice appears to have been given as required by the order nisi passed in said cause as evidenced by the annexed printer's certificate.

Glenn H. Worthington.

Judge of the Circuit Court for Frederick County.

James J.Arnold	"	No 9369 Equity
vs.	"	
Francis S.Arnold, and Charles H.Arnold,	"	In the Circuit Court for
	"	Frederick County, sitting as
Infants	"	a Court of Equity

To the Honorable Judges of Circuit Court for Frederick County, sitting as a Court of Equity.

The Petition and Bill of Complaint of James J.Arnold, respectfully represents unto your honors;-

1. That a certain Susan Arnold late of Frederick County deceased, departed this life some time about the Month of August, inthe year eighteen hundred and eighty three, leaving A last will and testament which was probated in the Orphans Court for Frederick County, on September 24th 1883, A duly certified copy of said will being filed herewith as a part of this Bill of Complaint, marked Exhibit"A".

2. That the said Susan Arnold died seized and possessed of a small parcel of real estate situated in Frederick County Maryland, which said real estate, under the provisions of said will (Exhibit"A") was devised unto the father of your Complainant, James Arnold, for life, with the provise that should the said James Arnold Marry and leave children surviving, then at his death said real estate was to revert to his children, with the futher provise, that at the death of his children then to his grand children, All of which will fully appear by reference to said will(Exhibit"A")

3. That the said James Arnold did marry, and and died, he having died in March in the year 1893, and left surviving him your Complainant as his only child.

4. That under the provisions of said will (Exhibit"A") your complainant alleges and charges that the real estate mentioned by the said Susan Arnold became vested in him in fee, notwitstanding that there is A proviso that at the death of your complainant, and your complainant avers and charges on information and belief that said clause attempting to vest said real estate in the children of tour complainant is void.

5. That your complainant now has two children, who are, Francis S.Arnold, and Charles H.Arnold, both of whom are Infants under the age of twenty one years and live with your complainant in Frederick County.

6 That your complainant being in possesion of the property and premises of which the said Susan Arnold died seised and possessed and devised in accordance with the terms of her said will (Exhibit"A") and is desirous of making additions and improvements to the buildings situated on said land, the making of which will necessitate the borrowing of some money he proposes to secure with a mortgage against the said real estate so devised as aforesaid,

7, That your complainant believes that he will not be able to secure said money and give said Mortgage until the title to said property has been passed upon by a court of competent jurisdiction, and the will of said Susan Arnold construed as to the vesting of the fee in said property.

To the End therefore;-

(a) That your Honorable Court willconstrue the will of said Susan Arnold, deceased and pass upon the title and Decree wether or not your Complaint James J.Arnold holds A fee simple estate to the property and premises devised under said will.

(b) And for such other and futher relief as the nature and Equity of his case May require.

Your Complaint prays that a subpoena in the usual form May be directed against the said Francis Arnold and CharlesH. Arnold Infants, commanding them to answer the premises and to be and appear in your Honorable Court on some day certain to be named therein and to show if any cause they have why a decree should not be passed as prayed.

As in duty &c.,

Charles C. Waters.

Solicitor for Complainant.

Filed, Oct, 2nd 1915.

State of Maryland,Frederick County,to-wit!

The State of Maryland,

To Francis S.Arnold and Charles M.Arnold.

Infants.

of Frederick County,Greeting!

YOU ARE HEREBY COMMANDED, That all excuses set apart,you personally appearbefore Before the Judge of the Circuit Court for Frederick,County, sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County, on the FIRST Monday of October 1915. to answer the Bill and Complaint of James J,Arnold.Vs. Francis S.Arnold and Charles H. Arnold.for construction of will Against you in said Court exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court, the 6th day of September A.D.,1915.

Issued the 2nd day of OctoBer A.D.,1915.

Harry W.Bowers,
Clerk.

To the Sheriff of Frederick County.

Charles C.Waters, Solicitor.

Endorsed as follews; "October 2nd 1915. summoned Ambo and copy left with Mrs Pearle Arnold mother of said Francis S. Arnold and Charles H.Arnold Infants.

John D.Conard Jr.
Sheriff.

Exibit"A"to bill of Complaint.

In the name of God Amen. I Susan Arnold of Emmitsburg Fredreick County,Maryland. being of weak bodily health.but of sound and disposing mind memory and understandA do make publish. and declare this my last will and testament.As follows.

First. I commit my soul into the hands of God.and my body to the earth to be decently interred by myexecutor hereinafter named.

and after my debts and funeral expenoes are paid. I desire and bequeath as follows I give and bequeath to my son James Arnold all My property real personal and mixed,that is to say after my debts and funeral expenoes are paid.The residue of my personal property I bequeath to my son James Arnold. I also give and bequeath to my said son James.The house and lot and appurtenanoes.

now occupied by me situated in Emmittsburg Frederick County,Maryland.For and during his life time.And should my said son James mary,And leave any surviving children,then,at his death the said house and lot to revert to his children,and at the death of his children if any to revert to his grandchildren.And should my said son James die without leavimg any children.Then the said house and lot to revert to my sons Joseph Arnold and John Thomas Arnold and my Elizabeth.intermarried with Joseph Martee jointly or to the survivor of them.to be disposed of As they think proper.And lastly I hereby appoint Edward McIntire to be exector of this my last will and testment. revoking and annulling all former wills By me heretofore made. and confirming this and none other to be my last will and testament.

In testimony whereof.I have hereto set my hand and seal this Ninth day of November One thousand eight hundred and seventy eight.

Susan her X mark Arnold (Seal)

Signed sealed published and declared by Susan Arnold.the above named testatrix.as and for her last will and testament in the presence of us.Who at her request in her presence and in the presence of each other.have subscribed our names as witness thereto.

John F.Hopp Sr.

John F.Hopp Jr.

Edgar A.B.Hopp.

State of Maryland.Frederick County.To Wit.

I hereby certify that the foregoing is a true copy of the will of Susan Arnold.as recorded in Liber I.P.P.No1. Folio 476 one of the record books of wills in the office of the Register of wills for Frederick County.aforesaid.

Intestimony whereof I hereunto subscribe my name and affix the seal of orphans Court of Frederick County aforesaid this 16th day of February AD.1886.

Test Hamilton Lindsey.
Register of Wills.

Filed October 2 1915.

Petition and order of Court appointing guardian ad litem.

James J. Arnerd,
vs
Francis S.Arnold and
Charles H.Arnold,Infants.

No 9369 Equity
In the Circuit Court
for Frederick County
in Equity.

To the Honorable the Judges of said Court.The Petition of James J.Arnold Plaintiff in the above entitled cause respectfully represents unto your Honors;That the Defendants Francis S. Arnold and Charles H.Arnord Infants defandants in the above entitled cause having been returned duly summoned,and not being of legal age to answer for themselves,your petitioner prayes that a Guardian ad litem may be appointed by your Court to answer for them.

As in duty&c.

Charles C.Waters.
Solicitor for Petitioner.

Upon the aforegoing Petition it is ordered this 13th day of October 1915,by the Circuit Court for Frederick County sitting as a Court of Equity and by the authority thereof,that Isaiah N. Loy be and he is hereby appointed Guardain ad litem to answer for Francis S.Arnold and Charles H. Arnold, Infant,defendants in the aforegoing cause who appear to have been returned duly summoned.

Glenn H. Worthington.

Filed October 13th 1915.

Answer of Guardian ad litem.

James J.Arnold.
vs
Francis S.Arnold
and
Charles H.Arnold Infants.

No. 9369 Equity.
In the Circuit Court for Frederick County,
sitting in Equity.

THE ANSWER OF Infants Francis S.Arnold and Charles H. Arnold,Infants under age of twenty one years,by Isaiah N. Loy Guardian ad Litem, to the Bill of Complaint of James J. Arnold against them in the Circuit Court for Frederick County, sitting as a Court of Equity exhibited.

these Defendants cannot admit any of the matters and things alleged in the bill,and being infants of tender years,submit their rights to the protection of this Court.

Isiah N.Loy.
Guardian ad Litem.

Filed October 13th 1915.

General Replication.

James J.Arnold
vs
Francis S.Arnold and
Charles H.Arnold,Infants.

No 19369 Equity
In the Circuit Court
for Frederick County
in Equity.

o----------o

The Complainant,James J.Arnold hereby joines issue on the matters and things stated in the answer of Isaiah N.Ley,Guardian ad litem of Charles H.Arnold and Francis S.Arnold,Infant defendants in this cause in so far as the same may be taken to deny or void the allegations of the Bill of Complaint.

Charles C. Waters.
Solicitor for Complainant.

Filed October 13th 1915.

Opinion and Decree of Court
Judge Worthing.

No.9369 Equity.

James J.Arnold
vs
Francis S.Arnold and
Charles H.Arnold,Infants.

In the Circuit Court for
Frederick County,sitting
as a Court of Equity.

Opinion and Decree.

This is a proceeding to have construed by the Court the last will and testament of Susan Arnold,late of Frederick County,deceased, so that the title of the complainant to a house and lot in Emmitsburg may be determined, that is to say, whether he have only a life estate therein or a fee simple title.
the language of the will to be construed reads as follows:- "I also give and bequeath to my said son,James,the house and lot and appurtunances now occupied by me,situated in Emmitsburg,Frederick County,Maryland,for and during his lifetime.And should my said son marry and leave any surviving children,then at his death the said house and lot to revert to his children,and at the death of his children,if any,to revert to his grandchildren."
The will was dated November 9, 1878, and was probated in the Orphans Court of Frederick County on September 24, 1883. The life tenant,James Arnold, son of the testatrix, married on Marsh 30, 1886, after the death of his mother,and died in 1893, leaving one son,James J.Arnold, the complainant in this cause,who was born February 2, 1889. The said James J.Arnold alsosubsequently married and has two infant sons,the defendants in this cause,living to wit; Francis S.Arnold,born January 9,1914,and Charles H.Arnold,born April 22, 1915, they being grandchildren of the first taker,James Arnold, and to them the property is attempted to be devised,by a clause in the will,to take effect after the death of their father, the complainant herein.The first question is wether this devise over after the death of their father be valid or not. The position of the father being that such a devise over after his death offends against the rule forbidding the creation of perpetuities in the transfer by deed or will of the title to real estate, and therefore void.

The rule against perpetuities forbids the tying up of property beyond a life or lives in being and twenty-one years and ten months(the period of gestation) thereafter.

Venable,s Syllabus, page 12.

that is to say,the perioud prescribed by the rule for the vesting of contingent estates is a life or lives in being at the time of the commencement of the estate and twenty-one years and a fraction of a year thereafter.

Notes on Titles, Sec. 254.

The question is not determined by lookig backward on events,but by looking forward,and if the contingency when the title is to vest may possbly not happen until after the time prescribed by the rule, then the devise or conveyance, so far as dependent on such remote contingency, is void.

Barnum vs. Barnum, 26 Md. 171,
Thomas vs. Gregg, 76 Md. 169-175.
Biscoe vs. Biscoe, 6 G. & J, 232-5,
Pennington vs..Pennington, 70 Md. 418,
Deford vs.Deford, 36 Md, 168,
30 CYC, 1483.

Such was the common law of England as laid down by Lord Nottinghamin the Duke of Norfolk,s Case, 3 Ch.Case, page 1,and such has always been the law of this state. I find nothing in the Acts of 1908, Chapter 569,(Bagby's Code,93, Sec. 321) to contravene this long established doctrine. That act seems to have been intended to correct what was supposed to be an unnecessary hardship in the appication of the rule to devises and bequests to charitable and educational objects. possibly as a consequence of the decision in Trinity Church vs.Baker, 91 Md. 539, though how far it has changed the doctrine laid down in that case,if at all, I need not stop to inquire. According to the rule as long since departed the conditions existing at the time of the death of the testator or testatrixwhose will is being construed,are to govern in its application.

4 Kent, 283, note 1.
30 CYC, 1485.

Testimony was taken in this case and shows that at the time of the death of the testatrix, Susan Arnold, in 1883, thecomplainant,James J,Arnold,was not yet born,and of course,his two children, the defendants herein,were not born.The only life in being at the death of the testatrix,so far as the qusetion is involved here is concerned,was her son,James Arnold,to whom the property in question was devised for life.A devise over to an unborb person that might possibly not vest for more than twenty-one years after the death of the life tenant would,according to the rule, be void. So far as James J.Arnold is concerned,the devise over to him was good,for he must take, if at all, immediately upon the death of the first takeror within nine or ten months thereafter,even if we assume that he might have been a posthumous child,born at the latest possible period after the death of his father.But as to these two defendants, the children of Jamse J. Arnold,and the grandchildren of James Arnold,they might not have beendorn, until more than twenty- one years and ten months after the death of their grandfather,who was,as we have seen, the only person directly interested in these proceedings living at the death of the testatrix.
It seems clear, therefore,that the limitation over after the death of James J. Arnold,who was himself born several years after the death of the testatrix,offends against the rule forbidding the creation of perpetuities, and is therefore void. The use of the word "revert" in the will, while inapt and inappropriate,does not change the rule of law,above mentioned,nor prevent its application,although as to an actual reverter, it is said, the rule does not apply.

30 CYC, 1473.
Johnson vs.Edmond, 65 Conn. 492.

A reversion arises always by construction of law and never by deed or will.

Anderson Law Dic., 899.
Venable's Syllabus,P. 74.

2. The devise to the grandchildren being void, the next question is weather the complainant gets alife estate only or a fee simple title by will. In"Notes on Title",page 272,sec.260,it is stated that the part of the estate not effectually devised will descend to the heirs at law of th the testator or testatrix, and several Maryland cases are cited in support of the proposition,

to wit:

Barnum vs Barnum,25 Md. 119,
Deford vs. Deford, 36 Md. 168,
Heard vs. Heard, 56 Md, 300,
Goldsborough vs. Martin, 41 Md. 488.

But in the more recent cases of Craham vs. Whitridge, 99 Md. 248276, it was held that where an absolute estate has been clearly given and a subsequent repugnant limitation has deen aded,outting the absolute estate down to A life estate,and the superadded limitation is void for remoteness,the ultimate limitation WILLbe disregarded and the absolute estate upheld,oiting 1 Jarman on Wills, 295.
At first glance it may not seem easy to reconsile the earlier decisions with the doctorine of the later one mentioned,but the true distinction seems to be while the taking away of the void part of the decise will not be permitted to enlarge the estate of the late person entitled,neither its taking away be permitted to curtail suoh estate.So if the last person entitled have a fee simple without the disputed clause,he will still hold by the same title when the Courts have declared the clause rejected as void for remoteness.Has, then,the testatrix given the complainant in this case afee simple estate by her will, if we eliminate therefrom the void superadded clause,to wit:" and at the death of his children,if any,to revert to his grandchildren." In the first part of the devise of the house and lot in question to his son,James,the estate devised is in very words only,"for and during his lifetime," These words are not added to the deviseto his son,s children,the language of the will being: "at his death the said house and lot to revert to his children." The complainant,according to the evidence,isthe only child of James Arnold,the first taker. if the superadded words above quoted,which have allready been declared void and of none effect,are disregarded would not the preceding words last quoted create a fee in the complainant?

No words of inheritance are necessary in a will in order to create a fee in this State,since the act of 1825.Ch. 119, (Code Art.93,327) but the entire an absolute estate and interest of the testator in the lands of real property devised will pass to the devisee unless a contrary intention appear by the words of the will.this is substantitally what the actof 1825, Ch. 119, provides,and it has been given this import in several decided cases.

Deveomon vs.Shaw, 70 Md. 219,
Estep vs. Macey, 52 Md. 592.

In each of these cases the Court held that the will created a defeasible fee.
So in this case,if the superadded words which are declared to be ineffectual for any purpose,had been effectual and operative,the complainant would have taken A fee defeasible upon his dying leaving surving him his own children or their desendants.But the superadded words being void and inoperative,they have no effect whatever on the fee simple title devised to the complainant by the preceding words of the will.tThe result is the same as if it were known now that the complainant would die without leaving children or descendants surviving him.
In that event the superadded words,even if not rejected,would have no operative force and effect whatever because there would be no one to take under the will by virtue of these words,and the complainant would hold title in fee simple absolute. So here the superadded words,being inoperative and void,are to be deemed rejected or eliminated from the will,and the complainant takes title in fee by virtue of the act of 1825, Ch.119,as if the effort to pass title to his children after his death had not been made. As we have said,the word, "revert",used in th will is inapt but the meaning is unmistakable. Title to the property wasto pass the persons named in the will in succession, the first taker, James Arnold, to have a life estate,and the next,the complainant herein,to have a fee, subject to be defeated however had the superadded words been operative and his children or

their decendants should survive him. As superadded words, as already stated,would,if given effect,create an estate to vest at so remte a period after the death of the testatrix as be obnoxious to the rule against perpetuities,they are declared void,and i am of opinion that the complainant,James J.Arnold,takes an estate in fee simple,absolute and indefeasible,in the house and lot in question,which is desoribedin a deed from from Barbara Welty to Susanna Arnold,dated April 3, 1854,and recorded in Liber H_W.B.No. 314, at folio 116,one of the land Records of Frederick County. I will pass a decree in accordance with the views herein expressed.

It is thereupon,this 23rd day of October,in the year Nineteen Hundred and Fifteen, by the Circuit Court for Frederick County,sitting as a Court of Equity,and by authority threof,adjudgd ordered and decreed that the superaddad words in the last will and testament of Susan Arnold, deceased,a copy of which is filed in this cause as Exhibit A, which purport to pass the title to said house and lot to the children of complainant,after his death,tend to create a perpetuity,and for that reason are hereby void and of none effect; and it is further adjudged,ordered and decreed by the authority aforesaid,that,by the true construction of said last will and testament,the complainant, James J. Arnold,upon the death of his father,James Arnold,took title in fee simple absolute,in and to the house and lot mentioned in and devised by said last will and testament,and desoribed in a deed from Barbara Welty to Susan Arnold,dated April 3, 1854. and recorded in Liber H.W.B. No. 314,folio 166,one of the land Records of Frederick County. And it is futher adjudged and ordered that the complainant pay the cost of this proceedings.

Glenn H.Worthington

Filed October 23rd 1915.

No. 4025. Equity. Release

KNOW ALL MEN BY THESE PRESENTS that I,E.J. L'Engle,administrator of the estate of S.C.L'Engle, deceased,in the orphans Court of Frederick County,Maryland,do hereby acknowledge that I have received from Richard P.Ross,trustee in No.4025 Equityin the Circuit Court for Frederick County,in Equity,the sum of Nine thousand,six hundred,forty-two dollars and ninty-nine cents (9,642,99);being in full of the balance due me as administrator aforesaid in the settlement of the estate of George Murdock,deceased,wich said amount was audited,in No.4025 Equity in the Circuit Court for Frederick County,Maryland,in Equety,to the estate of S.C.L'Engle,and I hereby release,exonerate,acquit and forever discharge the said Richard P.Ross trustee,his heirs, executors or administrators from all claim or demand whatsoever on account of said payment of $9,642.99 either in law or in equity.

IN TESTIMONY WHEREOF I hereunto subscribe my name and affix my seal this 30 day of June in the year nineteen hundred and eleven.

Witness:

Bertha Y.Farnham.

E.J.L.Engle (SEAL)
as admr aforesaid.

State of Florida, County of Duvall,to-wit;

I hereby certify that onthis 30th day of June (1911) in the year nineteen hundred and eleven, before me the subscriber, a Notary Public, duly commisioned and qualified,in and for the County and State aforesaid,personally appeared E.J.L'Engle,administrator of the estate of S.C.L'Engle in the Orphans Court for Frederick County,Maryland,and acknowledge the aforegeing release to be his act.

In testimony whereof I hereunto subscribe my name amd affix my Natorial Seal,the day and year first above written.

Bertha Y.Farnham.

Notary Public State of Florida.

My Commision expires October 12th 1912.

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No 4025 Equity RELEASE

KNOW ALL MEN BY THESE PRESENTS that I, Richard P. Daniel, do hereby aoknowledge that I have received from Richard P.Ross, trustee,in No.4025 Equity in the Circuit Court for Frederiok County,Maryland,in Equity,the sum of Nine thousand,six humdred and forty-three dollars ($9,643.00);being in full of the balanoe due me IN the settlement of the estate of George Murdooh, deoeased,whioh ammount was audited to me,and I hereby release,exeronate,aoquit and forever disoharge the said Richard P.Ross,trustee,his heirs,executors,or administraters from all olaim or demand whatsoever on aoooumt of said payment of $9,643.00,either in law or Equity.

IN TESTAMONY WHEREOF I hereunto subscribe my name and affix my Seal this 4th day of July in the yeAr nineteen hundred and eleven.

Witness:

E.J.L.Engle. R.P.Daniel. (SEAL)

State of Florida,County of Duval,to-wit:-

I hereby certify that on this 4th day of July in the year nineteen hundred and eleven,before me the subscriber,a notary Public,duly commisioned and qualified, in and for the County aforesaid,personally appeared Richard R.Daniel and aokn-owledged the afoesgoing release to be his aot.

In testimony whereof I hereinto subscribe my name and affix my Natorial Seal,the day and year first above written.

Bertha Y.Farnham.

Notary Public,State of Florida.

My commision expires October 12, 1912.

No 4025 Equity. Release

KNOW ALL MEN BY THESE PRESENTS that I,E.J.L'Engle,executor of the last will and testament of William A.Daniel,deceased,in the Orphans Coury for Frederiok County Maryland,do hereby aoknowledge that I have received from Richard P.Ross,trustree in No.4025 Equity in the Cirvuit Court in Frederiok County,in Equity, the sum of nine thousand,six hundred,forty-two dollars and ninty-nine oents ($9,642.99); being in full of the balance due me as executor aforesaid in the settlement of the estate of Gworge Murdooh,deceased,whioh said amount was audited,in No.4025 Equity in the Circuit Court for Frederiok County,Maryland,in Equity,to the estate of William A.Daniel,and I hereby release,eqeronate, aquit and forever discharge the said RichardP.Ross,trustee,his heirs,eqecutors or administrators from all olaim or demand whatsoever on aocount of said payment of $9642.99 either in law or in equity.

IN TESTIMONY WHWEREOF I hereinunto subscribe my name and affix my Seal this 30th day of June in the year nineteen hundred and eleven.

Witness:

Bertha Y.Farnham. E.J.L.Engle. (SEAL)

State of Florida,County of Duval,to-wit;-

I hereby certify that on this 30th day of June (1911)in the yearnineteen hundred and eleven,before me the subscriber,a notary Public,duly commisioned and qualified,in and for the County and State aforesaid,personally appeared E.J.L'Engle, executor of the last will and testatment of Dr.William A.DAniel in the Orphans Court for Frederiok County,Maryland,and aoknowledged the aforegoing release to be his act.

Bertha Y.Farnham.

Notary Public,State of Florida.
My commision expires October 12th,1912.

In testimony whereof I hereinto subscribe my name and affix my Notrial Seal, the day and year first above written.

o o

KNOW ALL MEN BY THESR PRESENTS that I,Richard R.Daniel,Jr.,administrator of the estate of J.J. Daniel,deceased,in the Orphans Court for Frederick County,Maryland,do hereby acknowledge that I have received from Richard P.Ross,trustee in No.4025 Equity in the Circuit Court for Frederick County,in Equity,the sum of nine thousand,six hundred,forty-two and ninty-nine cents ($9,642.99) being in full of the balance due me as administrator aforesaid in the settlement of the estate of George Murdoch,deceased,which said amount was audited in No.4025 Equity in the Circuit Court for Frederick County,Maryland,in Equity,to the estate of J.J.Daniel,and I do hereby release,eqeronate acquit and foreever dischargethe said Richard P.Ross,trustee,his heirs, executors or administrators from all claim or demand whatsoever on account of said payment of $9,642.99,either in law or in Equity.

IN TESTIMONY WHEREOF I hereinto subscribe my name and affix my Seal this 4th day of July in the nineteen hundred and eleven.

Witness;

P.L.Gaskins.

R.P.Daniel Jr.----------(Seal)

STATE OF FLORIDA,County of Duval,to-wit;-

I hereby certify that on this 4th day of July in the year nineteen hundred and eleven, before me the subscriber a Notary Public,duly commisioned and qualified,in and for the county and State aforesaid,personally appeared Richard P.Daniel,Jr.,administrator of J.J.Daniel,deceased, in the Orphans Court for Frederick County,Maryland,and acknowledged the aforegoing release to be his act.

In testimony whereof I hereunto subscribe my name and affix my notorial Seal, the day and year first above mentioned.

P.L.Gaskins.----------
Notary Public.

Joseph Clayton Martin, Infants,
by Samuel J.Martin, his father
and next best friend,

vs

Wm.H.Martin and Catherine Martin
his wife; Herbert Martin and Annie Martin
his wife; Clarence Martin and
Frances Martin his Wife; Theodore Martin and Maggie
Martin his wifr; Howard Martin and Nettie Martin
his wife; Harvey Martin, Joseph Clayten Martin,
Infants; Samuel J.Martin surviving husband of
Sarah Martin deceased and the Citizens Savings
Bank of Thurmont, Maryland, a body corporate,
judgement orediter of Raymond Long,
judgment creditor of Dory Martin & Wife.
D e f e n d a n t s.

No8768 Equity
In the Circuit
Court for Frederick County, sitting as a Court
of Equity.

_____oooOooo_____

To the Honorable the Judges of the Circuit Court for Frederick County, sitting as a court of Equity,
THE BILL OF COMPLAINT OF,
Samuel J.Martin, the father and next best friend of Joseph Clayton Martin,
infant heir of Sarah Martin late of Fredprick County, deceased, respectfully
represents unto your Honorable Court.

1. That a certtain Sarah Martin late of Frederick County Maryland, but now deceased, died seized and possessed of a certain piece or parcel of land, situated, lying and being in Creagerstown District, Frederick County, Maryland, the same having been conveyed to her by deed from Samuel Martin, dated May 16th 1899, which said deed is recorded in LiberD.H.H.Folio 268, one of the land record for Frederick County, a duly certified copy of said deed being filed herewith marked Exhibit "A" to this bill of complaint, which may be taken and considered as a part of this bill.

2. That the said Sarah Martin being seized as aforesaid died intestant on or about the month of April in the year 1910, leaving surviving her a husband whose name is Samuel J.Martin and the folling children, namely;- William H. Martin a son whose wife's name is Catherine Martin; Herbert Martin a son whose wifes name is Annie Martin; Clarence Martin a son whose wife's name is Frances Martin; Theodore Martin a son whise wifes name is Maggie Martin; Howaed Martin a son whose wife's name is Nettie MArtin, all of whome Are adults all of whome Are adults and harvey Martin And Joseph Clayton Martin both of whom are infants unber the age of twenty one years.

3. That all of the above children are residents of Frederick County, State of Maryland, except William H.Martin and wife who live in Hagerstown, Maryl nd, and Herbert Martin and wife who live in Sykesville, Carroll County, Maryland.

4. That the property Mentioned in Exhibit "A" decended to and became vested in the aforementioned children at the death of their mother, Sarah Martin subject however to the reservation made by Samurl J.Martin, her husband as is shown by said Exibit.

5. That said property is detrierating in value it would be to theinterest benefit and advantage of all the parties to this cause that the same be sold, especially to said Infants, and the proceeds divided among them after deducting

all proper charges,costs etc.

6. That the Citizens Savings Bank of Thurmont,now hold a judgement against Theodore Martin (called Dory Martin) and Maggie Martin his wife,in the sum of Thirty five dollars and fifty three cents as is shown by a certified copy of said Judgement fileed herewith Marked Exhibit "B" said judgement being of record in theoffice of the Clerk of the Court for Frederick County.

7. That Raymond Long now holds a judgement against Theodore Martin (called Dory Martin) and and Maggie Martin his wife in the sum of sixty one dollars and seventy cents as shown by a duly certified copy of said judgment filed herewit_ Marked Exhibit "C".

8. That the property mentioned in Exhibit "A" cannot be devided among the parties without loss or ingury,and it should be sold by a trustee appointed by your Honorable Court and the proceeds devided among the parties after deducting costs and expenoes of sale.

Wherefore your Complainants pray. .

(A) That a decree may be passed by your Honerable Court for the sale of the land and premises mentioned in the aforgoing Bill of complaint and the proceeds distributed among the parties.

(b) And that your Complainant may may have such other and futher relief as the nature and equity of his case may require.And your Complainants pray for the following processs;

That a subpoena may issue in the usual form directed the said William H. Martin and Catherine Martin his wife; Theodore Martin and Maggie Martin; his wife and Harvey R.Martin and Joseph Clayton Martin,Infants and the Citizens Savings Bank a body Corporate,Raymond E.Long,all of whom reside in Frederick County,Maryland,Clarence Martin and Fannie Martin of Hagerstown, Washington,County,Maryland,and Herbert Martin and Annie Martin and Joseph Clayton Martin of Sykesville,Carroll, County,Maryland,Howaed Martin and Nettie Martin,his wife of Westminster Carroll County,Maryland,commanding them and each of them to be and appear in your Honerable Court on some day certain to be named therein to abide by and perform such decree as may be passed therein.

AS in duty bound &c.,

Charles C.Waters.

Filed October, 27th 1911.

Solicitor for Complaiant.

EXhibit "A"

At the request of Sarah Martin the following Deed is received for record & recorded Oct. 15, 1902 at 10$\frac{40}{}$ O'clock A.M.

Test ; Douglass H.Hargett, Clerk.

This Deed made this sixteenth day of May in the year eighteen hundred and ninety nine by me Samuel Martin of Frederick County and State of Maryland,Witnesseth,that in consideration of one dollar,love and effection,I do grant unto my wife Sarah Martin, during her natural life and after her dec'd to my children, reserving allright,title and possesion of the premises now being conveyed during my natural life the following pieces of land with all the improvements thereon situated north east from oreagerstown,in Frederick County,Maryland on the County road leading from Martin's Mill to Loys Sta. Adjoining the lands of I.L.Hankey, Solomon Ridenour and others,contaning one half acre of land,more or less,being the same piece or parsel of land sold to Jacobb Dusing by Solomon Ridenour and wife by deed dated April 28th eighteen hundred and ninety and recorded in Liber W.I.P.11,folio280, one of the land Records of Frederick County and conveyed to the said Samuel Martin by the said Jocob D.Dusing by by deed recorded in Liber J.L.J.No.3,Folio 253,one of the records for Frederick County,also for the same consideration a piece or parcelof land,situated in Frederick County,State of Maryland,beginning to include the same at the north west corner of the second lot of land sold to Jacod D. Dusing,contaning one and a quarter acres of land more or less recorded in

Liber J.L.J.No.3,folio 254, oneof the land records of Frederick County,by reference thereto had,it will more fully appear.

Witness my hand and seal.

his

Test; J.L.Miller. Samuel X Martin (seal)

mark

State of Maryland,Frederick County,to-wit;

I hereby certify that on this sixteenth day of May,AD.1899, before me the subscriber a justice of the pease in and for Frederick County,Maryland, personally appeared Samuel Martin,and did acknowledge the aforegoing deed to be his act.

J.L.Miller,J.P.

State of Marylahd,Frederick County,to-wit;

I hereby certify that the foregoing is a true copy of the deed from Samuel Martin to Sarah Martin,asthe same is recorded in Liber D.H.H.No. 15,folio 268,one of the land records of Frederick County,Maryland.

In testamony whereof,I hereunto subscribe my name and affix the seal of the Circuit Court For Frederick County,at Frederick,Maryland,this 27th.day of October, A.D.1911.

Harry W.Bowers

Clerk of the Circuit Court for Frederick County,Md.

Filed October 27th,1911.

Exhibit "B"

The Citizens Savings Bank,a body coporate.

vs.

Dory Martin &

Maggie Martin.

No.922,Magistrate Judgment
Record No-6.
July 23,1910 at 1.30 O'clock P.M.
Cost $1.85 paid by Plff.

1908 July 8th.Trial Exparte,Judg. for Plff.1908.July 8th Judgement in favor of the plaintiff for thirty-five dollars and fifty three cents dedt, with interest thereon from date hereof until paid and one dollar and eighty five cents cost.

Witness my hand and seal,

Benjamin M.Jones,J.P.(SEAL).

True copy-Test;

Benjamin M.Jones,J.P. (SEAL)

(Judgement recorded & delivered to Chas.Waters, July 23,1910.

Test; Harry W.Bowers, Clerk.)

State of Maryland,Frederick County,to-wit;

Ihereby certify that the foregoing is a true copy of the original Magistrate Judgement No.922 as recorded in magistrate Judgement Record Book No.6 One of the record Books for recording magistrate Judgements for Frederick County,Maryland.

In Testimony Whereof,I have hereunto set my hand and affixed the seal of the Circuit Court for Frederick County,Md.at Frederick City,this 27th day of October A.D. 1911.

Harry W.Bowers

Clerk of the Circuit Court for Frederick County,Maryland.

The Citizens Savings Bank,a body corporate.

vs.

Dory Martin &

Maggie Martin.

No 923 Magistrate Judgement

Record No 6.

July 23,1910,at 1;30 Oclock P.M.

Costs $1.85 paid by Plff.

1908 July 8th. Trial Exparte Judg. for Plff.1908 July 8th, Judgment in favor of the Plaintiff for thirty five dollars and fifty three cents debt with interist thereon from date hereof until paid and one dollar and eighty five cents costs.

Witness my hand and seal.

Bengamin M.Jones,J.P.(SEAL)

True copy -Test;

Bengamin M.Jones,J.P. (SEAL)

(Judgement recorded & delivered to Chas.Waters July 23,1910.

Test Harry W.Bowers,Clerk.)

State of Maryland,Frederick County,to-wit;-

I hereby certify that the foregoing is a true copy of the original Magistrate Judgement No. 923 as recorded in Magistrate Judgement Record Book No.6,One of the record Books for recording Magistrates Judgments for Frederick County,Maryland.

In testamony whereof,I have hereunto set my hand amd affix my seal of the Circuit Court for Frederick County,Md.,at Frederick City,this 27th day of October A:D.,1911.

Harry W.Bowers

Clerk of the Circuit Court for Frederick County,Maryland.

Filed October 27th 1911.

Exhibit "C"

State of Maryland,Frederick County,to-wit;

IN the Circuit Court for Frederick County;

Raymond E.Long

vs.

Dory Martin and

Maggie Martin

No 1146 Magistrate Judgment

Record No.6

July 29th.1911 at 10 0'clock AM.

Costs $1.10.pd by PLFF.

July 27,1911 Judgement this day confessed before me by Edward J.Smith attorney for defendants, Dory Martin and Maggie Martin,by virtue of the written authority contained in a single bill filed with me,in favor of the plaintiff, Raymond E.Long,for sixty one dollars and seventy cents ($6170) with interest from Januayy 2nd.1910,with cost of suit,with attorneys commision of five per cent for collection,with release of errows,without stay of execution,with waiver

of the benefit of the exemption laws of Maryland or any other State,with waiver of the right of inquisition with liberty to sell land if levy is made thereon, without release of errows,and with waver of the benefit of the exemption laws of Maryland exemptiong wages from attachment.

Witness my hand and seal.

John Francis Smith J.P. (SEAL)

True copy of my Dooket;

John Francis Smith J.P. (SEAL)

Recorded and delivered to John Francis Smith,Atty.
July 29th.1911.

Test; Harry W.Bowers, Clerk.

State of Maryland,Frederick County,to-wit;

I hereby certify that the foregoing is a true copy of the original Magistrate Judgement No.1146 as recorded in Magistrate Judgement Record Book No.6,one of the record books in the office of the Clerk of the Cirouit Court for Frederivk County,Maryland.

In testimony whereof,I hereinto subscribe my name and affix the seal of the Cirouit Court for Frederick County,at Frederick, Maryland,this 27th.day of October,A.D. 1911.

Harry W.Bowers

Clerk of the Cirouit Court for Frederick County, Md.

Filed October 27th,1911.

Authority to file Bill.

August 2nd 1911.

To Charles C. Waters,Attorney at law,
Frederick Md.

I hereby authorise you to file a bill for the sale of the real estate of Sarah Martin,deceased,being the premises mentioned in deed from Samuel J.Martin to said Sarah Martin,dated May 16th 1899, and recorded in Liber D.H.H. No 15,Folio 168, one of the land records for Frederick County,and to file the same in my name as the father and next friend of Joseph Clayton Martin,Infant,in the Cirouit Court for Frederick County,in Equity.

his
Samuel JxMartin
mark

Witness

C.Herbert Kreh.

Filed October 27th 1911.

EQUITY SUBPOENA.

STATE OF MARYLAND,FREDERICK COUNTY TO WIT;-

THE STATE OF MARYLAND.

To William h. Martin and Catherine Martin his wife;

Theodore Martin and Maggie Martin his wife;

Harvey R.Martin and Joseph Clayten Martin,Infants, and (LOYS) Raymond E.Long

(New Midway)

of Frederick County, greetings;

YOU ARE HEREBY COMMANDED, That all excuses set apart,you personally appear before the Judges of the circuit Court for Frederick County,sitting as A Court,of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of November 1911. to awnser the Bill and Complaint of Joseph Clayton Marten,Infant,by Samuel J. Martin his father and next friend.

(For sale of real estate of Sarah Martin,deceased)

against you and others in said Court exhibited,and so forth.

Hereof fail you not,as you will awnser the contrary at your peril.

Witness the Honerable Hammond Urner, Chief Judge of said Court,the 4th day of September A.D.,1911.

Issued the 27th day of October A.D., 1911.

Harry W.Bowers
CLERK.

To the Sheriff of Frederick County.

Charles C.Waters, Solicitor.

Returned filed november 3rd 1911.

EQUITY SUBPOENA

STATE OF MARYLAND, FREDERICK COUNTY TO-WIT;

The State of Maryland.

To Herbert Martin and Annie Martin his wife,and Joseph Clayton Martin,Infant, (Sykesville) Howard Martin and Nettie Martin his wife (Westminster) Harvey R.Martin,infant (Detour) of Carroll County,greeting;

YOU ARE HEREBY COMMANDED, That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick, in and for Frederick County,on the FIRST monday of November 1911,to answer the Bill and Complaint of Joseph Clayton Martin,infant,by Samuel J.Martin,his father and next friend. (For sale of real estate of Sarah Martin,deceased) against tou and others in said Court exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner, Chief Judge of said Court,the 4th day of September A.D.,1911.

Issued the 27th day of October A.D.1911.

Harry W.Bowers.
CLERK.

To the sheriff of Carroll County.
Charles C.Waters, Solicitor.

Returned Filed November,4th 1911.

Equity Subpoena

STATE OF MARYLAND,FREDERICK COUNTY TO-WIT;

The state of Maryland.

To William H.Martin and Cathrine Martin his wife,Theodore Martin and Maggie Martin his wife (LOYS) of frederick County,greetings;

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the judges of the circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court house in Frederick,in and for Frederick County,on the first monday of January 1912. to answer the Bill and Complaint of Joseph Clayton Martin,Infant,by Samuel J.Martin his father and next friend (For sale of real estate of Sarah Martin,deceased) against you and others in said Court

exhibited, and so forth.

Hereof fail you not, as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner, Chief Judge of said Court, the 6th day of November A.D. 1911.

Issued the eighteenth day of December A.D. 1911.

Harry W. Bowers
(CLERK)

TO THE SHERIFF OF FREDERICK COUNTY.

Charles C. Waters solicitor.

EQUITY SUBPOENA

STATE OF MARYLAND, FREDERICK COUNTY TO-Wit;

The State of Maryland.

To Herbert Martin and Annie Martin his wife, and Joseph Clayton Martin, infants, (Sykesville) Howard Martin and Nettie Martin his wife (Westminster) Harvey R. Martin, infant (Detour) of Carroll County, greeting;

YOU ARE HEREBY COMMANDED, That all excuses set apart, you personally appear befor the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity, to be held at the Court House in Frederick, in and for Frederick County, on the FIRST Monday of January 1912. to answer the Bill and the Complaint of Joseph Clayton Martin, infant, by samuel J. Martin, his father and next friend. (For sale of real estate of Sarah Martin, deceased) against you and others in said Court exhibited, and so forth.

Hereof fail you not, as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner, Chief Judge of the said Court, the 6th day of November A.D. 1911. Issued the eighteenth day of December A.D. 1911.

To the Sheriff of Carroll County.

Harry W. Bowers
CLERK.

Charles C. Waters, Solisitor.

Filed January 2nd 1911.

EQUITY SUBPOENA

STETE OF MARYLAND, FREDERICK COUNTY TO-WIT;

The state of Maryland.

To Clarence Martin and Frances Martin his wife (Hagerstown) of Washington County, greetings;

YOU ARE HEREBY COMMANDED, That all excuses set apart, tou personally appear before the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity, to be held at the Court House in Frederick, in and for Frederick County, on the FIRST Monday of January 1912. to answer the Bill and Complaint of Joseph Clayton Martin Infant, bt Samuel J. Martin his father and next friend. (for sale of real estate of Sarah Martin deceased) against tou and others in said Court exhibited, and so forth.

Hereof fail you not, as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner, Chief Judge of said Court, the 6th day of November A.D. 1911 Issued the 18th day of December A.D. 1911

To the Sheriff of Washington County,

Harry W. Bowers.
CLERK.

Charles C. Waters
Solicister.

Returned filed January 3rd 1911.

EQUITY SUBPOENA

STATE OF MARYLAND,FREDERICK COUNTY To-Wit;

The State of Maryland.

To Joseph Clayton Martin Infant (Rooky Ridge)of Frederick County,greeting;

YOU AREBY COMMANDED,That all excuses set apart,tou personallyappear before the Judges of th Cirouit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Mondayof February 1912 to answer the Bill and Complaint of Joseph Clayton Martin,Infant, by Samuel J.Martin his Father and next friend, (For sale of Real Estate of Sarah Martin,deceased.) against you and others in said Court exhibited,and so forth.

Hereof fail you not,as you will answerthe contrary at your peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court,the first day of January A.D.1912.

Issued the 6th day of January A.D.1912.

Harry W.Bowers
CLERK.

To the Sheriff of Frederick County.

Charles C.Waters. Solicitor.

Filed January 12,1912.

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EQUITY SUBPOENA

STATE OF MARYLAND,FERDEICK COUNTY To-wit;

THE STATE OF MARYLAND.

To Clarence Martin and Frances Marten (578 Pennsylvania Ave, Hagerstown,Md.) of Washington County,greetings;

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Courtof Equity,to be held at the Court House in Frederick,in and For Frederick County,on the FIRST Monday of February 1912. to answer the Billand Complaint of Joseph Clayton Martin,Infant

(For sale of real Estate of Sarah Martin,deceased.)

against you and others in said Court exhibited,and so forth.

Hereof fail you not,as tou will answer the oontrary at your peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court,the first day of January A.D.1912

Issued the sixed day of January A.D.1912.

Harry W.Bowers
CLERK.

To the Sheriff of Washington County.

Charles C. Waters
Solicitor.

Filed Jan,13th 1912.

Joseph Clayton Martin,Infants by Samuel J.Martin,his father and next friend.

vs.

William H.Martin et.al.

No 8768 Equity
In the Cirouit Court for
Frederick County,in Equity.

To the Honorable the Judges of said Court:-

The pertition of Joseph Clayton Martin,Infant,by Samuel J.Martin his father and next friend, respectfully represents unto your Honorable Court.

1. That your pertitioner filed a Bill of oomplaint against the heirs atblaw of Sarah C. Martin,deceased,in the above entitled oause,on October 27th 1911,in which said Bill it prayed for a decree to sell a certain parcel of land situated in Frederiok County,by reference to said Bill of oomplaint and exhibits it will fully appear.

2. That since filingof said Bill of complaint a certain Harriet Moser, departed this life,which said Harriet Moser had a life estate in a certain parcel of land situated in Frederick County,which parcel of land was conveyd to Sarah C.Martin,all of which will fully appear by reference to a certified copy of said deed filed herewith marked exhibt No 1 to this pertition.

3. that the property mentioned inn Exhibit No 1 to this petition descebded to and vested in the same parties as mentioned in the Bill of complaint here tofore filed by your prtitioner,on October 27th 1911.

4. That the property mentioned in said Exhibit No 1,is not susceptible of divesiom among the parties in interest and the same with the other property mentioned in the Bill of complaint,especially to save expence.

Wherefore your pertitioner prays that the Bill of Complaint heretofore filed may be amended so as to include therein the land mentioned in EXhibit No 1 to this petition,and that a summons may issue directed to all and the same parties mentioned in the former Bill of Complaint,filed October 27 th 1911,commanding them and each of them to be and appear in this Court on some day to be named therein,to answer the premises and to show cause if any they have why a decree should not pass as prayed.

As in duty &c.,

Charles C.Waters

Solicitor for petitioner.

The aforegoing petition having been read and considered it is thereupon this 1st day of December 1911,by the Circuit Court for Frederick County, nd by thr authority thereof ordered that the Bill of Complaint heretofore filed on October 27th 1911,be and the same is hereby amended so as to include the property mentioned in Exhibit No 1 to this petition,and it is furthered that a summons issue out of this Court directed against the parties mentioned in the said Bill,of Complaint as herein prayed.

John Motter.

Filed December 18th 1911.

Exhibit No 1 to pertition.

At the requset of Sarah C.Martin the folling deed is received for record and recorded Oct.1904,at

11.30 O'Clock A.M.

Test;Samuel T.Haffner, Clerk.

This Deed made this thirtith day of September in the year nineteen hundred and four dy Herriet Moser of Frederick County and state of Maryland, in consideration hereinafter mentioned do grant in fee simple unto Sarah C.Martin the following described lot or parcel of land with the improvements thereto belonging lying and situated east about one fourth of a mile from the public road rumning from Creagerstown to Loy's,and a new public road further described as begining at the north west corner of Samuel Martin's lot on the middle of said New-road running with the said Martin's lot south 55½ W.22 perches thence N.39½ Degree W.4 perches,thence 55¾ E.23-2 Perches to middle of road thence to beginning,containing 9 sixteenth of an acre more or less, the same being a portion of that land obtained by deed dated the 20th day of June Eighteen Hundred and ninety-six by Solomen Ridenour and Sarah C.Ridenour his wife and by reference to said deed will more fully show.

Now In Consideration of the above deed the said Sarah C.Martin does

agree to keep and maintain the above named Harriet Moser,during her natural life,in witness thereof I have hereinto set my hand and seal the and day and above written.

Hariet Moser (SEAL)

Test;

J.A.Gernand.

State of Maryland,Frederick County,to-wit;

I hereby certify that on this 30th dayof September in the year Nineteen Hundred and four,personally appeared before me the subscriber a Justice of the pease,Hariet Moser and did acknowledge the aforegoing deed to be her act.Acknowledged before me,

Joseph A.Garnand,J.P.

STATE OF MARYLAND,FREDERICK COUNTY,To-wit;

I hereby certify that the foregoing is a true copy of the original deed from Hariet Moser to Sarah C.Martin as recorded in Liber S.T.No.269,folio 3,One of the land records of Frederick County,Maryland.

In testimony thereof,I hereunto set my hand and affix the seal of the Circuit Court for Frederick County,Md.at Frederick City,this 2nd day of December A.D. 1911.

Harry W.Bowers,
Clerk of the Cirouit Court for
Frederick County,Maryland.

Filed December 18th 1911.

Joseph Clayton Martin,Infant,
by Samuel J.Martin,his father
and next friend.

vs.

William H.Martin, et al.

No. 8768 Equity.
In the Cirouit Court for
Frederick County,in Equity.

To the Honorable,the Judges of said Court;

The Answer of Theodore Martin and Maggie Martin,his wife, to the Billof Complaint of Joseph Clayton Martin,infant ,etc., against them and others in this cause exhibited;

These defendants admit the matters and things set forth in said Bill of Complaint,exeopt the matters and things set forth in the 6th and 7th paragraphs of said Bill,whioh these Defenbants neither Admit or deny,but leave the plaintiffs to their proos.

These Defendants oonsent to the passage of suoh deoree as may be right and propper in the premises,provided it is deoreed to be sold free,olear and disoharge of any and all olaims of Samuel J.Martin.

Filed Maroh 22,1912.

A.D.Willard,
Solioitor for Defendants.

Joseph Clayton Martin,Infant,
by Samuel J.Martin,his father
and next friend,

vs,

William H.Martin,et al.

No. 8768 Equity.
In the Cirouit Court for
Frederick County,in Equity.

To the Honorable,the Judges of said Court;

The answer of William H.Martin and Catherine Martin, hia wife,to Bill of Complaint of Joseph Clayton Martin,infant,etc.,against them and others in this oause exhibited;

These Defendants admit the Matters and things set forth in said Bill of Complaint, exeopt the mAtters and things contained in the 6th and 7th paragraphs of said Bill, whioh these defendants neither admit or deny, but leave the plaintiffs to yheir proofs.

These Defendents oonoent to the passAge of suoh deoree as may be right and proper in the premises, provided it is deoreed to be sold free, olear and dis oharge of any and all olaims of Samuel J.Martin.

A.D.Willard

Filed March 22, 1912. Solicitor for Defandants.

Joseph Clayton Martin, et. al. No 8768 Equity.

vs. In the Cirouit Court for

William H.Martin et. al. Frederick County, in Equity.

The answer of Raymond Long Judgement Creditor, of Dory Martin et. al. to the Bill of complaint.

This defendant answering said Bill admits the allegations of said Bill so for as it pertains to his judgement and hereby consents to the passage of a Decree to sell the said real estate free and clear of the lein of this defendant; and hereby retains the same lien on the proceds of sale as he now holds against the said real estate.

As to the other allegations contained in said Bill this defendant leaves the same to be properly proven.

Raymond Long

Filed March 22, 1912: By Charles C.Waters Attorney.

Joseph Clayton Martin et. al. No 8768 Equity

vs. In the Circuit Court for

William H.Martin, et. al. Frederick County, in Equity.

The answer of the Citizens Savings Bank, Judgement oreditor to the Bill of Complaint in the above cause.

This defending answering said Bill states that it admits so much of the Bill of complaint to be true as refers to the ammount due on judgement by Theodore Martin to this defendant, and agrees to the sale of real estate as therein prayed and consents totake a lean on the proceeds of sale to the same manner as it holds a lien on the real estate itsself.

As to the other allegations cotained in said Billthis defendant leaves the same to be properly proven.

Charles C.Waters

Filed March 22, 1912. Attorney for Citizen Savings Bank.

Joseph Clayton Martin et. al. No 8768 Equity.

vs, In the Cirouit Court for

William H.Martin et. al. Frederick County, in Equity.

To the Honorable the Judges of the Cirouit court:-

The petition of Samuel J.Martin the father and next friend to Samuel Clayton Martin Infant respectfully represents unto your honors;-

That Harvey R.Martin and Joseph Clayton Martin Infants, having been returned summoned, and not being able to answer for them selves in said suit, and no

Garduain have been appointed to answer for them,your pertitioner prays that a Guardain ad litem may be appointed to answer for said Harvey R.Martin and Joseph Clayton Martin,Infants as aforesAid .

AS in duty &c., Charles C.Waters.
Solicitor for Complainant.

Ordered this 21st day of March 1912,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,upon the aforegoing petition that Eli G.Haugh be and he is hereby appointed Guardain Ad Litem to appear and answer for Harvey R.Martin and Joseph Clayton Martin infant defendants in the above cause.

Hammond Urner.

Filed March 22,1912.

Joseph Clayton Martin Infant &c
vs.
William H.Martin et al.

No 8768 Equity.
In the Circuit Court for
Frederick County,sitting
inEquity.

THE ANSWER OF Harvey R.Martin and Joseph Clayton Martin infants under the age of twenty-one years,by Eli G.Haugh Guardian ad Litem,to the Bill of Complaint of Joseph Clayton Martin Infant &c against Wm H.Martin et.al.in the Circuit Court for Frederick County,sitting as a Court of Equity exhibited.These defendants cannot admit any of the matters and things alleged in the Bill,and being infants of tender years,submit their rights to the protection of this Court.

Eli G.Haugh
Guardian ad Litem.

Filed March 22, 1912.

Joseph Clayton Martin,Infants,
by Samuel J.Martin,his father
and next friend,
vs.
William H.Martin,et.al.

No. 8768 Equity.
Inthe Circuit Court for
Frederick County,in Equity.

To the Honorable,the Judges of s/id Court;

The petition of William H.Martin and Catherine Martin,his wife,and Theodore Martin and Maggie Martin,his wife,respectfully shows unto your Honors; That they are four of the Defendants in the above entitled cause and are desirous that all the property,mentioned and described in the original Bill of Complaint and filed on October 27th 1911,and also in the amended Bill of complaint filed on December 18, 1911,be sold at one time and disposed of in this equity cause.- and whereas they are informed that the said Samuel J.Martin,father and next friend of the infant plaintiff,Joseph Clayton Martin,is opposed to the sale of the property mentioned in the Ammended Bill of complaint, these defendants pray your Honorable Court to pass an order authorizing and permitting these Defendants to adopt as their Amended Bill of complaint filed on December 18, 1911,in this caus againstothem and others,and to make these pertitioners parties plaintiff in said cause for said purposes;and for such other and futher relief as the nature of their case may require.

and as in duty bound,etc.

Arthur Willard
Solicitor for Petitioner.

The aforegoing Petition having by the Court been read and considered,It is thereupon,this 21st day of March,in the year 1912,ORDERED by the Circuit Court for Frederick County,sitting as a Court of Equity,and By the authority thereof,thAt the ammended Bill of complaint,

mentioned in the aforegoing Petition and filed in this cause on December 18, 1911,be and the same shall be taken and considered as the amended Bill of Complaint of William H.Martin and Catherine Martin,his wife,and Theodore Martin and Maggie Martin,his wife;and that the said parties be and they are hereby made parties plantiff in said cause,for the purpose herein set forth,unless cause to the contrary be shown by the plantiff in said ammended Bill on or before March 31st 1912,provided a copy of said pertition and of this order be served upon said plantiff on or before the 25th instAnt.

Hammond Urner.

Joseph Clayton Martin,Infant,
by Samuel J.Martin,his father
and next friend,
vs,
William H.Martin,et.al.

No. 8768 Equity.
In the Circuit Court for
Frederick County,in Equity.

To the Honorable,the Judges of said Court;

The Petition of William H.Martin and CAtherine Martin,his wife,and Theodore Martin and Maggie Martin,his wife,respectfully shows unto your Honors; That they are four of the Defendants in the above entitled cause and are desirious that all the property,mentioned and described in the original Bill of complaint and filed on October 27,1911,and also in the Amended Bill of Complaint filed on December 18,1911,be sold at one time and disposed of in this eqity cause:- and where as they are informed that the said Samuel J.Martin, farher and next friend of the infant Plaintiff,Joseph Clayton Martin,is opposed to the sale of the property mentioned in the Ammended Bill of complaint, these Defendants pray your Honorable Court to pass an order autherizing and permitting these Defendants to adopt as their amended Bill of Complain the Ammended Bill of Complaint filed on December 18,1911,in this cause against them and others,and to make these perjitioners parties plaintiff in said cause for said purposes; and for such other and futher relief as the nature of their case may require,

And as in duty bound,etc.

Arthur D.Willard
Solicitor for Petitioners.

The aforegoing Petition having by the Court been read and considered,it is thereupon,this 21st day of March,in the year 1912,ordered by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,that the amended Bill of Complaint,mentioned in the aforegoing pertition and filed in this cause on December 18,1911,be and the same shall be taken and considered as the amended Bill of Complaint of William H_Martin,his wife,and Theodore Martin and Martin MArtin,his wife;and that the said parties be and they are hereby made parties plantief in said cause,for the purpose herein set forth,unless cause to the contrary be shown by the plantiff in in said Ammended Billon or before March 31,1912,poovided a copy of said peritition and of this order be served upon said plaintiff on or before the 25th. instant.

(Filed March 22,1912)

Hammond Urner.

True Copy-Test+-

Harry W.Bowers

Clerk of the Circuit Court for Frederick County,Md.

Joseph Clayton Martin et. al.
vs.
William H.Martin et. al.

No 8768 Equity
Im the Circuit Court for
Frederick County,in Equity.

To the Honorable the Judges of the Circuit Court for Frederick County;-

The answer of Samuel J.martin,the surviving husband of Sarah Martin late of Frederick County deceased,This defendant admits all the allegations ocntained in the Bill of complaint to be true as therein stated and hereby consents to the sale of the real estate free and clear of his life estate therein,and elects to take in lieu thereof such sum as may be awarded to him dy your Honorable Court,his age being 58 years.

This defendant further answering states that he does not consent to the sale of real estate mentioned in the supplemental Bill of Complaint filed herein and which has been adopted by William H.Martin and others as their own.

Samuel J. his X Martin mark

Witness C.Herbert Kreh.

Filed April 6th 1912.

Joseph Clayton Martin et.al.
vs.
William H.Martin et.al.

No 8768 Equity
In the Circuit Court for
Frederick County,in Equity.

The Complainants join Issue on the matters and things set forth in the ahswer of Eli G.Haugh, guardian Ad litem,filed on behalf of Harvey R_Martin and Joseph Clayton Martin Infants,defendants inthe above entitled cause,as well as the answer of William H.Martin,Catherine Martin, Theodore Martin and Maggie Martin filed in said cause so far as the same may be taken to dehey or avoid the allegations of the Bill of Complaint.

Charles C.Waters.

Filed April 6,1912. Solicitor for Complainant.

Joseph Clayton Martin rt al.
vs
William Clayton Martin rt.al.

No 8768 Equity
In the Circuit Court for
Frederick County, in Equity.

It appearing from the proceedings in this cause that Herbert Martin and Annie Martin his wife;Clarence Martin Frances Martin his wife and Howard Martin and Nettie Martin,his wife, having been duly returned summoned,and they having failed to appear either in person or by solicitor and answer the bill of complaint filed against them in this cause.

It is thereupon this 6th day of April.1912,by the Circuit Court of Frederick County sitting as a Court of Equity,and by the authority thereof adjudged ordered and decreed that said Bill of Complaint be and the same is hereby taken PRO CONFESSO against said defendants heretofore mentioned who have failed to answer,and futher all the balance of said defendants having answered,and in so far as they are concerened the cause being at issue it is futher ordered that said cause be and the same is hereby refered to any one of the standing examiners of this Court to take the testimony to support the allegations of said Bill of Complaint.

Hammond Urner.

Filed April 6,1912.

Joseph Clayton Martin et.al.
vs.
William H.Martin et.al.

No. 8768. Equity, In the Circuit Court for Frederick County,in Equity.

in pursuance of an order of the Court and notice given me by the solicitor for the plaintiffs,I,Albert S.Brown,one of the standing Examiners of your Honorable Court,did,on the 6th day of April, A.D. 1912,atthe law office of the examiner in the City of Frederick,State of Maryland,at the hour of ten O'clock A.M., proceeds tá take the following beposition of the witnesses in this cause then and there produce before me,ex parte,thst is to say;

Present:Mr.Charles C.Waters,Solicitor for the plaintiffs.

The following Exhibits filed with the billwere filled with the Wxaminer as evidence inthis case and are so marked:

"EXHIBIT A"

"EXHIBIT NO.1".

Samuel J.Martin,a witness of lawful age,produsedon the part of the plaintiffs, being first duly sworn and examined viva voce,deposes and says as follows:-

My name is Samuel J.Martin: I am 58 years of age,and reside at Loys Station, Frederick County,Maryland.I know all the parties to this case.My wife,Sarah Martin,died about the 29th of April,1910. She left surviving her myself as her husband,and the following: chidren .William H.Martin,a son,whose wife's name is Catharine Martin;Herbert Martin,a son,whose wife's name is Annie MArtin; Clarence Martin,a son,whose wife's nameis Francis Martin;Howard Martin,a son, whose wife's name is Nettie Martin;Theodore Martin,a son,whose wife's name is Maggie Martin;all of whome are adults over twenty-one years of age;and Harvey Martin and Joseph Clayton Martin,who are infants under the age of twenty-one years.I deeded the property mentioned in Exhibit A to the Bill of Complaint to my wife,Sarah C.Martin,retaining a life estate therein.I have by my answer agreed to the sale of this property under these proceeding,and agree to take such sum as may_be_awarded to me by the Circuit Court for Frederick sitting as a Court of Equity,in lieu of my life estate.As to the property conveyed to my wife by deed from Mrs. arriet Moser mentioned in these proceedings in a supplemental bill,I bo not agree to the sale of the same,ret ining my dower right therein as the surviving husband of my wife,Sarah C.Martin.

To the General Interrogatory.

A. Nothing futher.

Signature of witness waived . Adjourned until April 19th and examination answered at the office of the Examiner at 10 O'Clook A.M.

(April 19th,1912)

The following witnesses were present,testefying for the plantiffs,in the case: William H.Long Harvey B.Ogle,and Theodore Martin.

Present:

Charles C.Waters,Counoel for the Plaintiffs,

Arthur D.Willard,Council for the defendants,

William H.Long,a witness of lawful age,produced on the part of the plainti-ffs,being first duly sworn and examined viva vooo,deposes and says as follows:-

Q. State your name,age and residence.

A. Will_m_H.Long: age,47 years:residence,near Loys Station in Frederick County, Maryland.

Q. Do you know thr parties to this cause?

A. I do. I knew Sarah Martin in her lifetime;she was the wife of Samuel J. Martin;she died in and about the month of April,1910. She left surviving her a husband,Samuel J.Martin,and the following children:- William H.Martin,a son, whose wife's name is Catherine Martin; Herbert Martin,a son,whose wife's name is Annie Martin; Clarence Martin,a son,whose wifes name is Francis Martin; Theodore Martin,a son,whose wife's name is Nettie Martin;all of whome are adults

and Harvey R.Martin,and Joseph Clayton Marton,who are infants under the age of twenty-one. years.Mrs.Martin seized and possessed of a small track of land at the time of her death situated near Loys Station,in Frederick County,Maryland;which was conveyed to her by her husband, Samuel J.Martin,who retained a life estate in the property.it is imppoved with a dwelling house, stable and other buildings,has about two and three-quarters acres of land and it is in ordinary repair.I look at Exhibit A now shown me,which correctly describes it. I consider this property as worth about $800.00. Itis not susceptible of division without loss and injury as it would be to the interest,benefit and advantage of all the parties to the cause thatthe same be sold and the same be devided.Mrs. Sarah Martin at the time of her death was seized and possessed of another small parcel of land situated adjoining the one mentioned in Exhibit A and was conveyed her by deed from Harriet Moser. It is improved with a small dwelling house and smoke house and contains 9/16 of anacre of land,more or less. I look at Exhibit No 1 to the pertition in this case and it correctly describes the same. This piece of property is likewise not susceptible of division among the parties,and it would be to the interest,benefit and advantage of all parties interested that the same be sold and the proceeds of sale be devided. I consider this piece of property worth about $225.00.In my opinion said property will bring the most money if sold separately. I am well acquainted with these properties as they both adjoin my farm.

To the General Interrogatory.

William H.Long

A.Nothing futher.

(21 miles)

Harvey B.Ogle,a witness of lawful age,produced on the part of the Plaintiff,being first duly sworn and examined viva voce,deposes amd says as follows:-

My name is Harvey B.Ogle;I am 37 years of age, and reside at Loys Station in Frederick County, I know all the parties to this cause.I knew Sarah MArtin in her lifetime; she was the wife of Samuel J.Martin;she died in and about the month of April,1910,leaving surviving her a husband, Samuel J.Martin,and the following children:-William H.Martin,a son,whose wife's name is Catherin Martin;Herbert Martin,a son,whose wife's name is Annie Martin;Clarence Martin,a son,whose wife's name is Frances Martin; Theodore Martin,a son whose wife's name is Maggie Martin;Howard Martin, a son,whose wife's name is Nettie Martin;all of whom are adults;and HArvey R.Martin and Joseph Clayton Martin,who are infants under the age of twenty-one years.

Mrs.Martin was seized and possessed of a small tractof land at the time of her death situated near Loys Station,in Frederick County,Maryland,which was conveyed to her by her husband,Samuel J.Martin,who retained a life estate in this property.It is improved with a dwelling house, stable and other buildings,has about two and three-quarters acres of land and it is in ordinary repair. I look at Exhibit A now shown me,which correctly describes it.I concider this property as worth about $800.00. It is not susceptible of division without loss and injury and it would be to the interest,benefit and advantage of all the parties to the cause that the same be sold and the preceds divided. Mrs.Sarah Martin At the time of her death was siezed and possesed of another small parcell of land situated adjoining the one mentioned in Exhibit A and was conveyed to her by deedfrom Herriet Moser. It is improved with a small dwelling house and smoke house and contains 9/16 of an acre of land more or less. I look at Exhibit No.1 to the pertition in this case and it correctly describes the same. This piece of property is likewise not susceptible of division among the parties,and it would be to the interest,benefit and advantage of all parties that the same be sold and the proceeds be devided.I concider this piece of property worth about $225.00. In my opinion said property willberig the most money if sold separately.

I am well acquainted with these properties as they are sitated within a mile of my property.

To the General Interrogatory.

A. Nothing further.

Harvey B.Ogle

(21 Miles)

Theodore Martin, a witness of lawful age, produced on the part of the Plantiffs, being first duly sworn and examined viva voce, deposes and says as follows:-

My name is Theodore martin. Frederick County, Maryland. I am A son of Sarah Martin. I know all the parties to the suit, and the names as testified to by Mr. William H. Long and Mr. Harvey B. Ogle are correct.

I desire boath properties to be sold though I understand that my father, Samuel J. Martin, objects to the sale of the property mentened in Exhibit No. 1 to the pertition filed in this case, it being the property conveyed to my mother by Herriet Moser. I know it to be the desire of all my brothers that this property be sold and the proceeds divided. Neither of said properties can be divided without and injury to those interested.

As to the several judgements filed in this cause against me and my brother, the one at the Citizen Savings Bank is an indebtedness due by my brother, Howard Martin, and should be paid by him. I desire to claim such exemption as I may be entitled to from the funds coming to me.

To the General Interrogatory.

A. Nothing futher.

Dory T. Martin.

Whereupon there being no other witnesses to examine and no futher time being required for the production of testimony the said Examiner at the request of the Solicitor for the plaintiff closes the taking of testimony. and the said Examiner hereby certifies that the aforegaing are the true and original depositions of the witnisses in this cause as the same were read over to and signed by them respectively. The said testimony having been taken down in stenographic notes and subaequently typewritten by Claude S. Hahn the Examiners sworn clerk.

and the said Examiner herewith returnes the same to your Honorable Court, enclosed and under his hand and seal.

Witness my hand and seal this 10th day of May A.D. 1912.

Albert S. Brown (SEAL)

Examiner

Costs of the foregoing testimony

Albert S. Brown, Examiner., one day-------		$4.00
Claude S. Hahn., Examiners Clerk, one day----		2.50
Samuel J. Martin, Witness 1 day & milage		2.85
William H. Long,	"	2.85
Harvey B. Ogle,	"	2.85
Theodore Martin,	"	2.85
Sheriff Charles T. Fagan 3 summons'		1.20
Sheriff Charles T. Fagen 3 summons'		1.20
	Total	$20.30

Certified to
A.S. Brown Filed May 10, 1912.
Examiner.

Joseph Clayton Martin et. al.	"	No 8768 Equity. In the oirouit Coubt for Frederiok County, sitting As a Court of Equity. April Term, 1912.
Samuel J. Martin et. al.	"	

The above cause standing ready for a hearing, and being submitted, the Bill, Answer Exhibits Testimony and all other proceedings were by the Court read considered and the pertition of Samuel J. Martin, that all the real estate of which Sarah C. Martin, died seized and possesed be sold free, clear and disoharg

ed of his life estate and dower,respectively theirin .It is thereupon,this third day of June in the year nineteen hundred and twelve by the Cirouit Court for Frederick County,as a Court of Equity,and by the authority of said Court,adjudged,ordered,and decreed,that the land and premises mentioned in the proceedings be sold,free,clear and discharged of the Life Estate,and Dower Right of Samuel J.Martin survivor,husband of Sarah C.Martin dead and that Charles C_Waters and Arthur D.Willard of Frederick County,be,and they are hereby appointed Trustee to make the said sales,and and that the course and manner of this proceebings shall be as follows! they shall first file in the Clerks Offioe of this Court,a Bond to the State of Maryland,executed by or with a surety,or surities,to be approved by the Court,or the Clerk thereof,in the penalty Two Hundred Dollars, conditioned for the faithful performence of the trust peposed in them by this decree,or which may be reposed in them by any futher order,or decreein the premises.They then proceed to make sale of the said real estate,having first given at least three weeks previous notice,inserted in some newspaper printed in Frederick County,and such other notice as they may think proper of the time, plase,manner and terms of sale!which term shall Be as follews!one half of the purohase money to be paid in cash on the day of sale,or on the ratification thereof by the Court,the residue in six months from day of sale the purchaser or purchasers giving his,her or their notes with approved security and bering interest from day of sale,or all cash at the option of the purchaser and as soon as may be convenient after any such sale or sales,the said trustee shall return to this Court a full and particular account of the same,with an affidavit of the truth thereof,and of the fairness of such sale or salew annexed,and on the ratification of such sale or sales by the Court, and on payment of the whole purchase money,and not before,the said Trustee,by a good and sufficient deed to be executed acknowledged agreeably to law,shall convey to the purchaser or purchasers of the said property and to his,her or their heirs,the property to him,her or them sold,free,clear and discharged of All claim of all the parties to this cause,and of any person or persons claiming by,from,or under them!and the said trustee shall bring into this Court the money arising on such sale or sales, and the bonds or notes which may be taken for the same ,to be disposed of under the direction of this Court,after deducting therefrom the costs of this suit,and such commission to the said Trustee as the Court shall proper to allow,on consideration of the skill,attention and fidelity wherewith they shall appear to have discharged their trust.

John Motter.

Filed June 3rd,1912.

Joseph Clayton Martin, et.al.
vs.
Wm.H:Martin et.al.

No 8768 Equity
Inthe Circuit Court for
Frederick County,in Equity.

To the Honorable the Judges of said Court!-

The report of Arther D.Williard and Charles C.Waters,

Trustees in the above entitled cause,respectfully shows unto your Honorable Court!-

1. That your petitioners were appointed trustees to sell the real estate in the above cause and after giving bond they advertised said property decreed to be sold in the Catoctin Clarion a newspaper published in Frederick County for three weeks prior to the day of sale and also by hand bills posted in the neighborhood of the premises,and said trustees did attend at Loy's station in Frederick County,Maryland on June 29th 1912,the hour of 3.30 O'clock p.m. being the time and place designated in said advertisement of sale and proceeded to offer all the real estate for sale that was decreed to be sold and offered the same in three differment parcels to wit!-

Parcel No 1. The Home property,for which a bid of $200.00 was obtained.

Parcel No 2. One half acre of land,for which a bid of $46. was obtained.

Parcel No 3. Nine sixteenths of an acre of land and improvements was offered for which a bid of $125.00 was received. Your petitioners as trustees believing that said bids were inadequate and being lagely lessthan the value placed upon them by witnesses testifying in said cause,your

trustees withdrew said property from sale.

That since said sale your pertitionres as trustees have had two offers for the of said property, to wit one of $400. and one fos $500. That your trustees have accepted subject to the ratification of your Honorable Court, the offer of Five Hundred dollars for said propdrty decreed to be sold, which was made by a certAin. Elizabeth Martin, as said offer is more than one hundred dollars in excess of the dids received at public sale, and your trustees have taken the written aok nowledgement of said Elizabeth Martin, which is filed herewith marked Exhibit "E.M." the said purchaser having paid to your trustees the sum of one Hundred Dollars on said sale, and agrees to pay cash for the balance upon the execution of a deed for same to her upon ratification of sale.

Wherefore your trustees pray that said sale so made shall be finally ratified and confirmed unto the said Elizabeth Martin.

Total ammount of sales herein reported is $500.00

All of which is respectfully submitted.

Charles C.Waters.
Arthur D.Willard.
Trustees.

STATE OF MARYLAND, FREDERICK COUNTY TO WIT:-

I hereby certify that on this 26th day of July 1912, before me the subscriber Clerk of the Circuit Court for Frederick County, personally appeared Arthur D.Willard and Charles C.Waters, Trustees, and made oath in due form of Law that the matters and things stated in the aforegoing report of sales are true to the best of their knowledge and belief and that the sales therein reported were fairly made.

Harry W.Bowers
Clerk.

ORDER NISI ON SALES

Joseph Clayton Martin Infant vs. William H.Martin et.al.	No. 8768 EQUITY. In the Circuit Court for Frederick County sitting in Equity. July TERM, 1912. In the matter of the Report of Sales filed the 30th day of July 1912.

ORDERED, That on the 24th day of August 1912 the Court will proceed to act upon the Report of Sales of Real Estate, reported to said Court by Charles C.Waters and Arthur D.Willard Trustees in above cause, and filed therein 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 iserted in some newspaper published in Frederick County for three successive weeks prior to said day. The report states the amount of sales to be $500.00.

Dated this 30th day of July 1912.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County

"Clarion"

ORDERED by the Circuit Court for Frederick County sitting as a Coubt of Equity, and by the authority thereof this 15th day of Fedruary 1913, that the sale herein reported, be and the same is hereby finally ratified and confirmed, no cause td the contrary hawing been shown, although due notice appears to have been given as required by law, according to the printers certificate filed herewith.

Filed Feby, 15, 1913. Glenn H.Worthington.

Printers Certificate.

The Clarion Publishing Co.

Thurmont, Md, Aug, 22, 1912.

This is to certify that the annexed advertisement Nisi on Sales No, 8768 Equity. was publi-shed three consecutive weeks prior to August 24, 1912, inthe Catoctin Clarion, a newspaper publish hed in Frederick County, Md.,

Clarion Publishing Co.

Publishers of the Catoctin Clarion,

Per J.H.F.

Trustees, Sale.

of valuable Real Estate..

By virtue of a decree of the Circuit Court for Frederick County, in Equity, passed on the 3d day of June in the year 1912, in the equity cause of Joseph Clayton Martin et. al. vs. Samuel J. Martin et. al. in said Court, being case No. 8768 Equity, on the equity docket in said Court, the undersigned trustees will sell at public auction at Loys Station in said county on SATURDAY, JUNE 29, 1912. at at the hour of 3.30 O'clock P.M., al the following described pieces or parcels of real estate situated in Frederick County, Maryland about three fourth of a mile of Loys Station, vis;

First!- All those two pieces or parcels of land described in a deed from Samuel Martin to Sarah Martin dated May 16th 1899, and recorded in Liber D.H.H. No. 15, folio 168, one of the land records for said Frederick county. one of said parcels of land contains one-half acre of land, more or less, and the other parcel 1¼ acres of land, more or less, and will be offered for sale seperately. This is known as the home property and is improved with a 2-STORY, 6-ROOM L FRAME HOUSE with garret and cellar, smoke house, etc., an excelent well of water near the house, fruit trees, and is situated on the new cut road.

Second!- All that piece or parcel of land containing nine-sixteenth of an acre of land, more or less, described in a deed from Harriet Moser to Sarah Martin, dated September 30, 1904, and recorded in Liber S.T.H.No .269, folio 3, one of the land records of said Frederick County. This parcel of la nd is improved by a 1½ story frame frame dwelling house, containing four rooms, wagon shed and corn crib. A well of exoilent water, fruit trees, etc.

All of said properties are near to schools churches and mill. Possession given at once.

TERMS of sale as prescribed by the decree!- One-half of the purchase money to be paid in cash on day of sale, or on the ratification thereof by the Court, the residue in six months from day of sale, the pur chaser or purchasers giving his, her or their notes with approved security and bearing interist from the day of sale, or all cash at the option of the perchaser.

A deposit of $50.00 will be required of the purchaser or purchasers of each parcel of real estate immediately after the sale. Allconveyancing at the expence of the purchaser.

Charles C. Waters,

Arthur D. Willard,

Trustees.

John A. Snook, Auctioneer. June 6ts

EXHIBIT "E.R.C."

I hereby certify that I have this day purchased at private sale subject to ratification by the Court of Charles C.Waters and Arthur D.Willard Trustees, the realestate Mentioned and described in the annexed advertisement of sale, at and for the sum of Five_Hundred_Dollars_and I agree to pay that sum there for in cash upon said sale being ratified & confirmed by the Court.
Witness my hand and seal,this 26th day of July,1912.

Elizebeth Martin. Seal

Witness;

Charles C.Waters,

Colonel Layman and Zoa Layman,
his wife,
vs.
Jacob A.Layman,Birdie A.Layman,
William H.Layman,Emma Layman,his
wife, Clara Dixon,widow,Rosa Layman
and Sevilla A.Layman,heirs at law.
Reverdy Walling,Mortgagee,George L.
Cramer,and Frederick W.CrAmer,partners
trading as George LCramer and son,
Jacob A.Layman,William V.Wolf,Noah
E.Cramer,William A.Cramer,George L.
Cramer,Frederick W.Cramer,and William L.
Cramer,partners trading as George L.Cramer
and sons,Peter M.Hammaker,The Woodsboro
Savings Bank of Frederick County, Maryland,
Clarence A.Bussard,trading as The Farmers
Supply Company,D.Casper Remsburg and Guy
Remsburg,partners trading as.D.C.Ramsburg and
Son,Thomas and Company,a body corporate,The
Washintom,Frederick and Gettysburg Railway
Company,a body corporate,

No 9204 Equity.
In the Circuit
Court for Frederi
ck County,in
Equity.

To the Honorable thw Judges of the Circuit Court for Frederick County!
Your orators Colonel Layman and Zoa Layman,his wife,complaining says!-
1. that a certain George W.Layman died intestate sometime during the year 1902 and left surviving him a widow Sophie Layman who has since deceased and the following named children all of whom are adults and residents of Frederick County;a son Colonel Layman whose wife's name is Zoa Layman and who are complainants in this suit;a son Jacob Layman whose wife's name is Birdie Layman,Whilliam H.Layman a son whose wife'S name is Emma LAyman, Clara Dixon a daughter whose husband is dead,a daughter Rosa Layman a daughter of Savilla A.Layman,in whom the real estate hereinafter described vested upon his death as tenants in common,subject to the widows dower, which dower has since become extinguished by his widows death.
2. That the said George W.Layman was at the time of his death seized of the following tracts of real estate situated in Frederick County,Maryl nd; First all that tract of land described in a deed from Henry Ramsburg to George W.Layman,bearing date April 3,1871 and recorded in liber C.M.No.6, folio 537,one of the land Records for Frederick County,a certified copy of which deed is herewith filed and Marked Exhibit No.1 to this Bill of Complaint which together with all other Exhibits your Complaints pray may be taken and considered as a part hereof;Second,all that tract of land descri-

bed in a deed from James to George W.Layman bearing date May 15,1863 and received on Liber B.G.F.No.9,folio 270 one of the Land Records for Frederick County,a certified copy filed herewith and marked Exhibit No.2,which said two tracts of land were at the time of the death of the said George W.Layman subject toma mortgage executed by the said George W.Layman and wife to Nancy C.Johnson bearing date June the 12,1884 and recorded in Liber A.F. No.8,folio 624 and 626,which mortgage was on the 30th day of December 1891 assigned to a certain Reverdy A.Walling, a certified copy of which Mortgage is herewith filed And marked Exhibit No.3,which said mortgage debt was the only encumbrance upon said real estate at the time of the death of the said George W.Layman,but since his death said real estate has been encumbered by his children and heirs at law in the following manner,to wit:

by a judgemebt from Colonel Layman,Jacob Laymon and Zoa Layman to George L.Cramer,120 Trials May Term 1910 for &164.24,A certified copy is filed herewith and marked Exhibit No.4.

By a judgementfrom Col onel Layman,Zoa Layman,and Jacob Layman to George L.CrAMer and Frederick W.Cramer,partners trading as George L.Cramer and son for $192.91,No. 117 Trials May Term 1910,a certified being filed herewith being marked Exhibit No.5.

By a judgement from Rosa E.Layman and Savilla Layman to Jacob Layman for the sum of $500 being 150 Trials May Term 1914,a certified copy if filed herewith marked Exhibit No.6.

By a judgement from Colonel Layman and Zoa Layman to William V.Wolf for the sum of $107.60 being 143 trials May Term 1914 a certified copy is filed herewith and marked Exhibit No.7.

By a judgement from Jacob A.Layman and Birdie Layman to Noah E.Cramer for $184.63 being No. 159 Trials,February Term 1914,a certified copy is filed herewith and marked Exhibit No.8.

By a judgement from Colonel Layman to Noah E.Cramer for the sum of $412 being 132 Trials May Term 1912,a certified copy is filed herwith marked Exhibit No.9.

By a judgement from Jacob A.Layman et.al. to George L.Cramer Frederick W.Cramer and William L. Cramer,partners trading as George L.Cramer and sonsfor $565.51,being 162 Trials December Term 1911,a certified copy is filed herewith and marked Exhibit No.10.

By a judgement from Jacob A.Layman et.al.to WilliAm A.Cramer fir the sum of $515.68,being 218 Trials,February Term 1912,a certified copy is filed herewith and marked Exhibit No.11.

By a judgement from Jacob A.Layman et.al.to William A.Cramer for the sum of $317.21 being 219 Trials February Term 1912,a certified copy is filed herewith and marked Exhibit No.12.

By a judgement from Jacod Layman et.al.to Peter M.HAmmaker for the sum of $218.58 being 181 Trials DEcember Term 1912,a certified copy of which is filed herewith and marked Exhibit No.13.

By a judgement from Colonel Layman et.al.to The Woodsboro Savings Bank for the sum of _____ _____being 129 Trials February Term 1913,a certified copy is filed herewith and marked Exhibit No.14.

By a Judgement from Jacob A.Layman et.al.to the Woodsboro Savings Bank in the sum of _____ _____being No. 130 Trials February Term 1913,a certified copy is filed herewith and marked Exhibit No.15.

By aJgudgement from Colonel Layman to Clarence A.Busard,trading as the Farmers Supply Company for the sum of $230.23 being 145 Trials February Term 1913,a certified copy is filed herewith and marked Exhibit No.16.

By a Judgement from Rosa Layman to D.Casper Ramsburg and Guy Ramsburg,trading as D.C.Ramsburg and son for the sum of $46.25 being No.389 Magistrate's Docket No.7, a certified Copy is filed herewith and marked Exhibit No.17.

By a judgement from Colonel Layman to Thomas & Co.a body corporate for the sum of $60.77 being No.103 Magistrates Docket No.7,a certified copy is filed herewith and marked Exhibit No. 18.

By a judgement from Rosa E.Layman to The Washington,Frederick and Gettysburg Railway Company for the sum of $50.00 being No.805 Magistrate's Docket No.6,a certified copy is filed herewith and marked Exhibit No.19.

By a judgement from Savilla A.Layman to the Washington,Frederick and Gettysburg Railway Company for the sum of $50.00 being the No.799 Magistrate's Docket No.6,a certified copy is

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filed herewith and marked Exhibit No.20.

By a judgement from William H_Layman to W.F.& G.Ry.Co.fes the sum of $50.00 being No.798 Magistrate's Docket No.6, a certified copy is filed herewith and marked Exhibit No.21.

3. That said real estate is not capable of division amongst the parties entitled and that it would be for the benefit and advantage of all the parties of interest that said real estate be sold and the proceeds distriduted under the direction of your Honorable Court to the parties entitled according to their respective interests. To the end therefor,

First. That your Honorable Court may pass a decree for the sale of the real estate mentioned in the aforegoing Bill of Complaint.

Second. and for such other and further relief as the nature may require.

May it please your Honors to grant unto your Complaintants the writ of Subpoena direct to the said Jacob A.Layman,Birdie A.Layman,William H.Layman, Emma Layman,clara Dixon Rosa Layman,Savilla Layman,heirs at law of George W. Layman,Reverdy Walling,Mortgagee,George L.Cramer and Frederick W.Cramer,partners trading as George L.Cramer and Son,Jacob A.Layman,William V.Wolf,Noah E.Cramer, William A.Cramer,George L.Cramer,Frederick W.Craner and William W.Cramer,partns trading as George L.Cramer and Sons,Peter N.Hammaker,The Woodsbore Savings Bank Clarence A.Bussard trading as the Farmers Supply Company,D.Casper Ramsburg and Guy Ramsburg,partners trading as D.C.Ramsburg and son,Thomas &Co.,a body corporate,and the Washinton Frederick and Gettysburg Railway Company,a body corporate all residents of Frederick County,Maryland,commanding them and all of them to be and appear in your Honorable Court on some day certain to be named in said writ,answer the premises,abide and perform such decree as may be passed herein.

Steiner & Wineburg

Filed Aug,4th 1914. Solis,for Complts.

"EXHIBIT No 1"

At the request of George W.Layman the following
Deed was recorded April 4th. 1871.
(U.S.R Stamp Cancelled)

This Deed made this third day of April Eighteen hundred and seventy one by us Henry Ramsburg and Charlotte Ramsburg his wife,of Frederick County State of Maryland,Witnesseth that for and in consideration three thousand and one hundred and fourty dollars,We the said Henry Ramsburg and Charlotte Ramsburg his wife,do grant in fee simple to George W.Layman all those parts of two tracts of land situated in Frederick County,State of Maryland,being part of a tract of land called "Green Springs"and part of a tract of land called "THE First-Dividend" and contained with the following courses and distances metes and bounds,Beginning for the same at a stone planted at the end of one hundred perches on the third line of the said tract called "Green Spring" and running thence south 6¼ degrees West 155 perches, thence south 56 degrees East 54 perches to the road leading from Lewstown to Eicholts Mills.and with it North 33½ degrees East 28 perches,North 40¾ degrees East 38 Perches North,48 degrees east 14 7/10 North 35 degrees East 56 perchases thence with said third line reversed North 56 degrees West 28 perches thence to include said first dividend North 18 degrees East 53 perches to the lot of Wm.Fegle,and with it north 88½ degrees West 15 4/10 pershes North 4 degrees West 15 pershes to a public road leading to Catoctin Furnaceand with it south 86½ perches to the place of beginning containing one hundred and one acres and fifteen perches of land more or less,It being the same land heretofore conveyed by George H.Clem Trustee.To said Henry Ramsburg by deed dated on the second day of April 1862.

and recorded in liber B.G.F. No.7. folio No.417 one of the land records of Frederick County,

Witness our hands and seals

Test!-

Calvin L.Firer

Jos A.Gernand.

Henry Ramsburg (Seal)

Charlette her x mark Ramsburg (Seal)

Filed Aug,4th 1914.

" EXHIBIT NO 2 "

At the request of George Layman the following deed was recorded October 30th.1863,(Stamped &Cancelled)

This deed made this fifteenth day of May in the year of our Lord one thousand eight hundred and sixty three,by George Mikesell and Rachel Mikesell his wife,and James Null all of Frederick County,whereas the late William M.Powll deceased during his lifetime purchased of the said George Mikesell a certain tract of land which the said George Mikesell never made a Deed for,and wheas theWilliam M.Powell during his lifetime sold said property,to a certain George Layman of said County,for the sum of six hundred and seventy five dollars wherein their was no deed for,and wherein James Nullwas through a petition defore the Orphans Court appointed by said Court to make And execute a Deed in the premises,and whereas the said James Null,he and the said George Mikesell & wife doth execute this deed in the premises,

Now therefore in consideration of the premises we the George Mikesell and Rachell Mikesell his wife and James Null do grant unto George Layman,all the right title of all that parcel or tract of land called Friendship,with the apputenances thereto belonging situated and lying in Creagerstown District,Frederick County,adjoining the lands of John Putman,Jacod Miller & Others, It being the same tract of land conveyed by George T.Zimmerman and wife,by deed bearing date April 10th,1852.to George Mikesell,and recorded in the land records for Frederick County as by reference thereto will show,containing twenty five acres of land,more or less,As witness our hands and seals.

George his x mark Mikesell (Seal)

Rachel her x mark Mikesell (Seal)

James his x mark Null (Seal)

Test!-

J.H.Seabrook.

Which is thus endesed.

Maryland Frederick County,Set!-

I hereby certify that on this fifteenth day of May in the year of our Lord one thousand eight hundred and sixty three before me the subscriber one of the Justices of the peace of the state of Maryland in and foe Frederick County,personally appeared George Mikesell and Rachel Mikesell his wife,and James Nell,and did each acknowledge the aforegoing deed to be their respective act.

Acknowledgeed before J.H.Seabrook.

State of Maryland Frederick County,to wit!-

I hereby certify that the aforegoing copy of the deed from George Mikesell and Rachel Mikesell his wife,and James Null to George Layman.is true as the same is recorded in liber B.G.F.No.9 folio 270.one of the land records of Frederick County.Md.

In witness whereof I hereinto subscribe my name and affix the seal of the Circuit Court for Frederick County,Md.this 4th day of August A.D.1914.

Harry W.Bowers Clerk
of the Circuit Court for Frederick County.Md.

Filed Aug 4th 1914.

"EXHIBIT NO3"

At the request of Nancy C.Johnsen the following
Mortgage is received for record and recorded
July 18th.1884,at 3 O'Clock P.M.
Test:- Adelphus Fearhake Jr.Clerk.

This mortgage made this 12th day of June in the year eighteen hundred and Eighty four by George W.Layman and Sophia Layman his wife,of Frederick County state of Maryland,witnesseth that whereas we the said George W.Layman and Sophia Layman his wife,by our single Bill of even date herewith payable one year after date with interestfrom date payable semiannually stands indebted unto Nancy C.Johnsen in the sum of Twelve hundred dollars and for the purpose of securing the sum of money in said single Bill recited with all interest thereon when due we agree to execute these presents.Now therefore in consideration of the premises,we the said George W.Layman and Sophia Layman his wife, do grant unto the said Nancy C.Johnsen,all these parts or parcels of land situate-lying and being in Frederick County,Called Green Springs and First Divedend,containing one hundred and one acres of land,more or less,it being the same land that was conveyed to the said George W.Layman by Henry Ramsburg and wife by deed dated the third day of April 1871 and recorded in Liber C.M. No.6.folio 538 one of the land Records of Frederick County,where by reference thereto will more fully appear,andalso all that parcel or tract of land situated in Creagerstown District Frederick County,called "Friendship" containing twenty five acres of land more or less it being the same property conveyed to said George W.Layman by James Mikesell and George Null by deed dated the 15th day of May 1863 and recorded in Liber B.G.F.No 9 folio 270 one of the land records of Frederick County,as by reference thereto will more fully appear. Provided that if the said George W.Layman and Sophia Layman his wife shall pay the said single Bill at maturity with all the interest thereon.then this mortage shall be void,but if default shall be made in the said single Bill when due and payable or of the interest thereon when due then it shall be lawful for Joseph C.Johnsen as trustee to sell the said mortgaged Property at the City Hotel inFrederick City,for cash giving at least twenty days notice in some newspaper published in Frederick County,of the place and term of sale, first to pay all cost charges council fee commissions and expences of sale, thereto to pay the Mortgage debt and All theinterest theron due, and the surplus if any to pay to the said Mortgagers. By order of the Orphans Court for Frederick County,I hereby assign the aforegoing Mortgage to Mary E.Kunkle individually.

Witness my hand and seal this 16th day of September 1889

Mary E.Kunkle (Seal)
Executrix of John J.Kunkle

(Assignment recorded Sept 16th 1889.
Test:- W.Irving Parsons Clerk)

For value received I hereby assign the within Mortgage to John B.Thomas &Son December 26 1891.

Test:- Thersa Kunkle. Mary E.Kunkle (Seal)

(Assignment recorded Dec.30th 1891.
Test John L.Jordan,Clerk)

Frederick County,Maryland,December 30th 1891.For value received we hereby transfer the within Mortage to Reverdy R.Walling.

Witness:- John B.Thomas & Son (Seal)

D.D.Thomas.

(Assignment recorded Dec.30th 1891.)

Test!-John L.Jordan.Clerk)

State of Maryland Frederick County,to wit!-

I hereby certify that the aforegoing Copy of the Mortgage and assignments is a true copy of the same as it is recorded in Liber A.F.No.8 at folio 624.one of the land records of Frederick County. Md.

In witness whereof I hereinto subscribe my name and affix the seal of the Circuit Court for Frederick County.this fourth day of August A.D.1914.

Harry W.Bowers Clerk
of the Circuit Court for
Frederick County, Md.

And the said Mortgagers covenants to pay all taxes,public dues and assessments levied or to be levied by law on said Mortgage Debt.

Witness hands and seals

George W.Layman (Seal)

Test!-
C.L.Firer

Sophia her X mark Layman (Seal)

State of Maryland Frederick County to wit!-

I hereby certify that on this 12th day of June in the year Eighteen hundred and eighty four before me the subscriber a Justice of the peace of the state of Maryland in and for the County of Frederick aforesaid personally appeared George W.Layman and Sophia LaymAn his wife,and did acknowledge the aforegoing Mortgege to be their act and the Mortgage therein named made in due form of law,that the consideration stated in the said Mortgage is true and bona fide as therein set forth.

Calvin L.Firer.J.P.

State of Maryland,Frederick County to wit!- I hereby certify that on this twelvth day of July A.D.1884.before the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County,personally appeared Joseph C.Johnson agentof the said Nancy C.Johnson,and made oath in due form of law that the consideration stated in the foregoing Mortgage is true and bona fide as therein stated,and the said Joseph C.Johnson in like manner further made oath that he is the agent of said Nancy C.Johnson and authorized by said Mortgagee to make this affidavt.

Charles Smallwood J.P.

March 31st 1888,for value received I hereby transfer and assign all my right title and interest in the within Mortgage to John J.Kunkle.

Witness my hand and seal.

Test;J.C.Johnson Mary C.Johnson (Seal)

(Assignment recorded March the 31 1888.)

(Test W. Irving Parsen Clerk)

I hereby resign the trusteeship mentioned in the within mortgage in favor of John J.Kunkle.The Assignee.Witness my hand and seal this thirtyfirst day of March 1888.

J.C.Johnson (Seal)

Test C.G.Thomas.

Assignment recorded March 31st 1888.

Test C.G.Thomas. Test;W.Irving Parsons Clerk.

Filed Aug,4th 1914.

"Exhibit No 4"

State of Maryland,Frederick County,to wit:-

In the Circuit Court for Frederick County;

George L.Cramer
vs.
Colonel Layman
Jacob Layman &
Zoa Layman

No.120 Trials May Term 1910
Action in debt Rule Plea
Case docketed by consent.

1910 June 9,Mem.Single Bill & Narr filed by Plff and Defendants confession of Judgement filed and agreement eg Plff with atty for defts filed that Clerk do docket case by consent and enter up judgement by confession &c.,Court being in rpcess.

1910 June 9,Judgement by confession on the within Narr in favor of the Plaintiff and against the Defendants forthe sum of One hundred and sixty four dollars and twenty four cents (164.24) with interest thereon from date hereof and costs of suit,waiving all errors of pleading,right of appeal,stay of execution and all exemptions under the laws of the state of Maryland.

(Judgement entered by the Clerk by agreement filed)

1912 April 3," In consideration of sum of $1.00 the plaintiff hereby waives and postpones thelien of the adove judgement as to a Mortgage for the sum of 1000.given by Jacob A.Layman & wife to The Loats Female Orphans Asylum of Frederick City in the County of Frederick dated April.2nd.1912 and recorded Apr.3, 1912 among the land Records of Frederick County,hereby intending to give the said Mortagag priority over the lien of this judgement,but otherwise retaining and reserving said lien.(Order of Plff filed April 3,1912.)

Fifa iss'd No.19 Juds D.T.1912

P.P.for Plaintiff Frederick W.Cramer,Atty for Defendants.

Plaintiffs cost $1.75
Defendants cost $5.25

True copy-Test!

Harry W.Bowers

Clerk of the Circuit Court for Frederick County,Md.

Filed Aug 4,1914.

"Exhibit No.5"

State of Maryland,Frederick County,to wit!

In the Circuit Court for Frederick County!

George L.Cramer and
Frederick W.Cramer,
partners trading under the
firm name and style of
George L.Cramer and Son
vs.
Colonel Layman
Zoa Layman
Jacob A.Layman

No.117 Trials May Term 1910
Action in Debt Rule Plea
Case dosketed by consent.

1910 June 7,Mem Single Bill & Narr filed by Plffs and Defendants Confession of Judgement filed and agreemen of Council filed that Clerk of the Cir.Court for Fred'k County enter up judgement by confession the Court being in recess.

1910 June 7,Judgement by confession on the within Narr in favor of the Plaintiffs and against the defendants for the sum of One hundred and ninety two dollars and ninety one cents (192.91)With interest from date and cost ofsuit, waiving all errows of pleading,right of appeal,stay of execution and all exemptions under the laws of the state of Maryland.

(Judgment entered by the Clerk by agreement filed)

1912 April 3," In consideration of One dollar the plaintiffs hereby postpone and waives the lien of the above judgement to a mortgage for the sum of $8000.00 given by Jacob A.Layman and wife to The Loats Female Orphan Asylum, of Frederick City in the County of Frederick a body corporate, dated April 2nd.1912 and recorded April 3rd.1912 among the Land Records of Frederick County, hereby intending to give the said Mortgage priority over the lien of this Judgement,but otherwise reserving said lien.

(Order of Plffs by Frederick W.Cramer filed April 3, 1912)

Frederick W.Cramer,Attorney for Plaintiffs

John Francis Smith Attorney for Defendants

Plaintiffs cost $6.75

Defendants Cost $5.25

True copy-Test!

Harry W.Bowers

Clerk of the Circuit Court for Frederick County,Md.

Filed Aug 4,1914.

"Exhibit No 7"

IN THE Circuit court for frederick county

state of maryland.

William V. Wolf

-vs-

Colonel Layman

Zoa Layman

No. 143 Trials May Term,1914

Action in Assumpsit Rule Plea

case docketed by consent 1914 July 7 ludgement confessed by Leo Winebirg Attorney for Defendants Colonel Layman and Zoa Lay,man,on the within Narr in favor of the Plaintiff and against the Defebdants for the sum of One hundred and Seven dollars and Sixty (107.60) cents debt with interest from date till paid costs of suit togather with ten dollars and seventy (10.76)cents Attorneys collection fee, property exempt from execution under the laws of Maryland Waived (Fi fa issued No.20.Juds May Term 1914.

Plaintiff's cost $7.00

Defendant's do. $5.00

F.L.Stoner Atty,for Plaintiff.

Leo Wineberg Atty.for Defendantd.

True copy! Test

Filed Aug 4th 1914. Harry W.Bowers Clerk.

IN THE CIRCUIT COURT FOR FREDERICK COUNTY

"Exhibit No 8" State of Maryland.

Noah E.Cramer

vs.

Jacob A.Layman &

Birdie A.Layman

No. 159 Trials Fedruary Term,1914

Action in debt Rule Plea

Case docketed by consent 1914 April 4,Judgement confessed by Frederick W.Craymer Attorney for Defendants,in favor of the Plaintiff and against the Defendants for the sum of one Hundred and eighty four dollars and sixty three cents ($184.63)value received with interest from date,release of all errors,and waiving all stay of execution,right ofappeal and all exemption under Laws of Maryland.

Plaintiff's Cost $ 2.00

Defendant's Cost $5.00

P.P. Atty.for Plaintiff.

Frederick W.Cramer Atty. for Defendant.

True Copy! Test Harry W.Bowers Clerk.

Filed Aug,4, 1914.

"EXHIBIT NO" (9)

IN THE CIRCUIT COURT FOR FREDERICK COUNTY

State of Maryland.

Noah E.Cramer

vs.

Colonel Layman &

Zoa Layman

No 132 Trials May Term,1911

Action of Debt Rule Plea.

case docketed by consent.1911 July 6th Mem,single Single Bill & Narr filed by Plff.and Defendants confession of Judgement filed and agreement filed that the Clerk enter up Judgement as confessed,the Court being in recess.

1911.July 6. Judgement by confession on the withi narr in favor of the Plaintiff against the Defendant forthe sum of Four hundred and twelve dollars and forty cents (412.40) with interest from date costs of suit and release of all errors without stay of execution and waiving right of Appeal and all exemp-ions underthee laws of the State of Maryland.

Plaintiff's Cost $ 1.75.

Defendant's do $5.25.

p.p. Atty.for Plaintiff.

Frederick W.Craymer (July 6th 1911) Atty.for Defendant.

True Copy! Test

Harry W.Bowers Clerk.

Filed Aug 4, 1914.

"Exhibit No 10"

IN THE CIRCUIT COURT FOR FREDERICK COUNTY

State of Maryland.

George L.Cramer,
Frederick W.Cramer and
William L.Cramer
partners trading as
George L.Cramer and Sons

vs.

Jacob A.Layman
Birdie A.Layman
Colonel Layman

No.162 Trials December Term,1911

Action in debt Rule Plea

1912 February 2,Judgement confessed by Charles McC.Mathias Attorney foer the Defendants on the within Narr in favor of the Plaintiffs against the Defendants for the sum of Five Hundred and sixty five dollars and fifty one cents ($565.51) value received,with interest from date,costs of suit and 5% attorneys fees for collectionif made on fi fa,with release of all errows and waiving all stay of execution,right of appealand any and all exemption under the laws of Maryland.

Plaintiff's Costs $7.20

Defendant's do. $5.00

Frederick W.Cramer Atty.for Plaintiff.

Chas.McC.Mathias Atty.for Defendant.

True Copy! Test

Harry W.Bowers Clerk

Filed Aug,4th 1914.

"EXHIBIT NO 11"

IN THE CIRCUIT COURT OF FREDERICK COUNTY

State of Maryland.

William A.Cramer

vs.

Jacob A.Layman
Birdie A.layman
Colonel Layman.

" No 218 T Trials Feby Term,1912
" Action of Dedt,Rule Plea.Case docketed by consent.
" (April 6,1912 Mem & Single Bill& Marrfilled by Plff and defendahts
" confession of Judgement filed and agreement filed that the Clerk
" docket case and enter up the Judgement by the confession the Court
" being in recess. 1912 April 6.Judgement confessed by Frederick W.
" Cramer Attorney for the Defendants by virtue of the Authority by
" contained in the annexed single Bill,on the within Narr,in favor
" of the plaintiff and against the Defendants for the sum of Five
" Hundred and fifteen dollars and sixty eight cents($515.68)
" Value received with interest from date costs of suit and 5%
" attorneys fee for collection if made on fi fa, with release of
" all errors and waiving stay of execution right of appeal and all
" exem ptions under the laws of Maryland.

(Fi FA issd.No 25. Juds.F.T.1914.)

Plaintiff's Costs $2.00
Defendants do. $5.00

P.P. Atty. for Plaintiff.

F.W.Cramer Atty.for Defendant.

True Copy! Test

Harry W.Bowers Clerk.

Filed Aug,4, 1914.

"EXHIBIT NO 12."

IN THE CIRCUIT COURT FOR FREDERICK COUNTY

State of Maryland.

William A.Cramer

vs.

Jacob A.Layman
Birdie A.Layman
Colonel Layman

" No 219 Trials February Term 1912
" Action in debt Rule Plea
" Case docketed by consent 1912 April 6,Judgement confessed by Frederick
" W.Cramer Attorney for the Defendants by virtue of the authority contained
" in the annexed Single Bill on the within Narr in favor of the Plaintiff
" against the Defendants for the sum of three hundred and seventeen doll-
" ars and twenty one cents (317.21) value received with interest from date
" costs of suit,and 5% attorneys feefor collection if made on fi fa,with
" with release of all errors and waiving stay of execution right of appeal
" and all exemption under Laws of Maryland..

Plaintiff's Cost $2.00
Defendant's do. $5.00
P.P. Atty.for Plaintiff.
Frederick W.Cramer Atty.for Defendant.

True Copy! Test

Harry W. Bowers Clerk.

Filed Aug, 4th 1914.

"EXHIBIT NO 13"

INTHE CIRCUIT COURT FOR FREDERICK COUNTY

Peter N.Hammaker

vs.

Jacob A.Layman
Birdie A.Layman
Colonel Layman
Zoa Layman
Rosa E.Layman
Savilla A.Layman.

No 181 Trials December Term 1914

action of debt. Rule Plea.

Case Docketed by consent.

1913 January 17 Judgement confessed by John C.Motter Attorney for Defendants by virtue of the authority, contained in the annexed Single Bill on the within Narr in favor of Peter N.Hammaker Plaintiff against Joseph A.Layman.Birdie A.Layman in favor of Peter N. Hammaker Plaintiff against Jacob A.Layman,Birdie A. Layman Colonel Layman,Zoa Layman Rosa E.Layman,and Savilla A.Layman,Defendants in the sum of Two hundred and Eighteen and 58/100 dollars (218.58) with interes from date,costs of suit and ten and 43/100 dollars (10.43) Attys collections fees with release of all errprs waiving right of appeal stay of execution and all exemptions under the laws of the State of Maryland

Plaintiff's Cost $7.50

Defendants Cost $5.25

Vincent Sedold Atty.for Plaintiff.

John C.Motter. Atty.for Defendants.

True Copy! Test

Harry W.Bowers Clerk.

Filed Aug 4,1914.

""EXHIBIT NO" 14.

IN THE CIRCUIT COURT FOR FREDERICK COUNTY

State of Maryland.

The Woodsboro Savings Bank of Frederick County, Maryland

vs.

Colonel Layman
Zoa Layman
Jacod Layman

Plaintiff's Cost $7.20

Defendants Cost $5.00

Lee Winburg Atty.for Plaintiff

Frank L.Stoner Atty.for Defendants.

No.129 Trials February Term,1913

Action of Assumpsit Rule Plea

Case dooketed by consent

1913 February 13,Judgement by confession of Frank L.Stoner Attorney fos Defendants in favor of the Plaintiff and against the Defendants for the sum of $1498.25 debt,with interes from February 6,1913 till paid,costs of suit, without stay of execution,all errors of pleading right of appeal and exemption waived.

True Copy! Test

Harry W.Bowers Clerk.

Filed Aug-4, 1914.

"EXHIBIT NO 15"

IN THE CIRCUIT COURT FOR FREDERICK COUNTY

State of Maryland

The Woodsboro Savings Bank of Frederick County, Maryland.

vs.

Jacob A.Layman
Birdie A.Layman
Colonel Layman

No.130 Trials February Term,1913
Action of Assumpsit Rule Plea
Case docketed by consent
1913 February 13,Judgement by confession of Frank L.Stoner
Attorney for Defendants in favor of the Plaintiffs and against
the Defendants foe the sum of $1841.27 debt,with interest from
February 6,1913 till paid togather with cost of suit,without
stay of execution,all errors of pleading,right of appeal and
exemption waived.
#
#
#

Plaintiff's Cost $7.20
Defendant's do. $5.00
Leo Winberg Atty for Plaintiff.
Frank L.Stoner Atty.for Defendant.
Filed Aug 4,1914.

True Copy! Test

Harry W.Bowers Clerk.

"EXHIBIT NO 16"

INTHE CIRCUIT COURT FOR FREDERICK COUNTY

State of Maryland.

Clarence A.Bussard trading as the Farmers Supply Company

vs.

Colonel Layman

No 145 Trials February Term.1913
Action o Assumpsit Rule Plea
Case docketed by consent.
1913.March the 13.Judgement confessed by Henry Hanson Maulsby Attorney for the defendants in favor of the Plaintiff and against the Defendantfor the sum of Two Hundred and thirty dollars and twenty three cents with interest from December 26.1912.with costs of suit and ten per cent for collection with waiver of all exemptions under the laws of Maryland
(Fi fa Issd No 13 Jud.Feb T 1913.

Plaintiff's Cost $7.00
Defandant's Cost $5.00
John Francis Smith Atty.for Plaintiff.
H.G.Maulsby Atty for Defendants.
Filed Aug 4,1914.

True Copy! Test

Harry W.Bowers Clerk.

"EXHIBIT NO 17"

Dtate of Maryland,Frederick County!

In the Circuit Court for Frederick County!

D.Casper Remsburg and Guy Ramsburg, partners trading as D.C.Ramsburg and Son

vs.Docket No.2
Suit No.803

Rosa Layman

" No.389 Magistrate Judgment Record No.7
" Before Fabrian Posey Justice of the Peace
" of the State of Maryland,in and for
" Frederick County.
" Action Assumpsit. $46.25

Sommons issued March 6, 1914,directed to John D.Conard Jr. Sheriff,returnable Marok 10.1914.

Returned summoned.Ruled to Marokh 17, 1914 at 2 O'Clock P.M.

March 17,1914 Trial exparte had and Judgement rendered in favor of the Plaintiffs and against the Defendants for the sum of Forty Six Dollars and twenty five cents with interest from date until paid,and one dollar and forty cents costs. $_____costs paid by

Witness my hand and seal

Fabian Posy ($eal)

Justice of the Peace

True copy from my dooket

Fabian Posey (Seal)

Justice of the Peace

Copy 25¢
Recording copy 25¢

Judgement recorded and filed Mch.25,1914 at 4 O'Clock P.M.

Test! Harry W.Bowers,Clerk.

True Copy-Test!

Harry W.Bowers

Clerk of the Circuit Court for Frederick County,Md.

Filed Aug 4-1914.

"EXHIBIT NO 18"

State of Maryland,Frederick County,to-wit!

In the Circuit Court for Frederick County!

Thomas &Company, a body corporate	No.103 Magistrate Judgment Record No.7
vs.	Civil Docket No._____Case No.176,March 20,1913
Costs 1.15 Fifa .35 1.50	Summons issued directed to Charles T.Fagan,Sheriff, returnable March 24th.1913 at 2 O'Clock P.M.Returned Summoned.Continued to April 1st.1913 at 2 O'Clock P.M
Colonel Layman	

April 1,1913 Trials exparte,Judgement in favor of the Plaintiff for the sum of sixty dollars and seventy seven cents with interest from date until paid and one dollar and fifteen cents costs.

April 12th.1913 FI FA directed to Charles T.Fagan,Sheriff,returnable May 3rd. 1913

Witness my hand and seal

George R.Dennis Jr.J.P. (Seal)

True copy from my docket

George R.Dennis J.P. (Seal)

Judgment recorded and filed April 12,1913

Test! Harry W.Bowers, Clerk.

True Copy -Test! Harry W.Bowers

Clerk of the Circuit Court for Frederick County,Md.

Filed Aug-4,1914.

"EXHIBIT NO 19"

IN THE CIRCUIT COURT FOR FREDERICK COUNTY

State of Maryland.

Jacob A.Layman	No. 150 Trials May Term,1914
vs.	Action in Assumpsit Rule Plea
Rosa E.Layman Savilla A.Layman	Case docketed by consent 1914 July 18,Judgment confessed by Aaron R.Andess Atty for Defendants Rosa E.Layman and Savilla E.Layman in favor of the Plaintiff and against the Defendants for the sum of five hundred ($500.00) dollars debt, with interest from date until paid,costs of suit,

and five per centum additional for Attorneys fee,release of all errors,and without stay of execution,and waiving exemption of real and personal property from levy and sale on execution,or money or wages from attachment and no

benefit of exemption to be claimed under and by virtue of any exemption law now in force or which may hereafter be passed.Fifa iss'd No.23 Juds M.T.1914 "TO Lie"

Plaintiffs Cost $7.00

Defandants Cost $5.00

Jessie F.R.Heagey Atty.for Plaintiff

Aaron R.Anders Atty.for Defendant. True Copy! Test

Harry W.Bowers Clerk.

Filed Aug 4 1914.

"EXHIBIT NO 20"

STATE OF MARYLAND FREDERICK COUNTY.to-wit!-

1909 Dec.1st, at 10.0'Clock A.M. The Washington Frederick & Gettysburg Railway Company,a body Corporate, 805. vs. Rosa E.Layman

1908 November 9th summons issued directed to Lewis F.Carter,Constabl, returnable 14th day of November 1908,Returned summoned.1909 October 4th upon Exparte Trial and Judgment in favor of Plaintiff for Fifty dollars with interest thereon from date hereof till paid and one dollar and 60/100 dollars cost.

Witness my hand and seal

C.H.Eckstein.J.P. (Seal)

1909,I hereby certify that the abeve transcript is a true copy taken from my docket.

Witness my hand and seal

C.H.Eckstein J.P.(seal)

(Judgment recorded and delivered to Plaintiffs Atty.)

Test!- Harry W.Bowers, Clerk.

True Copy Test!- Harry W.Bowers Clerk.

Filed Aug 4-1914.

"EXHIBIT NO 21"

State of Maryland Frederick County, to wit!-

1909 December 1st. The Washingtom and Gettysburg Rail-wayat 10.0'clock.A.M. Company,a body Corporate,

799 vs.

Savilla A.Layman.

1908 November 9th, Summons issued directed to Lewis F.Carter,Constable returnable 14th day of November 1908,returned summoned 1909.October 4th.Upon Ex-parte trial had Judgement in favor of Plaintiff for fifty dollars with interest thereon from date hereof till paid,and one dollar and 60/100 dollars cost.

Witness my hand and seal

C.H.Eckstein J.P. (Seal)

1909 October 5,I hereby certify that the above transcrip is a true Copy taken from my docket.

Witness my hand and seal

C.H.Eckstein.J.P. (Seal)

Judgment recorded and delivered to Pltffs Atty.

Test!- Harry W.Bowers. Clerk.

True Copy Test!-

Harry W.Bowers Clerk.

Filed Aug 4-1914.

"EXHIBIT NO 22"

State of Maryland Frederick County,to-wit!-

1909 at 10 O'Clock A.M.Dec.1st. The Washington Frederick and Gettysburg Railway Company,a body corporate.

798. vs.

William H.Layman.

1908 November 9th.Summonds issued directed to Lewis F.Carter,constable returnable 14th day of November 1908,Returned Sommoned 1909 October 5th. Upon Expart trial had Judgement in favor of plaintiff for Fifty Dollars with interest thereon from date hereof till paid and one 60/100 dollars costs. Witness my hand and seal

C.H.Eckstein J.P. (Seal)

1909 October 5th,I hereby certify that the above transcript is a true copy taken from my docket

Witness my hand and seal

C.H.Eckstein J.P. (Seal)

Judgt recorded and delivered to Plaintiffs Atty.

Test! Harry W.Bowers. Clerk.

True Copy Test!-
Harry W.Bowers Clerk.

Filed Aug 4,1914.

EQUITY SUBPONEA

STATE OF MARYLAND,FREDERICK COUNTY to wit!

The State of Maryland.

To The Washington Frederick & Gettysburg Rail-way Company (a body Corporate)Of Frederick Coubty,Greetings!

TOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of September 1914,to answer the Bill and Complaint of Colonel Layman & Zoa Layman,his wife.vs.Jacod A.Layman et al. (for sale of real estate og George W.Layman,deceased.) against you_____in said Court exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner, Chief Judge of said Court,the 11th day of May A.D.,1914.

Issued the fourth day of August A.D.,1914

Harry W.Bowers Clerk.

To the Sheriff of Frederick County.

Stener & Winedorg. Solicitors.

Filed Aug 8 1914.

EQUITY SUBPONEA

STATE OF MARYLAND,FREDERICK COUNTY to wit!

In the State of Maryland.

To the Woodsboro Savings Bank. (Body Corporate)

(Frederick County.Md) of Frederick County, GREETINGS!

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a

Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of September 1914,to answer the Billand Complaint of Colonel Layman his wife, Zoa Layman vs Jacob A.Layman eta (for sale of real estate of George W.Layman) against you _____in said Court exhibited,and so forth.
Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court,the 11th day of May A.D.,1914
Issued the 4th day of August A.D.,1914

Harry W.Bowers Clerk.

To the Sheriff of Frederick County,
Stoner & Wineberg,Solicitors. Filed Aug 8-1914.

Returned Summoned Omnes

STATE OF MARYLAND,FREDERICK COUNTY,Sct!
By the Circuit Court of Frederick County No 9204, Equity Term,1915
To the Sheriff of Frederick County! You are hereby commanded to Summon Ora Ahalt,Marion Layman Grason Demer, Thurmont and them have you before the Judges of said Court,now sitting, to testify for petitioner,Colonel Layman et al Jacob Layman,et al,
Returnable July 12,at 20'Clock,P.M.1915.
Issued July 10th 1915 Harry W.Bowers Clerk. Filed July 12th 1915.

EQUITY SUBPONEA

STATE OF MARYLAND,FREDERICK COUNTY to-wit!
The State of Maryland.

To Thomas & Co. (Body Corporate) (Adamstown) of Frederick County, GREETINGS!
YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick County,on the FIRST Monday of September 1914,to answer the Bill and Complaint of Colonel Layman &Zoa Layman vs,Jacob A.Layman,et al. (For sale of real estate) of George W. Layman. against you _____in said Court exhibited,at your peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court,
the 11th day of May A.D.,1914
Issued the 4th day of August A.D.,1914

To t e Sheriff of Frederick County,
Stoner &Winberg.Solicitors. Filed Aug 8 1914.

Harry W.Bowers Clerk.

EQUITY SUBPONEA

STATE OF MARYLAND,FREDERICK COUNTY to-wit!
The State of Maryland.

To Reverdy Walling Montgomery County,Md.
of Montgomery County, GREETINGS! YOU ARE HEREBY COMMANDED,That all exouses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of September 1914,to answer the Bill and Complaint of Colonel Layman, &Zoa Layman his wife, vs Jacob A.Layman et al. (For sale of real estate of George W.Layman,deceased) against you_____in said Court exhibited,and so forth.
Hereof fail you not,as you will answer the contrary at your peril.
Witness the Honorable Hammond Urner,Chief Judge of said Court, the 11th day of May A.D.,1914. Issued the 5th dayof August A.D.,1914

To the Sheriff of Montgomery County, Harry W.Bowers Clerk.
Stoner & Wineburg.Solicitors Filed Aug 14th 1914.

"EQUITY SUBPONEA"

STATE OF MARYLAND,FREDERICK COUNTY to-wit!

the state of Maryland.

D.Casper Ramsburg and Guy Ramsburg (trading as D.C.Ramsburg & Son)
To Jacob A.Layman,Birdie A.Layman,William H.Layman Emma Layman,Clara Dixon,
Rosa Layman,Savilla Layman,Reverdt Walling n e George L.Cramer and Frederick
W.Cramer,(trading as George L.Cramer & Son)Jacob A.Layman & William M.Wolf,
Noah E.Cramer,William A.Cramer,George L.Cramer,and Frederick W.Cramer &
William L.Cramer(partners trading as George L.Cramer & Sons) Peter N.Hammaker
Clarence A.Bussard (trading as the Farmers Supply Co.) of Frederick County,
GREETINGS!

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of September 1914.to answer the Bill and Complaint of Colonel Layman & Rosa Layman his wife. vs.Jacob A.layman et al. (For sale of real estate of George W.Layman) against you _____in said Court exhibited,and so forth.Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court, the 11th day of May A.D..1914 Issued the fourth day of August A.D.,1914

Harry W.Bowers Clerk.

To the Sheriff of Frederick County.

Stoner & Weinberg,Solicitors. Filed Aug 14th 1914.

"EQUITY SUBPONEA"

STATE OF MARYLAND,FREDERICK COUNTY to wit!

The State of Maryland.

To Misses Sevilla Layman and Rosa Layman of Frederick County,
Greetings! YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of July 1915,to answer the Bill and Complaint of William H.Layman vs Misses Savilla Layman and Rosa Layman (Bill of Injunction)against you_____in said Court exhibited,and so forh

Hereof fail you not,as you will answer the contrary at tour peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court, the third day of May A.D., 1915

Issued the 25th day of June A.D.,1915

To the Sheriff of Frederick County. Harry W.Bowers Clerk.

Emory L.Coblentz. Solicitors. Filed June 26 1915.
Charles C.Waters

Colonel Layman et al.	"	No. 9204 Equity.
vs.	"	In the Circuit Court for
Jacob Layman et al.	"	Frederick County,sitting
	"	as a Court of Equity.

TO THE HONORABLE JUDGES OF SAID COURT!

The Pertition of Colonel Layman and Zoie Layman,his wife,respectfully represents unto your Honorable Coust!-

1. That on August 4th,A.D.1914,the time of your complainants filed their Bill of Complaintin the above entitled cause,they filed with said Bill and as a part thereof,the mortgage on the real estate mentioned in the Bill,a certified copy of which is marked "ExhibitNo.3", which exhibit shows the title to said mortgage to be conclusively in a certain Reverdy R.Walling.

2. that the filing of said Bill of Complaint,to Wit:on the 24th day of August,1914, there has been placed to record an assignment of said mortgage bearing date July 29th,1914,to Emory L. Coblentz,for the purpose of foreclosure,which fact may cloud the title to said real estate in the proceedings in the above entitled cause,unless the said Emory L.Coblehtz,be made a party defendant to said cause.

TO THE END THEREOF,--

1. That your Honorable Court will pass an order making the said Emory L.Coblentz as assignee of said mortgage,party defendant in the above entitled cause.

2. And for such other and futher relief as the case may require.

And as in duty,etc.,

Stoner & Weinberg.

ATTORNEYS FOR PLAINTIFF.

ORDERED On the aforegoing Petition this 12th day of September,A.D.1914,that leave be,and is hereby given to the Plaintiff to amend the Bill of Complaint in the above entitled cause by making Emory L.Coblentz,assignee of mortgage party defendant in said vause.

Hammond Urner.

Filed Sept 12-1914.

Colonel Layman	:	No 9204 Equity.
vs.	:	In the Circuit Court for
William H.Layman et al.	:	Frederick County.

I hereby certify that on this 17th day of April,1915,before the subscriber,the Clerk of the Circuit Court for Frederick County,personally appeared Jacob Layman,and made oath in due form of law that he is one of the defendants in the above entitled cause,as well as one of the children of the deceased,and entitled to a distributive share of the proceeds from the sale of the real estate mentioned in these proceedings; that he knows the land described in the Bill of Complaint intimately and the same are not capable of division among the parties interested,and and that it would be to the interest,benefit and advantage of all the parties that said lands be sold at the earliest possible time.

Harry W.Bowers

Filed April 17-1915. CLERK OF THE CIRCUIT COURT FREDERICK Co.

Colonel Layman and Zoa Layman his wife,	:	No.9204 Equity.in the Circuit Court for Frederick County,
vs.	:	sitting as a Court of Equity.
Jacob A.Layman et al.	:	

The abswer of William H.Layman and Emma Layman,his wife,to the bill of complaint filled in the above entitled cause,respectfully represents;

That they admit theallegations contained in the bill of complaint and consent to the passage of a decree as prayed.

Emory L.Coblentz

Charles McC,Mathias

Solicitors for respondents.

Filed / April 17-1915.

Colonel Layman and Zoa Layman, his wife, vs. Jacob Layman et al. | No. 9204 Equity. In the Circuit Court for Frederick County, sitting as a Court of Equity.

The answer of the Hagerstown and Frederick Railway Company, a body corporate, successor of The Washington, Frederick and Gettysburg Railway Company, a body corporate, respectfully shows;

That it admits the allegations of the bill of complaint filled in the above entitled causeand consents tê the passage of a decree as therein prayed, reserving, however the lien of its judgement on the proceeds of the sale ê of the property mentioned in said bill of complaint.

Emory L.Coblentz

Charles McC, Mathias

Filed Apr 17 1915. Solicitors for respondent.

Colonel Layman and Zoa Layman, his wife, vs. Jacob A.Layman etal. | No. 9204 Equity. in the Circuit Court for Frederick County, sitting as a Court of Equity.

The answer of Emory L.Coblentz, assignee of Reverdy Walling, mortgage, one of the respondents inthe above entitled cause, respectfully shows;

That he admits the allegations contained in the bill of complaint filed in the above entitled cause and consents to the passage of a decree as prayed, expressly reserving, howevr, the lein of his mortgage on the proceeds of the sale of the property mentioned in said bill of complaint.

Filed April 17 1915. Charles McC, Mathias.

Solicitors for respondent.

Colonel Layman and Zoa Layman his wife vs, Jacob Layman, et al. | No. 9204 Equity. In the Circuit Court for Frederick County, in Equity.

TO THE HONORABLE JUDGES OF SAID COURT:-

The Petition and Report of Sales of Charles Mc.Mathias and Frank L.Stoner, Trustees in the above entitled cause, shows unto your Honorable Court:-

1. That Petitioners qualified as Trustees in said cause and pursuant to the terms of the decree passed therein advertised the property to be sold in the daily and Weekly News, a news-paper printed and published in Frederik County for three successive weeks prior to the 15th day of May A.D. 1915, and persuant to said notice your pertitioners attended at the Court House Door in Frederick City, Maryland, on the 15th Day of May A.D.1915, at the hour of 11 O'Clock A.M. and then and there offered the real estate decreed to be sold and described in the advertisement of sale at public sale to the highest bidder, according to the terms of the decree, and advertisement of sale and then and there sold the same to William H.Layman at and for the sum of $3967.93, he being the highest and best bidder therefor, taking his certificate of purchase, which is filed herewith as "Exhibit No. 1" to this Pertitin and Report of Sales, Petitioners pray that said sales may be ratified and

Acknowlegment of Purchase.

I hereby Acknowledge to have purchased this 15th day of May A.D. 1916. at Public Sale from Frank L Stoner + Charles McC. Mathias Trustees. All that piece or Parcel of land described in the annexed Advertisement of Sale. And for the Sum of Fifty nine + 93/100 Dollars (3967.93) Dollars agregating $3967.93 I promise to comply with the terms of Sale as set forth in the annexed advertisement.

William H Layman

confirmed,the aggregate amount of said sales Being $3967.93.

And as in duty,etc.,

Charles McC.Mathias
Frank L.Stoner
Trustees.

STATE OF MARYLAND,FREDERICK COUNTY, SCT:-

I hereby certify that on this 17th day of May,1915,before the subscriber,the Clerk of the Circuit Coust for Frederick County personally appeared Charles Mc.Mathias and Frank L.Stoner, Trustees and did each make oath in due form of law that the matters and things stated in the aforegoing Petition and Report of sales are true and bona fied as therein stated,and that sad sales were fairely made.

Harry W.Bowers----------Clerk.

ORDER NISI ON SALES

Colonel Layman and Zoa Layman
his wife,rt al.,
vs,

No. 9204 Equity.
In the Cirouit Court for Frederick County
sitting in Equity,May Term,1915
In the matter of the report of sales filed
the 17th day of May 1915

ORDERED,That on the 11th day of June 1915,the Court will proceed to act upon the report of Sales of real estate,reported to said Court by Chas.McC Mathias & Frank L.Stoner Trustees ib the above cause,and filed therein as aforesaid,to finally ratify and confirm the same, unless to the contrary thereof be shown before said day; provided a copy of this order be incerted in some newspaper published in Frederick Couhty for three successive weeks prior to said day.

The report states the amount of sales to be $3967.93

Dated this 17th day of May 1915

Harry W.Bowers----------
Clerk of the Circuit Court for Frederick County.

The Catoctin Clarion

OFFICE OF THE CLARION PUBLISHING COMPANY.
Thurmont Md.June 10th 1915.

This is to Certify that the annexed advertisment Order Nisi Sales No.9204 Equity,was publishd three consecutive weeks prior to June 11th 1915 in The Catoctin Clarion,a news-paper publishd published in Frederick County,Md.

Clarian Pub,Co.----------
Publishers of the Catoctin Clarion.
Per J.H.F.

ORDERED On this 26th day of July,1915,by the Cirouit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof thatthe sale reported thereof in the above and foregoing report of sales be and the same is hereby ratified and confirmed,no cause to the contrary having been shown,altho due notice appears to have been given as required by the annexed Order Nisi on Sales.The findings and decree of Court on the pertition and injunction proceedings at the instance of William H.Layman the purchaser,to be deemed and taken as a part of terms of of the contract of sale.and the papers are hereby refered to the auditor to State an account.

Glenn H.Worthington.

Acknowlegment of Purchase.
I hereby Acknowledge to have purchased, this 15 day of May A.D. 1916. at Public Sale from Frank L Stoner & Charles McC. Mathias Trustees. All that piece or Parcel of land described in the Annexed Advertisment of Sale. At and for the Sum of Thirty nine 25/100 Dollars ($39.25) Per acre aggregating $3967.93 to Comply with the Terms of Sale as set forth in the Annexed advertisment.
William H Layman.

PETITION

Colonel Layman and Zoa Layman,	"	No. 9204 Equity.
his wife,et al.,	"	In the Circuit Court
vs.	"	for Frederick County.
	"	In Equity.
Jacob Layman,et al.	"	

The Pertition of William H.Layman respectfully shows unto your Honors!-

1. That said William H.Layman was the purchaser of the property mentioned in the above entitled matter and sold on May 15th by Frank L.Stoner and Charles McC.Mathias,Trustees appointed by Your Honorable Court.

2. That at the time of the sale the announcement made by the trustees concerning the terms and conditions of sale of this property was to the effect that the present occupants of the property,Misses Rosa and Savilla A.Layman, be allowed to retain their occupancy of the house and its curtilage until April 1st,1916,and that the present ossupants, Misses Rosa and Savilla A. Layman,be permitted to finish planting in corn that part of the property which was then in prosess of being planted,the perchaser of the property to receive the land-lord's share of the corn so planted; the the perchaser was also to receive the land-lord's share of the hay crop and to have the right to put out the wheat crop in the fall,this being in substance the announcement made by the trustees before the property was offered for sale.,

3. That the Trustees Report of sale in the above entitled matter does not set forth the verbal stipulations made by the Trustees on the day of sale and that since said day of sale the present occupantsof the property have in violation of the stipulations and agreements made by said Trustees started to plow and plant other parts of the farm in corn or other crops than that which was in process of being planted at the time of sale.

4. That said sale is now ready for ratification and that your pertitioner desires before said sale is ratified to have the understanding and conditions under which he purchased this property understood and set down in writing so that his future rights may be protected by your honorable Court.

5. That your pertitioner desires to comply with the terms of sale as advertised and as supplelemted by the announcement of the Trustees at the time of the sale.

WHEREfore your Pertitioner prays that Your Honorable Court may pass an order authorizing and directing the Trustees in the above entitled matter and the present occupants of the property,Misses Rosa and Savilla A.Layman, to answer this Pertition and show cause,if any they have,why the terms and conditions as hereinbefore set forth should not be carried out according to their tenor and purpose.

And as in duty bound.,

Emory L.Coblentz

William H.Layman
Pertitoner.

The aforegoing Petitioner having been read and considered,it is thereupon this 18th day of June,in the year Nineteen Hundred and Fifteen, by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,adjudged,ordered and decreed that Frank L.Stoner and Charles McC.Mathias and the present occupants of the property,Misses Rosa and Savilla A.Layman,be and they are hereby directed to answer said pertition on or before the 1st day of July A.D.1915,and show cause,if any they have,why the terms of said sale should nit be carried out as set forth in said pertition, provided a copy of this pertition and the Court's Order thereon be served on said Trustees and the occupants of the property,Misses Rosa and Savilla A.

Layman on or before the 22nd day of June A.D.1915.

Glenn H.Worthington.

Filed June 15-1915.

P E T I T I O N.

Colonel Layman and Zoa Layman, his wife, et al.	"	No 9204 Equity.
	"	In the Circuit Court for Frederick County.
vs.	"	
	"	In Equity.
Jacob Layman, et al.	"	

The Petition of William H.Layman respectfully shows unto your Honors:-

(1) That the said William H.Layman was the purchaser of the property mentioned in the above entitled matter and sold on May the 15th by Frank L.Stoner and Charles McC.Mathias, Trustees appointed by your Honorable Court.

(2) That the terms and conditions of said sale as announced by said Trusteeon the day of sale are a matter of record in your Honorable Court and are now pending in the matter of a pertition heretofore fibed,to-wit: June 18th 1915.

(3) That in defiance of the terms and conditions as your Petitioner understandsthem,the present occupants of the property,to-wit: the Misses Sevilla and Rosa Laymman,have cultivated and are about to plant ether portions of the farm in millet or other grains than was contemplated in the terms and conditions of sale.

(4) That said planting if carried out will result in irreparable loss and damage to your petitioner sa the perchaser of said property.

(5) that your petitioner has protested against the course pursued by the present occupants of the property,but they in defiance of his protest and in defiance of the Court's Order heretofore served on them,to-wit:June 19th,1915,are proceeding to cast said crop as heretofore set forth and that unless restrained by your Honorable Court,said planting will result in irreparable loss and injury as aforesaid.

W H E R E F O R E your Petitioner prays that an injunction be issued restraining the said occupants of said property,to-wit: Misses Sevilla and Rosa Layman,their agents or servants,from casting said crop and from futher continguing the cultivation of said farm other than set forth in the pertition filed before your Honors on June 18th,1915.

And as in duty bound,etc.

Charles C.Waters

Emory L.Coblentz

Solicitors for Petitioner.

STATE OF MARYLAND,FREDERICK COUNTY, To wit:-

I hereby certify that on this 24th day of June,in the year Nineteen Hundred and Fifteen,before me,the subscriber,a Notary Public of the state of Maryland,in and for Frederick County,personally appeared William H.Layman and made oath in due form of law that the matters and things set forth in the aforegoing Petition are true and bona fide to the best of his knowledge,information and belief.

Given under my hand and seal Notarial,the day and year first above written.

Rudolph O. Eyler.
Notary Public.

Filed June 25-1915.

Colonel Laymanet al. # No.9204 Equity.
vs. # In the Circuit Court for
Jacob Layman,et al. # Frederick County, in Eqaity.
#

To the Honorable the Judges of said Court!-

The answer of Sevilla Layman and Rosa Layman to the petition exhibited in the above entitled cause,and the orderof your Honorable Court passed on the July 1st, 1915,respectfully shows unto your Honors!

1. These respondants im answering said pertition filed against them in this cause aver that they had no knowledge of any injunction being granted by your Honorable Court,at the time they continued to plant corn after said paper was served on them.However after the Sheriff had left and four rounds had been made, these respondants read said paper writing and then it was discovered that they were restrained from planting any more corn,and these respondents say that they h ve not violated the order of your Honorable Court,only that they did not plant eight ecws of corn,making four rounds with the corn planter,and had these respondents know the contents of the paper served on them on June 25th,1915 by the Sheriff of Frederick County,they would not have made these four rounds with the planter,

In futher answering said pertition these respondents say that William H.Layman has grossely misrepresented the wholw matter to your Honorable Court,and which will clearly appear when said cause comesom to be heard! That the said William H.Layman petitioner having obtained from your Honorable Court an injunction has caused these respondants great less and damage as there yet remaines to be planted about feer acres of corn according tothe terms of sale as announced on the day of sale of said farm;that these respondents have always stood ready and still stand ready to obey every order of your Honorable Court,and in order that their rights may be ascertained,these respondents desire to be heard as to the matters and things contained in the pertition of June 18th,the pertition of June 25th and also as to the matters and things contained in the pertition of July 1st, 1915. Wherefor your respondents pray your Honorable Courtto allow them to be heard in the whole matter at as early a date as possible so that they may be in a position to proper look after their crops,and that the Court may that they have in know way violated intentionally any order passed by your Honorable Court.

And as in duty bound etc.,

Savilla A.Layman

Rosa E.Layman

State of Marylamid,Frederick County,to-wit!

I hereby certify that on this 6th day of July,A.D.1915,before me the subscriber,Clerk of the Circuit Court foe Frederick County,personally appeared Sevilla Layman and Rosa Layman,and made oath in due form of law that the matters and things set forth in theaforegoimg answer are true and bona fide as therein set forth to the best of their knowledge and belief.

Harry W.Bowers Clerk.

Filed July 6th 1915.

Colonel Layman et al, # No. 9204
#
vs.
#
Jacob Layman,et al. # In Equity.

To the Honorable the Judges of said Court!-

The answer of Sevilla and Rosa Layman,to the pertition exhibited in the above entitled cause,and the Order of your Honorable Court passed on the 25th day of June,1915,respectfully shows unto your Honors!

1. These respondents admit the first paragraph of said pertition.

2. These respondents deny the allegations contained in the second paragraph of said pertition, and futher answering said paragraph aver that the pertition filed in your Honorable Court June 18th,1915 does not correctly state the terms and conditions of said sale of real estate.

3. These respondents deny the allegations contained in the third paragraph of said petition.

4. These respondents deny the allegations contaih ed in the fourth and fifth paragraph of said petition,and in futher answering said pertition these respondents aver that they have been unable to finish planting the field in corn according to the terms of sale on account of an injunction procured by William H.Layman,the perchaser of said farm,resulting in great loss and damage to your respondants,and further answering said pertition these respondents aver that they have never at any time intehded to plant,much less plant,any millet or other grains in violation of the term s of the sale as announced the day said farm was sold to said pertitioner and perchaser of said farm.

5. These respondents in futher answering said pertition aver that there still remaines about four acres of corn to be planted,which should have been planted,and would have been planted,had not the purchaser of said farm restrained these respondents.

Wherefore these respondents pray that they may be heard in the matter,and that thay may offer testimony in support of their answer to the allegations contained in the pertition exhibited against them,and your respondents pray that no injunction shall be granted in this case and that the pertition may be dismissed with reasonable costs.

Sevilla A. Layman
Rosa E. Layman

State of Maryland,Frederick County,Sct!-

I hereby certify that on this 6th day of July,A.D. 1915 before the subscriber,Clerk of the Circuit Court for Frederick County,personally appeared Sevilla Layman and Rosa Layman,two of the defendants named in the pertition filed in the Circuit Court for Frederick County,Maryland on June 25th,1915,and made oath in due form of law that the matters and things in the afforegoing answer are true to the best of their knowledge and belief.

Harry W.Bowers
Clerk.

Filed July 6 1915.

P E T I T I O N.

Colonel Layman and Zea Layman, his wife,et al. vs. Jacob Layman, et al.	" " " " " "	No. 9204 Equity. In the Circuit Court for Frederick County, In Equity.

The Petition of William H.Layman respectfully shows unto your Honors!

That on June 25th last your Honorable Court issued an injunction restraining the occupants of the property mentioned in these proceedings,to-wit! Misses Sevilla and Rosa Layman,their agents or servants,from casting a crop of millet and futher continuing the cultivation of said farm in violation of the terms of sale made on may 15th, 1913.

That said injunction was served by the Sheriff on the same day,but that the occupants of said property,to-wit! Misses Sevilla and Rosa Layman have continued the cultivation and planting of the said field in violation of the order of your Honorable Court and did complete the cultivation and planting of said field in violation of the wishes of your petitioner and of the positive order of your Honorable Court. WHEREFORE your Petitioner prays your Honorable Court to pass such order as may be proper to protect the interest of your Petitioner and to maintain the dignity and order of tour Honorable Court.

And as in duty bound,etc.

Emory L.Coblentz
Charles C.Waters
Solicitors for Prtitioner.

William H.Layman
Petitioner.

STATE OF MARYLAND, FREDERICK COUNTY, To wit:-

I hereby certify that on this 29th day of June, in the year Nineteen Hundred and Fifteen, before me, the subscriber, a notary Public of the state of Maryland, in and for Frederick County, personally appeared William H. Layman, and made oath in due form of law that the matters and things set forth in the aforegoing Petition are true and bona fide to the best of his knowledge and belief. Given under my hand and Seal Notarial, the day and year aforesaid.

Rudolph O. Eyler
Notary Public.

Upon the aforegoing petition and affidavit it is ordered this 1st day of July 1915, by the Circuit Court for Frederick County sitting as a Court of Equity, and by the authority thereof that SEvilla and Rosa Layman herein mentioned show cause on or before July 6th 1915, why they and each of them should not be attached for contempt for violating the injunction of this Court when they were ordered and directed to cease farming certain portoins of the farm so set forth in Prtition Injunction filed June 25th1915, which said injunction was granted and has been returnedas served on said Rosa and Sevilla Layman, provided a copy of this order be served on them and each of them on or before July the 3rd, 1915.

Filed July 1st 1915. Glenn H. Worthington.

Colonel Layman and Zoa Layman, his wife, et al., vs. Jacob Layman, et al. # No. 9204 Equity. # In the Circuit Court for # Frederick County, # in Equity.

To the Honorable the Judges of the Circuit Court:-

The pertition of WilliamH. Layman respectfully shows unto your Honors &c.,

Upon the aforegoing petition and affidavit it is ordered this 1st day of July 1915, by the Circuit Court for Frederick County, sitting as a Court of Equity and by the authority thereof, that Savilla and Rose Layman herein mentioned show cause on or before July 6th, 1915. why they and each of them should not be attached for contempt for violateing the instructions oftheCourt wherein they were ordered and directed to cease farming certain portoins of the farm as set forth in pertition for injunction filed June 25th. 1915, which said Injunction was granted and has been returned as served on said Rosa and Savilla Layman, provided a copy of this order be served on them and each of them on or before July 3rd 1915.

Glenn H. Worthington

True Copy Test:
Harry W. Bowers.
Clerk

Filed July 3 1915.

Colonel Layman and Zoa Layman, his wife, et al. vs, Jacob Layman, et al. " No. 9204 Equity. " In the Circuit Court " for Frederick County. " In Equity.

The Petition of William H. Layman respectfully shows unte your Honers:-

1. That said William H. Layman was the purchaser of the property mentioned in the abeve centitled matter sold on May 15th, by Frank L. Stoner and Charles McC. Mathias, Trustees Appointed by your Honerable Court.

2. That at the time of the sale the announcement made by the Trustees concerning the terms and conditionsof sale of this property was to the effect

that the present occupants of the property,Misses Rosa and Savilla A.Layman,be allowed to retain their occupancy of the and its curtilage until April 1st,1916,and that the present occupants, Misses Rosa and Sevilla A.Layman,be permitted to finish planting in corn that part of the propery which was then in precess of being planted,the purchaser of the property to receive the Land-Lords share of the corn so planted;the perchaser was also to receive the land-lord's share of the hay crop and to have the right to put out the whert crop in the fall,this being in substance the announcement made by the trustees before the property was offered for sale.

3. That the Trustees Report of sale inthe above entitled matterdoes not set forth the verbal stipulations made by the trustees on the day of sale and that since said day of sale the present occupantsef the property have in violation of the stipulations and agreements made by said Trustee started to plow and plant ether parts of the farm in corn or other crops than that which was in process of being planted at the time of sale...

4. That said sale is now ready for ratificatéen and that your pertitioner desires before said sale is ratified to have the understandings and conditions under which he purchased this property understood and set down in writing,so that his future rights may be protected by your Honorable Court.

5. That your pertitioner desires to comply with the terms of sale as advertised and as supplemented by the announcement of the Trustees at the time of the sale.

WHEREFORE your Petitioner prays that your Honorable Court may pass an order authorizing and directing the Trustees in the above entitled matter and the present occupants of the property, Misses Rosa and Sevilla A.Layman,to answer this pertition and show cause,if any they have,why the terms and conditions as hereinbefore set forth should not be carried out according to their tenor and purpose.

And as in duty bound,etc.,

_____

Petitioner.

the afforegoing Petition having been read and considered,it is thereupon this _____ day of June,in the year Nineteen Hundred and Fifteen,by the Circuit Court for Frederick County, sitting as a Court of Equity,and by the authority thereof,adjudged,ordered and decreed that Frank L.Stoner and Charles McC.Mathias and the present occupants of the property,Misses Rosa and Sevilla A.Layman,be and they are hereby directed to answer said petition on or before the_____day of _____,1915,and show cause,if any they have,why the terms of said sale should not be carried out as set forth in said pertition,provided a copy of this pertition and the Courts Order thereon be served on said Trustees and the occupants of the propwrty,Misses Rosa and Savilla LAyman on or before the _____day of_____,1915. COPY.

Report of Sale.

By virtue of a Decree of the Circuit Court for Frederick County,sitting as a Court of Equity, passed this 24th day of April,in the year Nineteen Hundred and Fifteen,in a cause pending therein wherein Colonel Layman and Zoa Layman,his wife, are complainants,and Jacob A.Layman et al.are Defendents,being No. 9204 Equity on the docket of said Court,the undersigned Trustees will sell At public sale at the Court House door in Frederick City,Frederick County,Maryland,on Saturday May 15th,1915, 11 O'Clock,A.M.all the following described real estate of which George W.Layman, late of Frederick County,died,seized and possessed,to-wit:all that farm known as the Layman Farm,containing 101 acres #5 perchas of land,more or less,and more particularly described in a deed from Henry Remsburg and wife to the said George W.Layman,bearing date the 3rd day of April, 1871,and recorded in Liber C.M.6.folio 536,one of the Land Records of Frederick County,as by reference thereto will more fully and at large appear,said land lying and being about three miles south of Thurmont on the road leading from Thurment via Jimtown to Lewistown,and is now occupied by Misses Rosa and Sevilla A.Layman.

This property is improved by a farm-house,tenant-house and all necessary out-buildings. it is convenient to schools and churches and will make purchaser a good home.

TERMS OF SALE,as prescribed by the Decree:One-half the purchaser money to be paid in cash on the

date of sale or the ratif ication thereof by the Court, and the residue in six months, the purshaser or purchasers giving his, her or their note, with approved security, and bearing interest from date of sale; or allcash at the option of the purchaser. A deposit of $200.00 will be required of the purchaser on the day of sale. All conveyancing to be at the expence of the purchaser.

Frank L. Stoner

Charles McC. Mathias

Trustees.

OPINION AND DECREE.

Colonel Layman et al.	"	In the Circuit Court for
vs.	"	Frederick County, sitting
Jacob L. Layman et al.	"	as a Court of Equity.

A petition in the nature of objections to the ratification of the sale reported in the above entitled cause having been filed by the purchaser, a hearing was held before the Court and testimony taken as to the facts alleged in the pertition. It appears that on the day of the sale certain announcement were made by the trustees as to the rights of the present occupants of the property sold, before full possession should be given the purchaser on April 1, 1916. The pertition sets forth that it was announced at the sale by the trustees "that the present occupants of the property, Misses Rosa and Sevilla A. Layman, should be permitted to finish planting corn in that part of the property which was then in process of being planted, the purchaser to receive the landlord's share of the corn so planted; the puchaser was also to receive, as alleged, "thelandlord's share of the hay crop and to have right to put out the wheat crop in the fall."

No reference to such announcements was made in the report of sale, and the purchaser prayed in his pertition that these announcements by the trustees at the salw be made a part of the contract of purchase. At the taking of the testimony in regard to the exact nature of these announcements by the trustees, there was a conflict of recollection between the witnesses as to just what announcement wasin fact made. The trustees differed themselves as to the exact purport of the statements authoried by them at the sale. From the preponderanc of the evidence, however, I find;

1. That the present occupants of the farm, the Misses Layman, were to put out the spring crop of corn for 1915, as already begun by them, and that the purchaser was to have the landlord'S share thereof, i.e. one-half. The crop so contemplated and begunwas to consist of two fields of about fifteen and seventeen acres respectively, in both of which some plowing has been done before theday of sale. Boath of these fields the present occupants were entitled to put out in corn, and there was no occasion for an injunction to restrain them from plowing boath fields for corn.

2. As to the hay, the evidence does not, in the opinion of the Court, justify the purchaser's claim to the half thereof. Only a load or two, ro three, seems to have been made off the place, and in the absrnce of any more definite evidence as to the manner of the present occupants' possession, I cannot find the purchaser entitled to a share. The purchaser, according to all the evidence, is not to have full possessionhimself until April 1st, 1916, with the privilage, however, to put out the fall crop of wheat.

As to the growing crops and the fruit on the trees at the time of the sale, the present occupantswould seem to be entitled to these as they mature, unless by some other previous arrangments or agreement they were to be divided or shared with another.

I find that they do not pass to the purchaser under the terms of the sale,taking togather the printed advertisement of sale and the verbal statements made by the trustees at the time of the sale. I do find,however,that the purchaser is entitled to the landlord's share of the growing crop of corn on the place,and has the right to enter the premises with hands,horses,plows and wagon,for the purpose of hauling out manure and spreading it on the land,and of plowing the land intended forthe fall crop of wheat.This right to be exercised in a reasonable way so as to do the least possible injury to the growing crops,fruit, pasture and possessions of the present occupants.and they on their part have no right to impede or hinder the exersize of the privilege by the purchaser,William H.Layman,of putting out the fall crop of 1915,and they,as it appears to me now,should surrender entire and peaseable posession to the said purchaser on or before April 1st,1916,of the whole farm,its buildings and improvements,its privileges and appurt enances, without molestation or resistance. The injunction heretofore granted will not now be dissolved because it was based upon an allegations and affidavit of anticipated wrong and injury to the purchaser of the property by the planting of millet and other grains than was contemplated by the terms and conditions of sale,and of course no such use of the lands should be allowed or permitted,but i do not find that the present occupants have violated the injunction by what they have done in the way of plowing in the two fields mentioned for the purpose of planting corn therein. They are therefor absolved from the alleged contempt of Court set forth in the pertition to require them to show cause why they should not be attached as for contempt in disobeying the injunction. The Court finds that they have not disobeyed the injunction heretofore issued against them in the premises. It is thereupon,this_____day of July,A.D.1915,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by authority thereof,adjudged, ordered and decreed that the findings of the Courtas to the verbal terms and conditions of the sale of the farm mentioned in these proceedings,as set forth in the aforegoing opinion,be and the same are hereby incorporated in and made a part of the terms of sale set forth in the report of asle filed in this cause on may 17,1915,by the trustees,as fully as if set forth in said report of sale;and it is futher adjudged and ordered by the authority aforesaid,that the present occupants of the said farm,Misses Rosa and Sevilla A.Layman,be and they are hereby declared not to be in contempt of Court as for violating the injunction heretofore issued against them in the premises;and it is futher ordered by the authority aforesaid that the costs of the pertition of the purchaser and of the injunction proceedings to be paid out of the fund in the hands of the trustees as part of the taxed cost of the case.

The sale will be ratified with reference to this opinion and decree, in the usual way.

Glenn H.Worthington.

Filed July 26 1915.

D E C R E E

Colonel Layman and	"	No. 9204 EQUITY.
Zoa Layman his wife,	"	In the Circuit Court for
vs.	"	Frederick County,sitting
Jacob Layman et al.	"	as a Court of Equity.

The above cause standing ready for a hearing,and being submitted,the Bill,Answer,Exhibit_____ testimony_____and all other proceedings were by the Court read and considered .

It is thereupon,this 25th day of September in the year Nineteen Hundred and Fifteen by the Circuit Court for Frederick County,as a Court of Equity,and by the authority of said Court, adjudged,ordered,and decreed,that the decree heretofore passed,in antici pation of a final decree,for the sale of the land and premises mentioned in these proceedings,be and it hereby confirmed as and for the final decree in the case

Hammond Urner
Glenn H.Worthington.

DECREE PRO CONFESSO.

Colonel Layman and
Zoa Layman, his wife,
vs.
Jacob A. Layman, et al.

No. 9204 Equity.
In the Circuit Court
for Frederick County,
In Equity.

The defendants, Jacob A. Layman and Birdie Layman, his wife, Clara Dixon, widow Rosa Layman and Sevilla A. Layman, heirs at law; and George L. Cramer, Frederick W. Cramer, partners trading as George L. Cramer & Son; Jacob A. Layman; William V. Wolf; Noah E. Cramer; William A. Cramer; George L. Cramer, Frederick W. Cramer and William L Cramer, partners trading as George L. Craner and Sons; Peter M. Hammaker, The Woodsboro Savings Bank, of Frederick County, Maryland; Clarence A. Bussard, trading as the Farmers Supply Company; D. Casper Ramsburg and Guy Ramsburg, partners trading as D.C. Ramsburg and Son, and Thomas & Company, a body corporate having been duly summoned to appear to the Bill of complaint filed in the above entitled cause, and having failed to appear to and answer the same, it is thereupon this 24th day of August, in the year Nineteen Hundred and Fifteen, by the Circuit Court for Frederick County, sitting as a Court of Equity, adjudged, ordered and decreed that the Plaintiffs are entitled to relief in the premises and that said Bill of Complaint be and the same is hereby taken pro confesso against said Defendants, but because it does not certainly appear to what relief the Plaintiffs are entitled, it is futher adjudged, ordered and decreed that leave be granted the Plaintiffs to take testimony before any one of the Standing Examiners of this Court to support thw allegations of the Bill of Complaint.

Hammond Urner.

Filed Aug 24 1915.

AFFIDAVIT.

Colonel Layman
vs.
William H. Layman, et al.

No. 9204 Equity.
In the Circuit Court for
Frederick County. In Equity.

I hereby certify that on this 22nd day of April, A.D. 1915, before me, the subscriber, a Notary Public of the State of Maryland, in and for Frederick County, personally appeared William H. Layman, and made oath indue form of law that he is one of the Defendants in the above entitled cause, as well as one of the children of the decedent and entitled to a distributive share of the pproceeds from the sale of the realestate mentioned in these proceedings; that he knows the land described in the Bill of complaint intimately, and that the same is not capable of division among the parties interested, and he believes it would be to the interest, benefit and advantage of all the parties that the land be sold at the earliest possible time.

Given under my hand and Seal Notarial, the day and year aforesaid.

Rudolph O. Eyler.

Filed April 24 1915.

WRIT OF INJUNCTION.

State of Maryland Frederick County, to-wit:

State of Maryland-To Misses Sevilla and Rosa Layman-Greetings;

WHEREAS, William H. Layman hasthis day filed in the Circuit Court for Frederick County, sitting as a Court of Equity, his Bill of Complaint against you allegig therein that he was the purchaser of the property sold on May 15th by Frank

L.Stoner and Charles McC.Mathias,Trustees appointed by your Honorable Court.
That the terms and conditions of said sale as announced by said trustees on the day of sale are a matter of record in tour Honorable Court,and are now pending in the matter of a partition heretofore filed to-wit! June 18th,1915.
That in defiance of the terms and conditions as your pertitioner understanding them,the present occupants of the property to-wit the Misses Sevilla and Rosa Layman have cultivated and are about to plant other portions of the farm in millet or ether grains than was contemplated in the terms and condition of sale.

That said planting if carried out will result in irreparable loss and damage to your pertitioner as the purchaser of said property.

That your pertitioner has protested against said Course;but they in defiance of said protest and in defiance of the Courts Order heretofore served on them to-wit June 19th,1915 are proceeding to cast said Crop as heretofore set forth and that unless restrained by your Honorable Court said planting will result in irreparable loss and injury as aforesaid .

And praying for relief &c.,that the Misses Sevilla and Rosa Layman may be directed to desist from cultivating and planting said farm and that an order of your Honorable Court may be passed enjoining all of the parties as aforesaid their agents,servants and employees from casting said Crop and from further cultivating of said farm other than as set forth in the pertition filed before your Homers on June 18th,1915.
therefore,we doherebycommand and strictly enjoin youthe said Misses Sevilla and Rosa Layman and each of you,your agents servants and employees from casting said Crop and from further continuing the Cultivation of said farm Other than as set forth in the pertition filed before your Honers on June 18th,1915.until the further order of this Honorable Court in said premises to be made known.
Witness the Honorable Hammond Urner,Chief Judge of said Court the third day of May 1915.

Issued the 25th, day of June A.D.1915,

To be served by the Sheriff of Frederick County,

Harry W.Bowers----------Clerk.

Filed June 26 1915.

DECREE

Colonel Layman and
Zoa Layman his wife,
vs,
Jacob Layman et al.

No. 9204 EQUITY.
In the Circuit Court for
Frederick County, sitting
as a Court of Equity.

April Term 1915,
The above cause standing ready for a hearing,and being submitted,the Bill, Answer,Exhibits_____ _____and all other proceedings were by the Court read and considered and the Court being satisfied by proof that at the final hearing of the case a sale will be ordered .
It is thereupon, this 24th day of April in the year eighteen hundred and fifteen by the Circuit Court of Frederick County,as a Court of Equity,and by the authority of said Court,adjudged,ordered and decreed,that the land and premises mentioned in these proceedings be sold and that Frank L. Stoner and Charles McC, Mathias,Esq,of Frederick County,be and they are hereby appointed Trustees to make the said sales,and that the said course and matter of their proceedings shall be as follows;they shall first file in the Clerk's office of this Court,a Bond to the state of Maryland, executed by them with a surity,sureties,to be approved by the Court,or the Clerk thereof,in the penalty of Six Thousand Dollars,conditioned for the faithful performances of the trust reposed in them by this decree,or which may be reposed in them by any future order,or decree in the premises, they shall then proceed to make sale of the Real Estate,having first given at least three weeks previous notice,inserted in some newspaper printed in Frederick County,and such other notice as they may think prepper of the time, place,manner and terms of sale;which terms shall be as follows;

One half of the purchase money to be paid in cash on the day of sale,or on the ratification thereof by the Court,the residue in six months.the purchase or purchasers giving his,her,or their notes,with approved security and bearing interest from the day of sale,or all cash at the eption of the purchaser and as soon as may be convenient after any such sale or sales,the said trustee shall return to this Court a full and particular account of same,with an affidavit of the truth thereof and of the fairness of such sale or sales Annexted,and on the ratification of such sale or sales by the Court,and on payment of the whole purchase money,and not before,the said Trustees,by a good and sufficient deed to be executed and acknowledged agreeably to law, shall convey to the purchaser or purchasers of the said property,and to his her or their heirs,the property to him,her or them sold,free,clear,and discharged of all claim of the parties to this cause,and of any person or persons claiming by,from, or under them;and the said trustee shall bring unto this Court the money arising on such sale or sales,and the bonds or notes which may be taken for the same,to be disposed of under the direction of the Court,after deducting therefrom the cost of this suit,and such commission to thesaid trustees as the Court shall think propper to allow,on consideration of the skill,[illegible] attention and fidelity wherewith they shall appear to have discharged their trust.And it is further ordered that the said said Trustees hold the proceeds of the sale subject to the final order of the Court..

Hammond Urner.

Filed April 24 1915.

T E S T I M O N Y.

Colonel Layman and Zoa Layman,his wife, vs Jacob A.Layman et al. : No. 9204 Equity.In the Circuit Court for Frederick County,sitting as a Court of Equity.

To the Honorable,the Judges of said Court!

In pursuance of an order of the Court and notice given me by the solicitor for the Plaintiff,Albert S.Brown,one of the standing Examiners of your Honorable Court,duly appointed,qualified and sworn,did, on the fourth day of September,A.D.1915,at the hour of 11.00 O'Clock A.M.,at the law offices of the Examiner in the City of Frederick,State of Maryland,proceed to take the following deposition of the witnesses then and there produced before me, that is to say!

Present! Frank L.Stoner Esquire,of Silisiters for Plaintiff.

Exhibits Nos.1to 21 inclusive,filed with the bill,were filed with the Examiner as evidence and are so marked.

COLONEL LAYMAN, a witness of lawful age,produced on the part of the plaintiff,being first duly sworn and examined viva voce, deposes and says as follows!- I am forty-three years of age and reside in Frederick County; I am the plaintiff in this cause. I know all the parties to the suit and I know the property in question. I look at Exhibit No. 1,and it correctly describes the real estate decreed to be sold in these proceedings. I look at Exhibit No.2,which describes a small piece of land in these proceedings which was sold off and conveyed before the billwas filed in this case.

George Layman was my father; he died about eleven years ago and left survivi-

ng him my mother,who died about eight years ago,and the following named children:- Jacob A. Layman,and Bertie Layman,his wife,William H.Layman and Emma Layman,his wife,Clara Dixon,widow; Rosa Layman and Savilla Layman,and complainant,Colonel Layman,whose wifes name is Zoa Layamn,all adults and residents of Frederick County,and are entitled to the property mentioned in these proceedings as children and heirs at law of George W.Layman,subject,however,to the liens existing against said property,Their are a number of liens against the defendent children,all of which I believe are correctly described in the exhibits filed in said cause .

The farm in question has been occupied by my two single sisters for a number of years,hasbeen badly farmed,and I believe it would be to the interest,benefit and advantage of all the parties of interest that said real estate be decreed to be sold and the proceeds be devided among the parties entitled according to their respective interest,said real estate being incapable of division among the parties without loss or injury.

To the General Interrogatory.

A.Nothing further. Colonel Layman.

Charles S. Snoek, a witness of lawful age,produced on the part of the plaintiff,being first duly sworn and examined viva voce,deposes and says as follows:-

I am over twenty-one years of age;I know personally all the children of George W.Layman excepting Mrs.Dixon,of whom I have heard and who I understand lives in Frederick City. I knew George W.Layman,who died some ten or twelve years ago.I knew of Mrs Layman,his wife,whom I have learned died some six or eight ago. The Plaintiff,Colonel Layman,is married,also William and Jacob Layman,and I believe their wives' names are correctly stated in the bill of complaint. I understand Miss Rosa Layman and Miss Savilla Layman are single and have been occupying the farm in question.Mrs. Dixon, I understand,is a widow,her husband being dead. They are adults and all live in Frederick County. I know the property in question;it contains about one hundred acres,and have known it for a number of years.It has been poorly cultivated for years past,badly in need of improvement,and the buildings sadly in need of repair. I believe it would be to the benefit and advantage of all the parties interested in said property that the same be sold under a decree of the Court and the proceeds divided amongst the parties entitled according to their respective interest,said property being incapable of division amongst the parties entitled without loss and injury.

To the General Interrogatory.

A, Nothing further. Charles S.Snoek.

Whereupon,there being no other witnesses to examine and no futher time being required for the production of testimony,the said examiner hereby certifies that the aforegoing are true and original depositions of the witnesses in this cause as the same were taken down in stenographic notes and subsequently typewritten by Claude S.Hahn,the examiner's sworn clerk,and read over by said witnesses and signed by them respectively;and the said Examiner herewith returnes the same enclosed to your Honorable Court.

Witness my hand and seal this 6th day of September,A.D. 1915.

Albert S.Brown (SEAL)
Examiner.

Costs of the aforegoing testimony;

Albert S.Brown,Examiner, one day,	$4.00
Claude S.Hahn, Examiner's clerk,one day,	$2.50
Charles S.Snoek,witness, one day,	.75
John D.Conard, Sheriff,two writs,	.80
	$8.05

Certified to:

A.S.Brown
Examiner.

Constantia H.Trussell and
Elmer S.Trussell,her husband,
vs.
Charles B.Hendry and Thompson
W.Hendry,Executors of the last
Will of Candace Bell.late of
Frederick County,deceased,
Charles B. Hendry and
Elizabeth Hendry,his wife,
Thomson W.Hendry,(Widower)and
Florence W.Miller (Widow).

No. 9337 Equity.

In the Circuit Court
for Frederick County,
sitting as a Court
of Equity.

Your orators who sue as well for themselves as for all the other creditors of Candace Bell,late of Frederick County,deceased,who will come in and contribute to the expences of this suit,complaining say!-

FIRST.

That the said Candace Bell was in her lifetime and at the time of her death indebted unto your oratrix,Constantia H.Trussell,in the full and just sum of Six Hundred and Twenty five Dollars upon her certain promissory note or obligatuon dated on the 14th day of November,1913,and now over due,with interest at the rate of six per cent per annum from January 1st,1884,as woill fully appear by reference to said note or obligation herwith filed as part hereof marked Exhibit A,which,with all the other Exhibits herewith filed,is prayed to be taken and considered as part thereof as fully as if in words and figures at large set forth.

SECOND.

That being indebted as aforesaid unto your Oratrix,and also perhaps onto divers others and having realestate of considerable value in said County,but little or no personal property,the said Candace Bell departed this life on or about the 22nd day of May in the year,1915,leaving a last will and testament duly executed to pass real and personal property,in which the said Charles B. Thompson W.Hendry are named as Executors thereof,which will has been duly admitted to probate by the Orphan's Court of Frederick County,a certified copy of which is herewith filed as part hereof marked Exhibit B.

THIRD.

That by the provisions of said will the said textatrix devised to her daughters,the said Constantia H.Trussell and Florence H.Miller her home place,in Urbana in said County,and to her two sons,the said Charles B.Hendry and Thompson W.Hendry Jointly a house and lot in Urbana,a ten acre filed and and about 100 acres of Mountain land in the Sugar Loaf Mountain,all in said County with the provision that if either of said sons should die without issue,the said real estate so devised to them should go to the remaining brother so long as he should live and at his death to his two sisters,the said Constantia H. Trussell and Florence H_Miller,as will more fully appear by reference to said will.

FOURTH.

That the said Home Place is more fully described in a certain Deed of Partition between Kavy Windsor (widow),her son Columbus W_Windsor and her daughter the said textatrix Candace Bell (who was then Mrs.Hendry),as lots Nos 4,5,& 6, which deed is duly recorded in Liber B.G.F.No.7 folio 285 &c,one of the Land Records of said County,a certified copy of a extract from said deed of Pertition being herewith filed as Exhibit C.and that the said House and Lot in Urbana devised to said two sons is described ina deed to said textratrix from Eugene A.Johnson and wife, a certified copy of which deed is filed herewith marked Exhibit D.and the said field and mountain land are described in the aforementioned Extract,Exhibit C.and in Exhibit C.2.

FIFTH.

That the personal estate left by the said Candace Bell is absolutely and entirely insufficien to pay the just debts due and owing by her at the time of her death, and is indeed of such little or no value that the Executors named in her will have taken out no letters Testamentary thereon, because such personal estate would not justify the costs and expence on an administration.

SIXTH.

That your oratrix is advised that in such absence and insufficiency of personal estate, she and the other crediters (if any) of the said testatrix are entitled to be paid out of the aforesaid real estate, and that she left no other real estate.

SEVENTH.

That all ed the devisees named in said will, and the husband and wife of such as are married, all are adults over the age of twenty-one years, that the said Charles B. Hendry and Elizabeth Hendry, his wife, are residents of Frederick County, Maryland, the said Florence W. Miller is a resident of Baltimore City, in said State and the said Thompson W. Hendry is a resident of Deal Island, Somerset County, Maryland.

EIGHTH.

To the end, thereof,

(2) That the said real estate of the said Candace Bell, deceased, or so much thereof as may be necessary for the purpose, may be sold under a decree of your Honerable Court for the payment of her debts, and

(2) That youe orator and oratrix may have such other and futher relief as the nature of their case may require, May it please your Honors to grant unto your orators the writ of subpoena directed to the said Charles B. Hendry and Thompson W. Henry Executors named in the will of Candae Bell, late of Frederick County, deceased, and to Charles B. Hendry and Elizabeth Hendry, his wife, of Frederick County, to Florence W. Miller (widow) of Baltimore City and to Thompsen W. Hendry of Deal Island Somerset County, Maryland, all adults, commanding them and each of them to be and appear, either in person or by solicitor, in this Court, on or before a certain day tombe named therein, to show cause, if any they have why a decree ought not to be passed as prayed.

And as in duty bound &c.

Clayton O. Keedy
Solicitor for Plaintiff.

Constantia H. Trussell
Elmer S. Trussell.

Filed June 28th 1915.

"EXHIBIT A"

$625.00 Urbana, Maryland, Nov, 14th 1913.

One year after date, for value received, I promise to pay to the order of Constantia H. Trussell, the sum of ($625.00) Six Hundred and twenty five dollars, with at the rate of six per cent per annum from January 1st, A.D. 1884. This note is for certain loans at various times including my daughters share of her Fathers Life Insurance money which she loaned to me at the time the Policy was settled after her Fathers death in the year 1883, and which she never had theuse of abd of which I have never paid her any part of the principle, nor any interest, and this note is given to secure to her the said loans, both Principle and interest.

Candace Bell.

Filed June 28th 1915. "EXHIBIT" B.

I Candace Hendry Bell Widow of the late Hamilton S. Bell of Urbana Frederick County Maryland do make this my last Will. I give devise and bequeath to my two daughters (Jointly) Florence Hendry Miller and Mrs Stannie Hendry Trussell my hone place in Urbana Frederick County Maryland with all the land and out buildings attached situated on the west side of main Street in the town of Urbana Frederick County Maryland. I give devise and bequeath to my two sons (Jointly) Dr. Thompson W. Hendry, and Charley B. Hendry my house and lot, with all the buildings lying on the east side of main street in the town of Urbana Frederick County Maryland, it being the same property which I purchased from Eugene A. Johnson, and Margaret C. Johnson his wife, onMarch the 3rd

1903 containing about 16800 square feet of land more or less.I also will to my two sons,(Jointly) Dr.Thompson W.Hendry and Charley B.Hendry my ten acre field lying between and adjoining the lands of Messrs Emanuel Stupp,and Charles Droneburg,I also will my two sons about (100) one hundred acres of timber land in the sugar leaf mountain.

If either of my sons should die without issue the property willed to him shall go to the remaining Brother as long as he lives,and at his death it is to go to his sisters Mrs Florence Hendry Miller,and Mrs Stannie Hendry Trussell, or their heirs, The farm that Mrs Martha C.Addison is now living on has never been paid for it being the same farm that my childrens father thelate Nathaniel B.Hendry inherited from his grand mother Mrs Jane Burgee I also will that the same farm shall be sold to the highest bidder and the proceeds equally divided between my four (4) children Mrs Florence Miller Mrs Stannie Trussell,D_Thompsn Hendry,and Charley B.Hendry,I constitute and appoint my two sons Dr Thompsen W.Hendry and Charley B.Hendry Exeyors of my Estate without bond,hereby revelking all other wills by me maid in testimony whereof I have here unto subscribed my name and affixed my seal on this 29th day of December 1909

Candace C.Bell (Seal)

I also will that my two sons shall have a perfect right to get water from my well situated in my home place yard which I have willed to my two daughters

Signed sealed and acknowledged by Candace Hendry Bell as and for her last wi will and testament,and in her presents,and at her request,and in the presence of each other,We here sign our names as witnesses,hereto.

Candace E.C.Bell (Seal)

Jac.Werthington
Thomas Grunwell.

TRUE COPY.

Test! Samuel D.Thomas

Register of Wills for Frederick County,Maryland.

Filed June 28th 1915.

"EXHIBIT No C"

At the request of Kavy Windsor &others the fellowing Deed of Partition was recorded February 8th 1862.

This Deed of Partition made this 30th day of December in the year Eighteen hundred and Sixty one by Kavy Windsor,Columbus W.Windsor and Elizabeth Windsor his wife,Nathaniel B.Hendry and Candacy E.C.Hendry,his wife,Witnesseth,that whereas Zachariah T.Windsor,departed this life inestate same time in the year Eighteen Hundred and Sixty,leaving a large ammount of real estate in Frederick County,Maryland;And whereas the said Zachriah T.Windsorleft the said Kavy Windsor his widow,and thesaid Columbus W.Windsor,and the said Candacy E.C.Hendy his only children and heirs at law;And whereas the aforesaid parties to this Deed have mutually agreed to make partition of said real estate,and held their respective Moieties,hereinafter described in Severalty,now it is hereby Witnessed,that the said Kavy Windsor,the said Columbus W.Windsor and the said Canday E.C.Hendry do by these presehts make a full,perfect and absolute pertition of the said real estate and the buildings thereon among them to be devided in Manner and form fellowing,to wit! That the said Kavey Windsor,her heirs and assigns shall have in fee simple the moiety as fellows.Beginning for lotNo 6, And that the said Candacy E.C.Hendry her heirs and assigns shall have in fee simple the moiety as follows;Beginning for Lot No.1 in Urbana at a stone planted at the end of the third line of the lot formely conveyed to Henry

Droneburg and running thence with one degree for last variation as new connected with former survey's South 3 1/2° East 27 perchases,South 74 1/2° West 57 6/10 perchesto a stone,North 7 1/2° West 23 8/10 perches to a stone;then North 74 1/2° East 33 6/10 perches to a stone, North 3 1/2° West 9 6/10perches to the end of the second line of said Droneburg Lot,then with the third line thereof S.89 1/2° East 25 4/10 perches to the place of begining,containing Nine acres,One rood and thirteen perchases of land,and beginning for lot No.4 at a stone planted on the south side of the Buckeystown Road,it also being the end of the first line of the aforesaid lot No.3 and runnig thehce south 62° West 8 perches to a stone,South 27 1/2° East 12 7/10 perches to a stone North 62° East 8perches to a stone North 27 1/2° West 12 7/10 perches to the place of beginning containing two roods and twenty one perches of land;and beginning for Lot No.5,at an iron stone planted in the forks of the Georgetown and Buckeystown Roads and running thence North 67° West 4 8/10 perches to a stone,South 35° West 9 7/10 perches to a stone,South 37 1/2° East 1/2 perch to the end of 12 2/10 perches on the first line of a deed from Charles Johnson to Zachariah T.Windsor, bearing date the 10th day of May A.D.1831,then with said line North 61 1/2° East 5 3/10 perches, North 55° East 6 6/10 perches to the place of beginning,twenty eight perches of land;and also beginning for Lot No.2 of said mountain land,at a stone marked No.1,it being the beginning of the whole tract of mountain land owned by said Windsor deceased,and running as aforesaid North 21 1/2° East 83 perches to a stone at the end of 94 perches on the North 73 1/2° West 145 perches line of the whole tract,with said line as now corrected North 72 3/4° West 51 perches to a stone marked No.18,then South 79° West 74 perches to a stone marked No.19,South 49 1/2° East 120 perches to the place of beginning containing thirty five and three eighths acres of land;and also beginning for Lot 3 of the mountain land at the former beginning of the whole tract,at a stone marked No.1 and running as aforesaid S 47 3/4° West 86 perches to a stone marked B No.18,then South 49° East 45 perches to a stone,North 47 3/4° East 113 1/2 perches to a stone,North 50° West 57 1/2 perches to a stone on the North bank of "Spruce Pine Branch" then South 21 1/2° West 28 perches to the place of beginning,containning thirty two and a half acre of land;and also the said sum of two hundred and thirty five dollars and fifty cents,paid by the said Kavy Windsor to Candacy E.C. Hendry equality of partition as and for full moiety part portion of said real estate.And the said Columbus W.Windson and Elizabeth Windson his wife, Nathaniel B.Hendry and Candacy E.C.Hendry his wife, in consideration of the premises,do grant,in fee simple unto the said Kavey Windsor all their interest and estate and right and title in and to the moiety,first hereinbefore described, And the said Kavey Windsor and Nathaniel B.Hendry and Candacy E.C.Hendry his wife in consideration of the premises do grant in fee simple unto the said Columbus W.Windsor,all their interest and estate and right and title,in and to the second moiety hereinbefore described and the said Kavey Windsor and Columbus W.Windsor and Elizabeth Windsor his wife in consideration of the premises,do grant,unto the said Candacy E.C.Hendry,in fee simple,all their interest and estate and right and title in and to the third moiety hereinbefore described.

Test J.M.Harding
John H.Keller
as to Kavy Windsor & C.W.Windsor
C.M.Ellis, asto Elizabeth Windsor
W.H.Haugh
George W.Dudderar.

Kavy Windsor (Seal)
C.W.Windsor (Seal)
Elizabeth her x mark Windsor (Seal)
N.B.Hendry (Seal)
C.E.C.Hendry (Seal)

Which is thus endersed!

State of Maryland Frederick County,Set!

I hereby certify that on this 30th day of Dec'r in the year Eighteen hundred and Sixty one, before the subscriber,a Justice of the Peace of the State of Maryland,in and for Frederick County personally appeared Kavy Windsor and acknowledged the aforegoing deed to be her act and deed.

J.M.Harding

State of Maryland,Frederick County,Set!

I hereby certify that on this 13th day of January in the year Eighteen hundred and Sixty two before the subscriber,a Justice of the Peace of the State of Maryland in and for said County personally appeared Nathaniel B.HENdry and Candacy E.C.Hendryhis wife, and acknowledged the

aforegoing deed to be their deed and act.

Wm.H. Haugh

United States of America,State of Maryland to wit!

Be it known,that On the 24th day of January in the year of our Lord, One thousand eight hundred and Sixty two,before me James L.Parr Notary Public by Letters Patent commissioned and duly qualified,residing in the City of Baltimore in the State aforesaid personally appeared Elizabeth Windsor wife of Columbus W.Windsor and acknowledged the aforegoing Deedto be her act and deed.

In testimony whereof,I have hereunto set my hand and affixed my Notarial Seal,the day and year aforesaid

PLACE OF Notorial SEAL

James L.Parr

Notary Public.

State of Maryland,Frederick County,to-wit!-

I hereby certify that on this 8th day of February 1862,before the subsci iber a Justice of the Peace of the State of Maryland,in and for said County personally appeared Columbus W.Windsor and acknowledged the aforegoing deed to be his act and deed.

J.H.Harding.

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true extract of the original deed of Partition from Kavy Windsor et.al.to Kavy Windsor et.al.as recorded in LiberB.G.F.No.7,Folie's 285 &c.,one of the land records of Frederick County, Maryland. In testimony Whereof,I hereinto subscribe my name and affix the Seal of the Circuit Court foe Frederick County,at Frederick Maryl and,this 28th day of June A.D.,1915.

Harry W.Bowers

Clerk of the Circuit Court foe Frederick County,Maryland.

Filed June 28th 1915.

"EXHIBIT C 2"

At the request of Candacy E.C.Hendry,the following Deed was recorded November 12th 1862.

This Deed made this eight day of April in the year Eighteen hundred and Sixty two by Columbus W.Windsor and Elizabeth Windsor his wife of Baltimore City inthe State of Maryland,Withesseth,that in consideration of two hundrd and twenty five dollars the said Columbus W.Windsor and Elizabeth Windsor his wife doth grant unto Candcy E.C.Hendry wife of N.B.Hendry of Frederick County and State aforesaid,all that let or parcel of ground,situated in Frederick County,lying and being in the Sugar Leaf Mountain it being that portion of said Mountain land,that was conveyed to the said Columbus W. Windsor by deed of partition dated December thirtieth Nineteen hundred and Sixty one and recorded February eighth Eighteen hundred and Sixty two in Liber B.G.F.No.7 folie 285,Oneof the land records of Frederick County,it being Let No.1 as described it said deed of partition;Beginning for said Let at a stone planted at the end of the North forty seven degrees East two hundred and three and a half perches line in a deed from John F.Simmons and James S.Simmons,trustees of James Simmons to Zachariah T.Windsor bearig date of October 21st A.D.1845,and running thence with three quarters of a degree variation as now corrected to correspond with former surveys,North Seventy two and three quarters degrees West ninety four perches to a stone,

then seuth twenty one and a half degree West fifty perches to a stone on the North bant of spruce pine brangh,then South fifty degrees East fifty seven and a half perches to a stone at the end of one hundred and thirteen and a half perches on the North forty seven degrees E.203 1/2 perches line in the deed last above mentioned,then with said line North forty seven and three quarters degrees East ninety perghes to the place of beginning,containing thirty two and onefifth acres pf land moreor less in fee simple

Witness our hands and seals.

C.W.Windsor (seal)

Elizabeth her x mark Windsor (seal)

Test
Wm.H.Haugh
Nich's Worthington

Which is thus endorsed;

$225, Frederick County April 8th 1862.

Received from Candacy E.C.Hendry the sum of two hundred and twenty five dollars,being the consideration expressed to be paid in the foregoing indenture

C.W.Windsor.

Test
Wm.H.Haugh

State of Maryland,Frederick County,to wit

I hereby certify that on this eighth day of April in the year Eighteen hundred and sixty two, defore the subscriber a Justice of the peace of the said State in and for the said County personally appeared Columbus W.Windsor and Elizabeth Windsor his wife and each acknowledge the aforegoing deed to be their respective act.

Wm.H.Haugh

State of Maryland,Frederick County,to-wit:-

I hereby certify that the aforegoing is a true copy of the original Deed from C.W.Windsor and Elizabeth Windsor his wife to Candacy E.C.Hendry, as recorded in Liber B.G.F.No.8,Folio 77,one of the land Records of Frederick County,Maryland.

In Testimony Whereof,I hereunto subscribe my name and affix the Seal of the Circuit Court for Frederick County,at Frederick Maryland,this 27th day of September A.D.,1915.

PLACE ....OF.... Court. SEAL

Harry W.Bowers

Clerk of the Circuit Court of Frederick County,Maryland.

Filed June 28th 1915.

EQUITY SUBPOENA

State of Maryland,Frederick County to-wit!

The State of Maryland.

To Thompsen W.Hendry
Frederick,City,Md.

of Frederick County,Greetings! You are Hereby Commanded, That all excuses set apart,you personally appear before the Judges of the Circuit Coubt for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of July 1915,to answer the Bill and Complaint of Constantia H.Trussell,et al.,vs.Charles B.Hendry,et al.,(Bill for sale of real estate of Candace Bell,deceased) against you_____ in said Court exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court,the 3rd day of May A.D.,1915.

Issued the 2nd day of July A.D.,1915.

Harry W.Bowers Clerk.

To the Sheriff of Frederick County,

Clayton O.Keedy,Soliciter.

Filed July 3,1915.

EQUITY SUBPONEA

State of Maryland,Frederick County,to-wit!

The State of Maryland.

To Charles B.Hendry.Thompson W.Hendry,Executers named in the Will of Candacy Bell.Charles B.Hendry and Elizabeth Hendryhis wife,of Frederick County,Md. of FRederick County,Greetings!

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Courtfor Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Mondayof July 1915,to answer the Bill and Complaint of Constantia H.Trussell ey al.,vs.Charles B.Hendryet al.(Bill for the sale of real estate of Candacy Bell,deceased. against you_____insaid Court exhibited,and so forth. Hereof fail you not,as you will answer at your peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court,the 3rd day of May A.D. 1915

Issued the 28th day of June A.D.,1915

Harry W.Bowers Clerk.

To the Sheriff of Frederick County.

Clayton O.Keedy.Solicitor.

Filed July 3rd 1915.

EQUITY SUBPONEA

STATE OF MARYLAND,FREDERICK COUNTY to-wit!

The State of Maryland.

To Florence W.Miller.(Widow) 757 W,Payette St,Baltimore Md. Of Baltimore City Greetings! YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Courtfor Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick, in and for Frederick County,on the FIRST Mondayof July 1915,to answer the Bill and Complaint of Constania E.Trussell et al.,vs.Charles B.Hendry,et al., (Bill fo$ sale of real estate of Candace Bell.deceased.) against you_____in said Court exhibited,abd so forth.Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court,the 3rd day of May A.D.,1915.

Issued the 28th day of June A.D.,1915.

Harry W.Bowers Clerk.

To the Sheriff of Baltimore City.

Clayton O.Keedy. Filed July 3rd 1915.

Constantia H.Trussell and Husband, vs. Charles B.Hendry and others.	No 9337 Equity. In the Circuit Court for Frederick County,sitting as a Court of Equity.

It is hereby agreed by and between the to the above entitled cause that for the purpose of saving the costs of taking testimony in said cause and expending theesale of real estate therein mentioned,that the plantiff Constania H.Ttrussell,will except the sum of Six Hundred and twenty-five dollars ($625.00)in full of the amount of her note and interest,Exhibit A,upon the condition that the defendants file their consent answers to said Bill within a reasonable time,and upon the execution of this agreement,the parties defehdants hereby authorize their solicitors to file consent answers accordingly.

The object and purpose of this sacrifice of the interest on the note is to

secure the equal distrobution of the remaining estate among the four children of Mrs.Bell,and it is theunderstanding and agreement of the undersigned,her heirs,all property that was owned orcontrolled by her shall be sold and after paying the principle of this note,and the necessary cost of administertion,all the remainder of the preceeds shall be equally devided among her four children,Florence W.Miller,Constania H.Trussell,THompson W.Hendryand Charles B.Hendry.

Constania H.Trussell.

Elmer S.Trussell.

Florence W.Miller.

Charles B.Hendry.

T.W.Hendry.

Filed Sept,18th 1915.

Constania H.Trussell,et al.,

vs.

Charles B.Hendry,et.al.

No. 9337 Equity.

In the Circuit Court for

Frederick County,

In Equity.

The answer of Florence W.Miller to the Bill of Complaint filed against her and others in this cause!-

This defendant admits the allegations contained in said Bill of complaint and consents to the passage of a decree as therein prayed.

J.LeRoy Hopkins and

D.Princeton Buckey.

Solicitors for Florence W.Miller.

Filed Sept 18th 1915.

Constantie H.Trussell et al.,

vs.

Charles B.Hendry et al.

No. 9337 Equity.

In the Circuit Court for Frederick County

in Equity.

TO THE HONORABLE,THE JUDGES OF SAID COURT!

The joint and several answer of Charles B.Hendry and Thompson W.Hendry,Executers,and Charles B.Hendry and Thompson W.Hendry individually,to the bill of complaint,filed against them and others,in this cause,respectfully represent!

That they admit the allegations contained in said bill of complaint,and consent to the passage of a decree,as prayed for therein.

H.Kiefer DeLauter

Solicitor for Charles B.Hendryabd Thompson W.Hendry,Executers of the last will and testament of Cadace E.C.Bell,and Charles B.Hendry and Thompson W.Hendry individuals.

Filed Sept,18,1915.

Decree for sale and for notice to be given to creditor &c.

Constania H.Trussell and
Elmer S.Trussell,her husband

VS.

Charles B.Hendry and
Thompson W.Hendry,Executor,et al.,

No. 9337 EQUITY.
In the Circuit Court for Frederick County,
sitting as a Court of Equity.

September TERM, 1915.

The above cause standing ready for a hearing,and being submitted,the Bill, Answers Exhibits, agreement and all other proceedings were by the Court read and considered.It is thereupon,this 18th day of September in the year nineteen hundred and fifteen by the Circuit Court for Frederic

County,as a Court of Equity,and by the authority of said Court,adjudged,ordered and Decreed,that the land and premises mentioned in these proceedings be sold , and that Clayton C.Keedy,H.Keifer DeLauter and D.Princeton Buckey of Frederick County,be,and they hereby appoint Trustees to make the said sales,and that the course and manner of their proceedings shall be as follows:they shall first file in the Clerks office of this Court,a Bond to the State of Maryland,executed by them with a surety,or sureties,to be approved bythe Court,or the Clerk thereof, in the penalty of Seven Thousand Dollars,conditioned for the faithful performance of the trust reposed in them by this decree,or which may be peposed in them by any future order,or decree in the premises.they shall then proceed to make sale of the said Real Estate,having first given at least three weeks previous notice,inserted in somd newspaper printed in Frederick County,and such other notice as they may think proper of the time,place,manner and terms of sale; which terms shall be as follows;One half of the purchase money to be paid in cash on day of sale,or on the ratification thereof be the Court,the residue in six months from the day of sale the purchaser or purchasers giving his,her,or their notes,with approved security and bearing interest from the day of sale , or all cash at the option of the purchaser or purchasers and as soon as may be convenient after any such sale or sales,the said trustees shall return to this Court a full and particular account of the same,with an affidavit of the truth thereof,and of the faieness of such sale or sales annexed,and on the ratification of such sale or sales by the Court,and on payment of the whole purchase money,and not before,the said trustees by a good and sufficient deed to be executed and acknowledged agreeably to law,shall convey to the purchaser or purchasers of the said property,and to his,her or their heirs,the property to him, her or them sold,free, clear,and discharged of all claim of the parties to this cause,and of any person or persons claiming by,from,or under them,and the said Trustees shall bring into this Court the money arising on such sale or sales, and the bonds or notes which may be taken for the same,to be disposed of under the directions of this Court,after deducting therefrom the costs of this suit, and such commision to the said trustee as the Court shall think proper to allow,on consider of the skill,attention andd fidelity wherewith they shall appear to have discharged their trust.and at the time of advertising said sale the said trustees are hereby directed to give notes to the creditor of Candacy E.C. Bell,late of Frederick County deceased to file their claims,with the vouchers thereof,with the Clerk of the Court,on or before the 1st day of November1915.

Glenn H.Worthington.

Filed Sept 18th 1915.

Constantia H.Trussell and husband.
VS,
Charles B.Hendry and others.

No. 9337 Equity.
In the Circuit Court for
Frederick County,
Sitting as a Court of Equity.

To the Honorable,the Judges of said Court:-

The Report of Sales of Clayton C.Keedy,H.Kiefer DeLauter and D.Princeton Buckey Trustees appointed by the decree in this cause bearing dated on the 18th day of September,1915,to make a sale of the real estate in these proceedings mentioned respectfully shows unto your Honors;that after giving bond as required by said decree for the faithful discharge of the trust reposed in them,which bond was duly approved,and giving notice of the time place,manner,and terms of sale by advertisement in the Semi-Weekly News,a news paper published in Frederick County for more than three successive weeks prior to the day of sale,andalso by hand bills extensively circulated in the neighborhood of the property,they did

pursuant to said notice attend in front of G.O.Hendrickson's Store in Urbana,Frederick County, Mary land,on Saturday,the 16th day of October,1915,at 2 O'Clock,P.M. and then there offered the said real estate at public sale to the highest bidders on the terms prescribed by said degree as follows

FIRST:-Your trustees first offered "The Home Place" situated in Urbana,with the improvements thereon as described in said advertisement (a copy of which advertisement is herewith filed as a part hereof annexed to the acknowledgement of the purchaser which is marked "Exhibit Sals") and received but a single bid of one Thousand Dollars for said piece of property and being unable to get any advance offer and deeming said price inadequate for the property,your trustees withdrew it from sale and have the same on hand unsold.

SECOND:- Your trustees at the same time and place offered the 100 acres of Mountain Land in the Sugar Leaf Mountain described in said advertisement and sold to the same to William F.Lewis,at and for the sum of Sixty-five cents per acre,he being the highest and best bidder therefor.

Third:-Your trustees at the same time and place offered the 9 Acres,1Rood and 13 Perches of unimproved farm land mentioned in said advertisement and then and there sold the same to Minnie N. Perry and Benjamin C.Perry,on the terms as advertised at and for the sum of Eighty-four Dollars, per acre,amounting to the sum of $783.82.

FOURTH:- That all of said purchasers have signed acknowledgements of purchase for the respective parcels of real estate,bought by them as will appear by "Exhibit SAles" herewith filed as a part hereof.

FIFTH:- That after the passage of the decree in said cause your trustees found that the House and Lot described in Exhibit D.to the Bill of Complaint has been sold and conveyed away by the said Candace E.C.Bell in her lifetime and consequently your trustees did not advertise or attempt to sell the same.

Sixth:-Your trustees futher report that in pursuance of the order contained in the decree passed in this cause,they gave notice,at the time of advertising the real estate,to the crediters of the said Candacy E.C.Bell to file their claims with the Clerk of this Court on or November 1st, 1915,as will appear from a copy of said notice to crediters as a part of said "EXhibit Sales."

Seventh:- And your trustees report the gross ammount of said sales at $848.82.

All of which is respectfully submitted,

Clayton O.Keedy

H.Keiffer DeLauter

D.Princeton Buckey.

State of Maryland,Frederick County,to wit:-

I hereby certify that on this 20th day of October,1915,before me,the subscriber,the Clerk of the Circuit Court,for Frederick County,personally appeared Clayton O.Keedy,H.Kieffer DeLauter, and Princeton Buckey,trustees and made oath in due form of law that the matters and things stated in the aforegoing report of sales are true to the best of their knowledge,and belief and that the sales therein reported were fairly made.

Harry W.Bowers

Clerk of the Circuit Court for

Frederick County

ORDER NISI ON SALES.

Constania H.Trussell and husband

VS.

Charles B.Hendry,and others.

No. 9237 EQUITY.

In the Circuit Court for Frederick County sitting in Equity.

September TERM,1915.In the matter of the report of sales filed the 20th day of Oct, 1915.

Ordered,That on the 11th day of November 1915,the Court will proceed to act upon the report of Sales of Real Estate,reported to said Court by Clayton O.Keedy H.Keiffer DeLauter D.Princeton Buckey Trustees in the above cause,and filed therein as aforesaid,to finally ratify and confirm

the same,unless cause to the contrary yhereof be shown before said day;provided a copy of this order be inserted in some newspaper published inFrederick County for three successive weeks prior to said day.

The report states the ammount of sales to be $848.82

Dated this 20th day of October 1915

Harry W.Bowers

Clerk of the Circuit Court for Frederick County.

The Daily News.

THE NEWS.

Frederick,Md.,Nov 13,1915.

THIS IS TO CERTIFY,That the annexed ORDER NISI On Sales waspublished in "THE DAILY NEWS', a news paper published in Frederick County,once a week 3 successive weeks prier to the 11th day of November,1915.

The News
--Per-J.Roger-Fisher.

PUBLIC SALE.

By virtue of a decree of the Circuit Court of Frederick County,sitting as a Court of Equity passed on the 18th day of September,1915,in No.9337 Equity on the docket of said Court,the undersigned trustees will sell at public sale in front of G.O.Hendrickson's store in Urbana,Frederick County,Maryland,on Saturday,the 16th day of October,1915,at 2 O'Clock P.M.all yhre following described real estate of which Candacy E.C.Bell,late of said County,died seized and possessed. FIRST!-"The Home Place"situated in said town of Urbana,at the Junction of the main street and the Buckeystown road,and Comprising Lots Nos.4,5 and 6 as described in the deed of partition between Columbus W.Windsor,Candacy E.C. Hendry and others dated December 30th,1861.and recorded in Liber B.G.F.,No.7, Folios 285,etc,one of the land records of Frederick County,

The improvements consists of a Two-Story frame dwelling,with back building stable and all other outbuildings,well of water,etc,and being the same propery now occupied by Charles B.Hendry.Yhis is a desirable resident property.

SECOND!-All that elegant field of farming land containing 9 acres,1road and 13 perches,adjouning the town of Urbana and the lands of Dr,Benjamin C.Pepry, Emaniel Stup and Strube Bros and being the same parcel of land described as Lot No.1 in the above mentioned deed of partition.The quality of this land is said to be equal to the best in Frederick County.

THIRD!- All these two adjoining lots of mountain land containing in the aggregate.100 Acres.more or less,situated in the Sugar Loaf Mountain.near the road leading from Urbana to Thurston insaid County and adjoining the lands of George W.Peters,Philip F.Lee,Mr,Whipp and others and being the same parcels of land described as lots No.1 and 2 of the mountain land in the aforesaid Deed of Partition.This land is covered with a fine groth of young timber,

Terms of Sale,as prescribed by the Decree.--One-half of the purchase money tobe paid in cash on the day of sale,or on the ratification thereof by the Court,the residue in six months from the day of sale,the purchaser or purchasers giving her,his,or their notes with approved security and bearing interest from the day of sale,or all cash at the option of the purchaser or purchasers.All conveyancing and revenue stamps at the expence of the respective perchasers.A deposit of $100.00 will be required at time of sale on each of 1st and 2nd described properties and $50.00 on mountain land,

Clayton O.Keedy,
H.Kieffer DeLauter,
D.Princeton Buckey.
Trustees.

Harvey R.Lease,Auctioneer,

Notice to Crediters.

The above-named trustees hereby give notice to the creditors of Candacy E.C.Bell,late of Frederick County,deceased,to file their claims,with the vouchers thereof,with the Clerk of the Circuit Court,for Frederick County,on or before the first day of November,1915,otherwise they may be barred from partisapating in the funds arising from the aforesaid sales,dSept 22,29, Oct 6,13&wSept 24,Oct1,8,15.

I hereby acknowledge that I have this 16th day of October,1915,purchased at public sale from Clayton O.Keedy,H.Keffer DeLauter and D.Princeton Buckey,Trustees,the lands Secondly described in the annexed advertisement,being the field containing 9 A.1R. and 13 perches,at and for the sum of Eighty four dollars per acre,upon the terms set forth in said advertisement which I hereby promise to comply with.

Minnie M.Perry
Benj.C.Perry

Test! C.O.Keedy

I hereby acknowledge that I have this 16th day of October,1915,purchased at public sale the 100 acres of mountain land describer in the annexed advertisement at and for the sum of sixty five cents per acre,upon the terms set forth in said advertisement which I hereby promise to comply with.

William F.Lewis

Test!- C.O.Keedy

Filed October 20 1915.

Constania H.Trussell and husband VS. Charles B.Hendry & others	" " " " " "	No. 9237 EQUITY. In the Circuit Court for Frederick County,sitting as a Court of Equity.

Ordered this 13th day of November,A.D. 1915,by the Circuit Court of Frederick County sitting as a Court of Equity,that the aforegoing report of sales be abdthe same is finally ratified andconfirmed,no cause to the contrary having been shown,although due notice thereof appears to have been given.

Glenn H.Worthington.

Filed Nov,13th 1915.

Union Bridge Banking and Trust Company, a Corporation under the laws of the State of Maryland,Trustee under a Deed of Trust from Philip N.Keefer. on. Petition.	# # # # # # # # #	No. 9098 EQUITY. In the Circuit Court for Frederick County, Maryland,sitting as a Court of Equity.

To the Honorable,the Judges of the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity!- The Petition of Union Bridge Banking and Trust Company,a corperation under the laws of the State of Maryland,respectfully represents unto your Honors!-

1.

That youe Petitioner is a corporation under the laws of the State of Maryland with principal office located at Union Bridge,in Carroll County,in said State.

2.

That your petitioner under its Charter is authorized to except and execute trusts of any and every description which may be committed or transferred with their consent to it by any person or persons whomsoever,bodies corporate or public,or by any Court in the State of Maryland,or in any one of the United States,as will appear by reference to the Act of Assembly of the State of Maryland Chapter 369 of the Acts of 1902.

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3.

That acting under its corporate and charter powers your Petitioner accepted the trust committed to it as the Grantee under a certain Deed of Trust made and executed by a certain Philip N.Keefer,an unmarried person,dated March 22nd,inthe year 1910,and which Deed of Trust is found duely recorded in Liber H.W.B.NO.290,folie 542 etc.,one of the Land Records of Frederick County Maryland, a duly certified copy of which is herewith filed as a part thereof and marked "Exhibit A".

4.

That as will appear by reference of said Deed of Trust said Granter granted and conveyed and sold,transferred and assigned unto your Petitioner as Grantee under the terms and conditions of the trusts named in said Deed of Trust serton parcels of real estate and certain articles of personal property all situated in Frederick County,in the State of Maryland,as by reference to said "Exhibit A".will more fully and at large appear.

5.

That said Deed of Trust was made by said Granter and accepted by your Petitioner as Grantee for the fellewing uses and purposes,that is to say,"To collect the rents,profits and income insuing from or arrising out of the above granted property,and futher paying the expences of this trust including a commission to said trustee of 10% upon the said rents and profits-and income,and after the payment of all debts due by the said Philip N.Keefer,if any,at such times and in such amounts as in the discretion of said Trustee will be most advantageous for the Estate of the said Philip N.Keefer, and the payment of all interest due onsaid debts,if any,also at such time or times as said Trustee will deem it to be most advantageous for the said trust estate,to annually pay over the nett income or balance to the said Philip N.Keefer,or to any person or persons nominated by him,and after the death of the said Philip N. Keefer to sell all of said real estate and personal estate then remaining and to pay the nett proceeds arising therefrom unto such person or persons who may be named in the last Will and Testament of the said Philip N.Keefer,if such last Will and Testament be executed by him,and if not,then unto the heirs at Law or next of kin of the said Philip N.Keefer,who would be entitled to the same according to the provisions of Law."

6.

That your Petitioner as Grantee under said Deed of Trust accepted said Trust and discharged the duties of said Trustee until this time.

7.

That the said Grantee Philip N.Keefer died on or about the date November 25th,in the year 1913,

8.

That wile your Perititener has excepted said trust and actively discharged the duties of Trustee under the terms of said Deed of Trust to this date,yet your Honerable Court has not been called upon to assume Jurisdiction of said trust estate.

Whereof your Pertitioner prays your Honers!-

1.

That your Honerable Court will asume Jurisdiction of the trust estate as named under the terms of said "Exhibit A" to the end that your Pertitioner may continue to carry out and fulfill the trusts committed to it underthe terms of said"Exhibit A ". 2.

And for such other and further relief to which your Petitioner may be entitled in the premises and as unto your Honors will seem to be right and equitable in the premises.

And as in duty bound etc., George L.Steeksdale
Jacob Rohebaok Sol,for Petitioner.

STATE OF MARYLAND,FREDERICK COUNTY, Sct:-

I hereby certify that on this 1st,day of December,in the year Nineteen hundred and thirteen, before me the subscriber,the Clerk of the Circuit Court for Frederick County,Maryland,personally appeared S.Raymond Senseney,who made oath in due form of lawthat the matters and facts stated in the above and aforegoing Petition are true as thepein set forth to the best of his knowledge, information and belief, and that he is the secretary and Treasurer of the plaintiff Union Bridge Banking and Trust Company,and that he is authorized on behalf of said Corperation to make this affidavit.

Harry W.Bowers
Clerk of the Circuit Court foe Frederick County,Maryland.

(Filed Dec,1 1913)

On the aforegoing Petition and affidavit it is ordered by the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity,and by the authority thereof on this 1st day of December,in the year nineteen hundred and thirteen,that this Court hereby assumes Jurisdiction of the trust estate created by the Deed of Trust executed by Philip N.Keefer to Union Bridge Banking and Trust Company and refered to in the above Petition as "Exhibit A." and said Pertitioner is hereby directed to file its dult approved bond with the Clerk of this Court in penalty of ONE Thousand Dollars with sureties and upon the filing by it of said bond said Pertitioner will file a report of its conduct and execution of said trust estate to this date and will futher file a schedule of the real and personal estate now remaining and existing as named in said deed of Trust, "Exhibit A" .

Glenn H.Worthington.

Filed December 1,1913.

"E X H I B I T A"

At the request of the Union Bridge Banking and Trust Co.the following Deed is received for record & recorded Mch.23,1910,at 12.40 O'clock P.M.
Test! Harry W.Bowers,Clerk,

This Deed of Trust Made on the 22nd day of March in the year Nineteen Hundred and ten by Philip N.Keefer,(Unmarried) resident of Frederick County,in the State of Maryland,Witnesseth That whereas the said Philip N.Keefer desires to vest the title to his real and personal estate in a trustee for the purpose of making a provision for his support amd maintenance,during his Natural life,And after his death to be vested as hereafter provided.Now therefore this Deed Witnesseth that in consideration of the premises and of the sum of five ($5.00) dollars,current Money,this date paid unto me by the Union Bridge Banking and Trust Company,before the execution and delivery of this Deed,the receipt of which is hereby acknowledged I,the said Philip N.Keefer do hereby grant,convey and sell unto the said Union Bridge Banking and Trust Company,and unto its successors and assigns, as herinafter provided for,All these pieces or parcels of land,situated,lying and being in Frederick County,in the State of Maryland,And particularly described as follows:-First All the following tract and parcel of land,lying and being in Frederick County,Maryland,All that tract or parcel of real estate that was devised by Annie Nusebaum to Philip N.Keefer,by her last will and testament bearing date May 6,1896 and recorded in liber W.B.C.No.1,Folio 503,One of the land records in the office of the Register of Wills for Frederick County,the said tract containin 147 acres of land,more or less,being the same land described in a deed from Peter Lugenbeel and Milton G.Urner to the said Anne Nusbaum,dated April 4th,1888 and recorded in liber W.I.P.No.6, folio 320 one of the land records of Frederick County,SECOND-All that tract or parcel of land described in a certain deed from Peter Lugenbeel and Milton G.Urner trustees to Philip N.keefer, dated April 4th,1888,and recorded in liber W.I.P.No.6,folio 320,one of the land records of Frederick County,Containing 86 acres of land,more or less,THIRD- All that tract or parcell of land described in a certain deed from Peter Lugenbeel and Milton G.Urner,trustees,dated April 4th,1888 And recorded in liber W.I.P.No.6,folio 322,one of the land records of Frederick County,said tract containing 28 acres,2 roods of land,more or less,

Feurth-All that tract and parcoel of land containing 14 Acres,2 roods and 18 square perches of land,described in a deed from William H.Hinks trustee to Phil ip N.Keefer dated August 15th 1892,and recorded in liber J.L.J.No.3,folie 29, one of the land records of Frederick County,FIFTH-And all the fellowing descri- bed personal property which is hereby sold,transferred and assigned by the said Philip N.Keefer to wit:One grey horse,"Selim" one brown horse,"Charlie" One gray mare"Dell"One brown mare "Topsy"two grey Mules "Jack"and "Jim" One black colt,two years old,"Dock"one deering mower and one Champion Mower one Deering binder;one McCormick binder,five bar shear plows two spring teeth harrows,one A A.harrows three shuttler bread tread Wagons,one two horse wagon,one stick wagon one sleigh,one engine and wood-saw,one riding and corn plow,one walking corn plow,one grain drill,shovel,plows,harness for six head of horses lot of shovels mattocks,one white Cow "Lil"one red cow "Ray"one spotted cow "Strawberry," one black Cow,"Black"one yellow Cow "Rose" one red Bull,one spotted Cow "Babe"one red Cow "Daisy." All of the above described real estate and personal property being the same property that was granted and conveyed unto E.Peyton Brown by Philip N.Keefer by deed dated December 8th,1909,and recorded in liber H.W.B.No. 290,folie 163,one of the land records of Frederick County,And being the real and personally property as described in the deed to Philip N.Keefer from E.Peyton Brown,dated February 9th,1910,in liber H.W.B.No.290,folies 356 etc one of the land records of frederick County,Together with the improvements thereon and all rights and ways thereunto belonging or appertaining,to have and to hold the abes granted property onto the said the Union Bridge Banking and Trust Company,and onto its successers and assigns as hereinafter provided for,forever,infee simple in teust and confidence,Nevertheless for the fellowing uses and purpees,that is to say: FIRST to collect the rents,profits and income issueing from the arising out of the above granted property,And futher paying the expences of this trust including the commision to said trustee of 10% upon the said rents and profits and income,And after all the payment of all debts due by the said Philip N.Keefe if any,at such times and such amounts as in the discretion of said trustee will be most advantageous for the estate of the said Philip N.Keefer and the payment of all interest due on said debts,if any,also at such time or times as said trus tees will deem it,to be most advantageous for the said trust estate,to annually pay over the nett income or balance to the said Philip N.Keefer or unto any oth- er person or persons Nominated by him and after the death of the said Philip N. Keefer,to sell all of said real and personal estate then remaining and to pay the nett proceeds arizing therefrom unto such person or persons who may be named in the last will or testament of the said Philip N. Keefer if such last will and testament be executed by him and if not,then unto the heirs at lawer next of kin of the said Philip N.Keefer,who would be entitled to the same accordig to the provisions of the law,And the said Philip N. Keefer hereby constitutes and appoi nts the said Union Bridge Banking and Trust Company,his Attorney,irrevocably, to ask demand collect,sue for recover and receive the above Assigned property,real and personal,And every part,thereof,And the said the Union Bridge Banking and Trust Company hereby excepts the trust above created and agrees to execute the same to the best of ability.

Witness — Philip N.Keefer (Seal)
Nath'l H.Baumgartner

STATE OF MARYLAND,CARROLL COUNTY,Sct:-

I hereby certify that on this 22nd day of March,in the year Nineteen hundred and ten,before me,the subscriber a Notary Public,of the State of Maryland,in Carroll County,personally appeared Philip N.Keefer,personallly known to me to be the above named grantor who acknowledged the above deed to

be his act and deed,
Witness my hand and Natorial Seal on this 22nd day of March,in the year 1910.

Nath'l H.Baumgartner
Notary Public

PLACE OF Natorial SEAL

State of Maryland,Frederick County,to-wit:-

I hereby certify that the aforegoing is a true copy of the original Deed of Trust from Philip N.Keefer to The Union Bridge Banking and Trust Company,as recorded in Liber H.W.B.No.290, Folio 542,one of the land records of Frederick County,Maryland.

In Testimony Whereof,I hereinto subscribe my name and affix the Seal of of the Circuit Court for Frederick County,at Frederick Maryland,this 1st day of December A.D.,1913

Harry W.Bowers
Clerk of the Circuit Court for Frederick County,Maryland.

Filed December 1,1913.

PETITION.

Union Bridge Banking and Trust Company, a corporation under thw laws of the State of Maryland,Trustee under a Deed of Trust from Philip N.Keefer, on PETITION.	No. 9098 EQUITY. In the Circuit Court for Frederick County, Maryland,sitting as a Court of Equity.

To the Honorable,the Judges of the Circuit Court for Frederick County, Maryland,sitting as a Court of Equity:-

The Pertition of Union Bridge Bridge Banking and Trust Company,a corporation under the laws of the State of Maryland,respectfully represents unto your Honors:-

1.

That your Petitioner is the Corporation named in the above entitled cause on Petition.

2.

That as required by the Order of your Honorable Court in said cause on the date December 1st, in the year 1913,your Petitioner has filed its duly approved bond with tye Clerk of your Honorabl Court in the penalty of one thousand dollars,with sureties thereon,and your Petitioner reports unto your Honors that since the execution and delivery to it of the Deed of Trust from said Philip N.Keefer it has received from said Philip N. Keefer the following sums of money,namely, on August 5th, 1910,the sum of $135.00,on Margh 4th,1911,the sum of $135.00,on September 27th, 1911,the sum of $135,00,on August 31st,1912,the sum of $170.00, on August 30th,1913,the sum of $175.00,all of which sums of money your Petitioner has applied in payment of interest due unto your Petitioner by the said Philip N.Keefer on the sum of $4500.00 for the money loaned by your Petitioner unto the said Philip N.Keefer,and for the securing which sum of money the said Philip N.Keefer had confessed two judgments unto your Petitioner,the one on the date February 26th,1910, in ammount $3500.00,and same being No.107 Trials,February Term 1910,in the Circuit Court of Frederick County,Maryland,and the other dated March 21st 1910,for the sum of $1000.00,and being No. 117 Trials,February Term 1910.

3.

That your Petitioner futher reports unto your Honors that of the personal property described in the Deed of Trust,"Exhibit A".filed herewith,your Petitioner finds only the following items now being and remaining upon the real estate of which said Philip N.Keefer died possessed, namely,one gray mare "Doll",one brown mare "Topsy",one gray mule "Jack",one gray mule "Jim",one white cow "Lill",one red cow "Red",and a miscellaneous lot of personal property about worn out and worth very little.

4.

That the real estate described in said Deed of Trust,"Exhibit A," consists of the following

four pieces of real estate,namely;-

First,All that real estate devised by Anne Nusebaum to Philip N.Keefer by her last Will dated May 6th,1896,and recorded in Liber W.B.C.No.1,folio 503 one of the Will Records in the office of the Register of Wills for Frederick County,Maryland,containing 147 acres of land,more or less,and being the same real estate as described in the Deed from Peter Lugenbeel and Milton G.Urner to Anne Nusebaum,dated April 4th,1888,and recorded in Liber W.I.P.No,6,folio 320,oneof the land records of Frederick County,Maryland,a duely certified copy of which said Deed is herewith filed as a part thereof and marked "Exhibit B."-

Second,All that land described in the Deed from Peter Lugenbeel and Milton G.Urner,Trustees,to Philip N.Keefer,dated April 4th,and recorded in Liber W.I.P.No.6,folio 320,one of the land Records of Frederick County,Maryland,containing 86 acres of land,more or less,as described in the duly certified copy of said Deed filed herewith as a part hereof and marked "Exhibit C"!-

Third,All that real estate described in the Deed from Peter Lugenbeel and Milton G.Urner,Trustees,to Philip N.Keefer,dated April 4th,1888,and recorded in Liber W.I.P.No.6,folio 322,one of the land records of Frederick County, Maryland,containing 28 acres and twe reeds and two square perches of land,more or less,a duly certified copy of which said Deed is herewith filed as a part hereof and marked "Exhibit D"!-

Fourth,All that real estate as described in the Deed from William H.Hinks, Trustee,to Philip N.Keefer,dated August 15th,1892,and recorded in Liber J.L.J. No.3,folio 29,one of the land records of Frederick County,Maryland,containing 14 acres 2roods and 18 square perches of land, more or less, a certified copy of which said Deed is herewith filed as a part hereof and marked "Exhibit E"!- all of said real estate being situated in Frederick County Maryland,.

5.

That your Petitioner believes said real and personal property to be worh about the sum of six thousand and five hundred dollars,that it is to the benefit and advantage of said real and personal estate that the same be sold at once and that the net proceeds arizing therefrom will be paid unto such person or persons as may be entitled thereto under the provisions of said "Exhibit A."

Wherefor your Petitioner prays your Honors for the following relief!-

1.

That your Honors will pass the Order of your Honorable Court authorizing and directing your Petitioner as Trustee to sell all of the real and personal estate named in said "Exhibit A" at either public or private sale as unto your Petitioner will appear to be more advantageous,to the end that the nett proceeds arizing from said sales may be paid over unto such person or persons as may be intitled thereto under the terms of said"Exhibit A".

2.

That your Honors will determine in said Order the ammount of the bond to be filed by your Petitioner before futher proceedings to execute the trust named in said"Exhibit A."by selling the real and personal estate named in such "Exhibit A."

3.

And for such other and futher relief to which your Petitioner may be entitled inthe premises.

And as in duty bound,wto,-

S.Raymond Sensenoy

Jacob Rohebaok .

Solicitors for Petitioner.

B.F.Hammaker,Vice President of the Union Bridge Banking and Trust Company.

PLACE OF COURT. SEAL

State of Maryland,Carroll County,Sct:-

I hereby certify that on this 7th day of January,in the year nineteen hundred and fourteen,before me the subscriber a Notary Public of the State of Maryland,in and for Carroll County,personally appeared B.F.Hammaker Vice President of Union Bridge Banking and Trust Company, the above named Petitioner,and made oath in due form of law that the matters and facts stated in the above and aforegoing Petition are true as therein set forth to the best of his knowledge,information and belief.Witness my hand and Notarial seal on this 7th day of January,in the year 1913.

Cleveland Anders

Notary Public.

PLACE OF NOTARY SEAL

On the above Petition,Exhibits and Affidavit having by the Court been read and concidered it is Ordered by the Circuit Court,for Frederick County,Maryland,sitting as a Court of Equity,on this 9th day of January,in the year nineteen hundred and fourteen,that the Union Bridge Banking and Trust Company,the above named Petitioner,will proceed to sell the real and personal property named in "Exhibit A" and as set forth in the above Petition,at either public or private sale as in its discretion will be more advantageous for said trust estate,and that the course and manner of its proceedings shallbe as follows:It shall first file in the Clerk's Office of this Court a Bond to the State of Maryland,executed by it with a surety,or surities,to be approved by this Court,or the Clerk thereof,in the penalty of sixthousand and five hundred Dollars conditioned for the faithful performance of the trust reposed in it by said Deed of Trust,or which may be reposed in it by this or any other future order or decree in the premises.It shall then proceed to make sail of said real and personal estate,and if at public sale having first given at least three weeks previous notice inserted in some newspaper printed in Frederick County,Maryland,and such other notice as it may think proper of the time,place,manner and terms of sale,which terms shall be as follows: As to the personal property all sums of $20.00 and under cash and on all sums over$20.00 a credit of 6 months may be given,the purchaser giving a promissory note with approved security and bearing interest from day of sale:As to the real estate one-third of the purchase money to be paid in cash on the day of sale,or on the ratification thereof by the Court, the residue in two equal semi-annual payments the purchaser giving his,her,ortheir notes with approved surties and bearing interest from the day of sale,or all cash at the option of the purchaser,and as soon as may be convenient after any such sale,the said Trustee shall return to this Court,a full and particular account of the same,with an affidavit of the truth thereof,and of the fairness of such sale or sales annexed ,and on the ratification of such sale or sales by the Court,and on payment of the whole purchase money,and not before,the said Trustee,by a good and sufficient deed to be executed and acknowledged agreeably to law,shall convey to the puchaser or purchasers of the said property,and to his,her or their heirs,the property to him,her or them sold, free,clear,and discharged of all claim of the parties to this cause,and of any person or persons claiming by,from,or under them; and the said Trustees shall bring into this Court the money arising on such sale or sales,and the bonds or notes which may be taken for the same,to be disposed of under the direction of this Court,after deducting therefrom the cost of this suit, and such commission to the said Trustee as the Court shall think propper to allow,on consideration of the skill,attention and fidelity wherewith it shall appear to have discharged its trust.

Glenn H.Worthington.

Filed January 9 -1914.

EXHIBIT No.B.

At the request of Ann Musebaum the fellowin Deed is received for record and recorded June 11th.1888 at 110'Clock.20 Minutes,A.M.

Test W.Irving Parsons Clerk.

This Deed made this 4th day of April in the year One thousand Eight hundred and eighty eight by us Peter Lugenbeel and Milton G.Urner of Frederick County,in the State of Maryland Trustees, Witnesseth.Whereas by a Decree of the Circuit Court for Frederick County sitting as a Court of Equity,passed on the eighth day of August in the year Eighteen hundred and Eighty seven in the

case of Ann Nuwebaum &Others against Samuel Keefer & Others it Being No5315 on Equity Docket of said Court,we the said Peter Lugenbeel and Milton G.Urner was appointed Trustees to sell the lands decreed to be sold and have sold the hereinafter described part thereof to Ann Nusbaum of said County and State the sum of Two thousand Nine hundred and fourty dollars and twelve and a half cents,who has fully paid the purchase money there$$r.Nowttherefor in consideration of the premises,we the said Peter Lugenbeel and Milton G.Urner do grant unto the said Ann Nusbaum all the right and title of all the parties to the aforesaid cause in and to all that piece or parcell of tracts of land called "The Resurvey on Gilboa and Resurvey on Joshua's Lot 1st part Rectified "lying contigueus situated in Frederick County in the State of Maryland,and being designated on thre plot filed in the above cause as lot No.1.(Home Farm)Beginning for the outlines ti include said Lot No.1.at a line stone formely Planted at beginning namedin the Deed from Cordelia Downey to Philip Nusbaum and Daniel Nusbaum for 353 3/4 acres of land part of the resurvey on "Gilboa"it also being the end of the 4th line of the 1st parcel described in the Deed from Joseph McDonold to Philip and Daniel Nusbaum for 126 3/4 acres of land"The Resurvey on Joshua's Lot Rectified and binding on the land of last said Deed allowing four degrees East variations. South 1 1/2° E 16 perches to a stone,2 S 23 ½ ° E 20 ps,to a stone 3 S 46¾° W, 46 ps,to a stone 4 S 34° W 16 ps to a stone,thence running to include 3¼ Acres and Eight sQ PS. OF LAND CON VEYED TO Isaac Brewer by the said Philip and Daniel Nusbaum and binding on the division line the restablished to wit!-5 N 64½° W 63ps to a stone ! 6 N 10½° W 19½ ps to a stone 7 N 76¾ ° W 12.64 ps to a stone new planted in the County road then along said road to wit;8 N 20° W 34.2 ps to a stone now planted 9 N 44½° W 23psto a corner of Joseph H.Hartsocks land at the end of 41.46 on the 2nd line of the Deed from Mary Runkles to the said Philip and Daniel Nusbaum the reserving said line binding thereon to wit! 10 47° E 41.46 ps to a stone now planted at the end of the 6th line of 48¼ acres and 19ps of land from Isaac Bower Trustee to the said P.D.Nusbaum then reversig the line thereof and binding thereon allowing 2½° E variation to wit!- 11 N 23° W 20 ps to a stone now planted near a bounded Black Oak tree 12N 6° W 32 ps to a stone on the east edge of a Chestnut tree then by lines of division,13 S 75¾° E 58ps to a stone now planted 14 N 11 1/8° E 27.56 ps to a stone now planted 15 S 83° E 30.32 ps to a stone now planted 16 S 14° W 30.14 to center of a Black oak tree 17 S.77¾° E 143 ps to a stone now planted 18 30° W 81.48 to a stone now phanted on the 16th line of the Deed from Cordelia Downey to said P & D Nusbaum at the end of 69½ ps then with said line allowing three ° East VariAtin 19 N 49½° W 10½ ps to a stone now planted then with the last line of said Deed allowing as before 20 N.74½ ° W 60ps to the place of beginning Containing 147 acres and one perch of land a right of way sixteen feet wide is hereby reserved thereof through the farm hereby conveyed along the road through said farm for the benefit of Lots No-16-17-18-19 & 20 described inthe plat filed in said Equity cause as Exhibit No.I.A.

Witness our hands and seals

Test! erasures and interlineations made before execution of H.Brenneiren

Peter Lugenbeel (Seal)

Milton G.Urner (Seal)

Trustees

State of Maryland Frederick County to wit!-

I hereby certify that on this 4th day of April in the year Eighteen hundred and Eighty Eight before me the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County personally appeared Peter Lugenbeel and Milton G.Urner, and did each acknowledge the aforegoing Deed to be their respective act.

H.Brenneiren J.P.

PLACE OF COURT SEAL

State of Maryland Frederick County to wit!-
I hereby certify that the aforegoing Deed of Peter Lugenbeel and MiltenG.Urner Trustees to Ann Nusbaum dated on the fourth day of April 1888 is a true copy of the same as it is recorded in Liber W.I.P.No.6at folie 320 &c.one of the land records of Frederick County.Md.

In testimony whereof I hereunto subscribe my name and affix the seal of theCircuit Court for Frederick County this 10th day of January A.D.1914,at Frederick City Maryland .

Harry W.Bowers.

Clerk of the Circuit Court for Frederick County,Md.

Filed January 9-1914.

"E X H I B I T C"

At the request of Philip N.Keefer the following Deed is received for record and Recorded June 11th.1888 at 110'Clock 20.minutes A.M.

Test!-W.Irving Parsons,Clerk.

This Deed made this Fourth day of April in the year Eighteen hundred and Eighty Eight,by us Peter Lugenbeel and Milton G_Urner of Frederick County,in the State of Maryland,Trustees, Witnesseth whereas by a decree of the Circuit Court for Frederick County,sitting as a Court of Equity,passed on the Eighth day of August in the year Eighteen hundred and Eighty seven in the case of Ann Nusbaum & others against Samuel Keefer and others it being No 5315 on the Equity Docket of said Court.We the said Peter Lugenbeel and Milton G.Urner were appointed trustees to sell the lands decreed to be sold and have sold the hereinafter described part thereof to Philip N.Keefer of said County and State for the sum of One thousand and thirty two dollars who has fully paid the purchase money,Now therefor in consideration of the premises,we the said Peter Lugenbeel and Milton G.Urner do grant unto the said Philip N.Keefer allthe right and title of all the parties to the aforesaid course in and to all that piece or parcel of land designated on the plat filed with thereport of sales by the said trustees as lot No 2 or Old Home farm,being parts of tracts of land called "The Resurvey on GilBeA and the resurvey on Joshuas'Lot Rectified lying contigous situated in Frederick County in the State of Maryland,Beginning for a stone formerly planted for the end of 73 perches on the 29th line of the whole tract of land called the Resurvey on Gilbea it also being the end of the 11th line of the 1st parcel described in the Deed from Joseph McDaniel to P.& D Nusbaum and binding on the lines of said first parcel allowing 4½° E variation to art I S 85½° W 71 ps,to a steme formely planted,2 S 18° 4 W ps. to a stone formerly planted then by lines of division with East Uporaft Lot N.5.to art.4S 13¾° W 15ps to the end of the 14th line of lot No.1.(The Home Farm) then with the outlines thereof to art. 5 S 83½° E 30.32 ps to a stone now phanted 6 S 14° W 30.14.ps to the center of a large B.O.tree, 7.77¾° E 143 ps,to a stone now planted then by a line of division down Ball hill to art.8 N 30° E 46 ps to a stone now planted on the south edge of the new public road the 9 N 10¾ W. 18¼ ps to a stone now planted on said road then along said road to wit!- 10 N 47½° W 14.48ps to a stone now planted 11N 51¾° 56ps to a stone now planted 12N.44° W 10.56ps to a stone now planted 13 N 50° W 27.I ps,to a stone now planted at the end of98 ps on the 29th line of the resurvey on Gilbea then with said 29th line reversed allowing 4° East variation to wit 14 S 11° W 16ps to the place of beginning Containing 86 acres of land.surveyed November 1887 for Peter Lugenbeel and Milton G.Urner Trustees by Wm R_Curry.

Witness our hands and seals

Peter Lugenbeel (Seal)
Milton G.Urner (Seal)
Trustees

Test!-
H,Breinensen

State of Maryland Frederick County to wit!-
I hereby certify that on this Fourth day of April in the year Eighteen hundred and Eighty Eight before me the subscriber A Justice of the Peace of the State of Maryland in and for Frederick County,personally appeared Peter Lugenbeel and Milton G.Urner and did each acknowledge the

aforegoung Deed to be their respective act.

H.Brenienson.J.P.

State of Maryland Frederick County,to wit!-

I hereby certify that the aforegoing Deed is a true copy of the Deed from Peter Lugenbeel and Milton G.Urner Trustees to Philip N.Keefer as the same is recordd in Liber W.I.P.No.6 at folio 321 &.,One of the Land Records of Frederick County Md.

In testimony whereof I hereinto subscribe my name and affix the seal of the Circuit Court for Frederick County,this 14th,day of January A.D.1914.at Frederick.

PLACE OF COURT SEAL

Filed December 1-1913.

Harry W.Bowers Clerk of the Circuit Court for Frederick County,Md.

"E X H I B I T" D

At the request of Philip N.Keefer the following Deed is receivd for record and recorded June 11th 1888 at 11 0' Clock 20 minutes A.M.

Test! W.Irving Parsons Clerk.

This Deed made this 4th day of April in the year Eighteen hundred and Eighty Eight by us Peter Lugenbeel and Milton G.Urner of Frederick County,in the State of Mryland Trustees.Witnesseth.whereas by a decree of the Circuit Court for Frederick County sitting as a Court of Equity passed on the Eighth day of August in the year Eighteen hundred and Eighty Seven in the case of Ann Nusebaum & others against Samuel Keefer & Others it being No 5315 on the Equity Docket of said Court.We the said Peter Lugenbeel and Milton G.Urner were appointed Truste to sell the lands decreed to be sold the hereinafter described part thereof to Philip N.Keefer of said County and State for the sum of two hundrdd and Eighty five dollars and seventy five cents who has fully paid the purchase money there for,Now therefor in consideration of the premises,we the said Peter Lugenbeel and Milton G.Urner do grant unto the said Philip N.Keefer all the right and tit le of all the parties to the aforesaid cause in and to all that piece or parcel of land designated on the Plat filed with the report of sales by the said Trustees as lot No 20 being a piece of the tract of land called "The Resurvey on Gilboa"Beginning for the outlines thereof at a stone now planted at the end of 24 perches on the 16th line of the deed from Cordelia H.Downey to P.&.D.Nusbaum 353 $\frac{3}{4}$ acres of land and binding on said line allowing 3° E Variation to wit! N 49$\frac{1}{2}$° W 45$\frac{1}{2}$ps to a stone now planted for the end of the 18th line of the Home Farm No 1 then reserving & binding on said line 2 N 30° E 81.48 ps to a stone on the side of Bell Hill,then 3 S 46° E 72 ps to a stone now planted 4 S 43$\frac{1}{4}$° W 15.84 ps to a stone now planted 5 S.50$\frac{1}{2}$° W59 $\frac{3}{4}$ ps to the beginning Containing 28$\frac{1}{2}$ acres and 12 square perches of land together with the right of way sixteen feet wide along the road through the home farm or lot No I.to the public road, And a right of way sixteen feet wide is hereby reserved along the south side of the lot hereby conveyed for the benefit of Lots No I 6- 17-18 described in the plat filed in said Equity cause as Exhibit No.I.A.

Witness our hands and seals

Peter Lugenbeel (Seal)

Mioten G Urner (Seal)

Trustees.

Erasures & interlinations
made before execution
H Brenniren

State of Maryland Frederick County to wit!-

I hereby certify that on this fourth day of April in the year Eighteen hundred and Eighty eight before me the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County personally appeared Peter Lugenbeel and Milton G.Urner and did each acknewledge the within deed to be their respective act.

H. Brenneiren J.P.

State of MaryLand Frederick County to wit!-

I hereby certify that the aforegoing Deed from Peter Lugenbeel and Milton G.Urner Trustees is a true copy of the same as it is recorded in Liber W.I.P.NO.6 Folio 322 &c.,One of the land records of Frederick County,Maryland .

In witness whereof I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County this 10th day of January A.D.1914.

Harry W.Bowers Clerk

PLACE OF COURT. SEAL

Filed 9-1914.
of January..

of the Circuit Court for Frederick County,Md.

"EXHIBIT E"

At the request of Philip N.Keefer the following Deedis received for Record and recorded August 15th.1892 at 2.10 O'Clock P.M. Test! John L.Jordan, Clerk.

This Deed made this fifteenth day of August in the year One thousand Eight hundred and ninety two between William H.Hinks of Frederick County State of Maryland Trustee as hereinafter mentioned,of the one part.and Philip N.Keefer of said County of the other part.Witnesseth whereas by a decree of the Circuit Court of Frederick County,Md as a Court of Equity dated on the 11th, day of April in the year One thousand Eight hundred and ninety two and passed in a cause in said Court No 5906 on the Equity Docket of said Court,wherein Susan C.Harn and others are Plaintffs and Sarah H.Williams and others are defendents,the above named William H.Hinks,was appointed Trustee with authority to sell the real estate in the proceedings in said cause mentioned,and the said trustees after complying with all the previsions requistes of the decree,did,on or about the nineth day of July in the year One thousand eight hundred and ninety to sell unto the unto the said Philip N.Keefer the wood lot or parcel of land designated in the advertisement of sail of said real estate as wood lot at or near Balls Hill in said County which was conveyed to Thomas W.Harne by Peter Lugenbeel and Milton G.Urner Trustees by Deed recorded among the land records records for Frederick County,In,Liber W.I.P.No 6.folio 172.Containing 14½ acres & 18 ps of land more or less at and for the sum of two Hundred and ninety two 15/100 dollars,current m money the aforesaid Property,situated in Woodville district in Frederick County and State of Maryland thus described;beginning for the outlines thereof at a stone now planted at the end of the Eighteenth line of Home farm No 1.as designated in plat and survey filed in No 5315 Equity cases in Circuit Court for Frederick County Md.as a Court of Equity and running to wit!- S 46° E 72ps to a stone now planted;N 11½° E 49.12ps to a stone now planted in the new public read;thence along it N 65¼° W.29.08 ps to a stone now planted N 48¼° W 8.65ps to a stone new new planted;N.14½° W22 8ps to a stone new the end of the 8th line of Old Home Farm No2.then reversing said line and beginning thereon S 30° W 46 ps to the beginning Containing fourteen and a half acres and eighteen perches of land more or less a right of way one half of sixteen feet wide along the west end thereof to the public road is hereby reserved for the benefit of Lots No 21 & 22 described on the plat filed in said No 5315 Equity cases marked Exhibit No.1.A. It being the same lot of land conveyer to said Thomas W.Horne by Peter Lugenbeel and Milton G. Urner Trustees by Deed the fourth day of April A.D.1888,and recorded among the land records for said Frederick County in Liber W.I.P.No.6.folio 172 therein designated as lot No 23 and part of the land of which Thomas W_Harne late of said County being seized & possessed died intestate

and which was decreed to be sold by the Circuit Court for said County,as a Court of Equity in said No 5906 Equity cases as by reference to the paper and proceedings therein and said last mentioned deed will fully appear.and whereas the aforesaid sale has been duely reported to and ratified and confirmed by the said Court for Frederick County as Court of Equity August 6" inst.and whereas the purchase money aforesaid has been fully paid and satisfied to the said Trustee thes upon authorized by the said decree to execute these presents.

Now this deed witnesseth that the said William H.Hinks Trustee as aforesaid fpr and in consideration of the premises,and the sum of twe hundred and ninety twe and 25/100 dollars current money,to him in hand paid by the said Philip N.Keefer at and before the sealing and deliverdng of these presents,the receipt of which is hereby acknowledged de grant unte the said Philip N.Keefer all the property hereinbefore described,with its appurtenances,and all rights,interest and estate of the parties to the aforesaid decree beath at law and in Equity,in and to the same,to have and to hold the aforesaid property with its appurtenances unte the said Philip N.Keefer his heirs and assigns forever.

Witness my hands and seal

William H.Hinks (Seal)
Trustee

Test!-
Edward Huges.

State of Maryland Frederick County to wit!-

I hereby certify that on this fifteenth day of August A.D.1992 before me the subscriber a Justice of the Peace of the State in and for Frederick County aforesaid personally appeared William H.Hinks Trustee and acknowledged the aforegoig deed to be his act and deed.

Edward Huges. J.P.

State of Maryland Frederick County to wit!-

I hereby certify that the aforegoing Deed from William H.Hinks,Trustee to Philip N.Keefer is a true copy of the same as it is recorded in Liber J.L.J. No.3.at folio 21 One of the land records of Frederick County Md.

In testimony whereof I hereunto set my hand and affix the seal of the Circuit Court for Frederick County,Md this 10th day of January A.D.1914.

PLACE OF COURT SEAL

Harry W.Bowers Clerk

Circuit Court for Frederick County.Md.

Filed January 9 1914.

Union Bridge Banking and Trust Company,a corporation under the Laws of the State of Maryland, Trustee under the Deed of Trust from Philip N. Keefer, on PETITION.	#	No.9098 Equity. In the Circuit Court for Frederick County, Maryland,sitting as a Court of Equity.

To the Honerable,the Judges of the Circuit Court for Frederick County, Maryland,sitting as a Court of Equity!-

The Petition of Union Bridge Banking and Trust Company,respectfully represents unte your Honors!-

That it has filed its duly approved Bond as required by orded of your Honorable Court passed on the date January 9th,1914,and has duly advertised for public sale all of the real estate of said Philip N.Keefer and as described in the Deed of trust,"ExhibitA",and in the other proceedings in this cause.

That your pertitioner as Trustee believes it to be necessary in order that the purchaser at said public sale will receive a good marketable title to said real estate that the notice to the crediters,if any there be,should be given as required by law,underthe order of your Honerable Court,that their claims may be filed in your Honerable Court in this cause for payment from the proceeds of the said sales of said real estate.

Wherefore your petitioner prays that your Honerable Court will pass its Order directing your Petitioner as Trustee to give notice to the crediters of said Philip N.Keefer,if any there be,to file their duly preven claims in your Honorable Court on some certain day to be named in said notice.

And as in duty bound,etc,.

Union Bridge Banking and Trust Company.

By Jacob Rohebaok its Solicitor.

On the aforegoing Petition it is ordered by the Court for Frederick County,Maryland,sitting as a Court of Equity,on this 24th day of January,in the year nineteen hundred and fourteen, that Union Bridge Banking and Trust Company,Trustee of Philip N.Keefer,the above named Petitioner will give twenty days public notice by advertisement inserted at least once a week for three successive weeks warning to crediters of Philip N.Keefer to file their claims,if any there be,duly authenticated,with the Clerk of this Court on or before the 20th day of March,in the year nineteen hundred and fourteen.

Hammond Urner.

Filed January 24th, 1914.

REPORT OF SALES.

In Re; Estate of Philip N.Keefer.

Union Bridge Banking & Trust Company,a Corperation under the laws of the State of Maryland,Trustee under a Deed of Trust from Philip N.Keefer.	" " " " " "	In the Circuit Court for Frederick County,Maryland. In Equity. No 9098 Equity.

To the Honerable,the Judges of the Circuit Court for Frederick County,Maryland,

The report of sales of Union Bridge Banking and Trust Company,a corperation under the laws of the State of Maryland,Trustee under a Deed of Trust from Philip N.Keefer;respectfully shews:--

That in pursuance of the power and authority contained in a certain deed of trust from Philip N.Keefer,of Frederick County,State of Maryland,bearing date of the 22nd day of March,Nineteen Hundred and Ten,which said deed is duly recorded in Liber H.W.B.No 290 folio 542 ect,one of the land records of Frederick County,Maryland,and an orderof your Honerable Court,passed in the above cause on dateof January 9th,A.D.1914,to sell certain Real Estate conveyed by said deed,your Trustee in pursuance of the aforegoing authority,filed its duly approved Bond to the State of Maryland,in the sum of $6500,00. for the faithful performance of the T R U S T reposed in It;- And after having given notice of the time,place,manner and terms of sale by advertisement in the "Semi-Weekly News"a newspaper published in Frederick County,Maryland,as will appear by"Exhibit News" filed herewith and in the American Sentinel,a newspaper published in Carroll county,Maryland;and also by both in Carroll and Frederick Counties,once a week for three successive weeks before the day of sale,the said Union Bridge Banking and Trust Company,a corperation under the laws of the State of Maryland,Trustee named in the aforesaid Deed of Trust,did pursuant to said notice attend at the premises situated,lying and being in Linganore District,Frederick County,Maryland, on Wednesday,February 11th,A.D.1914;at 10'Clock P.M.,and then and there proceeded to sell said property. In the First place your Trustee,announced that all of the Barley,Wheat and rye,and rye straw was excepted,togather with a lot of cord wood and cross-ties,and a few rose bushes in the front yard etc.

Secondly,That said Trustee was selling all of these FOUR tracts or parcels of land and premises,vis,.A parcel of land containing 147 Acres and One perch of land more or less,being same parcel conveyed unto Anne Nusbaum in her lifetime by Peter Lugenbeel and Milton G.Urner by their deed bearing date on the 4h day of April,A.D.1888,and recorded among the land records of Frederick County, Maryland,in Liber W.I.P.No.6 folio 320,ect;-And which said parcel or tract of land was devised by said Ann Nusbaum unto Philip N.Keefer,in his lifetime,said will beaming date on the 6th,day of May,A.D.1896,recorded among the books of wills in the office of Register of Wills for Frederick County,Maryland,in Liber W.B.C.No 1 folio 503 ect. "B".A parcel or tract of land containing 86 Acres of land more or less,it being the same tract of land which was conveyed byPeter Lugenbeel and Milton G.Urner Trustees unto Philip N.Keefer,bearing date onthe 4th day of April,A.D.1888,and recorded among the land records of Frederick County,Maryland,in Liber W.I.P.No 6 folio 321 wot. " C " A tract or Parcel of land containing 28 Acres 2Reeds and 12 perches of land more or less;being the same parcel of land which was conveyed by Peter Lugenbeel and Milton G Urner, Trustees to Philip N.Keefer,in his lifetime,by their deed bearing date on the 4th day of April,A.D,1888,and recorded in liber W.I.P.No 6 folio 322,ect; one of the land records of Frederick County,Maryland, " D " And all that tract or parcel of land containing 14 Acres 2roods and 18 perches of land more or less,being the same parcel of land which was conveyed unto the said Philip N. Keefer in his lifetime,by William H.Hinks,Trustee,by deed bearing date on the 15th day of August,A.D.1892,recorded among the land records of Frederick County Maryland,in Liber J.L.J.No 3 folio 29 ect,Which said aforesaid FOUR tracts or parcels of land Contain in the aggregate 276 Acres and 31 perches of land more or less;lying contiguous to each other,and did then and there sell the same by the Acre unto a certain B.Frank Hammaker,at and for the sum of Nineteen (19.0 c/)Dollars per Acre,realizing therefor the sum of five Thousand,Two Hundred , and Fourty Seven Dollars and sixty-five cents,($5.247.65/100$);He being then and there the highest bidder therefor.Your Trustee further reports that said property was advertised and offered upon the following conditions,Vis;One third of the purchase money cash upon the ratification of sale by your Honorable Court, the residue thereof in two equal payments in Six and Twelve months from day of sale,the purchaser giving His, Her,or their notes with approved security,bearing interest from the day of sale;or all CASH at the option of the purchaser.The said purchaser aforesaid,informed your Trustee,that he desired to pay the full purchase money CASH upon the ratification of sale by your Honorable Court,and hAs passed to said Trustee His said promissory note,for said purchase money, cash as aforesaid,upon ratification of said sale.your Trustee futher reports that it conducted said sale in such manner as full and reasonable time was given to all persons present to bid upon same if so desired,and that said sale was bona fide and fairly made.

All of which Is respectfully submitted.

Union Bridge Banking and Trust Company,a Corporation under the laws of the State of Maryland,Trustee under a deed of Trust from Philip N.Keefer,ect.by

S Raymond Sensency

S E C R E T A R Y.

Jacob Rehebock
George L.Stocksdale

Soliciters.

State of Maryland.

Carrell county,te-wit:-

I hereby Certify,That on this 17th day of February,in the year Nineteen Hundredd and Fourteen, before me,the subscriber,a NOTARY PUBLIC of the State of Maryland,in and for Carrell county aforesaid,personally appeared S.Raymond Senseney, TREASURER of Union Bridge Banking and Trust Company,a corperation under the laws of the State of Maryland,TRUSTEE under a deed of Trust from Philip N.Keefer,and made oath in due form of law,thar the matters,facts and things set forth in the aforegoing Report og sale,are true as therein stated,to the best of his knowledge and belief and that said sale was bona-fide and fairly made.And futher made oath in due form of law that he is the Secretary of Union Bridge Banking and Trust Company,a corperation under the laws of the State of Maryland,Trustee under a deed of Trust from Philip N.Keefer,and by said Trustee authorized to make this afidavit.

Swern to before,

Cleveland Anders

Notary Public.

PLACE OF Notary SEAL

NOTICE TO CREDITORS.

By order of the Circuit Court for Frederiol County,Maryland,sitting as a Court of Equity,and passed on the date January 24th,in the year 1914,in No9098 Equity ,and being the case of the Union Bridge Banking and Trust Company,a Corperation under the Laws of the State of Maryland, Trustee,under a Deed of Trust from Philip N.Keefer,on Petition,the undersigned Trustee hereby gives notice to the crediters of Philip N.Keefer,late of Frederick County,Maryland,deceased,to file their claims,if any there be,duly proven with the Clerk of the Circuit Courtfor Frederick County, Maryland,on or before the 20th day of March,in the year 1914.

Union Bridge Baking and Trust Company,Trustee.

George L.Stocksdale,

Jacob Rohrbach. Solicitors. djan 26,Feb 2,9,16.

THE NEWS.

Frederick,Md.,March 20 1914

This is to Certify,That the annexed "Notice to Crediters"was published in "The Daily News",a newspaper published in Frederick Counay,once a week 3 successive weeks prior to the 17" day of Feb'y 1914

The News

Per Ira Thomas.

ORDER NISI ON SALES

Union Bridge Banking & Trust Company,a Corperation under the laws of the State of Maryland,Trustee,under a Deed of Trust from Philip N.Keefer

ON.

Petition.

NO. 9098 EQUITY.

In the Circuit Court for Frederick County sitting in Equity.

February T E R M, 1914

In the Matter of the Report of sales filed the 20 day of February 1914

ORDERED,That on the 21 day of March 1914,the Court will proceed to act upon the Report of sales of Real Estate,reported to said Court by Union Bridge Banking and Trust Company Trustee in the above cause,and filed therein as aforesaid,to finally ratify and confirm the same,unless cause to the contrary thereof be shewn before said day;provided a copy of this order be inserted in some news paper published in Frederick County,for three successive weeks prior to said dAy. The report states the ammount of sales to be $5.247.65,

Dated this 20 day of February 1914

"The Citizen"

Harry W.Bowers

Clerk of the Circuit Court for Frederick County.

Office of
The Citizen

Frederick,Md.,March 20th 1914

We hereby certify that the attached Order of Publication No.9098 NICI ON SALES Equity,was published in "THE CITIZEN",a Newspaper published in Frederick County,State of Maryland,for Four successive weeks prior to the 21st day of March 1914

Filed March 21 1914.

C.H.Baughman & Son
Eisenhauer.

TRUSTEE'S PUBLIC SALE OF A VALUABLE FARM

In Linganore District Frederick County.Md.

By virtue of the Power of sale contained in the Deed of Trust executed by Philip N.Keefer to Union Bridge Banking and Trust Company.Dated March 22nd 1914 and recordee in Liber H.W.B.No.290 Folio 542,one of the Land Records of Frederik County Maryland,and by order of the Circuit Court for Frederick County Maryland, sitting as a Court of Equity.passed on the date January 9th 1914,in the cause No 9098,on the Equity Docket of said Court,and being in the case of Union Bridge Banking and Trust Company,a corporation under the laws of the State of Maryland, Trustee under a Deed of Trust from Philip N.Keefer on Petition,the Union Bridge Banking and Trust Company as Trustees will offer at Public sale on the premises along the public road leading from Unionville to West Falls,Frederick County Md. on WEDNESDAY,FEBRUARY 11,1914.at 1.00 O'Clock P.M.all of the real estate of whih said Trustee became seized and possessed under said Deed of Trust and consisting eg several adjoining parcels of land containing as a farm in the aggregate 276 acres and 31 perches of land.more or less,and being the same real estate as described in the three Deeds from Peter Lugenbeel and Milton G.Urner,Trustee,to Philip N.Keefer,each dated April 4th,1888,and recorded in Liber W.I.P.No.6,Folio 320 and 321 and 322,Land Records of Frederick County,Maryland,and in the Deed from William H.Hinks,Trustee,to Philip N.Keefer,dated August 15th,1892,and recorded in Liber J.L.J.No,3,Folio 29,one of the land Records of Frederick County, Maryland,This farm is located about 2 ½ miles from Unionville and from West Falls and adjoins the lands Joshua Sundergill John Chaney and Albert Hines and is improved with a two story frame weatherboarded dwelling house,bank barn,wagon shed corn house,and other outbuildings,and with spring of water.

About 100 acres of this land is well set in fine timber.Terms of sale- -One-Third of the purchase money to be paid in cash on the day of sale or on the ratification thereof to the Court,the residue in two equal payments in six and twelve months from day of sale,thepurchaser giving his,her or their notes with approved sureties and bearing interest from the day of sale,or all cash at the option of the purchaser. A cash deposit of $250.00 will be required from the purchaser at the time of sale. All conveyancing costs to be at the expence of the purchaser.

Also at the same time and place.following the above sale,said Trustee will offer At public sale the following personal property;Two mares,2 mules,2 cowsand a number of other articles about said farm.Terms of sale--All sums of $20.00 and under cash,and on all sums over$20.00 a credit of six months will be given,the purchaser giving a promisary note with approved security and bearing interest from day of sale.Union Bridge Banking and Trust Company.Union Bridge Md.Trustee.

George L.Stocksdale, Westminster,Maryland. Jacob Rohrbach, Frederick Maryland. Solicitors.

After the sale of the above reAl and personal property the undersigned will offer at public sale at the same place the following articles of personal property,namely;One bay colt,about 3 years old,one rocking chair,1 corner cupboard,

1 dressing bureau.Terms of sale---Cash.UNION BRIDGE BANKING AND TRUST COMPANY,Union Bridge, Maryland,Executers of Philip N.Keefer,Francis A.Crawford.Auctioneer.Jan 16 w 4tF

THE NEWS

Frederick Md.,March 20 1914

This is to certify,That the annexed "Trustees Sales"was published in "The Semi Weekly News"a news paper published in Frederick County,once a week 3 successive weeks prior to the 11" day of February,1914

The News

Per Ira Thomas.

Filed February 20 1914.

Union Bridge Banking and Trust Company,a corperation under the laws of the state of Maryland, Trustee under a Deed of Trust from Philip N.Keefer,

ON

Petition.

No. 9098 EQUITY.
In the Circuit Court for Frederick County, Maryland,sitting as a Court of Equity.

Ordered by the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity on this 21st,day of March,in the year nineteen hundred and fourteen,that the sale reported by Union Bridge Banking and Trust Company,Trustee of Philip N.Keefer,in the above entitled cause be and the same is hereby finally ratified and confirmed,no cause to the contrary thereof having been shown although due notice appears by the printers Certificate herewith exhibited to have been given as required by the order Nisi heretofore passed in the cause,and the cause is hereby referred to the Auditor of the Court who will state an account in which he will allow unto the Trustee the usual Chancery commission,and also a counsel fee to the Solicitors of record for said Trustee,and also all necessary costs and expences attending said sale,and he will return his report to this Court for its final action.

Glenn H.Worthington.

Filed February 20 1914.

NO. 9192 EQUITY.

In the Circuit Court for Frederick County,Maryland. In Equity.

To.

Harry W.Bowers,Esq; Clerk of said Court---

Please record the Asignment of Mortgage of Effie S.Enser and E.Clarence Enser,Her husband to George L.Stocksdale,of Carroll County,Maryland,Being attached to the Mortgage given by George E. Baire and Wife to George W.Devilbiss,bearing date on the 5th day of January,A.D.1901;and recorded in Liber D.H.H.No 10 folio 409 ect;Also please docket on the Equity docket of your Court a case as follows,----------

George L.Stocksdale Assignee of Mortgagee's Plaintiff.

A G A I N S T.

George E. Baire and Annie M. Baire, His Wife, Mortgagers, Defendants.

No

EQUITY.

Also please file Original Mortgage Note marked exhibit "A",and Original Mortgage marked exkibit "B",in above entitle case;And file in said case statement of mortgage claim ect,

Will please enter the appearance of George L.Stocksdale,Atterney,Solicitor for Assignee of Mortgagee's and Plaintiff,ect,---

George L.Stocksdale

1914.Julu 9th. Solicitor for Assignee of Mortgagee's

Filed July 10 1914.

E X H I B I T "A"

$1600.00

Carroll County Md,January 2nd,1901.

fifteen months after date I premise to pay to the order of George W.Devilbiss Sixteen hundred Dollars with interest at 5 ½ per cent per annum.from April 1st 1901

George E.Baire.

April 1st 1902 Fifty Dollars paid as principle on the within Note.

April 1st 1902 Interest paid up to date

April 1st 1903 Interest paid up to date

April 1st 1904 Interest paid up to date

April 1st 1905 Interest paid up to date

Dec ----- 1905 Fifty Dollars paid as Interest

April 1st 1906 Thirty three Dollars paid as Interest to date

April 1st 1907 Eighty Dollars paid as Interest

Interest paid up to April 1st 1908

April 1st 1909 Received $80 25/100 Dollars on acct as Interest

April 4th 1910 Received $45.00 Dollars on Acct as Interest

June 15th 1910 Received $30.00 Dollars on Acct,as Interest

April 1st 1911 Received $20.00 Dollars on Acct,as Interest

Dec, 22nd 1911 Received $20.00 Dollars on Acct, as Interest

Feb,10 1912 Received $40.00 Dollars on Acct, as Interest

April 1st 1912 Received $20.00 Dollars on Acct, as Interest

Secured by Mortgage ,For value received and by virtue of an order of the Orphans Court for Carroll County,dated February 28th,1910,we hereby assign the within note to Effie S.Enser,without recourse.

Howard H.Devilbiss

Clayton G.DDevilbiss.

Executors last will & testament of George W.Devilbiss deceased.--

New Windsor,Maryland,July 7th 1914.

For value received,Hereby assign within note to George L. Stocksdale.

Witness our hands,the day and year aforesaid .

Effie S.Enser

E.Clarence Enser

N.C.Graybill.

Filed July 10 1914.

(M O R T G A G E) E X H I B I T "B "

This Mortgage Made this fifth day of January in the year One Thousand nine Hundred and one by George E.Baire and Annie Baire his wife of Frederick County, in the State of Maryland,

Whereas The said George E.Baire by his promissary note bearing date January 2nd 1901 drawn Fifteen months after date to George W.Devilbiss for the principal sum of Sixteen hundred dollars.with interest from April 1st 1901 at five and

a half per cent per annum.stands indebted in said sums of money to the saas George W.Devilbiss,and and for the better securing thenef these presents are hereby executed

NOW THIS MORTGAGE WITNESSETH,That in consideration of the premises,and of the sum of One Dollar, the said George E.Baire do grant unto the said George W.Devilbiss of Carroll County,Md.his heirs and assignees in fee simple,all these contiguous parts of tracts of land named and described in a deed from the said George W.Devilbiss and Kitty A.Devilbiss his wife tothe said George E.Baire bearing date even with this Mortgage.and to be recorded among the land records of frederick County, even date herewith,reference being had all with courses and distances and quality of land will fully appear.Alse that other joining parcel of land conveyed to the said George E.Baire by Jacob Riegler,Margaret Riegler,George Riegler and Eliza Riegler his wife by deed dated "April 5th,1880" recorded in Liber A.F.No,2folie 281 one of the land records of Frederick County,reference being had therete,all with courses,distances and quantity of land will fully appear.

Alse,that other adjoining parcel of land conveyed to the said George E.Baire by Sebastion Hammond and Marcella Hammond his wife by deed dated "August 13th,1880 recorded in Liber A.F.No.2 folie 424,one of the land records of frederick County,Containing in all these parcels of land.Eighty six & ¼ acres and 28 Sq.perches of land more or less.

Together with the buildings and improvements thereupon,and the rights,roads,ways,waters,privileges, appurtenances and advantAges,therete belonging,or in anywise appertaining..

TO HAVE AND TO HOLD the aforesaid parcel of ground and premises unto and to the prepper use and benefit of said George W.Devilbiss his heirs and assigns forever.Provided that the said George E. Baire his heirs,exeuters,administraters or assigns,shall pay the said Sixteen hundred dollars together with the interest thereon when due and demandable,according to the tener of the aforesaid promissory Note and shall perform all the covenants herein on his or their part to be performed, then this Mortgage shall be void.AND it is agreed,that,until default be made in the premises,the said George E.Baire shall possess the aforesaid property upon paying,in the meantime,all taxes and assessments,publis dues and charges of every kind,levied or assessed,or to be levied or assessed on said hereby mortgaged property,which taxes,assessments,public dues,charges,mortgage debt and interest,the said George E.Baire for himselfhis heirs,executers,administraters,and assigns,doth hereby covenant to pay whenlegally demandable.But if default be made in payment of said money or the interest thereon to accure,or any part of either one of them,at the time limited for the payment of the same,or in any agreement,covenant or condition of this mortgage,thenthe entire mortgage,debt shall be deemed due and demandable;and it shall be lawful for the said George W.Devilbiss his heirs and assigns or their Atterneys or Agent at any time after such default,to sell the property hereby mortgaged or so much thereof as may be necessary to satisfy and pay said debt,interest and all costs incured in making such sale,and to grant and convey the said property to the purchaser or purchasers thereof,his,her or their heirs or assigns;and which sale shall be made in manner fellewing,viz.upon giving twenty days'notice of time,place,manner and terms of sale,in some newspaper printed in Frederick County,andin the event of a sale of said property under the powers hereby geanted,the proceeds,arising from such sale,to apply first,to the payment of all such expences incident to such sale,including such commission,to the party making sale of said property,equal to the commission allowed Trustees,for making sale of property by virtue of a decree of a Court having equity jurisdiction in the State of Maryland;

Secondly to the payment of all claims of the said mortgagee ----------his personal representatives and assigns under this mortgage,wether the same shall have then matured or not,and the surplus (if any there be) shall be paid to the mortgagor his personal representative or assigns,or to whoever may be entitled to the same.AND the said George W.Baire for himself his executors,administraters,and assigns,doth futher covant to insure,and pending the existance of this Mortgage,to keep insured the improvements on the hereby mortgaged land to ammount of at least Six hundred dollars and to cause the policy to be effected thereon to be so framed or indorsed,as in case of fire,to insure to the benefit of the said George W.Devilbiss his heirs or assigns to the extent of said Mortgage lien or claim hereunder.at the time of said fire

WITNESS, Our hands and seals.

George E.Baire (Seal)
Annie M.Baire (Seal)

J.Win Snader.

STATE OF MARYLAND, Carroll County,to-wit;

I HEREBY CERTIFY,That on this fifth day of January in the year One Thousand nine Hundred and One before the subscriber,a Notary Public of the State of Maryland,in and for Carroll County,at New Windsor aforesaid,personally appeared George E.Baire and Annie Baire his wife and acknowledged the aforegoing Mertgage to be their respective act;and new at the same time,before me,personally appeared also George W.Devilbiss the within named Mertgagee and made oath in due form of law,that the consideration set forth in the foregoing Mortgage is true and bona fide,as therein set forth.And also made oath in due form of law.that he hath not required the Morgagors their agent or Atterney or any person for the said Mertgagers to pay the tax levied upon the interest covenanted to be paid in advance ner will he require the same to be paid by the Mertgagers during the existance of this Mertgage

Acknowledged and sworn to before (J.Win Snader)
Notary Public.

PLACE OF Natorial SEAL

New Windsor.Carroll County, Md.July 7th,1914.

For value received,We hereby assign the aforegoing and within Mortgage to Georg L.Stocksdale.of Carroll County,Md.

witness Our hands and seals the day and year aforesaid.

T E S T .

Effie S.Enser ..... $Seal$

E. Clarence Enser ..... $Seal$

N.C.Graybill.

Assignment Recordee for foreclosure
Vide 9142.Equity.
Test Harry W.Bowers. Clerk.

State of Maryland,Carroll County,to-wit:-

I hereby certify that on this,28th day of February in the year Nineteen hundred and Ten before me the sumscriber a Notary Public of the State of Maryland in and for Carroll County,duly commisioned and qualified personally appeared Effie S.Enser,and made oath in due form of law that she,said Effie S.Enser,assignee of the foregoing mortgage has not required the mortgagers,their agent or atterney or any person for said mortgagers,to pay the tax levied upon the interest covenanted to be paid in advance,nor will she require any tax levied thereon to be paid by the mortgagors or any person for them during the existence of this mortgage.

PLACE OF Natorial SEAL

In testimeny whereof I hereunto set my hand and affix my Natorial Seal the day and year above Written.

J.Win Snader
Notary Public.

Assignment recorded March 1st,1910
Test:- Harry W.Bowers Clerk. Filed July 10 1914.

Statement of Mortgage Claim.

In the Circuit Court for Frederick County,Maryland. In Equity.

George L. Stocksdale, Assignee of Mortgagee's Plaintiff.
Against.
George W.Baire and Annie E.Baire, his wife. Mortgagors, Defendants. $ No 9192 E Q U I T Y.

E Q U I T Y.

Statement of Assignee of Mortgagee's claim in abeve entitled cause,ect.

To the sum of ------balAnce due on Mortgage note bearing date onthe fifth day of January,A.D.1901, from George E.Baire and Annie E.Baire his wife,to George E.Devilbiss,which said note has been duly assigned unto George L.Stocksdale,Assignee of Mortgagee's,ect,the sum of----------$1.550.00 with interest due thereon from the first day of April,A.D.,1914,at 5-1/2 per cent per annum,----

George L.Stocksdale

Assignee of Mortgagee's.

George L.Stocksdale

Soliciter for Assignee of Mortgagee's.

Filed July 10-1914.

REPORT OF SALE, OF REAL ESTATE.

George L.Stocksdale,Assignee of Mortgagee's, Plaintiff.

A G A I N S T.

George E.Baire & Annie BAire His wife.Mortgageers, Defendants.

No 9192 EQUITY.

In the Circuit Court for Frederick County, Maryland.

In E Q U I T Y.

To Honorable,the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity. This the report of sale made by George L.Stocksdale Assignee of Mortgagee's ect,under and by virtue of the power of sail contained in a mortgage from George E.Baire and Annie M.Baire His wife,to George W.Devilbiss,bearing date on the fifth day of January A.D.1901,and recorded among the land records of Frederick County,Maryland,in liber D.H.H.No 10 folio 409 ect;and duly assigned by mesne assignment to said George L.Stocksdale,Assignee of Mortgagee's,as appears by said Mortgage filed in above cause,and in which said cause,this report of sale is filed,respectfully shews unto your Honorable Court. That before proceeding to execute the power in said Mortgage contained,He executed a Bond to the State of Maryland,in the penalty of $2.000.00,current money;to abide by and fulfil any order or decree which shall be made by any Court of equity,in relation to the said sale,of said Mortgaged property,or the proceeds thereof,which was duly approved by the Clerk of your Honorable Court,and which is filed in this cause.That he advertised the said Mortgaged property in the News,a Semi--Weekly newspaper,published in Frederick County,Maryland,for FOUR successive times and for more than Twenty days before the day of sale,as well as he published said property in the Pilot,a news-paper published at Union Bridge,Carroll County,Maryland,for Three successive times before the day of said sale,as by said Mortgage required,by which he gave notice of the time,place manner and terms of said sale,which said terms were as follows;A credit deposit of $200.00 upon the day of sale,and the balance of purchase money upon the ratification of sale by theCourt. And in pursuance of the notice aforesaid,your assignee of Mortgagee attended upon the premises on Wednesday,August,5th,A.D.1914,at the hour of 2:0'Clock,P.M.and then and there offered all the real estate described in and conveyed by said Mortgage as folleww,in the first place you Assignee of Mortgagee's offered all that tract or parcel of land called "Legh castle","Difficulty" Fathers Gift "Warfields Inheritance",and "The Resurvey on cold Friday",situate in Linganore District,Frederick County,Maryland,Containing 73 acres 1 Rood and 10 square--Perches of land more or less,being the same land which was conveyed by George W_Devilbiss and Wife unto said George E.Baire,by their deed bearing date on the 5th day of January,A.D.1901,and recorded among the land records of Frederick County,in liber D.H.H.No 7 folio 583 ect,and not having received a sufficient ammount for said propsrty,with drew the offer of said land.Immediately after the offer of the above described tract or parcels of land,your assignee of Mortgagee's offered the remaining tracts or parcells of land conveyed by said Mortgaged,upon the terms as aforesaid,Vis,Four acres 3 Roods and Thirty Two sq Perches of land more or less ect and also Six Acres Two Roods and Twenty-Six square perchases of land more or less,ect;the first parcel being the same land which was conveyed by Jacob Reigler and others to said George E.Baire by deeed dated on the 5th day of April,1880,and recorded among the land records of Frederick County,Maryland,in liber A.F.No 2 folio 281;and the other parcel is

the same land which was conveyed by Sebastian Hammond and wife,to said George E.Baire,by their deed bearing date on the 31st day of August,A.D.1880,and recorded among the land records of Frederick County,in liber A.F.No 2 folio 424 ect,said quantity conveyed by said Mortgage and described in the above recited Two deeds contained in the aggregate 11 Acres 2 Roods and 18 square perches of land more or less,but not being offered a sufficient amount Of said property, with-drew the offer of said land,And immediately after making offers of the above parcels of land in Two seperate parcels;your Assignee of Mortgagee's offered all of the land described and conveyed by said Mortgage in one entire tract making in the aggregate 84 acres 3Roods and 28 square perches of land more or less,and did then and there after having all persons present a full and fair opportunity to bid upon said entire tract of, land,as aforesaid,then and there sold the same to William H.Green of Frederick County,State of Maryland,at and for the sum of Seventeen hundred and Twenty Five Dollars ($1.725.00ϕ) current money,He being then and there the highest bidder for the same.That your Assignee of Mortgagee's made every effort to cet and obtain the best price possible for said land sold,and that the aforesaid sale,as above set out and reported, was by your Assignee of Mortgagee's bona fide and fairly made.And that said purchaser as aforesaid,gave to your Assignee of Mortgagee's His single-Bill or writing obligateryfor the aforesaid sum of $1.725.00ϕ)being the full purchase money therefor payAble upon the ratification of said sale by your Honorable Court,and also signed with two good persons as surities thereon,all of which was perfectly satisfactory to your Assignee of Mortgagee's.ect

All of which is respectfully submitted,ect.

George L.Stocksdale
Solicitor for Assignee of Mortgagees.

George L.Stocksdale
Assignee of Mortgagee,s

State of Maryland.Carroll County,to-wit:-

I hereby Certify,That on this Fifth day of August,in the year Nineteen Hundred and Fourteen,before me,the subscriber a Notary Public of the State of Maryland in and for Carroll County,aforesaid,personallly appeared George L.Stocksdale, Assignee of Mortgagee's named on the aforegoing report of sale,and made oath in due form of law,that the matters,facts and things set forth in the aforegoing report of sale,are correct and true,as therein set forth to the best of his knowledge and belief,and that the sale therein reported was bona fide and fairly made. Sworn to before me,the undersigned,subscriber,wot.

Milton D.Reid
Notary Public.

ORDER NISI ON SALES.

George L.Stocksdale,Assignee of Mortgagee Plaintiff
VS.
George E.Baire & Annie M.Baire his wife, Mortgagors Defendants.

No. 9192 EQUITY.
In the Circuit Court for Frederick County,sitting in Equity.May TERM, 1914 In the Matter of the report of Sales filed the 6th day of August 1914.

ORDERED,That on the 3rd day of September 1914,the Court will proceed to act upon the report of Sales of Real Estate,reported to said Court by George L. Stocksdale,Assignee in the above cause,and filed therein as aforesaid,to finally ratify and confirm the said,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 sussessive weeks prior to saidday.

The report states theammount of sales to be $1.725.00.
Dated this 6th day of August 1914.

"Semi--Weekly News"

Harry W.Bowers
Clerk of the Circuit Court for Frederick County.

T H E N E W S.

Frederick,Md.,Sept,3 1914.

This is to Certify,That the annexed ORDER NISI ON SALES was published in "The Weekly News," a newspaper published in Frederick County,once a week 3 successive weeks prior to the 3rd day of September,1914

The News
Per J.Roger Fisher.

George L.Stocksdale,Assignee of Mortgagee's Plaintiff. Against. George E.Baire & Annie M.Baire, his wife.Mortgagors.Defendants.

In the Circuit Court for Frederick County, Maryland.In Equity.----------Term 1914.

ORDERED by the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity, on this 5th day of September,in the year Nineteen hundred and Fourteen; that the sale of the real estate made and reported by George L.Stocksdale,Assignee of Mortgagee's aforesaid,be and the same is hereby finally ratified and confirmed, no cause to the contrary thereof having been shown,altho due notice appears to have been given as required by the Order Nisi passed in said cause.And it is hereby futher ordered that this cause be submitted to the Auditor of this Court,to state an account of the trust funds,said George L.Stocksdale,Assignee of Mortgagee,allowed the usual commission and such proper expences as he shall produce vouchers for to the said Auditor.

Glenn H.Worthington.

Filed August 6th 1914.

No. 9217 EQUITY.

BILL OF COMPLAINT.

J.Stuart McAleer,Minnie C.McAleer, his wife,Carrie G,McAleer,J.Roger McSherry and Eva A.McSherry,his wife,Bertha McSheery Wimsatt,and W.Kurtz Wimsatt,her husband.

VS.

Clara Louisa Alverez and John M.Alverez, her husband,William Clinton McShery and _____McSherry,his wife,Caroline S.McSherry,Ann R. Alvey,Edna Frecker and A.N.Frecker, her husband,and Elsie L.McAleer

No. 9217 EQUITY.

In the Circuit Coubt for Frederick County, sitting as a Court of Equity.

TO THE HONORABLE JUDGES OF SAID COURT!

Your Oratorss complaining,respectfully shows unto your Honorable Court!-

1. That on the 9th day of August,in the year A.D.1914,a certain M.Frank McAleer,died intestate in Frederick County,Maryland,seized and posessed of a certain tract or parcel of land situated in Frederick County,Maryland,containing about 28½ Acres of land,more or less,and which is fully described in a dece from William P.Maulsby and others to the said M.Frank McAleer,bearing date December 16th,1898,and recorded in Liber D.H.H.No 3,folio 260,one of the land records for Frederick County, which original deed is filed herewith marked "Exhibit No.1"to this Bill of Complaint,also of a tract or pardel of land adjoent to the aforementioned tract,containing ½ acre of land more or less, a desoription of the same will be found by reference to a deed from Charles E.Crum and wife to the said M.Frank McAleer,and dated August 14th,1909,and recorded in LiberS.T.H.No.286,folio 586,one of the land records of Frederick County,said original deed being filed herewith marked "Exhibit No.2" to this Bill of Complaint.

2. That upon the death of the said M.Frank McAleer intestate and unmarried,the real estate mentioned in said Exhibits Nos.2 and 1 decended to and vested in the following named parties,being the brothers and sisters,and nephews And nieces of a deceased brothed and sister of the said Frank M.McAleer,as tenants in common,to-wit! an adult brothed,J.Stuart McAleer,who wife's name is Minnie C.McAleer,residents of Look Haven,State of Pennsylvania;an adult sister, unmarried,Carrie G.McAleer,a resident of The State of New York;-the following nephews and nieces being children of Clara L.McSheery,a deceased sister,to-wit! J.Roger McSheery,whose wife's name is Eva A.McSherry,residents of the State of Virginia;Clara L.Alvarez,whose husband's name is John N.Alvarez,residents of Brooklyn,New York;Ann R.Alvey widow resident of Frederick Maryland,Caroline S. McSherry,resident of Frederick,Maryland,Bertha McSherry Wimsatt and W.Kurtz Wimsatt,her husband,residents of Washington,D.C.;William Clinton McSherry whose wife's name is_____McSherry residents of Oklahoma City,State of Oklahoma,and the following named children of a deceased brother,Hugh McAleer,Jr and nieces of intestate,to-wit!-Edna Freckler,an adult,whose husband's name is A.N.Frecker,residents of Rockway Park,Long Island,State of New York;Elsie L. McAleer,an adult of East Orange,State of New Jersey,unmarried;all of said heirs at law being adults.

3. That said real estate is not susceptible of division or partition among the parties interested in the same,without loss or damage and it would be,your petitioners aver,to the benefit and advantage of all of the parties that said real estate be sold and under the direction of your Honorable Court,and the proceeds distributed according to the interests of the parties entitled.

TO THE END THEREOF,-

1. That a decree may be passed for the sale of said real estate mentioned in the aforegoing Bill of Complaint,anf the proceeds distributed under the directions of your Honorable Court,to the parties entitled,according to their respective interest.

2. And for such other and futher relief as the nature of the case may require. May it please tour Honors,to grant unto your Complainants the writ of subpoena, directed to Ann R.Alvey and Caroline S.McSherry residents of Frederick County, Maryland,requiring them to be and appear in your Honorable Court,on some day certain to be named in said writ,answer the premises,abide and perform such a decree as may be passed therein;and

That the Order of Publication may issue against the non-resident defendants, Clara Louise Alvarez and John M.Alvarez,her husband,residents of Brooklyn,New York,William Clinton McSherry,and_____McSherry,his,wife,residents of Oklahoma City,State of Oklahoma,Edna Freeker and A.N.Freeker,her husband,of Rockway Park,Long Island,N.Y.,and Elsie L.McAleer of East Orange,State of New Jersey,warning them of the object and substance of this Bill of Complaint and requiring them to be and appear in this Court on some day certain to be named in said Order of Publication,answer the premises and abide by and perform such decree as may be passed therein.

And as in duty,ect.,

J.Roger McSherry
Stoner & Winebueg
SILICITORS FOR COMPLAINANTS.

Filed August 29-1914.

"E X H I B I T. No. 1"

THIS DEED,made this this 16th day of December in the year eighteen hundred and ninety eighth,by us William P.Maulsby Jr,John S.Newman and J.Roger McSherry. Trustee,Witnesseth.Whereas by a decree of the Circuit Court,for Frederick County sitting as a Court of Equity,passed on the 23rd day of September in the year

eighteen hundred and ninety eight,in the case of Mary Ann McAleer,by Hugh McAleer Jr,her Husband and next friend,vs Michael Frank McAleer,being No.6511 Equity,on the Equity docket of said Court, We the said William P.Maulsby Jr,John S.Newman and J.Roger McSherry,will appoint Trustees to sell the land decreed to be sold,and have sold the hereinafter described portoin or part thereoffto Michael Frank McAleer,of Frederick County,Maryland,at and for the sum of five dollars,who has fully paid the purchase money therefor.

Now therefor in consideration of the premises and the sum of five dollars,the receptof which is hereby acknowledged,we,the said William P.Maulsby Jr,John S.Newman and J.Roger McSherry,Trustees, as aforesaid,do grant unto Michael Frank McAleer,of Frederick County Maryland,his heirs and assigns all the right,title and interest of all the parties in and to the aforsaid cause in and to all that part or parcel of land,situated,lying and being in Woodsboro,District,Frederick County,Maryland,and described as follows ;that is to say;all that part of "Monocacy Manner",being part of the same property conveyed by William J.Ross,Trustee to Hugh McAleer,by deed dated February 16th A.D.1863 and recorded in liber B.G.F.No,8,folio 292,one of the land records of Frederick County,also all that part or parcel of land as described in a deed from J.William Creager and wife to Hugh McAleer,duly recorded in liber J.W.L.C.No,1,folio 472 one of the land records of Frederick County,and after subsequent conveyancer,the said hereinafter mentioned and conveyed property,was conveyed to H.Louise McAleer,by Hugh McAleer Jr,and wife by deed duly recorded in liber A.F.No.3,folio 623,one of the land records of Frederick County,and part of the same property subsequently conveyed by the heirs of H.Louise McAleer,she having died intestate,to the said Michael Frank McAleer,by deed,dated the 15th day of September A.D.1894,and recorded in liber J.L.J.No,7,folio 638;and the part hereby intended to be conveyed having been conveyed off from the whole tract,as will appear by reference to the said Equity proceedings Beginning at "A" on the plat filed in said proceedings it being at the end of the 6th or S.63° E,90 prs line and the beginning of the 7th or N.35¼° E.15 prs line of the whole tract of 217 A.1 R.5 prs and running thence with said 7th line N.35¼° E.15 prs.S.63° E.31½pe N.27° E.6¼ prs.N.63° W.26 prs N.27° E.85 prs,N 51½° W.4 prs,S.39° W.57 7/10 per,N,38½° W,42½ per, N.29½°per,W,91/10 per,S.84° W,24 7/10 per,S.18½° E.18 7/10 per,S 9° W.48 per,S 6½° E.47 per,to the place of beginning containing Twenty eight acres One rood and ten perches of land.

And the said Trustees do hereby futher grant and convey unto the said Michael Frank McAleer his heirs and assigns,a right of way over the road or land described in a deed fromWilliam J.Ross Trustee,to a certain J.William Creager,duly recorded in Liber E.S.No.4.folio 16,and more fully described in the aforesaid deed from William J.Ross,Trustee to Hugh McAleer,sqid land being the strip of land leading from the Woodsboro and Frederick Turnpike Road,to the lands hereinbefore conveyed it being the same right of way which was conveyed by said Trustee by deed dated the 8th day of December A.D.1898 and recorded in liber D.H.H.NO,3,folio 203,to Lula K.Clemson and which was so conveyed when subject to the right of way over the foresaid strip or parcel of land,as a means of ingress egress,to and from,and for other purposes whatsoever in the use and enjoyment of the said tract so sold and herein conveyed to the said Michael Frank McAleer.And the said Trustee do hereby grant the aforesaid tract of land of twenty eight acres,one rood and ten perches,to said Michael Frank McAleer,in fee simple,subject neverthe less to thre right of way seventeen feet in width along and over the road as now located thereon and running from the first named right of way to the property sold as aforesaid to the said Lula K.Clemson.

Witness our hands and seals.

Wm.P.Maulsby (Seal)
John S.Newman (Seal)
J.Roger McSherry(Seal)
Trustees.

Test:-
Roscoe C.White.

State of Maryland,Frederick County,to-wit:-

I hereby certify that on this 16th day of December A.D.1898,before me the subscriber,a Justice of the peace of the said state in and for the County,aforesaid,personally appeared the within named William P.Maulsby,Jr,John S.Newman and J.Roger McSherry,Trustees and did each acknowledge the aforegoing deed to be their respective act and deed as such Trustees.

Roscoe C.White. J.P.

Filed August 29-1914.

TO DEED

THIS DEED made this 14th day of August,A.D.1909.,by us Charles E.Crum and Florence M.Crum,his wife of Frederick County,Maryland,

Witnesseth!- That for and in consideration of the sum of Fifty two dollars and eighty-seven and one-half cents (52.87 ½),in hand paid,the receipt of which is hereby acknowledged,we, the said Charles E.Crum and Florence M.Crum,his wife do hereby grant and convey unto M.Frank McAleer,in fee-simple,all the following described tract,piece and parcel of land,situated,lying and being in Frederick County,Maryland,it being a part of the tract and parcel of land that was conveyed to the said Charles E.Crum,by deed from John Walted Clemson,and wife,said deed bearing date 29th.day of March,A.D.1909,and duly recorded in Liber S.T.H. No.287.folio 128 &c.,one of the land records for Frederick County,Maryland, Beginning for the tract and parcel of land hereby conveyed,at a stone planted and standing on the east side of the private road leading westwardly to the house on the said farm deeded to Charles E.Crum as aforesaid,and running thence by and with the outlines of said Crum's farm these courses and distances!- (1) N.28 degrees West 90feet,to a fence post,(2) S.82 degrees W.312 feet to a fence post,(3) S.48½ degrees W.75 1/2 feet to a planted stone,now with lines of division made July,19th.1909.,and running through a lime stone Quarry N.82 degrees E.408 feet to the beginning,Two Roods and Four and six/10 perches of land, more or less,Togather with all rights,ways,waters,privileges and appurtenances thereto belonging.

Witness our hanes and seals on the day and year above written

Test!-
Edwin Devilbiss

Charles E.Crum (Seal)
Florence M.Crum (Seal)

State of Maryland,Frederick County,to-wit!-

I hereby certify that on this 14th day of August,A.D.1909.,before me, the subscriber,a Notary Public of the state of Mayyland,in and for Frederick County,personally appeared Charles E.Crum,and Fannie M.Crum,his wife the above named grantors and each acknowledged the above and aforgoing deed to be their respective act and deed.

Witness my hand and Natorial Seal.

PLACE OF Natorial SEAL

Edwin L.Devilbiss.
Notary Public.

Filed August 29-1914.

EQUITY SUBPONEA.

STATE OF MARYLAND,FREDERICK COUNTY TO-WIT!

The State of Maryland.

To Caroline S.McSherry & Ann R.Alvey Frederick City.Md. of Frederick County, Greetings!

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court house in Frederick,in and for Frederick County, on the first Monday of September 1914,to answer the Bill and Complaint of J. Stewart McAleer,et al.vs.Clara Louisa Alverez,et al (For sale of real estate of M.Frank McAleer,deceased.) against you_____in said Court exhibited,and so forth.Hereof fail you not,as you will answer the contrary at your peril.

PLACE OF Court. SEAL

Witness the Honorable Hammond Urner,Chief Judge of said Court,the 4th day of May A.D.,1914.

Issued the 3rd day of September A.D.,1914

Harry W.Bowers Clerk.

To the Sheriff of Frederick County, Stoner & Weinberg Solicitors. Filed Sept 4-1914.

(Answer of Elsie L.McAleer)

J.Stuart McALeer,et al. vs. Clara Louise Alvarez et al, — No_____Equity. In the Circuit Court for. Frederick County,in Equity.

TO THE HONORABLE JUDGES OF SAID COURT!-

Respondent answering the Bill of Complaint filed in the above entitled cause for the sale of the real estate of Michael Frank McAleer,deceased,hereby admits the allegations therein contained,and consents to the passage of a decree for the sale ofthe real estate in said Bill contained.

Elsie L.McAleer.

Filed Sept 9 1914.

J. Stuart McAleer,et al., vs. Clara Louisa Alvarez et al., — No. 9217. Equity. In the Circuit Court for Frederick County,in Equity.

To the Honorable,the Judges of said Court;-

The answer of Clara Louise Alverez and John M.Alvarez,her husband,William Clinton McSherry and Nathalie McSherry,his wife Caroline S.McSherry and Ann R.Alvey,to the Bill of Complaint in this cause diled;-

These Respondents answering say;-

They admit the matters and things alleged in the Bill of Complaint fibed in this cause and consent to the sale of the real estate mentioned in these proceedings,and they respectfully request that t they may have propper representation in the Trusteeship.

And as in duty bound etc,

John Francis Smith

Solicitor for Respondents;-

Filed Sept-15-1914.

Answer of A.N.Frecker and Edna Frecker.

J.Stewart McAleer, et al. VS. Clara Louise Alvarez et al. — No 9217 Equity. In the Circuit Court for Frederick County,in Equity.

TO THE HONORABLE JUDGES OF SAID COURT!-

Respondents answering the Bill of Complaint filed in the above entitled cause for the sale ofthe real estate of Michael Frank McAleer,deceased,hereby admit the allegations therein contained,and consent to the passage of a decree for the sale of the real estate in said Bill contained.

A.N.Frecker

Edna M.Frecker.

Filed Nov-5-1914.

"Replication"

J.Stuart McAleer et al. Vs, Clara Louise Alverez et al. — No 9217 Equity. In Circuit Court. &c.

TO THE HONORABLE JUDGES!-

The plaintiffs for replication says! That they join issue upon all the matters and things set forth in the several answers of thetdefendants in so far as they may be taken to deny or avoid the allegations of said Bill.

Stoner &Weinburg

Attorney for the Plff.

Filed Nov 7 1914.

"D E C R E E"

J.Stuart McAleer et al.
VS.
Clara Louise Alverez et al.

No. 9217 EQUITY.
In the Circuit Court for Frederick County, sitting as a Court of Equity.

----------Term, 1914.

The above cause standing ready for a hearing, and being sudmitted, the Bill, Answer, Exhibits and all other proceedings were by the Court read and considered It is thereupon, this 7th day of November in the year nine hundred and fourteen by the Circuit Court for Frederick County, as a Court of Equity, and by the authority of said Court, adjudged, ordered, and decreed, that the land and premises mentioned in these proceedings be sold, and that Frank L.Stoner, Esq, and John Francis Smith, Esq, of Frederick County, be, and they are hereby appointed Trustee to make the said sales, and that the course and manner of their proceedings shall be as follows: they shall first file in the Clerk's office of this Court, a BOND to the state of Maryland, executed by them with a surety, or sureties, to be approved by the Court, or the Clerk thereof, in the penalty of Ten Thousand dollars, conditioned for the faithful performance of the trust reposed in them by this decree, or which may be reposed in them by any future order, or decree in the premises. they shall then proceed to make sale of the said real estate, having first given at least three weeks previous notice, inserted in some news-paper printed in Frederick County, and such other notice as they may think proper of the time, place, manner and terms of sale: which terms shall be as follows: One half of the purchase money to be paid in cash on the day of sale, or on the ratification thereof by the Court, the residue in six months from date of sale, the purchaser or purchasers giving his, her, or their notes, with approved securityand bearing interest from the day of sale, or all cash, at the option of the purchaser, and as soon as may be convenient after any such sale or sales, the said Trustee shall return to this Court a full and particular account of the same, with an affidavit of the truth thereof, and of the fairness of such sale or sales annexed, and on the ratification of such sale or salesby the Court, and on payment of the whole purchase money, and not before, the said Trustee, by a good and sufficient deed to be executed and acknowledged agreeably to law, shall convey to the purchaser or purchasers of the said property, and to his, her or their heirs, the property to him, her or them sold, free, clear, and discharged of all claims of the parties to this cause, and of any person or persons claiming by, from, or under them; and the said Trustee shall bring into this Court, the money arising on such sale or sales, and the bonds or notes which may be taken for the same, to be disposed of under the direction of this Court, after deducting therefrom the costs of this suit, and such commission to the said Trustee as the Court shall think proper to allow on consideration of the skill, attention and fidelity wherewith they skall appear to have discharged their trust.

Hammond Urner.

Filed Nov 7 1914.

PETITION AND REPORT OF SALES OF TRUSTEES AND AFFIDAVIT THEREON.

J.Stewart McAleer, et al.
VS.
Clara Louise Alvarez et al.

No. 9217 Equity,
In the Circuit Court for Frederick County, sitting as a Court of Equity.

TO THE HONORABLE JUDGES OF SAID COURT:-

The petition and Report of sales of John Francis Smith and Frank L.Stoner,Trustees in the above entitled cause,respectfully shows unto your Honors!-

1. That pursuant to the decree of your Homorable Court passed in the above entitled cause,your Petitioners qualified as Trustees by giving their bond to the state of Maryland,as required by said decree,and thereupon advertised said real estate decreed to be sold at public sale at the Court House Door by giving three weeks notice published in the "News",and pursuant to said notice, Petitioners attended at the COurt House Door at the time and place mentioned in said notice,and offered said real estate at public sale,and then and there withdrew the same upon an offer of $5100.00; that subsequently Petitioners again advertised said real estate by giving three weeks notice in the "News" a news paper printed and published in Frederick County,and pursuant to said notice,attended at the Court House Door on Saturday,October 30th,1915,at the hour of 11 O'Clock A.M.and thenand there offered the real estate decreed to be sold and mentioned in the advertisement of sale,at public sale to the highest bidder and then and there sold the same to J.Stewart McAleer,C.G.McAleer and J.Roger McSherry,for the sum of $5950,they being the highest and best bidders therefor,taking their certificate of purchase for the ammount of the purchase money,which is herewith filed as part hereof,and marked "Exhibit No.1" to this Petition and Report of Sales. Petitioners report the aggregate ammount of said sales to be $5950.00 and pray that the same may be ratified and confirmed.

And as in duty,etc.,

John Francis Smith.

Frank L.Stoner.

TRUSTEES.

STATE OF MARYLAND,FREDERICK COUNTY,SCT!-

I hereby certify that on this 1st day of November,1915,before the subscriber,the Clerk of the Circuit Court for Frederick County,personally appeared John Francis Smith anf Frank L.Stoner Trustees,and made oath in due form of law that the matters and things set forth in the above and foregoing Petition and Report of sales are true as therein set forth,and that said sales were fairly made.

Harry W.Bowers.

CLERK OF THE CIRCUIT COURT FOR FREDERICK COUNTY,MD.

O R D E R N I S I O N S A L E S

J.Stewart McAleer, et al.	"	No. 9217 EQUITY.
VS.	"	In the Circuit Court for Frederick
Clara Luisa Alverez, et al.	"	County,sitting in equity,November Term,
	"	1915 In the matter of the report of Sales
	"	filed the first day of November 1915

ORDERED, That on the 23rd day of November 1915,the Court will proceed to act upon the Report of Sales of Real Estate,reported to said Court by John Francis Smith and Frank L.Stoner Trustees in the above cause,and filed therein as aforesaid,to finally ratify and confirm the same,unless tothe 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 ammount of sales to be $5950.00 Dated this 1st day of November 1915.

Harry W.Bowers

Clerk of the Circuit Court for Frederick County.

The Daily News.

THE NEWS.

Frederick Md.,Nov.23 1915

THIS IS TO CERTIFY,That the annexd order nisi on sales was published in "THE Daily NEWS," a newspaper published in Frederick County,once a week three successive weeks prior to the 23rd day of November,1915.

The News

Per. C.W.Fout.

PUBLIC SALE.
OF
VALUABLE LIME KILNS.

By virtue of a decree of the Circuit Court for Frederick County,Md. in No.9217 Equity,in which J.Stewart McAleer,et al.are Plaintiffs,and Clara Louise Alverez, et al. are Defendants,which decree is dated November 7,1914,the undersigned Trustees,will offer for sale at public sale at the Court House Door,in Frederick City,Frederick County,Md,.SATURDAY,OCTOBER 30,1915,at 11 O'Clock A.M.all of that valuable tract of real estate known as the McAleer Lime Kilns,situated along the Northern Central Railroad,between Walkersville and Woodsboro,in Frederick County, Maryland,containing altogather about 29 acres of land,more or less,and being the same real estate which was conveyed to a certain Michael Frank McAleer,by two deeds as follows;(1) A tract of land containing about 28½ acres of land,more or less,which was conveyed to the said Michael Frank McAleer by William P.Maulsby,Jr et al.Trustees by deed dated December 16.1898,and recorded in Liber D.H.H.No.3, Folio 260,one of the land records for Frederick County,(2) A tract of land containing 1-2 acre of land,more or less,adjacent to the first parcel which was conveyed to the said Michael Frank McAleer by Charles E.Grum and Wife by deed dated Aug 14.1909,and recorded in Liber S.T.H.No.286,Folio 586,one of the land Records for Frederick County,This property is improved by a splended lime kiln,with 4 kilns , with an exhaustible supply of the best lime stone in the County ,and because of central location has been one of the most profitable lime kilns in that neighbor hood.Thereis also a good 7 room dwelling house of two stories,with several out-buildings,upon the property conveniently located near the kilns,and a set of scales and a good lime house.TERMS OF SALE,Prescribed by the Decree.--One-half of purchase price to be paid on day of sale,in cash,or on ratification thereof,by the Court,the residue in six months from day of sale,the purchaser giving his, heror their notes with approved security and bearing interest from dateof sale or all cash,at the option of the purchaser.Possession will be given upon ratification of sale.All conveyancing at expence of purchaser,including revenue stamps on deed.

Frank L.Stoner,
John Francis Smith,
Trustees.

Harvey R.Lease,Auctioneer.
Stoner and Weinberg Solicitors.

I hereby certify that I have this 30th,day of October,1915,purchased of Frank L. Stoner and John Francis Smith,Trustees in No,9217 Equity,all that tract of real estate known as the McAleer Lime Kilns,describer in the annexed sale advertisement,at and the sum of Five Thousand Nine hundred and Fifty Dollars $5.950.00
I have paid this day,the sum of _____Dollars,in part payment and agree to pay the balance according to the terms of sale.

J.Stuart McAleer
C.G.McAleer
J.Roger McSherry.

Witness
Harvey R.Lease.

Ordered on this 23rd day of November A.D.1915,by the Circuit Court for Frederick County,sitting as a Court of Equity and by the authority thereof that the sales reported in the foregoing report of sales,be and the same are hereby ratified and confirmed,No cause to the contrary hereof been shown altho notice appears to have been given as required by the annexed nisi on sales.

Filed Nov,1 1915. Hammond Urner.

No. 9214 E Q U I T Y.

Charles Francis Brookey
Mary E.Brookey his wife,
Albert H.Brookey,
Ellen R.Kennedy,widow;
E.Victor Brookey and
Emma C.Brookey,
VS.
The Loats Female Orphans Asylum,
of Frederick City,in the County
of Frederick,Mortgagee,and
Thomas F.Castle,Mortgagee.

No. 9214 Equity.
In the Circuit Court for Frederick County,
In Equity.

To the Honorable,the Judges of said Court;-

Your Orators complaiming,say;-

1. That Ellen V.Brookey,late of Frederick County,Maryland,deceased,was during her life and at the time of her death seized of a certain lot or parcel of real estate situated on the South side of East Sixth Street,in Frederick,Frederick County,Maryland,fronting on said Street Sixty feet more or less and running back for depth a distance of 198 feet and six inches more ob less,and being the same real estate which is described in a deed from the Improvement Land and Building Association, of Frederick,Md,unto the said Ellen V.Brookey,which is dated October 22nd,1901,and is recorded in Liber D.H.H.No.11.folio 648,one of the land Records for frederick County,a certified copy of which deed is filed herewith as"Exhibit A" and the said Lots which are known as Lots Nos 8 and 9 of said sub-divison have been improved by the erection of three dwelling houses.2.That the said Ellen V. Brookey died intestate,on or about the 8th day of August,1914,leaving her surviving,the following named children to whom said real estate decended as heirs at law,vis;-

(A) Charles Francis Brookey,who is married,and whose wife is named,Mary Ellen Brookey; (B)Albert H.Brookey,unmarried;-(C).E.Victor Brookey,unmarried; all of whom reside in Frederick City,Maryland (D).Ellen R.Kennedy,Widow of Michael J.Kennedy,who resides in Baltimore,Maryland,and (E).Emma C. Brookey,unmarried,who reside in the City of Evansville,State of Indiana,And that all of the above named children are over twenty one years of age.

3. That the said Ellen V.Brookey executed a deed of mortgage to The Loats Female Orphans Asylum,a body corporate of Frederick County,Maryland,on the 27th day of March 1912,to secure the payment of A certain promissory notefor the sum of $1000.,with interest from date,the above mentioned real estate and that said mortgage is recorded in Liber H.W.B.No.299,folio 234,one of the land records for Frederick County,a certified copy of which is filed herewith and marked exhibit Mortgage No.1, which is prayed to be taken as a part hereof,and that said mortgage is still owing and unpaid.

4. That the said Ellen V.Brookey executed a deed of mortgage to a certain Thomas F.Castle,of Frederick County, Maryland, on the 18th day of April 1914,to secure the payment of a promissory note for the sum of $400.,with interest from said date,upon the above mentioned real estate,and that said mortgage is recorded in Liber H.W.B.No.309,folio 130,one of the land records for Frederick County, a certified copy of which is filed herewith,and marked exhibit Mortgage No.2,which is prayed to be taken as a part hereof,and that said mortgage is still owing and unpaid.

5. That the real estate aforesaid is not susceptible of partition among the parties entitled thereto,without great loss and injury,and that it will be to the best interest and advantage of all of the parties in interest that the said real estate should be sold and the proceeds be devided among the parties entitled thereto.To the end therefor,

A. That a decree may be passed for the sale of the said real estate.

B. That your Orators may have such other and father relief as their case may require;-

May it please your Honors to grant unto your Orators the writ of Sub-Poena,against the said The Loats Female Orphans Asylum of Frederick City,in the County, of Frederick,a body corporate,Mortgagee,and against Thomas F.Castle,of Frederick County,Maryland,Mortgagee,commanding them and each of them to appear,on some certain dayto be named therein,in this Court,to answer the premise and abide by and perform such decree as may be passed therein.

And as in duty bound etc etc,

Smith & Smith.
Solicitors for Complainants. Filed August 25-1914.

"E X H I B I T "A"

At the request of Eleen V.Brookey the followin dded is received for record and recorded Oct.23-1901 at 2.50 O'Clock P.M.

Test Douglass H.Hargett, Clerk.

This deed made this 22nd day of October in the year nineteen humdred and one , by the Improvement Land and Building Association of Frederick Maryland,a body corporate of the state of Maryland,Witnesseth-that in consideration of the sum of Two hundred and fourty dollars,the said Improvement Land and Building Association of Frederick Md,doth grant in fee simple to Ellen V.Brookey,wife of Peter Brookey,of same City and State as aforesaid,all that part or parcel of a lot of ground situated on the south side of East Six Street,Frederick City Maryland,beginning for the same at a point 212 feet West of the North East corner of East Six and East Streets and running West with the building line of said Street Sixty feet,more or less,then South one hundred & ninety feet six inches,more or less to a fourteen foot alley with the use of said alley in common with owners of other lots thereon,thence eastwardly sixty feet more or less with a Northerly line of said alley,thence North one hundred & ninety feet six inches to the place of beginning,it being part of a lot of ground conveyed to the said Improvement Land & Building Association of Frederick Maryland,by John W.Miller,and Ann C. Miller,his wife by deed dated the eleventh day of June 1868,and duly recorded in Liber C.M.No,2,folio 100,one of the land records of Frederick County,as reference thereto will more fully and at large appear,and known in the sub division of said lot as Nos,8 & 9.And the said Improvement Land & Building Association of Frederick Maryland,doth hereby constitute and appoint Lewis M.Nixdorff its proper attorney to acknowledge this deed as the act and deed of said corporation.

In testimony whereof Witness the signature of D.C.Winebrenner the President of the said Improvement Land & Building Association of Frederick Maryland,and the corporate seal thereof.

Test. D.C.Winebrenner President
John Francis Smith Improvement Land & Building Association

(PLACE OF Corporate SEAL)

Stateof Maryland,Frederick Co,to wit!-

I hereby certify that on this 22nd day of October in the year nineteen hundred and one,defore me a Justice of the Peace in and for the County,and State aforesaid personally appeared Lewis M.Nixdorf,Attorney for the said Improvement Land & Building Association,a body corporate and acknowledged the aforegoing deed as the act and deed of said Improvement Land & Building Association of Frederick Maryland.

John Francis Smith,J.P.

State of Maryland,Frederick County,to wit!-

I hereby certify that the aforegoing is a true copy of the original deed from Improvement Land & Building Association of Frederick Maryland,to Ellen V.Brookey as recorded in Liber D.H.H.No,11 folio 648 &c,one of the land Records of Frederick County,Maryland.

(PLACE OF Court SEAL)

In testimony whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederik Md,this 17th day of August A.D.1914.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County,Maryland.

Filed Aug 25-1914.

EXHIBIT MORTGAGE No, 1.

At the request of the Loats Female Orphans Asylum &c, the following Mortgage is received for record and recorded March 28th 1912 at 1.50 O'Clock P.M.

Test, Harry W. Bowers, Clerk.

This Mortgage made this 27th day of March A.D.1912 by Ellen V.Brookey, Widow, of Frederick County Maryland, Whereas the said Ellen V.Brookey is justly indebted unto the Loats Female Orphans Asylum, of Frederick City, in the County of Frederick, a corporation duly incorporated under the laws of the State of Maryland, in the full sum of One Thousand Dollars ($1000.) and has given therefor to said Corporation her promissory note for the said principal sum which said note is of even date herewith payable to said Cprporation or order twelve months after date eith interest from date at the rate of five and one half per cent per annum, peyable semi-annually, to better secure the payment of which said promissory note togather with the interest due thereon, when as the same shall become due and payable, these presents are executed, Now therefore this Mortgage witnesseth that in consideration of the premises and of the sum of one dollar in hand paid, the said Ellen V.Brookey does hereby grant and convey in fee simple unto the said The Loats Female Orphans Asylum of Frederick City, in the County of Frederick, a corporation, as aforesaid, its successors and assigns, all of that lot or part of a lot of ground situated on the south side of East Six Street, in Frederick City Frederick County Maryland, Begimning for the same at a point 212 feet West of the North East Corner of East Sixth and East Streets and running West with the building line of said Staeet, sixty feet more or less, South a one hundred and ninety feet six inches more or less, to a fourteen foot alley, with the right to use said allet in common with the owners of other lots binding thereon, thence Eastewardly, sixty feet more or less with the Northern line of said Alley; thence North one hundred and ninety feet six inches to the beginning, it being part of a lot of ground conveyed to the Improvement Land and Building Association of Frederick Maryland, a body corporate by John W.Miller and Wife, by deed dated June 11th, A.D.1868 and duly recorded in Liber C.M.No.2, folio 100 one of the land records for Frederick County, and known in the sub division of said lots as Lots Nos 8 and 9, and being the same lot or parcel of land conveyed to the said Ellen V.Brookey by the said Improvement Land and Building Association of Frederick Maryland, a body corporate aforesaid, by deed dated October 22nd, 1901, and recorded in Liber D.H.H.No, 11, folio 648 etc one of the land Records for Frederick County, Together with the Improvements thereon and the rights, ways, waters privileges and appurtenances thereto belonging, or appertaining. Provided that the said Ellen V.Brookey, her heirs personal representatives or assigns shall well and truly pay the aforesaid sun of One Thousand dollars with interest aforesaid when and as the same shall become due and payAble accordintg to the tenner of the aforesaid promissory note, and shall perform all of the covenants on her part to be performed then this Mortgage shall be void. And the said Ellen V.Brookey for herself her heirs, personal representatives and assigns hereby covenants to pay when legally demandedable, to the said mortgagee, or its assigns, the said mortgage note and the interest hereby intended to be secured. But if default should be mabe in the payment of the aforesaid promissory note or of the interest thereon to accure, or any part of either of them at the time limited for the payment of the same, according to the tenor of said note, or in any agreement, covenant or condition of this mortgage, then the entire mortgage debt shall be deemed due and demandable and it skall be lawful for Horace C.Zacharias, Treasurer and Trustee of the said Mortgagee, or for the assignee of said mortgage, to sell at public auction, the property hereby mortgaged for cash, at any time after such default, and to grant and convey the said property unto the purchaser thereof, and the manner of making said sale shall be as follows; the said sale shall be made at the Court House door in Frederick Maryland, after giving at least twenty days notice of the time, place and terms of sale, in some newspaper printed in Frederick County, Maryland, and in the event of a sale of said property under the powers hereby granted, the proceeds arising therefrom shall be applied, first to the payment of all expences incident to said sale, including a commision to the party making said sale equal to the commission allowed to trustees for making sale of property umder a decree of a court having Equity jurisdiction in the State of Maryland, and a reasonable counsel fee to the solicitor of the Mortgagee, secondly to the payment of all claims of the mortgagee its successors or assigns under this mortgage whether the same shall have matured or not, and

the surpluss if there be any shall be paid to the said mortgagor or her heirs or assigns or the person legally entitled thereto.And the said Ellen V.Brookey,for herself,her heirs,personal representatives and assigns covenant to insure,and during the existance of this mortgage to keep insured,in some reliable Insurance Company,the improvements on the property herein mortgaged,to the ammount of at least Eight hundred dollars,and to cause the policy to be effected thereon to be so framed or endorsed,as case of fire,to enure to the benefit of the said mortgagee, its successors or assigns to the extent of its or their lien or claim thereunder. Witness my hAnd and seal the day and year first herein written.

Witness.

John Francis Smith Ellen V.Brookey (Seal)

State of Maryland,Frederick County,Sot:-

I hereby certify that on this 27th day of March A.D.1912 before me the subscriber a justice of the peace of the State of Maryland in and for Frederick County,personally appeared Ellen V.Brookey the mortganor named in the aforegoing mortgage and she did acknowledge the said mortgage to be her act and deed;and at the same time personally appeared Horace C.Zacharias,Treasurer,Agent and Attorney for the Loats Female Orphans Asylum of Frederick City,in the County of Frederick,a corporation,as aforesaid,the within named mortgagee,and he made oath in due form of law that the consideration mentioned in the aforegoing mortgage is true and bona fide as therein set forth;and did also make oath in due form of law that the mortgagee has not required the said mortgagor,her agent or attorney or any person for the said mortgagor to pay the tax levied upon the interest covenanted to be paid in advance,nor will said mortgagee require the same or any tax levied thereon to be paid by thre mortgagor or any person for her during the existance of this mortgage,and he futher made oath in due form of law that he is the Treasurer,Agent and Attorney of the said The Loats Female Orphans Asylum of Frederick City,in the County of Frederick,and authorized by it to make these affidavits.

John Francis Smith

Justice of the Peace.

State of Maryland,Frederick County,To-wit:-

I hereby certify that the aforegoing is a true copy of the original mortgage from Ellen V.Brookey to the Loats Female Orphans Asylum,as recorded in Liber H.W.B.No,299 folio 234 &c.,one of the land records for Frederick County,Maryland

PLACE OF Court. SEAL

In testimony whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederick,Md,this 17th day of August A.D. 1914.

Filed August 25-1914.

Harry W.Bowers

Clerk of the Circuit Court for Frederick County,Maryland.

At the request of Thomas F.C.Castle the following mortgage is received for record and recorded April 18th 1914 at 1 O'Clock P.M.

Test:-Harry W.Bowers, Clerk.

THIS MORTGAGE made this 18th day of April,in the year nineteen hundred and fourteen,by Ellen V.Brookey (widow) of Frederick County,State of Maryland.

WITNESSETH:-Whereas I the said Ellen V.Brookey by my promissory note of even date herewith,payable one year after date to Thomas F.Castle or order,for the sum of Four hundred Dollars,with interest from date at the rate of six per cent per annum,interest payable semiannually,stand indebted unto the said Thomas F.Castle in the sum of money in said promissary note recited and for the purpose of securing the payment of the said promissory note at the maturity thereof,and all the interest that may accurethereon according to the tenor and effect thereof,I the

said Ellen V.Brookey do hereby agree to execute these presents.
Now Therefore in consideration of the above recited premises and the sum of Five dollars in hand paid at and before the execution of these presents,the receipt whereof is hereby acknowledged,I the said Ellen V.Brookey do hereby grant in fee simple unto the said Thomas F.Castle all that part or parcel of a lot of ground,situated,on the south side of East Six Street,in Frederick City Maryland, beginning for the same at a point 212 feet West of the North-east corner of East Sixth and East Streets,and running West with the building line of said Street,60 feet more or less,then South 190 feet and six inches more or less to a 14 foot alley with the use of sais alley in common with owners of other lots thereon,thence Eastwardly 60 feet more or less,with the northern line of said alley, thence North 190 feet and six inches to the place of beginning,and being the same lots of ground conveyed to the said Ellen V.Brookey by deed from the Improvement Land and Building Association of Frederick Maryland,bearing date of the 22nd,day of October,1901,and recorded in Liber D.H.H.No.11. folio 648 one of the land records of Frederick County,as knoen as sub-division of said lots as Lots Nos.8 and 9 on said Building Association plat.Provided that if the said Ellen V.Brookey my heirs, personal representatives or assigns shall pay or caused to be paid to the said Thomas F.Castle his heirs,personal representatives or assignes the said promissory note at the maturity thereof togather with all the interest that may accure thereon according to the terms and conditions thereof,then this mortgage shall be void.
Provided futher that until default shall be made in the payment of said promissory note and the interest thereon as aforesaid,the said Ellen V.Brookey shall occupy and possess the said mortgaged premises as of her personal estate therein.But if default shall be made in the payment of the said promissory note at the maturity thereof or if default shall be made in the payment of any one installment of interest thereon when due and payable or if default shall be made in any of the covenants hereinafter contained then it is hereby agreed that it shall then be lawful for the said Thomas F. Castle his heirs,personal representatives or assigns to sell the said mortgaged premises at the Court House door in Frederick City Md,at Public Auction for Cash,First giving notice by advertisement inserted in some newspaper published in Frederick County,setting forth the time.place,manner and terms of sale once a week for three successive weeks prior to the day of sale,and the proceeds of sale_x_shall be applied as follows.First,to the payment of all costs,charges and expences of sale including reasonable council fees and such commision to the person making such sales are usually allowed trustees for making sales of real estate in Equity,Secondly,to the payment in full of said promissory note and all interest due thereon up to the time of payment,and lastly,the surplus if any shall be paid to the said Ellen V_Brookey or her assigns.
And the said Ellen V.Brookey do hereby covenant that she will cause the buildings on said property to be insured against loss by fire in some safe and reliable insurance company in the sum of not less than Four hundred dollars,that during thecontinuance of this mertgage she will keep the same insued pay the premiums thereon and will assign the policy of insurance over to the said Thomas F. Castle or cause the same to be entered to his use or the use of his assigns as aditional security.

E.Victor Brookey

Ellen V. her mark Brookey (Seal)

Witness our hands and Seals.

Test.
AAron R.Anders

STATE OF MARYLAND,FREDERICK COUNTY,TO-WIT:-

I hereby certify that on this 18th,day of April,in the year Nineteen hundred and fourteen,before me the subscriber a Justice of the Peace of the State of Maryland,in and for Frederick County, personally appeared Ellen V.Brookey,(widow) the above named mortgagor and did acknowledge the above and aforegoing deed of mortgage to be her act,and also at the same time before me the subscriber aforesaid,personally appeared Thomas F.Castle the above named mortgagee and made oath in due form of law that the consideration as above stated in said mortgage is true and bona fide as therein set forth,and also made oath in due form of law that he has not required the mortgagor her agent or attorney nor any person for said mortgagor to pay the tax levied upon the interest covenanted to be paid in advance nor will he require the same to be paid by said mortgagor or any person for her during the existence of this mortgage. AAron R.Anders Justice of the Peace.

STATE OF MARYLAND,FR DERICK COUNTY,To-Wit!-

I hereby certify that the aforegoing is a true copy of the original Mortgage from Ellen V.Brookey to Thomas F.Castle,as recorded in Liber H.W.B.No.309,Folio 130 &c.,one of the land records of Frederick County,Maryland.

In Testimony Whereof,I Hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederick Maryland.this 17th,day of August A.D.,1914.

PLACE OF Court SEAL

Harry W.Bowers

Clerk of the Circuit Court for Frederick County, Maryland.

Filed Aug-25 1914.

Authority of Plaintiffs to solicitor to file Bill of Complaint.

To John Francis Smith,Attorney at law.

Frederick,Maryland!-

We the undersigned children and heirs at law of Ellen V.Brookey late of Frederick County,dec'd hereby authorize you to enter your appearance and file a Bill in the Circuit Court for Frederick County,Maryland,in Equity,for the sale of the real estate of Ellen V.Brookey dec'd.

Dated August 13th 1914.

Charles F.Brookey
Mary Ellen Brookey
Albert H.Brookey
Ellen R.Kennedy
E.Victor Brookey

Filed August 25 1914.

To John Francis Smith,Attorney at Law,

Frederick,Maryland!-

I the undersigned one of the children and heirs at law of Ellen V.Brookey late of Frederick County,dec'dhereby authorize you to enter your appearance and file a Bill in the Circuit Court for Frederick County,Maryland,in Equity,for the sale of the real estate of Ellen V.Brookey dec'd.

Dated August 15 1914.

Emma C.Brookey.

Filed August 25 1914.

EQUITY SUBPONEA

Summoned the Loats Female Orphans Asylum of Frederick City,Frederick County,a body corporate,mortgagee by service upon Ulysses S.G.Rupp its President,and a copy of the writ of subponea left with him the said Ulysses S.G.Rupp President.

John D.Conard Jr. Sheriff

STATE OF MARYLAND,FREDERICK COUNTY,To-Wit!

The State of Maryland.

To the Loats Female Orphan Asylum of Frederick City,in the County of Frederick a body corporate.Mortgagee.of Frederick County,Greetings!

TOU ARE HEREBY COMMANDED,That all excuses set apArt,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County, on the FIRST Monday of September 1914,to answer the Bill and Complaint of Charles Francis Brookey et al Vs.The Loats Female Orphan Asylum.of Frederick County,in Frederick City,Mortgagee and Thomas F.Castle.Mortgagee.(For sale of Real Estate) against you in sais Court exhibited,and so forth.Hereof fail you not,as you will answer the contrary at your peril.

PLACE OF Court. SEAL

Witness the Honorable Hammond Urner,Chief Judge
of said Court,the 4th day of May A.D.1914.
Issued the 25th day of August A.D.,1914

Harry W.Bowers (Clerk).

To the Sheriff of Frederick County,

Smith & Smith,Solicitors. Filed August 26-1914.

EQUITY SUBPONEA.

Summoned,John D.Conard Jr,Sheriff.

STATE OF MARYLAND,FREDERICK COUNTY To-Wit!

The State of Maryland.

To Thomas F.Castle Frederick County,of Frederick County,Greetings!

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of September 1914,to answer the Bill and Complaint of Charles Francis Brookey et al Vs.The Loats Female Orphan Asylum a body corporate. Mtgee.et al (For sale of Real Estate)against you_____ __in said Court exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Hammmond Urner,Chief Judge
of said Court,the 4th day of mayA.D.,1914
Issued the 25th day of September A.D.,1914

Harry W_Bowers (Clerk)

To the Sheriff of Frederick County,

Smith & Smith, Solicitors Filed August 26-1914.

No 9214 E Q U I T Y

AMENDED BILL OF COMPLAINT AND COURTS ORDER THEREON.

Charles Francis Brookey et al., NO. 9 2 1 4 Equity.

VS. In the Circuit Court for Frederuck

The Loats Female Orphan Asylum,et al. County, in Equity.

To the Honorable the Judges of said Court;-

The Petitionersin the above entitled cause respectfully represents unto your Honors;-

1. That on the 25th day of August 1914,they filed a Bill of Complaint in this Court against a certain The Loats Female Orphan Asylum of Frederick County,a body corporate et al,for the sale of certain real estate of which Ellen V.Brookey dec'd,died seized and possessed and which upon her death intestate,became vested in the said Charles Francis Brookey et al,the children and heirs at law of the said Ellen V.Brookey,

2. That your Petitioners are advised that since the filing of said Bill a certain Henry Hanson Maulsby has been appointed as Trustee of Joseph F.Eisenhauer,in the place and stead of John Eisenhauer dec'd,in No.6369.Equity,for the benefit of the creditors of the said Joseph F.Eisenhauer,and that the said Henry Hanson Maulsby as such Trustee is a Judgment creditor of record of the said Charles Francis Brookey,as will appear by reference to the certified copies of two Magistrates Judgments which were obtained by the said John Eisenhauer Trustee,against the said Charles Francis Brookey,named therein as Frank Brookey which said certified copies are filed herewith and prayed to be taken as a part thereof,and tour petitioners are advised that it will be necessary to have the said Henry Hanson Maulsby made a party defendant in this cause,and they therefore file this petition by way of supliment or amendment to the aforesaid Bill of Complaint, in order that the said Trustee may be made a party defendant thereto. To the end therefore.

a. That the said Henry Hanson Maulsby,Trustee in No,6369,Equity may be made a party defendant to these proceedings!-

b. That the said Henry Hanson Maulsby Trustee as aforesaid,may answer as well the matters and things set forth in the original Bill of Complaint,as in this amended Bill.

c.That your Orators may have such relief against the said Henry Hanson Maulsby as is prayed in the original Bill of Complaint against the Defendants therein named.May it please your Honors to grant unto your Orators the writ of sub-poena against the said Henry Hanson Maulsby Trustee of Jehe F.Eusenhauer in No.6369. Equity,commanding him to appear on some day certain to be named therein,in this Court to answer the premises,and abide by and perform such decree as may be passed therein. And as in duty bound etc etc,

John Francis Smith ,
Solicitor for Complainants.

Ordered upon the aforegoing Petition,filed in the nature of a supplemantal Bill of Complaint,leave to file which is hereby granted,by the Circuit Court for Frederick County,sitting in Equity,and by the authority thereof,this 29th day of August 1914,that Henry Hanson Maulsby Trustee in No.6369 Equity,be and he is hereby made a party Defendant to these proceedings and that he shall file his answer to the Original Bill filed in this cause as well as to this Amended Bill of Complaint.

Filed Aug 29-1914. Glenn H.Worthington.

Magistrates Judgment 2.to Supplemental Bill

State of Maryland,Frederick County,to-wit!

In the Circuit Court for Frederick County!-

John Eisenhauer,Trustee of Joseph F.Eisenhauer VS. Frank Brookey	No.161 Magistrate Judgment Record No.5 Recorded April 28th.1896 at 20'Clock P.M. Paid 25 ¢.

1895 June 15,"Exparte"Judgement in favor of Plaintiff for eighty five 50/100 dollars with interest thereon from date hereof until paid and $2.00/100 cents cost.

Witness my hand and seal

Jhomas Turner J.P. (Seal)

1895 July 15th.True copy-Test!

Thomas Turner J.P. (Seal)

Filed recorded and delivered April 28,1896

Test! John L.Jordan, Clerk.

Scire Facias No.24 Originals F.T.1907

John Eisenhaur,Trustee of Joseph F.Eisenhauer VS. Frank Brookey	No.24 Originals February Term 1907 Scire Facias on Mag.Judgment No.161 Record No.5,M.J. Debt $85.50 Int from June 15,1895 Plffs costs $2.00 ad costs 25¢

1907 April 11,Order of Plaintiff filed and Scire Facias on Judgt.issued to Sheriff (Retble 2nd.Monday May 1907)returned "made Known"

Samuel A.Lewis,Esq.,
Attorney for Plaintiff.

Cent.No.89 Trials M.T.1907

John Eisenhauer,Trustee of Joseph F.Eisenhauer VS. Frank Brookey	No.89 Trials May Term 1907 Scire Facias on Mag.Judgment Rule Plea. No.161 Record No.5,M.J.Debt $85.50 Int.from June 15,1895 Plffs cost $2.00,ad costs 25 ¢.

1907 April 11,Order of Plff filed and Scire Fracias onJudgt.issued to Sheriff (Retble 2nd.monday May 1907)returned "Made known"

1907 May 13, Judgment for Plaintiff of "Fiat."

Samuel A.Lewis,Esq.,

Plaintiffs cost $7.90 Attorney for Plaintiff.

State of Maryland,Frederick County,to-wit!

I hereby certify that the foregoing is a true cop# of the Judgements and Docket Entries in the aforegoing cases,and I futher certify that thereis no entry to show that said Judgement has ten been satisfied either in whole or in part.

PLACE OF Court SEAL

In testimony whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederick,Maryland,this 28th day of August,1914.

Harry W.Bowers.

Clerk of the Circuit Court for Frederick County,Md.

Filed Aug-29-1914.

Magistrates Judgment 1. to Supplemental Bill.

State of Maryland,Frederick County,to-wit!

In the Circuit Coubt for Frederick County,-

John Eisenhauer,Trustee	"	No.160 Magistrate Judgement Record No.5,
of Joseph F.Eisenhauer	"	Recorded April 28th.1896 at 2 0'Clock P.M.
VS.	"	Paid 25 ¢.
Frank Brookey	"	

1895 June 15, "Exparte" Judgment in favor of Plaintiff for fifty six 62/100 dollars with interest thereon from date hereof until paid and $ 2.00/100 cents costs.

Witness my hand and seal

Thomas Turner J.P. (seal)

1895 July 15th,True copy Test!

Thomas Turner J.P. (seal)

Filed recordedand delivered April 28,1896

Test! John L.Jordan, Clerk. Soire Facias No.23 Originals F.T.1907

John Eisenhauer Trustee	"	No. 23 Originals February Term 1907
of Joseph F.Eisenhauer	"	Soire Facias on Mag.Judgment No.160
VS.	"	Record No.5,M.J. Debt $56.62 Int.
Frank Brookey	"	from June 15,1895 Plffs costs $2.00,ad costs 25 ¢

1907 April 11,Order of Plff filed and Soire Facias om Judgt.issued to Sheriff (Retble 2nd.Monday May 1907)returned "Made Knowk"

Samuel A.Lewis,Esq.,

Atty,for Plaintiff.

Cont.No 88 Trials M.T.1907 Filed August 29-1914.

John Francis Smith,

Trustee in No.9214.Equity.

1, E.Victor Brookey hereby assign transfer and set over to you the sum of $400.00,from the ammount due from said estate of Ellen V.Brookey the same to be used by you as a first payment upon the purchase of the two houses which I have this date bought of you as Trustee of Ellen V.Brookey Estate and I hereby agree not to make any claim or demand upon you as said Trustee for and on account of said payment.

Witness my hand and seal September 26th,1914.

E.Victor Brookey (Seal)

Witness I.N.Loy.

No.9214 Equity.

Recommendation by Emma C.Brookey for the appointment of Trustee.

To the Honorable,the Judges of the Circuit Court for Frederick County,Maryland sitting in Equity.

I the undersigned one of the children and heirs at law of Ellen V.Brookey dec'd late of Frederick County,the Plaintiffsin the above causehereby consent to the appointment by your Honorable Courtof a Trustee to make sale of the real estate of the said Ellen V.Brookey,and we respectfully recommend the appointment of John Francis Smith,of Frederick County,as such Trustee.

Emma C.Brookey.

Filed September 2 1914.

Recommendation by Charles Francis Brookey et al for the Appointment of Trustee.

To the Honorable,the Judges of the Circuit Court for Frederick County,Maryland sitting in Equity.

We,the undersigned children and heirs at law of Ellen V.Brookey dec'd of Frederick County,the Plaintiffs in the above cause hereby consent to the appoin tment by your Honorable Court of a Trustee to make sale of the real estate of the said Ellen V.Brookey,and we respectfully recommend the appointment of John Francis Smith,of Frederick County,as such Trustee.

Mary Ellen Brookey
Albert H.Brookey
Ellen R.Kennedy
E.Victor Brookey
C.F.Brookey

Filed September 2-1914.

Answer of The Loats Female Orphans Asylum Mortgage.

Charles Francis Brookey,et al., No.9214. Equity.

VS.

The Loats Female Orphans Asylum,et al., In the Circuit Court for Frederick County,in Equity.

The Answer of The Loats Female Orphans Asylum,of Frederick City,in the County of Frederick,a body corporate,to the Bill of Complaint filed in this cause.

This Respondant answering said Bill of Complaint,admits that it is the Mortgage named in a mortgage from Ellen V.Brookey dec'd which is dated March 27th,1912 and is recorded in Liber H.W.B.No.299 folio 234,one of the land records for Frederick County,and that thereis still due and owing to this Respondent the sum of $1000,with interest from March 27th,1914,and this Respondant consents that the real estate mentioned in these proceedings may be sold by a Trustee to be appointed by your Honorable Court,reserving its mortgage lien however,upon the proceeds of sale.The Loats Female Orphans Asylum of Frederick City,in the County of Frederick,a body corporate,Mortgagee,by

Ulysses S.G.Rupp
President.

Filed September 2-1914.

Answer of Thomas F.Castle,Mortgagee.

Charles Francis Brookey et al., No. 9 2 1 4. Equity.

VS.

The Loats Female Orphans Asylum,et al., In the Circuit Court for Frederick County,in Equity.

The answer of Thomas F.Castle,Mortgagee to the Bill of Complaint filed in this cause;-

This Respondant answering this Bill of Complaint filed in this cause admits tha he is one of the Mortgagees named as Defendants aforesaid and that he is the

mortgagee named in a mortgage from Ellen V.Brookey dec'd,which is dated April 18th,1914,and is recorded in Liber H.W.B.No.309,folio 130 etc,one of the land Records for Frederick County,and that there is still due and owing this Respondent the sum of $400.00,with interest from date of April 18th, 1914,and this Respondant consents that the real estate mentioned in these proceedings may be sold by a Trustee to be appointed by your Honorable Court,reserving his mortgage lien however,upon the proceeds of sale.

Thomas F.Castle

Mortgagee.

Filed September 2-1914.

D E C R E E

Charles Francis Brookey et al.,
VS.
The Loats Female Orphan
Asylum,Mortgagee,et al.,

No. 9214 E Q U I T Y.
In the Circuit Court for Frederick County,
sitting as a Court of Equity.

The above cause standing ready for a hearing,and being submitted,the Bill,Answers Exhibits and all other proceedings were by the Court read and considered and the written consent and recommendation of Charles Francis Brookey,Mary E.Brookey,Albert H.Brookey,Ellen R_Kennedy,E_Victor Brookey, and Emma C.Brookey,for the appointment of John Francis Smith,as Trustee,having been read and considered,It is thereupon,this 3rd day of September in the year nineteen hundred and fourteen by the Circuit Court for Frederick County,as a Court of Equity,and by the authority of said Court,adjudged ordered,and decreed,that the land and premises mentioned in these proceedings be sold,and that John Francis Smith,Esquire of Frederick County,be,and he is hereby appointed Trustee to make the said sales,and that the course and manner of his proceedings shall be as follows;He shall first file in the Clerk's office of this Court,a BOND to the State of Maryland,executed by him with a surety,or sureties,to be approved by the Court,or the Clerk thereof,in the penalty of Nine Thousand Dollars,conditioned for the faithful performance of the trust reposed in him by this decree,or which may be reposed in him by any future order,or decree in the premises,he shall then proceed to make sale of the said Real Estate,having first given at least three weeks previous notice,inserted in some newspaper printed in Frederick County,and such other notice as he may think proper of the time,place,manner and terms of sale;which terms shall be as follows;One half of the purchase money to be paid in cash on the day of sale,or on the ratification thereof by the Court,the residue in Six months from the day of sale the purchaser or purchasers giving his,her or their notes,with approved security and bearing interest from the day of sale,or all cash,at the option of the purchaser,and as soon as may be convenient after any such sale or sales,the said Trustee shall return to this Court a full and particular account of the same,with an affidavit of the truth thereof,and of the fairness of such sale or sales annexed,and on the ratification of such sale or sales by the Court,and on payment of the whole purchase money,and not before,the said Trustee,by a good and sufficient deed to be executed and acknowledged agreeably to law,shall convey to the purchaser or purchasers of the said property,and to his,her or their heirs,the property to him,her or them sold free, clear,and discharged of all claim of the parties to this cause,and of any person or persons claiming by,from,or under them;and the said Trustee shall being into this Court the money arising on such sale or sales;and the bonds or notes which may be taken for the same,to be disposed of under the direction of this Court,after deducting therefrom the costs of this suit,and such commission to the said Trustee as the Court shall think proper to allow,on consideration of the skill, attention and fidelity wherewith shall have appear to have discharged his trust.

Hammond Urner.

Filed September 3- 1914.

T R U S T E E'S S A L E
of
CITY REAL ESTATE.

By virtue of the power and authority contained in a decree of the Circuit Court for Frederick County,Maryland,sitting in Equity,passed on the 3rd day of September,1914,in a cause wherein Charles Francis Brookey,et al.,were Plaintiffs and the Loats Female Orphan Asylum,et al.,were Defendants No.9314 Equity,the under signed Trustees named in said decree will offer for sale at the Court House door in Frederick City,Maryland,on SATURDAY,SEPTEMBER 26th,1914,at 11)0 'Clock A.M., the following described real estate being the same property of which a certain Ellen V.Brookey,late of Frederick County,died,seized and possessed;

First!-A fine TWO-STORY BRICK DWELLING,containing 7 rooms,situated on the south side of east sixth street,in Frederick City,Maryland,known as No.236,which was the home of the late Ellen V.Brookey.This house is in splendid condition,has shingle and tin roof,and there is a good seller under the whole building.This lot is thirty feet wide,and has a depth of about 200 feet running back to an alley in the rear with the right to use same in common with other owners abutting thereon.Thereis also an excelent garden,and a number of fine bearing fruit trees; also an alley way about six feet wide on the east side of the dwelling.This property will make a splendid home for any one.

SECOND!-A TWO--STORY BRICK HOUSE,No.243 1-2 East Sixth street,adjouning above containing six rooms,with tin roof and good seller under whole building,and alley entrance on East side;this property has a frontage on sixth street of about fifteen feet,more or less,and has a depth of about 200 feet,more or less,running back to the alley aforesaid:with right to use of same as aforesaid,

THIRD!-A TWO-STORY BRICK HOUSE,known as No.234 East Sixth street,being the West 1-2 of a double brick house,(No.234 1-2 being the East 1-2)adjoining the above, containing six rooms,with tin roof,and good celler under the whole building,and alley entrance on West side.This property has a frontage on Sixth street of 15 feet, more or less,and depth of about 200 feet,more or less,running back to the alley aforesaid,with right to use same as aforesaid.Both of the above last named lots have a quantity of first class fruit trees thereon.All of the above real estate is the same property which was conveyed to the said Ellen V.Brookey by the Improvement Land and Building Association of Frederick Maryland,a body corporate by deed dated October 22nd,1901,and recorded in Liber D.H.H.No.11,Folio 648,one of the land Records for Frederick County.These houses are located within one block of several of Fredericks largest industries,the Morris Iron Works,Silo Factory,Maryland Brick Works,and others,and will amke a profitable investment for any purchaser.Houses Nos.234 1-2 and 234 rent for $9.00 a month each.Possession of No. 236 will be given immediately upon payment of the puchase price in full. Possession of Nos.234 1-2 and 234 will be given on April 1st,1915.

Terms of Sale!-One-half of the purchase money to be paid on day of sale or on ratification thereof,by the Court,residue in six months from date of sale,purchaser giving his,her or there note with approved security,and bearing interest from the date of sale,or all cash at the option of the purchaser.A deposit of $200.00 will be required of the purchaser of each of the said houses on the day of sale.All conveyancing at expence of purchaser.

John Francis Smith,
Trustee.

Harvey R.Lease,Auctioner.

Acknowledgement of Purchase

I hereby certify that I have this 26th day of September 1914 purchased at public sale of John Francis Smith,Trustee in No.9214 Equity,all of that double two stoy brick dwelling described as parcel No. two &three ,in the annexed advertisement

of sale at and for the sum of Twanty One Hundred dollars ($2100).and I hereby agree to comply with the terms of sale as set forth in said advertisement qnd have this day paid the sum of Four Hundred dollars in part payment for the same and agree to pay the balance of said purchase price in accordance with the terms of sale in the annexed advertisement.

Witness my hand and seal.

E.Victor Brookey Seal

Witness.
John Francis Smith.

Filed Sept 28-1914.

CERTIFICATE OF PUBLICATION OF ADVERTISEMENT.

THE NEWS.

Frederick,Md.,Sept,26 1914.

THIS IS TO CERTIFY,That the annexed Trustee's Sale was published in "THE DAILY NEWS",a news paper published in Frederick County,once a week 3 successive weeks prior to the 26th day of September, 1914.

Filed Sept 28-1914.

The News

Per,J.R.Fisher.

Trustees Report of sale

Final Ratification of 1st Report of sale

Charles Francis Brookey et al.
VS.
The Loats Female Orphan Asylum et al.

No. 9 2 1 4 Equity.
In the Circuit Court for Frederick County,in Equity.

To the Honorable,the Judges of said Court;-

The Petition and Report of sales of John Francis Smith,the Trustee in the above cause respectfully shows:-

1. That by virtue of the power and authority contained in a decree of your Honorable Court passed in the above entitled cause,dated the third day of September 1914,your Petitioner after having filed his duly approved bond with the Clerk of this Court as prescribed by said Decree and after having first given notice by public advertisement for three successive weeks by advertisement inserted in the Daily News,a newspaper published in Frederick County,of the time place manner and terms of sale,published for twenty days prior to the day of sale,as required by said decree and by hand bills circulated in the neighborhood of said premises hereinafter described,your petitioner did attend at the Court House Door in Frederick,Frederick County,Maryland,on the 26th day of September 1914 at the hour of 11 O'Clock A.M.,and thenand there proceeded to sell said real estate at public sale to the highest and best bidder as follows;-

2. Your petitioner first offered the parcel mentioned in the annexed advertisement of sale as Parcel No.1,same being the two story brick house and lot of ground which was the dwelling house of the late Ellen V.Brookey,it deing a portion of the real estate which was conveyed to the said Ellen V.Brookey,by thr Improvement Land and Building Association of Frederick Md,by deed dated October 22nd,1901,and recorded in Liber D.H.H.No.11,folio 648,one of the land Records for Frederick County,but withdrew the same after having offered it for some time at a bid of $1525.00,the same being in the opinion of your petitioner wholly inadequate.

3. Your Petitioner then offered parcel described as No.2,and Parcel described as No.3,separately but received only a bid of $750.00,apiece with held the bids,and offered parcels Nos 2 and 3,as a whole the same being a double brick dwelling,being the West one half of the lot of ground which is above described and which was conveyed to the said Ellen V.Brookey by the Frederick Land and Building Association,by the Deed aforesaid,and your Petitioner then and there sold parcels Nos 2 and 3 being known as Nos 234 and 234 & 1/2 East Sixth Street,unto E.Victor Brookey,he being then and there the highest and best bidder therefor at and for the sum of Twenty one hundred Dollars

($2100.00).And your Petitioner has received from the said E.VicToBrookey the sum of $400.00,in part payment therefor as required by the said Decree,and also the note of the said E.Victer Brookey,for the remaining sum of $1700.00,one note for the sum of $860.00,payable upon the ratification of the sale and the other note for the sum of $850.00,payable in six months,both of said notes with imtere stfrom sale,and the said E.Victor Brookey has signed and delivered unta your Petitioner an acknowledgment of purchase which is filed herewith.
And your Petitioner reports that the sales aforesaid were fairly made and that the total ammount of said sales was$2100.00.

And as in duty bound etc,

John Francis Smith

Trustee.

State of Maryland,Frederick County,Sot;-

I hereby certify that on this 28 day of September 1914 before the subscriber the Clerkof the Circuit Court for Frederick County,personally appeared Kohn Francis Smith,Trustee named in the aforegoing Report of sales and he made oath in due form of law that the matters and things stated in the aforegoing Report are true to the best of his knowledge and belief and that the sale therein reported was fairly made.

Harry W.Bowers.

Clerk of the Circuit Court for
Frederick County.

ORDER NISI ON SALES

Charles Francis Brookey.et al.	"	No. 9214 EQUITY.
VS.	"	In the Circuit Court for Frederick
The Loats Female Orphan Asylum	"	County sitting in Equity.
et al.	"	September TERM,1914 In the matter
	"	of the Report of sales filed the 28
	"	day of September 1914.

ORDERED,That on the 20th day of October 1914,the Court will proceed to act upon the Report of sales of Real Estate,reported to said Court by John Francis Smith Trustee in the above cause,and filed therein as aforesaid,to finally ratify and confirm the same,unless 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 ammount of sales to be $2100.00

Dated this 28th day of September 1914.

Harry W.Bowers

Clerk of the Circuit Court for
FRederick County.

The Daily News.

THE NEWS

Frederick,Md.,May 7th 1915

THIS IS TO CERTIFY,That the annexed ORDER NISI on sales was published in "THE DAILY NEWS",a news paper published in Frederick County,once a week three successive weeks prior to the 20 day of October,1914

THE NEWS,

Per J.Harry Brandenburg.

Ordered by the Circuit Court of Frederick County,sitting in Equity,this 7th day of May 1915,that the sale made and reported by John Francis Smith,Trustee,in the above described cause be and the same is hereby finally ratified and confirmed, no cause to the contrary having been shown altho due notice thereof appears to have been given as required by the order nisi passed in this cause,as will appe-Ar by reference to the printers certificate of Publication hereto annexed.

Filed Sept 28-1914. Glen H.Worthington.

FINAL RATIFICATION.

Charles Francis Brookey et al., VS. The Loats Female Orphan Asylum,et al;- | No. 9214. EQUITY. In the Circuit Court for Frederick County,in Equity.

To the Honorable,the Judges of said Court;-

The Petition and Report of sales of John Francis Smith,Trustee in the above cause, respectfully shows;-

1. That by virtue of the authority contained in a Decree of your Honorable Court dated September 3rd,1914,your Petitioner offered the real estate hereinafter described at Public Sale,on the 26th day of September 1914,at the Court House Door in Frederick Md,and withdrew the same because your Trustee believed the offer of $1525,received at that time was wholly inadequate as reported in the first report of Sales filed in this Cause.That the date of said sale your Petitioner has plased said real estate with several reliable real estate dealers in the hope of receiving a better offer for the same,but with out success,and finally after having again given notice by public advertsement inserted in the News,a newspaper in Frederick County,Maryland,once a week for four successive weeks,the same being more than twenty days prior to the date of sale,asrequired by said decree, your Petitioner did attend at the Court house Door,in Frederick City,Frederick County,Maryland,on the 10th day of April 1915,and then and there proceeded to sell said real estate at public sale to the highest and best bidder,as follows;-

2. Your Petitioner offered the real estate mentioned in said advertisement of sales the same being a two story house and lot of ground situated on the south side of East Sixth Street,in Frederick, Md,known as No.236,being a portion of the real estate conveyed to the said Ellen V.Brookey by the Improvement Land and Building Association of Frederick Md,by deed dated October 22nd,1901,and recorded in Liber D.H.H.NO.11,folio 648,one of the Land Records for Frederick County,and then and there sold the said real estate unto Edward J.Hudson of said County and State he being the highest and bidder therefor,at and for the sum of $1425.00.And your Petitioner has received from the said Edward J.Hudson the sum of $200.00 in part payment,of the puchase price and he has agreed to pay cash for the remainder thereof on ratification of said sale by your Honorable Court,as will appear by reference to the acknowledgement of purchase filed herewith as Exhibit No.1 to this report.

And your Petitioner reports the total ammount of sales to be the sum of $1425.00 and that the sale aforesaid was fairly made.

And as in duty bound etc,

John Francis Smith.
Trustee.

State of Maryland,Frederick County,Sct;-

I hereby certify that on this 12th day of April 1915 before the subscriber the Clerk of the Circuit Court for Frederick County,personally appeared John Francis Smith,Trustee named in the afo regoing report and he made oath in due form of law that the matters and things set forth inthe aforegoing report of sales are true to the best of his knowledge and belief,and that the sales therein reported was fairly made.

Harry W.Bowers
Clerk of the Circuit Court of Frederick County.

Filed April 12 1915.

ORDER NISI ON SALES

Charles Francis Brookey,et al., VS. The Loats Female Orphan Asylum et al., | No. 9214 EQUITY. In the Circuit Court for Frederick County, sitting in Equity.March TERM,1915 In the matter of the Report of Sales filed the 12th day of April 1915.

ORDERED,That on the 4th day of May 1915,the Court will proceed to act upon the report of Sales of Real Estate,reported to said Court by John Francis Smith Trustee in the above cause,and filed therein as aforesaid,to finally ratify and confirm the same,unless cause to the contrary thereof be shown before said day;provided of this order be inserted in some news paper published in Frederick for three sucessive weeks prior to said day.

This report states the ammount of sales to be $1425.00

Dated this 12th day of April 1915.

Harry W.Bowers

The Daily News.

Clerk of the Circuit Court for Frederick County.

T H E N E W S.

Frederick Md.,May 4th 1915,

THIS IS TO CERTIFY,That the annexed ORDER NISION SALES was published in "THE DAILY NEWS",a news paper published in Frederick County,once a week 3 succo-essive weeks prior to the 4th day of May 1915,

THE NEWS

Per J.R.Fisher.

I certify that I have this 16th ady of April 1915 purchased of John Francis Smith,Trustee the real estate mentioned in the annexed advertisement of sale at and for the sum of $1425.00 and I have this day paid the sum of $200.00 and will pay the balance of purchase price to wit,$1225.00 on the ratification of the sale by the Court.

Edward J.Hudson

Filed April 12 1915

P U B L I C S A L E.

Trustees Sale of City Real Estate.

By virtue of the power and authority contained in a decree of the Circuit Court for Frederick County,Maryland,sitting in Equity,passed on the 3rd day of September,1914,in a cause wherein Charles Francis Brookey,et al.,were Plaintiffs and The Loats Female Orphan Asylum,et al,were Defendants No.9214 Equity,the undersigned Trustee named in said Decree will offer for sale at the Court House door in Frederick City,Maryland,on SATURDAY,APRIL 10,1915,at 110'Clock A.M.the following described real estate being the same property of which a certain Ellen V.Brookey,late of Frederick County,died,seized and possessed.That fine two--Story Brick Dwelling,containing 7 rooms,situated on the South side of Sixth Street,in Frederick City,Maryland,known as No.236,which was the home of the late Ellen V.Brookey.This house is in splendid condition,has shingle and tin roof,and furnace.Thereis a good celler under the whole building.This lot is thirty feet wide,and has a debth of about 200 feet running back to a alley in the rear with the right to use same in common with other owners abutting there on.Thereis also an excellent garden,and a number of fine bearing fruit trees; also an alley way about six feet wide on the East side of the dwelling.This property will make a splendid home for any one.The above real estate is part of the same property which was conveyed to the said Ellen V.Brookey by the Improvement Land and Building Association of Frederick Md.,a body corporate by deed dated October 22nd,1901,and recorded in Liber D.H.H.No.11,Folio648,one of the land Records for Frederick County,This house is located within one block of several of Fredericks largest industries,the Morris Iron Works,Silo Factory Maryland Brick Works,and others,and will make a profitable investment for any purchaser.Possesion will be given immediately upon payment of the purchase price in full.

Terms of Sale:-One-half of the purchase money to be paid on day of sale or on ratification thereof,by the Court,residue in six months from date of sale,purchaser giving his,her or there note with aproved security,and bearing interest from thes date of sale,or all cash at the option of the purchaser.A deposit of $200.00 will be required of the purchaser of the said house on the day of sale All conveyancing at expence of purchser,incluging revenue stamps.

Harvey R.Lease,Auctioneer.

John Francis Smith,

Trustee.

Ordered by the Cirouit Court for Frederick County,sitting in Equityand by the authority thereof, this 4th day of May 1915that the sale made and reported by John Francis Smith,Trustee in the aforegoing caise be and the same is hereby finally ratified and confirmed,no cause to the contrary having shown although due notice thereof appears to have been given as required by the order Nisi filed in this cause,as will appear by reference to the printers Certificate of publication hereto annexed.

Glenn H.Worthington

Filed May 5-1915

B I L L OF C O M P L A I N T .

John C.Lamar and Hattie A. Lamar,his wife,and George A.La mar,unmarried,

VS.

Lizzie Wood Lamar,widow; Oliver Snyder,Maud L.Lichliter and William Lichliter,her husband;Blanche L.Bowers and Scott Bowers,her husband; Marion T.Lamar and --------- Lamar,his wife;Holmes Lamar and _____Lamar his wife,and Bruce Lamar,unmarried; Edward T.Bready,widower; Clarence Bready;Beulah Bready, unmarried;Lamar Bready and _____Bready,his wife; John Cox,widower;Nellie Bready Fair and Charles Fair,her husband;Julia Anthuny and _____ Anthuny,her husband;Eva Bready, unmarried;Bernice Snyder,unmarried;and _____Snyder and_____Snyder and John Cox,infants.

NO. 9308 E Q U I T Y.

In the Cirouit Court for Frederick County,sitting as a Court of Equity.

To the Honorable,the Judges of the Cirouit Court for Frederick County,sitting as a Coust of Equity!-

The Bill of Complaint of John C.Lamar and Hattie A.Lamar,his wife,and George A.Lamar of Adamstown,Frederick County,Maryland,respectfully shows unto your Honors;

(1) That Mary C.Lamar,late of Frederick County,but now deceased,wasin her lifetime and at the time of her death seized and possessed of a piece or parcel of land,situated,lying and being in Adamstown,Frederick County,Maryland,and more particularly described in a deed from Daniel Rhodes,et al. dated on the 10th day of March,A.D.1860,and recorded in Liber B.G.F.No,5,folio 323,one of the land Records of Frederick County,a certified copy of which is filed herewith marked Exhibit A,and which togather with all other Exhibits filed herewith,it is prayed may be taken and considered as a part ofthis Bill of Complaint.

(2) That the said Mary C.Lamar,being seized and possessed as aforesaid,departedthis life intestate on or about the _____day of _____,1889,leaving surviving her the following children and heirs at law,to-wit! Marion T.Lamar,a son,whose wife's name is Lizzie Wood Lamar; George A.Lamar,a son,who is unmarried,and resides in Adamstown,Frederick County,Maryland;Annie Lamar Bready,a daughter,who intermarried with Edward T.Bready,and John C.Lamar,a son whose wife's name is Hattie A.Lamar,and who resides in Adamstown,Frederick County, Maryland.

(3) That since the death of the said Mary C.Lamar,the said Marion T.Lamar has also departed this

life and left surviving him a widow,Lizzie Wood Lamar,and the following children and heirs at law,to-wit:Molly Lamar Snyder,a daughter,who intermarried with one Oliver Snyder,of Hagerstown,Washington County,Maryland,and who has since died, leaving surviving her,her said husband,Oliver Snyder,and three children;Bernice Snyder,an adult,and_____Snyder and _____Snyder,infants,under the age of twenty-one years,all of whome reside with their father,the said Oliver Snyder in Hagerstown,Washington County,Maryland;Maud L.Lichliter,a daughter,who intermarried with one William Lichliter,and who lives in the City of Columbus,State of Ohio;Blanche L.Bowers,a daughter,who intermarried with Scott Bowers,and who resides in Hagerstown,Washington County,Maryland;and Marrion T.Lamar,a son,whose wife's name is _____Lamar,who resides ih Cumberland,Allegany County,Maryland; Holmes Lamar,a son,whose wife's name is _____Lamar,who lives in the City of Baltimore.State of Maryland,and Bruce Lamar,a son,who id unmarried,of the City of Pittsburg,State of Pennsylvania.

(4) That since the death of the said Mary C.Lamar as aforesaid,the said Annie Annie Lamar Bready has also departed this life,leaving surviving her a husband, Edward T_Bready,who lives in Adamstown,FrederSok County,Maryland;Clarence Bready, a son,who has been absent and unheard of for twelve years;Beulah Bready,a daughter, who is unmarried,and resides in Adamstown,Frederick County,Maryland;Lamar Bready, a son,whose wife's name is_____Bready,who lives at Keyser,West Virginia; Grace L.Cox,a daughter,who has since departed this life,leaving surviving her a hisband,John Cox,and a minor son,John Edward Cox,who resides with his father in Louisburg,West Virginia;NellieBready Fair,a daughter,who intermarried with Charles Fairand who livesin Harrisburg,Pennsylvania;Julia Anthuny,a daughter,who intermarried with one_____Anthuny,and who resides in Greensboro,North Carolina,and Eva Bready,unmarried,who lives in Adamstown,Frederick County,Maryland.

(5) That since the death of the said Mary C.Lamar,the peoperty herein mentioned was deeded by the said John C.Lamar,George A.Lamar and Marion T.Lamar unto their sister,Annie L.Bready,to have and to holdthe same for and during her natural life and no longer,as will moere fully appear by reference to the deed dated the 10th day of July,A.D.1889,a certified copy of which is filed herewith marked Exhibit "B," and intended to be taken and considered as a part of this Bill of Complaint.

(6) Your complainants futher state that the said Annie M.Bready has since depart ed this life as aforesaid,and that the said property herein mentioned is not susceptible of division among the parties thereunto entitled without great loss and injury,and that it would be to the best interest and advantage of all parties concerned,and especially the infant Defendants,that the property be sold and the proceeds distributed among the parties entitled thereto under the direction of your Honorable Court. TO THE END THEREOF;

That the property mentionedin this Bill of Complaint may be sold by a Trustee to be appointed by your Honorable Court,and the proceeds thereof to be distributed among the parties entitled thereto under the direction of your Honorable Court; And for such and futher relief as the nature and equity of the case may require.

MAY IT PLEASE YOUR HONORS to grant unto your Complainants the writ of subpoena int he usual form agAinst the said Lizzie Wood Lamar,widow of Marion T.Lamar; Marion T.Lamar and _____Lamar,his wife,of Cumberland,Alleghany County, Maryland,Holmes Lamar and_____Lamar,his wife,of Baltimore City,Maryland; Edward T.Bready,Beulah Bready and Eva Bready,all of whome reside in the neighborhood of Adamstown,Frederick County,Maryland,Oliver Snyder,Bernice Snyder and _____Snyder infant and _____Snyder,infant Blanche L.Bowers and Scott Bow Bowers,her husband,of Hagerstown,Washington County,Maryland,commanding them and each of them to be and appear in your Honorable Court on some day certain to be

named therein,either in person or by solicitor,to answer the premises and abide by and perform such decree as may be passed therein,and for an order Of publication against the said Maud L.Lichliter and William Lichliter,her husband;Bruce Lamar,Clarence Bready,Lamar Bready and _____Bready, his wife,John Cox and John Edward Cox,infant;Nellie Bready Fair and Charles Fair,her husband;Julia Anthuny and _____Anthuny,her husband,all of whom are non-residents of the State of Maryland,givin notice of the substance and object of this Bill of Complaint,and warning them to be and appear in your Honorable Court either in person or by solicitor on or before a certain day to be named therein and to show cause if any they have why the decree should not be passed as prayed.

And as in duty bound,etc.

Emory L.Coblentz
Charles McMathias
Solicitors for Complainants.

Filed April 12-1915.

EXHIBIT A.

At the request of Mary C.Lamar,the following deed was recorded March 21st 1860

This Deed made this tenth day of March in the year Eighteen hundred and Sixty by us Daniel Rhodes and Susan Rhodes his wife and Harman Kephart and Melinda Kephart his wife of Frederick County, whereas the said Daniel Rhodes did heretofore sell and deliver possession of the lot of ground hereinafter described to the said Harmon Kephart for the sum and price of one hundred dollars,and the said Harmon Kephart did pay no part thereof to the said Daniel Rhodes,but only the interest on the said purchase money,and whereas the said Harmon Kephart hath sold the said lot to Mary C.Lamar and the said Mary C.Lamar hath paid the sum of two hundred dollars to Harman Kephart and the unpaid balance of the purchase money to said Daniel Rhodes,Now this Deed Witnesses,that we the said Daniel Rhodes and Susan Rhodes wife of said Daniel Rhodes and Harman Kephart and Melinda Kephart wife of said Kephart do grant unto Mary C.Lamar all that lot of ground in Daniel Rhodes part of Adams Town in Frederick County,State of Marylamd known as lot No.7 (lot number seven)on the plat of said town made by George Thomas of H.and recorded in the Land Records of Frederick County,the said lot being bounded by Washington Street on th eNorth West,by Cherry Alley on the South west,and by Jefferson Street on the North East the west coner of said lot being at the end of four hundred and twenty feet of the line of said Cherry Alley Starting from a stone planted at the point where said Cherry Alley meets the Baltimore &Ohio Rail Road on it South eastern limit being the coner of lot number one,of said plat and running South forty and three quarters degrees East,beginning at said corner at the end of four hundred and twenty feet on said line and running North East with the line of Washington Street,which is parralel to said Rail Road two hundred and thirty two feet to the line of Jefferson Street which is fifteen feet from the center of said Street or otherwise Jefferson Road,then with the line of said Street or Road South forty and three quarters degrees East Sixty feet,then South West parralel to Washington Street two hundred and thirty feet to the line aforesaid of Cherry Alley,then by the line of said Alley North West sixty feet tothe place of beginning in fee sim-ple.

Daniel Rhodes (Seal)
Susan x Rhodes (Seal)
Harmon Kephart (Seal)
Malinda Kephart (Seal)

Test
John B.Thomas,

Which is thus endorsed!

State of Maryland,Frederick County,to wit!

-- I hereby,_____that on this tenth day of March in the year Eighteenhundred and Sixty before the subscriber a Justice of the pease of the State of Maryland in and for Frederick County,personally appeared Daniel Rhodes wife of the said Daniel Rhodes,and Harman Kephart and Melinda Kephart his wife and did acknowledge the aforegoing deed to be their respective act.

Ezra Michael

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the original Deed from Daniel Rhodes and wife and Harman Kephart and wife,as recorded in Liber B.G.F.No.5,Folio 323,one of the Land

Records of Frederick County,Maryland.

In Testimony Whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederick,Maryland,this 31st day of March A.D.,1915

PLACE OF Court SEAL

Harry W.Bowers

Clerk of the Circuit Court for Frederick County,Maryland.

Filed April 12-1915.

EXHIBIT "B."

At the request of Annie M.Bready,the following deed is received for record and recorded September 9 1889,at 20'Clock P.M.

Test--W.Irving Parsons,Clerk.

This deed made this tenth day of July in the year Eighteen hundred and eighty-nine by us Marion T.Lamar and Elizabeth L.Lamar,his wife of Washington County State of Maryland,and George A.Lamar,John C.Lamar,and Hattie A.Lamar,his wife,of Frederick CountyState of Maryland,

Witnesseth-That whereas Mary C.Lamar died in the Month of January 1889 intestate seized and possessed of the real estate hereinafter described and which decended to the following children to wit-Marion T.Lamar,George A.Lamar,John C.Lamar and Annie M.Bready,wife of Edward Bready,her only heirs at law,and whereas the said grantors in this deed are desirious of providing a home for their sister Anna M. Bready,during her life,have agreed to convey to the said Ann M.Bready their respective undivided interest in said property reserving to themselves,however,their respective reversionary interests in the same after after the termination of the life estate of the said Ann M.Bready.Now therefor in consideration of the natural love and affection which we the said grantors bear to our sister Anna M.Bready,and in consideration of the sum of One dollar in hand paid,the receipt whereof is hereby acknowledged,and for the futher consideration of the covenants hereinafter contained to be performed on the part of the said Ann M.Bready,we the said Marion F. Lamar,and Elizabeth L.Lamar,his wife,George A.Lamar,John C.Lamar and Hattie A. Lamar his wife,do grant unto the said Ann M.Bready for and during her natural life and no longer,all our respective undivided interest in and to all the following described pieces or parcels of land towit--

First--all our undivided interest in and to all that lot of ground situate lying and being in the village of Adamstown,Frederick County,State of Maryland,known and designated on the plat of said town as lot No.7 and being the same lot of ground that was conveyed to Marry C.Lamar by Daniel Rhodes and wife and others by deed dated March 10th 1860 and recorded in liber B.G.F.No.3 folio 323 one of the land records of Frederick County,

Second all our undivided interest in and to all that piece or part of a lot of ground being part of the lot known and destinguished on the plat of the village of Adamstown,Frederick County,State of Maryland,as Lot No.8 and being the same property that was conveyed to Mary C.Lamar,by Daniel Rhodes and wife by deed April 2nd 1860,and recorded in liber B.G.F.No.6 folio 1 one of the land records of Frederick County,to have and to hold unto the said Ann M.Bready,the said respective undivided interest in said property above described for and during the life of the said Ann M.Bready and no longer,and reserving to the said respective heirs and assigns their respective reversionary interest in said property adove described.And the said Ann M.Bready,the grantee hereby covenants with the said grantors to pay all taxes that may be levied by law on the property hereby conveyed during her natural life and also to fully insure the buildings and improvements on said

property from loss by fire, and to keep the same insured in some safe and reliable Insurance Company for the benefit of herself and the said grantors and that she will pay all premiums thereon during the continuance of her life estate in the property hereby conveyed.

Witness our hands and seals:

Marion T.Lamar (Seal)
Elizabeth L.Lamar (Seal)
George A.LAmar (SEal)
John C.Lamar (SEal)
Hattie A.Lamar (Seal)

Test--
M.L.Middlekauff
John H.Peters.

State of Maryland Washington County to wit--

I hereby certify that on this tenth day of July 1889 before me the subscriber a Justice of the Peace of said State in and for said County, personally appeared Marion T.Lamar and Elizabeth L. Lamar his wife, two of the within named grantors and did each acknowledge the aforegoing deedto be their respective act.

W.L.Middlekauff, J.P.

State of Maryland Washington County towit--

I George B.Oswald, Clerk of the Circuit Court for Washington County do hereby certify that M.L.Middlekauff, Esquire, before whom the above and annexed acknowledgements were made, and who hath thereunto subscribed his name at the time of so doing one of the Justices of the Peace of the State of Maryland, in and for said County, duly appointed, commissioned and sworn and that his signature is genuine.

PLACE Court. OF Clerk. SEAL

In testimony whereof I hereunto subscribe my name and affix the seal of the Circuit Court for Washington County aforesaid at Hagerstown this tenth day of July A.D.1889.

George B.Oswald, Clerk.

State of Maryland, Frederick County, towit--

I hereby certify that on this 15th day of July 1889, before me the subscriber a Justice of the Peace of said State in and for said County, personally ----------George A.Lamar, Johe C.Lamar and Hattie A.Lamar, his wife, and did each acknowledge the aforegoing deed to be their respective act.

John H.Peters J.P.

State of Maryland, Frederick County, towit.

I hereby certify that the above and aforegoing deed from Marion T.Lamar, Elizabeth L.Lamar, George A.Lamar, John C.Lamar and Hattie A.Lamar, to Annie M.Bready is a true copy of the deed taken from Liber W.I.P.No.9 Folio 459 &c., one of the land records in the office of the Clerk of the Circuit Court for Frederick County, Maryland.

PLACE Court. OF SEAL

In testimony whereof I hereunto set my hand and affix the seal of the Circuit Court for Frederick County Md., at Frederick this 8th day of April A.D.1915.

Harry W.Bowers

Clerk of the Circuit Court for Frederick County Maryland.

Filed April 12 1915.

EQUITY SUBPONEA

STATE OF MARYLAND, FREDERICK COUNTY TO-WIT:-

The State of Maryland.

To Marion T.Lamar._____Lamar,

Care of B.&.Ohio R.R.Train Dispatcher.Cumberland.Md of Allegany County, Greetings!

YOU ARE HEREBY COMMANDED, That all excuses set apart, you personally appear before the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity, to be held at the Court House in Frederick, in and for Frederick County, on the FIRST Monday of May 1915, to answer the Bill and Complaint of John C.Lamar, et al., Vs Lizzie Wood Lamar et al.(For sale of Real estate & appointment of Trustee.) against you in said Court exhibited, and so forth.

PLACE OF Court. SEAL

Hereof fail you not, as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner, Chief Judge of said Court, the 1st day of March A.D., 1915

Harry W. Bowers (Clerk)

To the Sheriff of Allegany County.

Chas McMathias & Emory L. Coblentz, Solicitors.

Filed April 21 1915.

EQUITY SUBPONEA

STATE OF MARYLAND, FREDERICK COUNTY to-wit:

The State of Maryland.

To Holmes Lamar & _____ Lamar his wife.

Care B.O.R.R. Train dispatcher. Camden Station. Baltimore. Md. of Baltimore City,

Greetings:

YOU ARE HEREBY COMMANDED, That all excuses set apart, you personally appear before the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity, to be held at the Court House in Frederick, in and for Frederick County, on the FIRST Monday of May 1915, to answer the Bill and Complaint of John C. Lamar et a., Vs. Lizzie Wood Lamar et a., (For appointment of Trustee & Sale of Real Estate) against you in said Court exhibited, and so forth.

Hereof fail you not, as you will answer the contrary at your peril.

PLACE OF Court. SEAL

Witness the Honorable Urner, Chief Judge of said Court, the 1st day of March A.D., 1915.

Issued the 12 day of April A.D., 1915

Harry W. Bowers (Clerk)

To the Sheriff of Baltimore City. Md.

Charles McMathias & E.D. Coblentz. Solicitors.

Filed April 21-1915

EQUITY SUBPONEA

STATE OF MARYLAND, FREDERICK COUNTY To-Wit:

The State of Mayyland.

To Edward T. Bready, Beulah Bready & Eva Bready Adamstown Md. and Lizzie Wood Lamar widow of Frederick County. GREETINGS:

YOU ARE HEREBY COMMANDED, That all excuses set apart, you personally appear before the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity, to be held at the Court House in Frederick, in and for Frederick County, on the FIRST Monday of May 1915, to answer the Bill and Complaint of John C. Lamar et al., Vs. Lizzie Wood Lamar. et al., (For Appointment of Trustee & Sale of Real Estate) against you in said Court exhibited, and so forth.

Hereof fail you not, as you will answer the contrary at your peril.

PLACE OF Court. SEAL

Witness the Honorable Urner, Chief Judge of said Court, the 1st day of MarchA.D. 1915

Issued the 12th day of April A.D._1915

Harry W. Bowers (Clerk)

To the Sheriff of Frederick County.

Chas. McMathias & E.L Coblentz. Solicitors. Filed April 14-1915.

EQUITY SUBPONEA.

STATE OF MARYLAND, FREDERICK COUNTYTo-Wit:

The State of Maryland.

To Oliver Snyder,Bernice Snyder South Prospect Street,Hagerstown,Md. And Blanch Bowers,Scott Bowers, Antietam Street,Hagerstown,Md of Washington County,GREETINGS!

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of May 1915,to Answer the Bill and Complaint of John C.Lamar er al.,Vs.Lizzie Wood Lamar,et al.,(Bill for Sale of Real Estate,and appointment of Trustee)against you in said Court exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

PLACE OF Court. SEAL

Witness the Honorable Hammond Urner,Chief Judgeof said Court,

the First day of March A.D.,1915

Issued the 12th day of April A.D.,1915

Harry W.Bowers (Clerk)

To the Sheriff of Washington County.

Chas.McCmathias & E L.Coblentz,Solicitors. Filed April 17-1915.

EQUITY SUBPONEA

STATE OF MARYLAND,FREDERICK COUMTY_To-Wit!

The State of Maryland.

To Lizzie Wood Lamar Hagerstown Md.of Washington County,GREETINGS!

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of May 1915,to answer the Bill and Complaint of John C.Lamar,et al.,Vs.Lizzie Wood LamAr.et al.,For Appointment of Trustee & Sale of Real Esate)against you in said Court Exhibited,and so forth.

Hereof fail ypu not,as you will answer the contrary at your peril.

PLACE OF Court. SEAL

Witness the Honorable Hammond Urner,Chief Judge of said Court,the 1st day of March A.D.,1915

Issued the 14th day of April A.D.,1915

Harry W.Bowers (Clerk)

To the Sheriff of Washington County.

Chas McCMathias & Emory L.Coblentz,Solicitors. Filed Apr 17-1915.

EQUITY SUBPONEA.

STATE OF MARYLAND,FREDERICK COUNTY To-Wit!

The State of Maryland.

To Preston Snyder,(Infant)Marion Snyder (Infant)To be laid in hands of their Father.Oliver Snyder. of Washington County,Greetings!

YOU ARE HEREBY COMMANDED,That all ezcuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of May 1915,to answer the Bill and Complaint of John C.Lamar et al.,Vs.Lizzie Wood Lamar.et al. (For appointment of Trustee & sale of Real Estate.)against you in said Court exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

PLACE OF Court. SEAL

Witness the Honorable Urner,Chief Judge of said Court,

the first day of MarchA.D.,1915

Issued the 12th day of April A.D.,1915

Harry W Bowers. (Clerk)

Filed April 17-1915

To the Sheriff of Washington County.

Chas McCmathias & E.L.Coblentz,

Solicitors,

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ORDER OF PUBLICATION.

John C.Lamar and Hattie A. Lamar,his wife,and George A.Lamar,unmarried, Vs. Lizzie Wood Lamar,widow; Oliver Snyder,Maud L.Lichliter and William Lichliter, her husband,et al.	No._9308__E Q U I T Y. In the Circuit Court for Frederick County, sitting as a Court of Equity.

The object of this Bill is to procure a decree for the sale of certain real estate lying and being in Adamstown,Frederick County,Maryland,of which Mary C.Lamar,late of Frederick County,but now deceased,died,seized and possessed, for the purpose of partition among the children and heirs at law of the said Mary C_Lamar.

The Bill states that Mary C.Lamar was in her lifetime seized and possessed in fee simple of a certain tract or parcel of ground,lying and being in the village of Adamstown,in Frederick County,Maryland,which she squired by virtue of a deed from Daniel Rhodes,et al.,bearing date tha 10thday of March,A.D.,1860, and duly recorded among the land Records of Frederick County,in Liber B.G.F.No. 5,folio 323.

(2) That the said Mary C.Lamar,being seized and possessed as aforesaid,departed this life on or about the _____day of _____,A.D.1889,leaving surviving her the following children or heirs at law,to-wit:- Marion T.Lamar,a son, whose wife'S name is Lizzie Wood Lamar;George A.Lamar,a son,who is unmarried,and resides in Adamstown,Frederick County,Maryland;Annie Lamar Bready,a daughter,who intermarried with Edward T.Bready,and John C.Lamar a son,whose wife's name is Hattie A.Lamar,and who resides in AdAmstown,Frederick County,Maryland.

"(3) That since the death of the said Marry C.Lamar,the said Marion T.Lamar has also departed this life and left surviving him a widow,Lizzie Wood Lamar,and the following children and heirs at law,to-wit:Molly Lamar Snyder,a daughter,who intermarried with one Oliver Snyder,of Hagerstown,Washington County,Maryland,and who has since died,leaving surviving her,her said husband,Oliver Snyder,and three children;Bernice Snyder,an adult,and _____Snyder and _____Snyder,infants under the age of twenty-one years,allof whome reside with their father,the said Oliver Snyder in Hagerstown,Washington County,Maryland;Maud L.Lichliter,a daughter,who intermarried with one William Lichliter,and who lives in the City of Columbus,State of Ohio;Blanche L.Bowers,a daughter,who intermarried with Scott Bowers,and who resides in Hagerstown,Washington County,Maryland;and Marion T.Lamar, a son, whose wife's name is _____Lamar,who resides in Cumberland,Allegany County,Maryland;Holmes Lamar,a son,whose wife's name is _____Lamar,who lives in the City of Baltimore,State of Maryland,and Bruce Lamar,a son,who is unmarried,of the City of Pittsburg,State of Pennsylvania.

"(4) That since the death of the said Mary C.Lamar,as aforesaid,the said Annie Lamar Bready has also departed this life,leaving surviving her a husband,Edward T.Bready,who lives in Adamstown,Frederick County,Maryland;Clarence Bready,a son, whohas been absent and unheard of for twelve years;Beulah Bready,a daughter,who is unmarried,and resides in Adamstown,Frederick County,Maryland;Lamar Bready,a son,whose wife's name is _____Bready,who lives at Keyser,West Virginia; Grace L.Cox,a daughter,who has since departed this life,leaving surviving her a husband,John Cox,who resides with his father in Louisburg,West Virginia;Nellie Bready Fair,a daughter,who intermarried with Charles Fair and who lives in Harr-

isburg,Pennsylvania;Julia Anthuny,a daughter,who intermarried with one _____Anthuny,and who resides in Greensbore,North Carolina,and Eva Bready,unmarried,who lives in Adamstown,Frederick County,Maryland."The Bill futher states that the property therein mentioned is not susceptible of division among the parties entitled thereto without great loss and injury and that it would be to the best interest and advantage to all the parties concerned and especially to the infant Defendants that the property be sold and the proceeds distributed among the parties thereunto entitled under the order and direction of the Court.

The Bill prays that the property mentioned in the Bill may be sold ba a Trustee to be appointed by the Court and the proceeds thereof to be distributed among the parties thereunto entitled under the direction of the Court.It is thereupon this 12th day of April,in the year nineteen Hundred and Fifteen,ordered by the Circuit Court for Frederick County,in Equity,that the Plaintiff shall cause a copy of this order to be inserted in some newspaper published in Frederick County once in each of four successive weeks before the 11 day of May,A.D.1915,giving notice to the said Absent Defendants of the object and substance of this Bill,warning them to appear in this Court in person or by solicitor on or before the 27 day of May,A.D.1915,and shew cause if any they have why a decree ought not to be passed as prayed.

Harry W.Bowers

Clerk of the Circuit Court for Frederick County,Md.

Filed April 12-1915.

ORDER OF PUBLICATION.

No.9308 Equity.

In the Circuit Court for Frederick County,sitting as a Court of Equity.John C.Lamar and Hattie A. Lamar,his wife,and George A.Lamar,unmarried,Vs.Lizzie Wood Lamar,widow;Oliver Snyder,Maud L.Lichliter, her husband,et al.,The object of this Bill is to procure a decree for the sale of certain real estate lying and being in Adamstown,Frederick County,Maryland,of which Mary C.Lamar,late of Frederick County,but now deceased,died,seized,and possessed,for the purpose of partition among the children and heirs at law of the said Mary C.Lamar.

The Bill states that Mary C.Lamar was in her lifetime seized and possessed in fee simple a certain tract or parcel of ground,lying and being in the village of Adamstown,in Frederick County,Maryland which she aquired by virtue of a deed from Daniel Rhodes,et al,dearing date 10thday of March A.D. 1860,and duely recorded among the land records of Frederick County,in Liber B.G.F.No.5,folio 323.

(2)That the said Mary C.Lamar,being seized and posessed as aforesaid,departed this life on or about the _____day of _____,A.D.1889,leaving surviving her the fellowing children or heirs at law,to-wit:-Marion T.Lamar,a son,whose wife's name is Lizzie Wood Lamar;George A.Lamar,a son,who is unmarried,and resides in Adamstown,Frederick County,Maryland;Annie Lamar Bready,a daughter,who intermarried with Edward T.Bready,and John C.Lamar,a son,whose wife's name is Hattie A.Lamar,and who resides in Adamstown,Frederick County,Maryland.

"(3)That since the death of the said Mary C.Lamar,the said Marrion T.Lamar,has also departed this life and left surviving him a widow,Lizzie Wood Lamar,and the fellowing children and heirs at law to-wit:Melly Lamar Snyder,a daughter,who intermarried with one Oliver Snyder,of Hagerstown.Washington County,Maryland,and who has since died,leaving surviving her,her said husband,Oliver Snyder, and three children;Bernice Snyder,an adult,and_____Snyder and_____Snayder,infants, under the age of twenty-one years,all of whom resides with their father,the said Oliver Snyder in Hagerstown,Washimgton County,Maryland;Maud L.Lichliter,a daughter,who intermarriedwith one William Lichliter,and who lives in the City of Columbus.State of Ohio;Blanche L.Bowers,a daughter,who intermarried with Scott Bowers,and who resides in Hagerstown,Washngton County,Maryland;and Marion T.Lamar,a son,whose wife's name is_____Lamar,who resides in Cumberland,Alleghany County,Maryland,Helmes Lamar,a son,whose wife's name is_____Lamar,who lives in the City of Baltimore, State of Maryland,and Bruce Lamar,a son,who is unmarried,of the City of Pittsburg,State of Pennsylvania.

"(4) That the death of the said Mary C.Lamar as aforesaid,the said Annie Lamar Bready has also departed this life,leaving surviving her a husband Edward T.Bready,who lives in AdAmstetown,

Frederick County,Maryland;Clarence Bready,a son,who has been absent and unheard of for twelve years;Beulah Bready,a daughter,in Adamstown,Frederick County,Maryland;Lamar Bready,a son,whose wife's name is_____Bready,who lives in Keyser, West Virginia;Grace L.Cox,a daughter,who has since departed tis life,leaving surviving her ahusband,John Cox,and a minor son,John Edward Cox,who resides with his fatherin Louisburg,West Virginia;Nellie Bready Fair,a daughter,who intermarried with Charles Fair and who lives in Harrisburg,Pennsylvania;Julia Anthuny,a daughter,who intermarried with one_____Anthuny,and who resides in Greensboro,North Carolina,and Eva Bready,unmarried,who lives in Adamstown,Frederick County,Maryland. The Bill futher states that the property therein mentiond is not susceptible of division among the parties entitled thereto without great less and injury and that it would be to the best interest and advantage to all the parties conserned and especilaly to the infant Defendants that the property be sold and the proceeds distributed among the parties thereunto entitled under the order and direction of the Court.

The Bill prays that the property mentioned in the Bill may be sold by a Trustee to be appointed by the Court and the proceeds thereof to be distributed among the parties thereunto entitled under the direction of the Court.It is thereupon this 12th day of April,in the year Nineteen Hundred and Fifteen,ordered by the Circuit Court for Frederick County,in Equity,that the plaintiff shall cause a copy of this order to be inserted in some news paper published in Frederick County,once in each of four successive weeks before the 11th day of May,A.D.1915, giving notice to the said absent Defendants of the object and substance of this Bill warning them to appear in this Court in person or by solicitor on or before the 27th day of May,A.D.1915,and show cause if any they have why a decree ought not to be passed as prayed.

Harry W.Bowers.

Clerk of the Circuit Court for Frederick County, Maryland.

True Copy Test:

Harry W.Bowers, (Clerk)

Chas.McC.Mathias,
Emery L.Coblentz, Solicitors.

C E R T I F I C A T E O F P U B L I C A T I O N

Frederick,Md.,May 11, 1915.

This is to certify,That the annexed Order of Publication was published in "THE FREDERICK POST" a newspaper published in Frederick County,once a week for four successive weeks prior to the eleventh day of May 1915.

The Post Publishing Co.

Per R.J.Ford.

Filed Sept 23-1915.

A N S W E R

John C.Lamar,et al., Vs. Lizzie Wood Lamar,et al., } No. 9308 Equity.In the Circuit Court for Frederick County. In Equity.

$$$$$$$$$$$$$$$

The Answer of Verna Snyder respectfully represents unto your Honors:-

That she admits the allegations of the Bill of Complaint filed in the above entitled cause,and consents to the passage of a decree as prayed.

Verna Snyder

Filed Apr-29-1915.

ANSWER OF LIZZIE WOOD LAMAR.

John C.Lamar et al., Vs. Lizzie Weed Lamar et al. — No. 9308 Equity. In the Circuit Court for Frederick County, in Equity.

The answer of Lizzie Weed Lamar respectfully represents:-

That she admits the allegations of the Bill of complaint filed in the above entitled cause, and consents to the passage of a decree as prayed.

Lizzie Lamar.

Witness
M.T.Lichliter.

Filed Sept 23 1915.

DECREE PRO CONFESSO.

John C.Lamar, et al. Vs. Lizzie Weed Lamar, et al. — No. 9308 Equity. In the Circuit Court for Frederick County. In Equity.

The Defendants, Marion T.Lamar and _____ Lamar, his wife, Holmes Lamar, and _____ Lamar, his wife, Edward T.Bready, Beulah Bready and Eva Bready, Oliver Snyder and Preston Snyder and Marion Snyder, infants, and Blanche L.Bowers and Scott Bowers, her husband, having been duly summoned to appear to answer the Bill of Complaint filed in the above entitled matter, as shewn by the Sheriffs returns and having failed to appear within the time limited by the rules of this Court, and the non resident Defendants, Maud L.Lichliter and William Lichliter, her husband, Bruce Lamar, Clarence Brady, Lamar Brady and _____ Brady, his wife, John Cox and Edward Cox, infants, Nellie Bready Fair and Charles Fair, her husband, Beulah Anthuny and _____ Anthuny, her husband, having been duly notified by publication to appear to the Bill of Complaint as shewn by the printers certificate filed herewith, and having failed to appear thereto, which publication was inserted in the Frederick Post, a daily newspaper published in Frederick County, once a week for four successive weeks, as ordered by the Court, as shewn by said certificate,

IT IS THEREUPON this 23rd day of September, in the year Nineteen Hundred and Fifteen, by the Circuit Court for Frederick County, sitting as a Court of Equity, by and for the authority thereof adjudged, ordered and decreed that the complainants are entitled to relief in the premises, and that said Bill of complaint be and the same is hereby taken pro confesso against the said Defendants; but because it does not certainly appear to what relief the Plaintiffs are entitled, it is futher adjudged, ordered and decreed that leave be granted to the Plaintiffs to take testimony before any one of the standing Examiners of this Courtto support the allegations of the Bill of Complaint.

Glenn H.Worthington

Filed Sept 23-1915.

TESTIMONY.

John C.Lamar, et al., Vs. Lizzie Weed Lamar, et al. — No. 9308 Equity. In the Cirouit Couty for Frederick County, in Equity.

To the Honorable, the Judges of said Court:-

In puruance of an order of the Court and notice given by the solicitor for the plaintiff Albert S.Brown, one of the standing examiners of your Honorable Court, duly qualified and swarn, did on the 13th day of October, A.D.1915, in the law offfice of the Examiner in the City of Frederick, State of Maryland, at the hour of two P.M., proceeded then and there to take the following deposition of

the witnesses in this cause then and there proceeded before me as follows, to-wit Present Mr. Charles McC. Mathias, Solicitor for the Plaintiff. No. appearance for the defence. Exhibits "A and B" in the Bill of Complaint, filed with the Examiner as evidence and are so marked.

JOHN C. LAMAR, a witness of lawful age, being produced on the part of the Plaintiffs, being first duly sworn, deposes and says as follows:-

q. Will you state your name, age and residence?

A. My name is John C. Lamar; I am 59 years old, and reside in Adamstown, Frederick County, Maryland. I am one of the Plaintiffs in the above entitled cause. I know practically all of the parties to this cause personally. Mary C. Lamar, of Frederick County, Maryland, but now deceased, was my mother; she died intestate about 1889. at the time of her death, she owned a piece or parcel of land situated, lying an being in Adamstown. I look at Exhibit "A," which is now handed me. It is a certified copy of a deed from Daniel Rhodes and Susan Rhodes to my mother, Mary C. Lamar, and it correctly describes the property mentioned in these proceedings. As I said before, my mother died about 1889, and left surviving her a son, Marion T. Lamar, whose Wife's name is Lizzie Weed Lamar; George A. Lamar, a son, who is unmarried, and who lives in Adamstown; Annie Lamar Bready, a daughter, who intermarried with Edward T. Bready, and myself, John C Lamar. Since the death of my mother, Mary C. Lamar, my brother, Marion T. Lamar, also has departed this life, and left surviving him a widow, Lizzie Weed Lamar, and the following children and heirs at law, to-wit: Mealy Lamar Snyder, a daughter, who intermarried with one Oliver Snyder, of Hagerstown, Washington County, Maryland, who has since died, leaving surviving her husband Oliver Snyder, and three children; Bernice Snyder, an adult, and Preston and Marion Snyder, minors; Maud L. Liehliter, a daughter, who intermarriedwith William Liehliter, and who lives in the City of Columbus, State of Ohio; Blanche L. Bowers, who married one Scott Bowers, who lives in Hagerstown, Washington County, Maryland, and Marion T. Lamar, another son, whose wife'S name is_____Lamar, and who lives in the City of Baltimore, State of Maryland; and Bruce Lamar, still another son, who lives in Pittsburg, Pa. My sister, Annie Lamar Bready, has also died since the death of my mother, and left surviving her as her heirs at law Edward T. Bready, her husband; Clarence Bready, a son who has been absent and unheard of for twelve years; Beulah Bready, a daughter, who is unmarried, and Lamar Bready, a son, whose wife's name is ____ Bready,------They live in Keyser, West Virginia; Grace L. Cox, a daughter, who has since died, leaving surviving her a husband, John Cox, and a miner son, John Edward Cox, who lives with his father in Louisburg, West Virginia; Nellie Bready Fair, a daughter, who intermarried with Charles Fair, and who lives in Harrisburg Pa; another daughter, Julia Anthuny, who intermarried with one_____Anthuny, and who lives in Greensboro, North Carolina, and Eva Bready, unmarried, who lives in Adamstown. After my mother died, my two brothers, George A. Marion T. and myself joined in a deed of the property described in Exhibit "A" to our sister, Annie L. Bready, to have and to hold the same for and during her natural life, and no longer.

I look at Exhibit "B," which is not handed me. It is a certified copy of this Deed, and it correctly describes the property mentioned in these proceedings. My sister, Annie M. Bready, died six or seven years ago, and under the terms of the Deed, Exhibit "B", the property reverted to the heirs at law of my mother, Mary C. Lamar. This property is not susceptible of division among the parties thereto entitled without great loss and injury, and I believe it would be for the best interest and advantage of all the parties conserned, and especially the infants interested in this matter, that the property be sold and the proceeds distributed among the parties entitled thereto under the direction and supervision of the Court. This property iw worth, in my judgement, between Eight Hundred and One Thousand Dollars.

It sheuld brimg this much money.(to the GeneralInterrogatory.)The property is standing and practically unoccupied,with no reasonable person in charge,and I think that the seener it is sold the better it will be for all people who are interested.

John C.Lamar,

CLARENCE H.LAMAR,a witness of lawful age,produced on the part of the Plaintiffs,being first duly sworn,depedes and says as fellews!-

Q. Will you state your name,age and residents?

A.My name is Clarence H.Lamar;I live in Tuscarora Station,Frederick County,Maryland,and am in the grain business.I knew all the parties to this cause with the exception of a few of the mener heirs. I have heard my father,Mr.John C.Lamar,testify in this case,and to the best of my knowledge he has correctly stated the relationship of all the parties to this cause.I do not know that I could add anything or say anything in regard to the relationship of the parties other than has been said. I look at Exhibit "A",which is now handed me.It is a certified copy of the Deed of the property mentioned in these proceedings,from Daniel Rhodes,et al.to my grandmother,Mary C.LamAr,and it correctly deseribes the property.I look at Exhibit "B" which is now handed me.It is a certified copy of the Deed from my father and his two brethers to my aunt,Annie M.Bready.She died about six or seven years age,and under the terms of this Deed I believe the property reverts to the heirs at law of my grand mother,Mary C.Lamar.The property mentioned in these proceedings has been without any one in particular to look out for the same,and I think it would be for the advantage of all conserned that the same be sold and the proceeds divided under the direction of the Court,It is not susceptible of division as it now stands among the parties entitled thereto,and I believe all interests would be benifited by a sale.This property, in my judgement,is a very desirable oreperty;it covers it covers about two-thirds of an acre and should be worth anywhere from Eight Hundred to One Thousand Dollars,probAbly a little bit more.(To the General Interrogatory.)

Clarence H.LamAr.

Nothing further.

J.Fenton Thomas,a witness of lawful age,produced on the part of the plaintiffs,deposes and says as sellows!-

Q. Will you state your name age and residence?

A. My name is J.Fenton Thomas;I am 66 years old,and live in Adamstown,Frederick County,Maryland.I know most of the parties to this cause.I knew Mary C.LamAr in her lifetime.She is dead,having departed this life adeut 1889.At the time of her death she owned a piece of property lying and being in Adamstown,Frederick County,Maryland.I look at Exhibit "A",which is now handed me.It is a certified copy of the Deed from Daniel Rhodes,et al.to Mrs.Lamar,and correctly deseribes the property in these proceedings.Mrs.Lamar,as I have said before,died abeut 1889,and left surviving her four children,George A.Lamar,Marion T.Lamar,and Annie M.Bready.Since Mrs.Lamars death Marion T.Lamar and ANNie M.Bready have boath died.I did not knew all of the children of Marion T.Lamar,as they are pretty widely scattered.Annie Lamar Bready,who is also dead,left a number of children,who are also rather widely scattered.Her husband,Edward C.Bready,lives in Adamstown.A son,Clarence Bready,has been absent and unheard of for a leng time.Beulah Bready and Eva Bready reside in Adamstown.Lamar Bready,another son,lives in Keyser,West Virginia.There are several ether children;one Nellie Fair, who lives in Harrisburg,Pennsylvania,and Julia Anthuny,who lives in North Carolina .I also knew Grace Bready,who married John Cox,and I think they have a child.They live in Lewisburg,West Virginia.I knew practically all of the parties interested in this cause,but seme of the yeunger ones have grown out of my knowledge.The property mentioned in these proceedings is a very desirable lot in the Village of Adamstown,on the corner of Washington and Jeffersen Streets.This property is not susceptible of division among the parties thereto entitled without great less and injury,and I believe it would be for the best interest of all conserned and especially the infant Defendants that this property be sold,and the proceeds divided under the supervisien of the Court.I think this property is worth about $1,000,00.

(To the General Interrogatory.)

J.Fenton Thomas.

Nothing further.

Whereupon there being no ether witnesses to examine and no futher time being required for the production of testimony,the said Examiner,at the request of the solicitor for the plaintiff closed

the taking of testimony and said Examiner hereby certifies that the aforesaid are the true and original deposition of the witnesses in this cause, as the same were taken down in stenographic notes and subsequently typewritten by Ralph E. Schroeder, the Examiner's swornclerk; and the said Examiner herewith returnes the said testimony enclosed to your Honorable Court.

Witness my hand and seal this 16th day of October A.D. 1915. Albert S. Brown ----------(SEAL)
EXAMINER.

Costs of the aforegoing testimony.

Albert S. Brown, Examiner, one day,	$4.00
John C. Lamar, witness, one day and milage,	1.45
Clarence H. Lamar, witness, one day and 9 miles,	1.95
J. Fenton Thomas, one day,	.75
Ralph E. Schroder, Examiner's Clerk, one day,	2.50
	$10.65

Certified to A.S.Brown
EXAMINER.

Filed October 16-1915

DECREE

John C. Lamar and
Hattie A. Lamar et al.
Vs.
Lizzie Wood Lamar
widow, et al.

No. 9308 EQUITY.
In the Circuit Court for
FrederickCounty, sitting as
a Court of Equity.
September TERM, 189--

The above cause standing ready for a hearing, and being submitted, the Bill, Exhibits and testimony and all other proceedings were by the Court read and considered It is thereupon, this 29th day of October in the year Nineteen Hundred and Fifteen by the Circuit Coutyt of Frederick County, as a Court of Equity, and by the authority of said Court, adjudged, ordered, and decreed, that the land and premises mentioned in these proceedings be sold, and that Charles McC. Mathias and John C. Lamar of Frederick County, be and they are hereby appointed Trustees to make the said sales, and that the course and manner of their proceedings shall be as follows; they shall first file in the Clerks office of this Court, a BOND to the State of Maryland, executed by them with a surety, or sureties, to be approved by the Court, or the Clerk thereof, in the penalty of Two Thousand Dollars, conditioned for the faithful performances of the trust reposed in them by this decree or which may be reposed in them by any future order, or decree in the premises. They shall proceed to make sale of the said Real Estate, having first given at least three weeks previous notice, inserted in some newspaper printed in Frederick County, and such other notice as they may think proper of the time, place, manner and terms of sale; which terms shall be as follows; One half of the purchase money to be paid in cash on day of sale, or on ratification thereof by the Court, the residue in six months the purchaser or purchasers giving his, her, or their notes, with approved security and bearing interest from the day of sale, or all cash at the option of the purchaser and as soon as may be convenient after any such sale or sales, the said Trustee shall return to this Court a full and particular account of the same, with an affidavit of the truth thereof, and of the fairness of such sale or sales annexed, and on the ratification of such sale or sales by the Court and on payment of the whole puchase money, and not before, the said Trustees by a good and sufficient deed to be executed and acknowledged agreeably to law, shall convey to the purchaser or purchasers of the said property, and to his, her or their heirs, the property to him, her or them sold, free, clear, and discharged of all

claim of the parties to this cause, and of any person or persons claiming by, from, or under them; and the said Trustees shall bring into this Court the money arising on such sale or sales, and the bonds or notes which may be taken for the same, to be disposed of under the direction of this Court, after deducting therefrom the costs of this suit, and such commission to the said Trustees as the Court shall think proper to allow, on consideration of the skill, attention and fidelity wherewith they shall appear to have discharged their trust.

Glenn H. Worthington

Filed October 29-1915.

REPORT OF SALES.

John C. Lamar, et al.
Vs.
Lizzie Wood Lamar, et al.

No. 9308 EQUITY.
In the Circuit Court for Frederick County, sitting as a Court of Equity.

To the Honorable, the Judges of said Court:-

The report of John C. Lamar and Charles McC. Mathias, Trustees in the above entitled cause, respectfully shews:-

1. That pursuant to the requirements of a decretal order passed in this cause on the 29th day of October, 1915, the subscribers, The Trustees in said order named, give bond to the State of Maryland in the penalty designated in said Order conditioned in the usual form for the faithful discharge of the duties reposed in them by said Order, which bond was duly approved by the Clerk of the Court and filed as required by law.

2. That after giving said bond, the said Trustees advertised said property to be sold at public auction, as appears by a copy of said advertisement appended to the certificate of purchase hereinafter referred to.

3. That said advertisement was publisher in the Frederick Post, a newspaper printed and circulated in Frederick County, aforesaid, and that said advertisement was inserted for the first time on the 30th day of October A.D. 1915, and once in each week thereafter, giving three weeks notice of the time, place and terms of sale as described in said decree.

4. That on saturday, November 20th, 1915, the Subscribers, the Trustees, attended on the premises in Adamstown, Frederick County, Maryland, at 10 O'Clock A.M. that being the place, day and hour named in said advertisement, and then and there sold the same to Mrs. Annie Beulah Bready at and for the sum of Eight Hundred and Twenty-five Dollars ($825.00) cash, to be paid on the ratification of the sale she, the said Annie Beulah Bready, being the highest and best bidder therefor, and they filed herewith her certificate of puchase as a part of this report, marked Exhibit A, which they pray may be taken and considered as a part of this report of sale as fully as if the same were incorporated herein; and the Trustees report that $825.00 is the total amount of sales.

And as in duty bound, etc.

John C. Lamar

Chas McC. Mathias.

Trustees.

State of Maryland, Frederick County, To-Wit:-

I herby certify that on this 22nd day of November, in the year Nineteen Hundred and Fifteen before me, the subscriber, the Clerk of the Circuit Court for Frederick County, personally appeared Charles McC. Mathias, one of the Trustees in the above entitled matter, and made oath in due form of law that the matters and things contained in the aforegoing report of Sales are true to the best of his knowledge and belief, and that the sale therein reported was fairly made.

Harry W. Bowers

Clerk of the Circuit Court for Frederick County.

John C. Lamar et al.
Vs.
Lizzie Wood Lamar, et al.

No. 9308 Equity.
In the Circuit Court for Frederick County sitting in Equity. November TERM 1915.

O R D E R N I S I O N S A L E S.

John C.Lamar et al.,
Vs.
Lizzie Wood Lamar,et al.,

No. 9 3 0 8 Equity.
In the Circuit Court for Frederick County,sitting in Equity.
November T E R M, 1915 In the Matter of the Report of Sales filed the 22nd day of November 1915.

O R D E R D E, That on the 15th day of December 1915,the Court will proceed act upon the Report of sales of Real Estate,reported to said Courtby John C. Lamar and Charles McC.Mathias Trustees in the above cause,and filed therein as aforesaid,to finally ratify and confirm the same,unless cause to the contrary thereof be shewn 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 $825.00

Dated this 22nd day of November 1915.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County.

Frederick,Md.,Dec,14,1915.

This is to certify,That the annexed Order Nisi on Sales was published in "THE FREDERICK POST"a newspaper published in Frederick County,once a week for three successive weeks prior to the fifteenth day of December 1915.

The Post Publishing Co.
Per R.J.Ford

Trustees Sale

By virtue of a decree of the Circuit Court for Frederick County,sitting as a Court of Equity,passed this 29th day of October,in the year Nineteen Hundred and fifteen,in a cause pending,wherein John C.Lamar et al.are complainants,and Lizzie Wood LamAr et al.are defendants,being NO.9308 Equity on the docket of said Court the undersigned trustees will sell at public sale on the premises in Adamstown, Frederick County,Maryland,on SATURDAY,NOVEMBER 20,1915,at 10 O'Clock A.M.,all the following described real estate of which mary C.Lamar,late of Frederick County,died,seized and possessed,to-wit:All that lot or parcel of ground situated, lying and being on the corner of Jefferson and Washington Streets in Adamstown , Frederick County,Maryland,and more particular described in a deed from Daniel Rhodes et al.to Mary C.Lamar,bearing date March 10,1860,and recorded in Liber B. G.F.NO.5,folio 323,one of the land records of Frederick County,as by reference thereto will more fully appear.This property is improved by a good Eight (8) Room House and all necessary outbuildings.The ground is one of the most desirable building locations in the village of Adamstown.Terms of sale as Prescriber by the Decree.---One--half of the puchse money to be paid in cash on the day of sale or the ratification thereof by the Court,and the residue in six months, the puchaser pr purchasers giving his her or their notes,with approved security, bearing interest from the day of sale,or all cash,at the option of the purchaser A depesit of Two Hundred Dollars ($200.00) will be required of the purchaser on the day of sale.All of the conveyancing,including revenue stamps,to be at the expence of the purchaser.

John C.Lamar
Charles McC.Mathias.
Trustees.

E.T.Bready,Auctioneer.

I hereby acknowledge to have puchased of John C.Lamar and Charles McC.Mathias,Trustees,all of the property described in the annexed advertisement,at and for the sum of $825.00,and I hereby agree to comply with the terms of sale as therein as set forth. Witness my hand and seal.

Witness:Chas McC Mathias. Annie Beulah Bready (Seal)

Filed Nov 22 1915.

C E R T I F I C A T E O F P U B L I C A T I O N.

Frederick,Md.,Nov,20,1915.

This is to certify,That the annexed Trustees Sale was published in "THE FREDERICK POST" a newspaper published in Frederick County,once a week for three successive weeks prior to the twentieth day of November 1915.

THE POST PUBLISHING CO.
Per R.I.Ford.

Filed Nov-22-1915.

ORDERED, By the Circuit Court for Frederick County,sitting as a Court of Equity,this 18th day of December,A.D.1915,that the aforegoing Report of Sales be and the same is,and the sale therein reported is hereby finally retified and confirmed,no cause to the contrary having been shown, Although due notice appears to have been given as required by the annexed Order Nisi;

Hammond Urner.

Fibed Nov 22 1915.

B I L L O F C O M P L A I N T.

Rufus E.Faubel.
Vs.
Frank L.Stener,Trustee under the Will of Catharine E.Bentz,and the un-known children and heirs at law of Joseph D.and Margaret Faubel, deceased,devisees under said Will of Catherine E.Bentz.

No. 9333 E Q U I T Y.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

"$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$"

TO THE HONORABLE JUDGES OF SAID COURT:-

The Bill of Complaint of Rufus E.Faubel,respectfully shows unto your Honorable Court;-

1. That during the month of August A.D.1914,a certain Catharine E.Bentz,died,leaving a Last Will and Testament,bearing date August 26th,A.D.1907,a certified of which is hereby filed marked"Exhibit No.1",to this Bill of Complaint,which,togather with all other exhibits Complainant prays may be taken and considered as a part thereof.

2. That at the time of her death,the said Catharine E.Bentz was seized in fee simple of the following tracts or parcels of real estate,situated in Frederick City,Frederick County,Maryland:-

(1) All that tract or parcel of land,deseriber in a deed from Horatio W.Bebtz,Executor of Catharine Faubel deceased to Catharine A.Bentz,recorded in Liber B.G.F.No.2.folio 570,a certified copy of which is hereby filed marked "Exhibit No.2";said Catharine A.Bentz having died intestate and said real estate mentioned in said deed decended to and vested in the said Catharine E.Bentz as her only heir at law.

(2) All that tract or parcel of land described in a deed from Jacob M.Bentz and others to Horatio W.Bentz,dated September 18th A.D.1869 and recorded in Liber C.M.No.4,folio 171,a certified copy of which is filed herewith marked "Exhibit NO.3 "to this Bill of Complaint;to the said Horatio W. Bentz having died intestate whereby said real estate mentioned in said exhibit decended to the said Catharine E.Bentz,deceased,as his only child and heir at law.

(3) All that tract or parcel of land described in a deed from John Sifford andothers to Horatio W. Bentz,dated March 13th,A.D.1847 and recorded in Liber W.B.T.No.4,folio 653,a certified copy of which is filed herewith as apart hereof marked "Exhibit No.4"which said property decended to and vested in the said Catherine E.Bentz as his daughter and only heir at law,he having died intestat

3. That the said Catharine E.Bentz was seized in fee simple of the real estate aforesaid at the time of her death of the value of about $7500 togather with personal estate of about the same value,and by her said last Will and Testament Exhibit No.1, after the payment of her debts and funeral expences and a sum of memey for a monument,she devises all the rest and residue of her

estate to Frank L.Stoner in trust to pay the interest and income therefrom to your Complainant,Rufus E.Fauble,for and during the term of his natural life,and after the death of the said Rufus E.Faubel said trust to terminate and the Trustee is authorized and empowered to sell and convert said trust estate and property into money and of said monies she bequeaths to several of her cousins on her father's side the sum of $1800,all the rest and residue is bequeathed to the children of Joseph D.and Margaret Fauble (the Margaret Faubel to whom $3000 of said trust fund was bequeathed having predeceased the said Catharine E.Bentz)all of which will appear by referance to Exhibit NO.1 aforesaid .

4. That the property mentioned in said Exhibits Nos.2,3 and 4 is located on West Patrick Street,in Frederick City,Maryland,the first of which is improved with a two story brick dwelling house tenanted by Mr.Culler and Mrs.Miller and by a two story brick dwelling house occupied by Mrs.Mary Starr;the second of which parcels being No.22 West Patrick Street,is occupied by Allen Klein,being a two-story frame dwelling house,the third of which parcels of said real estate is located on the North side of West Patrick Street,and is occupied by Mr.Turner,and is improved by a two story frame dwelling house,all of which parcels of real estate have been occupied by tenants for a number of years and are badly in need of repairs.

5. That your Complainant is now 62 years of age and in the ordinary course of events will a number of years,whereby said real estate will become greatly depreciated in value unless it is improved and repaired to considerable extent and the revenue and income will not afford to be done and at the same time protect the interest of your Complainant.

6. That your Complainant avers and charges that it would be to the benefit and advantage not only of your Complainant but also to the benefit and advantage of the un-known heirs of Joseph D. and Margaret Faubel remaindermen,the said real estate be sold and the proceeds invested under the direction of your Honorable Court.

7. That the said Joseph D. and Margaret Faubel left the State of Maryland about 60 years ago and moved to some place in the West and have resided there up to the time of their death,the date of which is unknownto your Complainant,and Complainant is advisedtthat they left surviving them a number of children,who Complainant believes to be adults and who residence,if living,are unknown to your Complainant,wherefor Complainant is unable to identify the parties by name and residence who are the beneficiaries and devisees of the residuary clause under said Will. TO THE END THEREFOR,--

1. That a decree may be passed by your Honorable Court for the sale of said real estate and that the proceeds arising from said sale to be brought into Court and invested under the futher order of your Honorable Court.

2. That an order of publication may issue out of your Honorable Court giving notice to said non-resident unknown defendants of the object and substance of this Bill of Complaint,and warning them to be and appear in your Honorable Court, either in person or by Solicitor on some day certain to be named in said Order, answer said Bill and abide by and perform such decree as may be passed therein.

3. And for such other and futher relief as the nature of the case may require.

May it please your Honors to grant unto your Complainant an Order of Publication giving notice to said non-resident defendants of the object and substance of said Bill of Complaint warning them to be and appear in your Honorable Court on some day certain to be named in said Order,answer the premises and abide by and perform such decree as may be passed therein.

And as in duty,etc.,

Stoner & Weinburg

Filed June 17-1915.

Attorneys for Complainants.

EXHIBIT NO 1.

I Catharine E.Bentz,of Frederick City,Frederick County,Maryland,do hereby make and publish my last Will and Testiment,in manner and form fellowing!-

After the payment of my just debts and funeral expences,I will devise and bequeath as follows!-

Item--I will and direct that my executer hereinafter named,expend the sum of Twe Thousand Dollars, in the purchase of a suitable monument,to mark my burial place in Mount Olivet Cemetery.

Item-I will devise and bequeath Twe Hundred and Fifty Dollars,to Frank L.Stener,in trust,to apply the interest income and revenue arising therefrom to the proper maintenance of my lot in Mount Olivet Cemetery.

Item--I will and direct my executer hereinafter named to wall my grave in a substantial manner,and pay the expences thereof from my monies belenging to my estate.

Item--Iwill and devise to Rufus E.Fauble,in fee simple the house and let in which I new live situated on the South side of West Patrick Street in Frederick City,Md.

Item--I will and bequeath to Clara V.Mateen my singer sewing machine inthe residence I new occupy.

Item--I will devise and bequeath,the rest and residence of my estate,whereseever the same may be situated,to Frank L.Stener,in trust,to collect the interest income and revenue arising therefrom as the same shall fall due and became payable and pay the same to Rufus E.Fauble for and during the term of his natural life;After the death of the said Rufus E.Fauble,at which time the trust estate hereby created shall determine,I direct Frank L.Stener trustee,to convert said trust estate and property into cash;And i will devise and bequeath said money and estate as follews!-

Item--I will devise and bequeath to Catharine B.Trimmer,the sum of five Hundred Dollars.

Item-I will and bequeath to Martha H.Young,the sum of Five Hundred Dollars.

Item-I will and bequeath to John D.Bentz,the sum of Five Hundred Dollars .

Item-I will and bequeath to the infant children of Daniel Bentz,new residing at New Midwat Frederick County,Md,the sum of three Hundred Dollars.

Item-I will and bequeath to Frank L.Stener,in trust the sum of Three Thousand Dollars,to pay the interest income and revenue to Margaret Faubel during her natural life.

Item-All the rest and residue of said funds and estate,I will devise and bequeth to the children of Joseph D. and Margaret Faubel.

Item-After the termination of the trust created in favor of Margaret Faubel,by her death,I will devise and bequeath said trust fund of three Thousand Dollars,to the children of Joseph D.and Margaret Faubel.And I hereby comstitute and appoint Frank L.Stener to be the executer of this my last Will and Testament.

In testimeny whereof I have hereunto affixed my hand and seal on this 26th day of August,in the year A.D.1907.

Catharine E.Bentz ----------(Seal)

Signed sealed published and declared by the above named testatrix,as and for her Last Will and Testament,who at her request,in her presence and in the presence of each other we have signed our names herete as witnesses.

Hammond Urner

Chas B.T.Hendrickson

True Copy.

Test!

Samuel D.Thomas

Register of Wills for Frederick County,Maryland.

MARYLAND, So.

PLACE Orphans Court Of SEAL

The State of Maryland!

To all persons to whom these Presents shall come,Greetings!

KNOW YE,That the last Will and Testament of Catharine Bentz,of Frederick County,deceased,hath in due form of law been established,proved and recorded in the office of the register of Wills for Frederick County,Md, a copy of which is to these Presents annexed;and Administration of all goods,chattles and credits of the said deceased,is hereby granted and committed unto Frank L. Stener,the Executer by the said Will appointed. Witness,John C.Castle, Esquire, Chief Judge of the Orphans Court for Frederick County,Maryland,this 28th day of August,in the year of our Lord nineteen hundred and fourteen .

Test!

Samuel D.Thomas

Register of Wills for Frederick County,Md.

PLACE Orphans ....OF.... Court SEAL

Filed June 17-1915.

EXHIBIT NO 2.

At the request of Catharine A.Bentz,the following Deed was recorded Feby 14th 1859.

This Deed made this 14th day of February in the year Eighteen hundred and fifty Nine by Heratio W.Bentz Executor of the last Will and testiment of Catharine Faubel late of Frederick County in the state of Maryland deceased Witnesseth that in consideration of the sum of Two Thousand and twenty five Dollars ($2025,00) current money,the said Heratio W.Bentz Executer as aforesaid doth grant unto Catharine A.Bentz of the County aforesaid,to her,her heirs and assigns,all the right title,interest and estate at law and in Equity of in and to the following described Lots or portion of ground,situated,lying and being in the addition to Frederick town,called Bentz-town in the County Aforesaid and degignated by numbers Six, Seven & eight,which were heretofore conveyed to the said Catharine Faubel by Joseph D.Fauble & Margaret Faubel his wife,Ann Sophia Faubel,Heratio W.Bentz & Catharine A.Bentz his wife & Joshua Dile Trustee of Joseph D.Faubel under the insolvent laws of Maryland appointed on the 22nd day of February A.D.1843,by their deed bearing date on the first day of May Anno Domini Eighteen hundred & fifty Seven,and recorded among the Land Records of said County in Liber E.S.No.10 folies 397 & 398,&c.reference therete being had will more fully and at large appear. In witness whereof the said Heratio W.Bentz Executer aforesaid has hereunto set his hand & affixed his seal on the day & year first hereinbefore written.

Heratio W.Bentz (Seal)

Executer of Catharine Faubel dec'd.

Signed,Sealed,& delivered in the

presence of

W.S.Krouse

J.M.Harding

Which is thus endorsed!

State of Maryland,Frederick County,to-wit!

I hereby certify that on this 14th day of February A.D.1859,before the subscriber a Justice of the Peace in & for the County & State aforesaid personally appeared Heratio W.Bentz Executer of Catharine Faubel late of said County deceased,and did acknowledge the aforegoing deed to be his act.

Acknowledged before

J.M.Harding,J.P.

State of Maryland,Frederick County,to-wit!-

I hereby that the aforegoing is a true copy of the original Deed from Heratio W.Bentz Executer of Catharine Faubel dec'd.,to Catharine A.Bentz,as recorded in Liber B.G.F.No.3,Folio 570 &c.,One of the land Records of Frederick County,Maryland.

In testimony Whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County, at Frederick,Maryland,this 28th.,day of August A.D.1915.

PLACE ....OF.... Court. SEAL

Harry W.Bowers

Clerk of the Circuit Court for Frederick County, Maryland.

Filed June 18-1915.

EXHIBIT "NO 3"

At the request of Horatio W.Bentz (U.S.Stamp $ 1.50)
the following Deed was recorded Oct 7th 1869

This Deed made this Eighteenth day of September in the year Eighteen hundred and Sixty nine by us Jacob M.Bentz and Ann W.Bentz his wife Jacob M.Bentz Trustee of George Bentz an applicant for the benefit of the Insolvent Laws of the State of Maryland George Bentz and Catherine Bentz his wife Henry Bentz and Catharine Bentz his wife of Frederick County State of Maryland,and Grafton Shawen and Christianna Shawen his wife of Washington County,State of Maryland,Witnesseth that whereas Daniel Steiner by deed dated on the 22nd day of June 1862,conveyed to Jacob Faubel his heirs and assigns a Lot or parcel of ground situated in Bentz addition to Frederick Town and designated on the plat of said town as Lot Number twenty two (22) in trust for the use of Elizabeth Bentz for life, and upon the futher trust to convey said Lot to said Elizabeth Bentz in fee simple should she survivive her said husband,and in case she died before her husband the said William Bentz in Trust to convey the said Lot to the lawful heirs of the body of the said Elizabeth BEntz all of which matters will more fully appear by reference to the said Deed recorded in said Liber J.S.No.39,folio 300 & 301 One of the Land Records of Frederick County,And whereas said Elizabeth Bentz died leaving her husband the said William Bentz her surviving,And whereas the said Estate under the provisions of said Deed of trust vested in the lawful heirs of her body to wit Horatio W.Bentz JacobM.Bentz Henry Bentz,George Bentz and Christianna Shawen wife of said Grafton Shawen,And whereas Jacob Faubel the Trustee died before the said Elizabeth Bentz,and the naked trust descended to Joseph D.Faubel his Eldest son,who died after the death of said Elizabeth Bentz without conveying said Lot to the heirs of the body of said Elizabeth Bentz as provided by said Deed of Trust,And whereas George Bentz one of the children of the said Elizabeth Bentz in the year Eighteen hundred and fifty one, applied for the benefit of the Inselvent Laws of the State of Maryland and one Peter Ott was appointed Trustee who dying,Jacob M.Bentz by order of the Circuit Court for Frederick County passed on the 14th day of September 1869 in No.4055 Insolvent Docket of Circuit Court was appointed Trustee and was authorized to sell the interest and estate of said George Bentz in said Lot,And whereas the said granters children and heirs of the body of said Elizabeth Bentz and Jacob M.Bentz Trustees as aforesaid have agreed to sell their undivided interest and estate in said Lot No.22 to Horatio W.Bentz one of the children and heirs of the body of said Elizabeth Bentz,Now this Deed Witnesseth that in consideration of the sum of Eleven hundred and Sixty Dollars,We Jacob M.Bentz and Annie W.Bentz his wife, Jacob M.Bentz Trustee of George Bentz an Insolvent Debtor and applicant for the benefit of the Insolvent Laws,George Bentz and Catharine Bentz his wife Henry Bentz and Catharine Bentz his wife Grafton Shawen and Christianna Shawen her wife do grant in fee simple to said Horatio W.Bentz all our undivided right,title and estate,being four fifths in and to Lot Number twenty two (22)situate in Bentz's Addition to Frederick Town,And all the title and estate of said George Bentz of in and to the same.

Witness our hands and Seals

Jacob M.Bentz (Seal)
Ann M.Bentz (Seal)
George Bentz (Seal)
Catharine her x mark Bentz (Seal)
Henry Bentz (Seal)
Grafton Shawen (Seal)
Christianna Shawen (Seal)

Which is thus Endorsed,

State of Maryland Frederick County Set.

I hereby certify that on this Eighteenth day of September in the year Eighteen hundred and Sixty nine defore me the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County personally appeared Jacob M.Bentz and Ann W.Bentz his wife Jacob M.Bentz Trustee of George Bentz,George Bentz and Catharine Bentz his wife Henry Bentz and Catharine Bentz his wife Grafton Shawen and Christianna Shawen his wife and did each acknowledge the aforegoing deed to be their respective act.

James J.English J.P.

Received Sept. Eighteenth 1869 from Horatio W. Bentz Eleven Hundred and Sixty Dollars, the Consideration mentioned in the within and aforegoing deed

J. M. Bentz
Ann M. Bentz
George Bentz
Catharine her X mark Bentz
Henry Bentz
Grafton Shawen
Christan Shawen

Test
James J. English
U.S.R. Stamp
2cts

State of Maryland, Frederick County, to-wit:-

I hereby certify that the aforegoing is a true copy of the original Deed from Jacob M. Bentz and wife et al. to Horatio W. Bentz, as recorded in Liber C.M. No. 4, Folio 171 &c., one of the land Records of Frederick County. Maryland.

In Testimony Whereof, I hereunto subscribe my name and affix the Seal of the Circuit Court for Frederick County, at Frederick Maryland, this 17th day of June A.D. 1915.

PLACE OF Court. SEAL

Harry W. Bowers
Clerk of the Circuit Court for Frederick County, Maryland.

Filed June 17th 1915.

At the request of Horatio W. Bentz the following Deed is recorded March, 29, 1847.

This Indenture, made this Thirteenth day of March, in the year 1847, by and between John Sifford, and William J. Ross, Trustees of Jacob Widerick and Jacob Weiderick & Mary Weiderick, his wife, of Frederick County and State of Maryland of the one part, and Horatio W. Bentz of the County & State aforesaid of the other part: Whereas Jacob Widrick by deed Recorded in Liber W.B.T. No. 2, folios 503, one of the land records of Frederick County has conveyed, all his estate, Real and personal to John Sifford & William J. Ross for the uses, purposes and Trusts therein Contained and the said John Sifford and William J. Ross, in pursuant of the power vested in them, having the Lot of ground hereinafter described to Horatio W. Bentz, at and for the sum of Five hundred Dollars & Whereas the said Jacob Widerick and Mary Widrick his wife having agreed to execute this deed for the purpose of Conveying the potential or Contingent right of dower of the said Mary Widrick of & in & to said Lots of land, Now this Indenture Witnesseth, that the said John Sifford and William J. Ross Trustee of Jacob Widrick and Jacob Widrick and Mary Widrick his wife for and in consideration of the above receited premises as also the futher sum of Five dollars to them in hand paid at & before the sealing and delivery of these presents the receipt whereof is hereby acknowledged hath given granted bargained & sold, aliened enfeoffed released, conveyed and confermed, and by these presents do give grant, bargain, sell, alien enfeoff release convey and confirm unto the said Horatio W. Bentz his heirs & assigns all that part, or portion of ground situate, lying and being in Frederick Town, & distinguished as Lot No. 24, laid out as an Additional Lot to Frederick Town, same Lot, being part of a tract, called "Long acre" which is part of a tract "called Taskers chance" & which said Lot fronts Feurty two feet & runs back in depth 264 feet & is the same Lot heretofore conveyed by Michael Wills to Jacob Widrick by deed recorded in Liber J.S. No. 21 fol. 46. 47 & 48, one of the Land Records of Frederick County, Together with all the buildings, Improvements way's, alleys, privilages & appurtenances thereunto belonging or in any wise appertaining, and all the right, Interest, and Estate, both in law and in Equity of the parties granters, of in & to the same. To have and To hold the said Lot of ground, and premises above described with every of the appurtenances unto the said Horatio W. Bentz his heirs & assigns forever. In Testimony whereof the said John Sifford William J. Ross, Jacob Widrick

and Mary Widrick his wife have hereunto set their hands & seals on the day & year first above written,Signed and sealed & deliv'd in the presents of

George Hoskins Mayor

John Sifford (Seal)
Wm.J.Ross (Seal)
Jacob Widrick (Seal)
Mary Widrick (Seal)

Which is thus endorsed,vis!

State of Maryland,Frederick Set.

On this 13th day of March 1847,before the subscriber,Mayor of Frederick personally appeared John Sifford & William J.Ross,Trustees,of Jacob Widrick & Mary Widrick his wife,parties grantors,in the foregoing Indenture & severally acknewledged the same to be their respective act & Deed,and the said Mary Widerick wife of said Jacob Widerick did sign & seal said Indenture,before me,out of the prence and hearing of her said husband,and being by me privately examined,out of the presents & hearing of her said husband,whether she doth execute & acknowledge the same voluntarily & freely, declares & acknowledges that she doth execute & acknowledge the same voluntarily and freely,And I do hereby certify that from my own personal Knowledge I am satisfied that John Sifford William J. Ross,Jacob Widrick & Mary Widrick his wife,the parties granters,acknewledging as above are the persons who are named & described as & professing to be,parties granters,in the within & aforegoing Indenture.

Acknowledged before & Cerified by

George Hoskins,
Mayor of Frederick

State of Maryland,Frederick County,to-wit:-

I hereby certify that the aforegoing is a true copy of the original Deed from John Sifford Trustee et al.to Horatio W.Bentz,as recorded in Liber W.B.T.No.4,Folio 653,one of the Lane Records of Frederick County,Maryland.

In testimony Whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederick,Maryland,this 17th day of June A.D.1915.

PLACE OF Court. SEAL

Harry W.Bowers

Filed June 18-1915.

Clerk of the Circuit Court for Frederick County,Maryland.

ORDER OF PUBLICATION.

Rufus E.Faudel

VS.

Frank L.Stoner,Trustee under the will of Catherine E.Bentz,and the un-known children and heirs at law of Joseph D.and Margaret Faubel, deceased,devisees under said will of Catherine E.Bentz.

No._____Equity.

In the Circuit Court for Frederick County,sitting as a Court of Equity.

The object of the Bill of Complaint in this cause is to procure the sale of certain realestate of which Catharine E.Bentz late of Frederick County died seized and possessed.The Bill alleges that Catharine E.Bentz died in August 1914,leaving a last will and testament,that she was seized and possessed at the time of her death of three pieces or parcels of real estate situated on West Patrick Street,in Frederick City,Frederick County,Maryland,the first of which is described in a deed from Horatio W.Bentz,Executor of Catharine A.Bentz,mother of Catharine E.Bentz,and recorded in Liber B.G.F.No.3,folio 570,the second of which is described in a deed from Jacob M.Bentz and others to Horatio W.Bentz,father of Catharine E.Bentz,recorded in Liber C.M.No.4,folio 171,and the third of said parcels is described in a deed from John Sifford and others to Horatio W.Bentz, father of Catherine E.Bentz,and recorded in Liber W.B.T.No.4,folio 653,one of the Land Records for Frederick County,all of which property descended to and vested in the said Catharine E.Bentz as heirs at law of the said Catharine A.Bentz and Horatio W.Bentz.The Bill futher alleges that it

would be to the benefit and advantage of the complainant, his tenant, as well as the non-resident defendants that said real estate be sold, by a decree of the Circuit Court for Frederick County, and the proceeds invested pursuant to the terms of said Will of the said Catharine E. Bentz, the said Real estate having been tenanted for a number of years and greatly in need of repairs.

It is thereupon on this 17th day of June, 1915, ORDERED by the Circuit Court for Frederick County, in Equity, that the plaintiff, by causing a copy of this order to be inserted in some newspaper published in said Frederick County, once a week for four successive weeks, before the 16th day of July, 1915, give notice to said absent and non-resident defendants of the object and substance of this Bill, warning them to appear in this Court in person or by solicitor on or before the 20th day of August next, to show cause, if any they have, why a decree ought not to be passed as prayed.

Harry W. Bowers
Clerk.

Filed June 17-1915.

Frederick, Md., August 3, 1915.

We hereby certify that the attached order Of Publication No. 9333 Equity, was published in "The Citizen," a newspaper published in Frederick County, State of Maryland, once a week for four successive weeks prior to the 16th day of July 1915

C. H. Baughman & Son
H.J.J.Jr.

Rufus Faubel
VS.
Frank L. Stener, Trustee under the Will of Catharine E. Bentz et al.,

No. 9333 Equity.
In the Circuit Court for Frederick County In Equity.

To the Honorable, the Judges of said Court, Frank L. Stener Trustee under the Will of Catharine E. Bentz for answer to the Bill of Complaint in this case says: That he admits the allegation contained in the Bill of Complaint filed in the above cause and consents to the passage of a decree as therein prayed.

Frank L. Stener
Trustee under Will of Catharine E. Bentz.

Filed August 13-1915.

Rufus E. Faubel.
Vs.
Frank L. Stener, Trustee under the Will of Catharine E. Bentz et al.

No. 9333 Equity.
In the Circuit Court for Frederick County, sitting as a Court of Equity.

The non-resident defendants having been duly notified of the object and substance of the Bill in the above entitled cause by an Order of Publication published in "The Citizen", a newspaper printed and published in Frederick County, as required by the Court's order and as appears by the printer's certificate filed herein, and the time of said non-resident defendants to appear having now expired;-

It is thereupon this 27th day of August 1915, by the Circuit Court for Frederick County, in Equity, adjudged, ordered and decreed that the Bill of Complaint is hereby taken as and for confessed against the non-resident defendants; and it is futher ordered that the papers in the cause be refered to any one of the Standing Examiners of this Court to take testimony in support of the allegations of this Bill.

Filed August 28-1915.

Hammond Urner.

T E S T I M O N Y

Rufus E.Faubel
Vs.
Frank L.Stoner,Trustee
under the Will of Catharine
E.Bentz.decd et al.

No. 9 3 3 3 Equity.
In the Curcuit Court for
Frederick County,Sitting
as a Court
of E Q U I T Y.

Te the Honorable,the Judges of said Court,the above cause being at issue and a notice have been given te me by the Solicitors for the plaintiff of a desire te take testimony in said cause,leave of the Court having first been had and attained,I D.Princton Buckey,one of the standing Examiners of the Circuit Court for Frederick County,Maryland,duly appointed,qualified and swern met at the l law office of Stoner and Weinburg,Esqs,in Frederick,Maryland,on August 27th 1915.and then and there in the presents of the Solicitor for Complainant and the witnesses,proceeded to take the fellowing depositions,that is to say.-Present!-

Frank L.Stoner,Esq.
of Solicitors for Complainant
and the Witnesses-

(There are four Exhibits filed with Examiner as evidents and one Exhibit "Survey" Herewith Returned) Benjamin E.Pheobus,a witness of lawful age,predused on the part of the plaintiff having first been duly swern,deposes and says!-

My name is Benjamin E.Pheobus,I am 55 years of age,I reside in Frederick City.Mayyland and knew the real estate mentioned and described in these proceedings I havelived on West Patrick Street the whole of my life excepting three years and have had considerable experience in dealings in real estate in that part of Frederick during these years ;I am new the owner of thirty three dwellings in that part of Frederick.I knew Catharine E.Bentz,all my life time I lived within a few feet of her for 40 years,she died on August 23,1914,I look at Exhibit No.1,and it is a correct certified copy of her last Will and testament,I knew the real estate of which she died seized and posessed ,I look at Exhibits Nos 2,3,and four and they correctly describe and identify the properties on West Patrick Street of which Catharine E.Bentz died and seized,Exhibit NO.2,describes the properties now occupied by Mary R.Starr.George Culler and Mrs.Cora Miller the title was aquired by one deed Exhibit No.2,and consists of three dwelling houses,The house occupied by Mary R. Starr is a two storry brick dwelling house with a new back building erected about seven years ago, at a cost of about $1300,This is a very desirable house in a fair state of repair,but only rents for $8.50 I am informed,I believe this property would yeald a much better return on the money if it would be sold and the proceeds invested even at 4% per annum.This is an expensive and large property and is expensive to keep up,It is suitable for some one to buy as a house,but to expensive to keep up to rent,The water rent,taxes and insurance on this property would about $50 to $60 per year.It would cost at least $25.per year on an average to keep this property in repair.It would be decidely to the interest and benefit to the remainder even that this property should be sold.I believe it will bring about $2500.00 and unless the money mentioned by use for repairs,the property will depreciate weekly the remaindermen would loose.The other twe properties mentioned in Exhibit 2,occupied by George Culler and Mrs Cora Miller was originallly the old Market house of Frederick,It is an old property,I have rembered it for ever 50 years,It is a brick dwelling with a frame workshop in the rear,These properties I am informed rent for $11.00 and $7.00 respectfully.Thereis a tin roof on these houses,paint would not hurt them,the feneing about them is bad and the roof leaks I understand and the roof needs paint The best thing to do with these two properties is to sell them and I believe these twe will bring $2500-It would be to the best interest and advantage of the remaindermen that these properties be sold they are very old and very expensive to keep in repair .The property mentioned and described in Exhibit No.3 and is described by courses and distances in the survey made by Emory C.Crum as the property No.338,that is now filed as evidence with the Examiner as Exhibit,"Survey"This property is occupied by Allen Kline and has been tenanted by him for 27 years-I am informed he pays $7.oo a month rent-This property,with its frontage and the drive way into it it should bring about $1500,It is improved

by a two story frame dwelling house,It was originallly a one story log house as I knew it 50 years ago. and Jeratie Bentz raised the log building to a two story and weatherbardered it,It has a back building of brick one room in size,I believe it would be especially benifishial to the remaindermen to have this property sold,because of the cost of trying to keep it in repair will be very heavy and if not kept in repair,the depreciation of it will be great and the loss fall on the remaindermen.I believe this is a good time to sell this property,and to invest the money,it will yeald better income and afford better protection to the remaindermen-This house is badly in need of paint and should be painted,The property described in Exhibit No.4,is occupied by William D.Turner and is the North side of West Patrick Street.It is a one story and attick frame house,it is is very old one of the old land marks of Frederick-I remember it for 50 years and it is in the same shape now as so far as any improvements to it is conserned as it was then-The same weather baarding,doors etc are in it that were there. This Property,in fact needs a new house,it is just a "Shack",and by all means so far as the remaindermen are conserned this property,should be sold-The house should be torn down,If you would nail up one place you would knock 4 or 5 loose. It would be to the interest and advantage of the remaindermen and all parties conserned to sell it-This property is worth about $1000-I doubt if it will bring that much-I helped to appraise Miss Catharine E.Bentz's persenal estate that consisted of $4000-werth of the weekly deposits in the Frederick Town Savings Institution,which should be worth about $7000-Eight shares of the Capital Stock of the Farmers and Mechanics National Bank that should be worth about $320-Also 22 shares of the capital stock of the Frederick County National Bank of the Market value of about $420-she also had an interest deposit of $450-in the Farmers and Mechanics Bank-I have examined the Book of deposits-I knew Rufus E. Faubel the life tenant under Exhibit No.1-and have known him all my life-I also know several Bentz's who are given legacies to the amount of $1800-under Exhibit No.1,I be not know the children of Joseph D.and Margaret Faubel devisees and remaindermen under the will of Catharine E.Bentz-they must have left Frederick before I was born and I have never heard of any of them ever being back to Frederick,I am certain however,whever they may be that are entitled to the residue of this estate in remainder,it would be to their benefit and advantage to have the real estate mentioned in these proceedings sold for the reason I have given,and for the aditional reasons that there are no industeries in that part of Frederick and property rents for less money in that section than any other part of the City-

To Gen Int-

Answer. No Sir- Benjamin E.Phebus

Rufus E.Faubel,a witness of lawful age produced on the part of the complainant, having first been duly sworn,deposes and says,-My name is Rufus E Faubel I am 64 years of age,I reside in Frederick City,Maryland,I am the plaintiff in this case and knew the real estate mentioned in these proceedings -I knew Catherine E.Bentz,all her life,she died on August 23rd,1914,she left a last will and testament,which is Exhibit No.1,filed in this case which I have examined and found it a correct copy of her last will and testament-(Exhibit No.1,filed as Evidence) I also look at Exhibits,Nos.2.3.and 4 and they describe and identify the properties of which Catherine E.Bentz died and possessed and they are all accurately described in Exhibit"Survey" made by Emory C.Crum Surveyor and filed with the Examiner as evidence-I have consulted different persons in reference to the value of these properties and I believe that they will bring at Public Sale about $7500-Mr.Benjamin E.Phebus has stalled in his testimony the amount of income and rent required from each piece of this property-Property in that

end of the town does not seem to rent advantageously because there is no industries in that end and it is to far for people to go to their employment,nor is the rental income equal to what the value of the properties would be invested in some interest bearing security-and considering the taxes,insurance and repairs required now and from time to time,the proceeds from a sale of these properties would yield a better income even if deposited in a bank at 4 %-The house on the North side of West Patrick Street really needs a new house and is depreciating every year-all of this property is depreating in value and in need of repairs,excepting the property occupied by Mr.Starr and that does not bring anything like enough rent in porpotion to the value of the property-It is a nice property for a house anf to valuable to rent-You cant get what rent it is worth-The State County and Corporation taxes on these properties were last year $186.00 or more-In addition to this the landlord has to pay water rent of $24,00 per year that comes off of the rent mentioned-
All the rent required from theese properties would not pay the fixed charges I have enumerated and keep these properties in repair-Mr.Benjamin E.Phebus has given the personal property of Miss Catherine E.Bentz correctly in his testimony-I believe it would be and I know it will be,to my advantage as life tenant and knew it would be to the interest and advantage of all the remaindermen entitled to the estate to have all this real estate sold and the funds received from a sale of it invested--I know all the parties to this cause excepting the children of Joseph B.and Margaret Faubel-Joseph B.Faubel and wife left here I am really informed about 60 years ago-I understand they are boath dead and left five children and they are scattered around in different Western States-Some of them are in Indiana,in Illinois and I think one of them in futher west.

To the Gen,Int!-Anwer!-Of course the insurance on these properties must be paid out of the rent and the properties right now need curbing and paving that will cost every dollar of $75.00.

To Gen Int.

Answer. No thats all- No other witnesses being named or produced before me and no futher time being required for the taking of futher dipication in said cause I then at the request of the Solicitors for the Complainant closed the pdposition so taken by me and now returned the same to your Honorable Court,required by the Witnesses.this 28th day of August.1915,at the City of Frederick, State of Maryland, Witness my hand and seal-

D.Prinseton Buckey (Seal)
Examiner-

Costs of Depositions

D.P.Buckey Examiner fee &c.	$ 8.00
Benjamin E.Phebus,Witnesss fee	.75
	$ 8.75

I hereby certify that the above costs are correct.

D.Princeton Buckey.
Examiner-

Filed August 28-1915.

Rufus E.Faubel
VS.
Frank L.Stoner Trustee
et al.

No. 9333 EQUITY.
In the Circuit Court for Frdderick County,Sitting as a Court of Equity.
October TERM, 1915.

The above cause standing ready for a hearing,and being submitted,the Bill, Answer,Exhibits and all other proceedings were by the Court read and considered It is thereupon,this 9th day of October in the year nineteen hundred and fifteen by the Circuit Court of Frederick County,as a Court of Equity and by the authority of said Court,adjudged,ordered,and decreed,that the land and premises mentioned in these proceedings be sold,and Frank L.Stoner,Esquire,of Frederick County,be,and he is hereby appointed Trustee to make the said sales,and that the course and manner of his proceedings shall be as follows;he shall first file in the Clerk's office of this Court,a Bond to the state of Maryland, executed by him with a surety,or sueties,to be approved by the Court,or the Clerk thereof,in the penalty of Seven Thousand Five Hundred Dollars,if an approved bonding Company executed the bond as surity otherwise in doubt that ammount,conditioned for the faithful performance of the trust reposed in them by this decree,or which may be reposed in him by any future order,or decree in the premises.He shall then proceed to make sale of the said Real Estate,having first given at least three

weeks previous notice,inserted in some newspaper printed in Frederick County,and such other notice as he may think prepper of the time,place,manner and terms of sale;which terms shall be as follows;One half of the purchase money to be paid in cash on the day of sale,or on the ratification thereof by the Court,the residue in six months the purchaser or purchasers giving his,her,or their notes,with approved security and bearing interest from the day of sale,or all cash at the option of the purchaser and as soon as may be convenient after any such sale or sales,the said Trustee shall return to this Courta full and particular account of the same,with an affidavit of the truth thereof,and of the fairness of such sale or sales annexed,and on the ratification of such sale or sales by the Court and on payment of the whole purchase money,and not before,the said Trustee,by a good and sufficient deed to be executed and acknowledged agreeably to law,shall convey to the purchaser or purchasers of the said property,and to his,her or their heirs,the property to him,her or them sold,free,clear,and discharged of all claim of the parties to this cause,and of any person or persons claiming by,from or under them;and the said Trustee shall bring into this Court the money arising on such sale or sales,and the bonds or notes which may be taken for the same,to be disposed of under the direction of this Court,after deducting therefrom the cost of this suit,and such commission to the said Trustee as the Court shall think prepper to allow,on consideration of the skill,attention and fidelity wherewith he shall appear to have discharged his trust.

Hammond Urner.

Filed Oct-9-1915.

Petition and Report of Sales

Rufus E.Faubel.	No. 9333 Equity.
VS.	In the Circuit Court for
Frank L.Stoner,Trustee	Frederick County.sitting
and others.	as a Court of Equity.

TO THE HONORABLE JUDGES OF SAID COURT:-

The Petition and Report of Sales of Frank L.Stoner,Trustee,in the above entitled cause,respectfully shows unto your Honorable Court:-

1. That your Petitioner qualified as Trustee by giving his bond to the State of Maryland,conditioned upon the faithful performance of his duties in the premises and thereupon advertised the property decreed to be sold in the daily news,a newspaper printed and published in Frederick County,Maryland,once a week for three successive weeks,prior to the day of sale named therein,and pursuant to said advertsement of sale,Petiener attended at the Court House Door in Frederick City, Maryland,on Saturday,November 6th,1915,at the hour of 11 O'Clock A.M.,being the time and place mentioned in said notice of sale,and then and there offered the real estate decreed to be sold at public sale,upon the terms mentioned in said advertisement,and then and there sold the first parcel of land,mentioned in said advertisement of sale to Alice H.Koester,at and for the sum of $900.00;Petitions then offered the second parcel of land,mentioned in said advertisement of sale and then and there sold the same to Oliver P.Turner and Isabelle,Turner,his wife at and for the sum of $1525.00;Petitioner then offered the third parcel of land, described in said notice of sale,and then and there sold the same to Alice H. Koester,at and for the sum of $1500,00;and Petioner thereupon offered the fourth parcel of land,mentioned in said notice of sale,and then and there sold the same to the said Alice H.Koester,at and for the sum of $2200.00,each of said purchasers being the highest and best bidders therefor,taking certificate of purchase from each of the purchasers for the amount of the purchase money aforesaid, which id filed herewith as part herof,marked "Exhibit No.1" to this Petition and

Report of sales,and Petitioner reports the aggregate ammount of said sales to be $6125.00 all of which is submitted for the action of your Honorable Court,and Petitioner prays that said sales may be ratified and confirmed.

And as in duty,etc., Frank L.Stoner Trustee
Petitioner.

STATE OF MARYLAND,FREDERICK COUNTY,set;-

I hereby certify that on this 9th day of November,1915,before the subscriber,the Clerk of the Circuit Court for Frederick County,Maryland,personally appeared Frank L.Stoner,Trustee in the above cause,and made oath in due form of law,that the matters and things above set forth are true to the best of his knowledge,information and belief,and that said sales were fairly made.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County.

ORDER NISI ON SALES

Rufus E.Faubel
Vs.
Frank L.Stoner,Trustee under the will of Catherine E.Bentz.et al.,

No. 9333 EQUITY.
In the Circuit Court for Frederick County sitting in Equity.November T E R M,1915
In the Matter of the Report of Sales filed the 9th day of November 1915.

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O R D E R E D,That on the first day of December 1915,the Court will proceed to act upon the Report of Sales of Real Estate,reported to said Court by Frank L.Stoner Trustee in the above cause,and filed therein as aforesaid,to finally ratify and confirm the same,unless 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 ammount of sales to be $6125.00

Dated this 9th day of November 1915

Harry W.Bowers
Clerk of the Circuit Court for Frederick County.

The daily News.

THE NEWS.

Frederick,Md.,Dec,2 1915

This is to certify,That the annexed ORDER NISI ON SALES was published in "The Daily News," a news paper published in Frederick County,once a week three successive weeks prior to the 1st day of December, 1915

The News
C.W.Fout.

Filed December 2-1915

PUBLIC SALE.

By virtue of a decree of the Circuit Court for Frederick Countysitting as a Court of Equity,and passed in No.9333 Equity,the undersigned Trustee named therein will sell at public sale at the Court House Door in Frederick City,Maryland,on SATURDAY,NOVEMBER 6,1915,at the hour of 11 O'Clock A.M.all the following described real estate situated in Frederick City,Maryland,of which Catherine E.Bentz,late of Frederick County,Maryland,deceased,died,seized and possessed,to-wit.

First! All that tract or parcel of real estate,situated on the North side of West Patrick Street, in Frederick City,Maryland,described in a deed from John Sifford and others to Horatio W.Bentz, bearing date March 13,1847,and recorded in Liber W.B.T.No.4,Folio 653,one of the Land Records for Frederick County,This property is improved with a ONE STORY AND ONE HALF FRAME DWELLING-HOUSE, has afrontage of about 42 feet with an inlet,together with a large lot in the rear.This property is tenanted by William D.Turner.

Second!All that tract or parcel of land,described in adeed from Jacob M.Bentz and others to Horatio W.Bentz,bearing date September 18,1869,and recorded in Liber C.M.No.4,Folio 171.one of the land records for Frederick County,This property is improved with a TWO-STORY FRAME DWELLING HOUSE,with one story brick back building,with weatherbearded summer kitchen,and is now tenanted

by Allen L.Kline,and has a frontage on Patrick Street of about 42 feet,and a depth of about 165 feet.

THIRD! The eastern part of all that tract or parcel of land described in a deed from Heratio W.Bentz,executor of Catharine Faubel To Catherine A.Bentz, bearing date February 14,1859,and recorded in Liber B.G.No.3,Folio 570,one of the land records for Frederick County,occupied by Mrs.J.W.Star,and improved by a TWO-STORY BRICK DWELLING,with a two-story brick back building containing 10 rooms.This property has a frontage on the south side ofWest Patrick Street of 28.60 feet,with a depth of 156.60 feet.The courses and distances showing the outlines of this property and the divisional line between it and the property on the west will be exhibited on the day of sale,as well as the courses and distances of the other parcels hereby offered.

FOURTH! All the west portion of that tract or parcel of land described in a deed from Heratio W.Bentz,executor to Catherine A.Bentz,bearing date February 14,1859,and recorded in Liber B.G.F.No.3,Folio 570,one of the Land Records for Frederick County,This property is tenanted inone portion by George Culler and in one other by Mrs.Cora Miller,and has a frontage on the South side of west Patrick Street of 49.70 feet and a depth of 315.80 feet.This property will be sold as a whole.For futher information as to the property herein described,call upon Rufus E.Faubel or the undersigned.

Terms of Sale,as Prescribed by the decree.-One-half cash on the day of sale, or upon the ratification thereof by the Court,the balance in six months,the purchaser or purchasers giving his,her or there notes,with approved security, bearing interest from the day of sale,or all cash at the option of the purchaser.Conveyancing at the expence of the purchaser.A deposit of $200.00 on each property will be required on the day of sale.

Frank L.Stoner.
Trustee.

Filed Nov-9-1915

House No.244.

Beginning at the northeast corner of house No,244 situated on the south side of West Patrick Street,and running thence by and with the walls of said house the following three courses and distances S 15 3/4° E-35 feet;S 73 1/2° W-6.60 feet;S 12 1/2° W-33.90 feet;thence S 12 1/4° W-156.60 feet;N 77 3/4° W-28.50 feet;N 11 3/4° E 120 feet;N 17° E-28.40 feet;N 14 3/4° E-20 feet;N 8 3/4° E-16 feet;N 2° W-26.30 feet to the south side of west patrick Street.Thence by and with the south side thereof N 71 1/2° E-28.60 feet to the place of beginning .

Houses No.246 and 248.

Beginning at the north west corner of house No.248 and running thence along the west wall of said house S 2 3/4° E-36.30 feet;thence S 28 3/4° W-7.70 feet; S 2 1/2° E-12.80 feet;S 6 1/4° W-315.80 feet;N 79 1/2° E-29,50 feet;N 14 3/4° E-171.10 feet;N77 3/4° W-28,50 feet;N 11 3/4° E-120 feet;N 17° E-28.40 feet; N 14 3/4° E-20 feet;N 8 3/4° E-16 feet; N 2° W- 26.30 feet to the south side of west Patrick Street,thence by and with the south side thereof S 71 1/2° W-49.70 feet to the place of beginning.

House No.338.

Beginning at the northwest corner of house No.338 and running thence S 16° E-165.30 feet;N 73 3/4° E-41.20 feet;N 15 3/4° W-164.30 feet to the south side of west Patrick Street,thence by and with the south side thereof S 75 1/2° E-41.60 feet to the place of beginning.Filed August 27th 1915

I hereby acknowledge the purchase of the second tract or parcel of land, mentioned in the annexed notice and advertisement of sale,at and for the sum of Fifteen hundred and Twenty Five ($1525.00) Dollars,and I hereby agree to comply with the terms of sale as stated in the annexed notice.

Witness my hand and seal on this 6th day of November,1915.

O.P.Turner (Seal)
Isabel Turner (Seal)

I hereby acknowledge the purchase of the first,third and fourth tracts or parcels of land,described in the annexed notice and advertisement of sale,at and for the sum of Fourty Six Hundred ($4600.00)Dollars,and I hereby agree to comply with the terms of sale as stated in the annexed notice.

Witness my hand and seal on this 6th day of November,1915.

Alice H.Keeter (Seal)

Filed Nov 9-1915.

Ordered on this 2nd day of December in the year A.D.1915,by the Circuit for Frederick County,sitting as a Court of Equity,and by the authority thereof that the sales reported in the forgoing petition and report of sales be and the same are hereby ratified and confirmed,No cause to the contrary having been shown although notice appears to have been given as required by the annexed nisi on sales.

Glenn H.Werthington

Filed Dec-2-1915-

PETITION AND REPORT OF SALES

Cephas M.Thomas,Trustee
on
PETITION

No.9 3 7 0 Equity.
In the Circuit Court for
Frederick County.in
EQUITY.

To the Honorable,the Judges of the Circuit Court for Frederick County!

The Petition and Report of Sales of Cephus M.Thomas,Trustee under a Mortgage from Henry H.Boone and Annie S.Boone,his wife,to The Walkersville Savings Bank of Frederick County,Maryland,a body corporate,respectfully represents unto your Honorable Court!-

1. That on the 18th day of December in theyear 1909,a certain Henry H.Boone and Annie S.Boone, his wife,by their Deed of Mortgage bearing said date,conveyed the real estate iherein described to the Walkersville Savings Bank,of Frederick County,Maryland,to secure the payment of a promissory note for Three Hundred and Fifty Dollars ($350.00)given by the said Henry H.Boone and Annie S. Boone,his wife,to the said Walkersville Savings Bank for Three Hundred and Fifty Dollars ($350.00) sais note being dated December 18th,1909,upon which note a payment on account of principal of $50.00 has been made,leaving a balance due of Three Hundred Dollars ($300.00),with interest from June 18th,1915,the original Mortgageand Mortgage note being herewith filed marked "Exhibit "A" and "B",which togather with all other Exhibits herewith filed,it is prayed may be taken and considered as a part hereof by your Honorable Court.

2. That it is provided in said Mortgage that "If default should be madein the payment of said promissory note at maturity,then it shall be lawful for Cephus M.Thomas,Trustee,or in thr event of death or refusal to act,then for Edwin Devilbiss as Trustee,to sell the said property and premises hereby Mortgaged on the premises by public auction .....upon giving three weeks notice of the time,place,manner and terms of sale in some newspaper published in Frederick County onse a week,prior to the date of sale."

3. That default was made by the said Mortgagors in the payment of said promissory note and the interest due thereon as hereinbefore mentioned,and the full and just sum of Three Hundred Dollars ($300.00),the balance of the Mortgage note,with interest from June 18th,1915,is due and owing by said Mortgagors to the said Walkersville Savings Bank of Frederick County,Maryland.

4. That default having been made as aforesaid,it became lawful for the Pertitioner,as TRustee to foreclose said Mortgage,and your Petitioner first filed his bond as required by law in the office of the Clerk of the Circuit Court for Frederick County,Maryland,and which said bond was duly approved by said Court,and having given three weeks previous notice of the time,place,manner and

terms of sale,by advertsement in the Frederick Post,a newspaper published in Frederick County,Maryland once a week prior to thr date of sale,as appears from the printers certificate filed herewith as a part hereof,your Petitioner did attend on the premises about one mile East from Mount Pleasant,Frederick County, Maryland,on said October 2,1915,at the hour of Eleven o'clock,the time and place mentioned in said advertisements,and then and there offered for sale at public auction to the highest bidder for cash the real estate described in said Mortgage,being 3 acres,29½ square perch tract,more particularly described in said Mortgage,dated and recorded as aforesaid,and did then and thereSell the same umto Dr.John J.Remsburg,he being the highest and best bidder,at and for the sum of Three Hundred and Eighty Dollars ($380.00),and your Petitioner took said Purchaser's acknowledgement of purchase of said property,which isfiled herewith as a part hereof,marked "Exhibit C"

5. And your Petitioner herwith reports the whole and aggregate ammount of sales to be Three and Eighty Dollars ($380.00),and prays that said sale may be finally ratified and confirmed by your Honorable Court.

And as in duty bound,etc.

Cephus M.Thomas
Trustee.

Chas.McC.Mathias
Solicitor.

STATE OF MARYLAND,FREDERICK COUNTY,To-Wit:-

I hereby certify that on this 2,day of October,A.D.1915, before me,the subscriber,a Clerk of the Circuit Court for Frederick County,Maryland,personally appeared Cephas M.Thomas,the above named Trustee,and made oath in due form of law that the matters and things stated in the aforegoing report of Sales are true and bona fide as therein set forth to the best of his knowledge and belief.

Given under my hand and Seal the day and year aforesaid.

Harry W.Bowers
Clerk of the Circuit Couty for Frederick County.

Filed Oct.27th 1915.

(E X H I B I T "A")

THIS MORTGAGE made this 18th day of December,in the year nineteen hundred and nine,by us,Henry H_Boone and Annie S.Boone,his wife,of Frederick County,in the State of Maryland,

W I T N E S S E T H:- Whereas the said Henry H.Booneand Annie S.Boone,his wife, now stand indebted unto the Walkersville Savings Bank of Frederick County,Maryland,a body corporate,in the sum of Three Hundred and Fifty Dollars,upon there promissory note of even date herewith,payable to the order of said Walkersville Savings Bank of Frederick County,six months after date,with interest after maturity,the interest to be paid semi-annually in advanse,and for the better securing the payment of the said promissory note at maturity,with all interest that may be due thereon,and for the sum of Five Dollars,to us cash in hand paid at and before the execution and delivery of these presents,the receipt thereof is hereby acknowledged,we,the said Henry H.Boone and Annie S.Boone,his wife,do hereby grant in fee simple unto the said Walkersville Savings Bank of Frederick County,Maryland,all that lot or parcel of land,togather with the improvements thereon,situate in Mt.Pleasant District,Frederick County,Maryland,containing Three acres and twenty nine and one half perches of land,more or less,and being the same lot or parcel of land which was conveyed to the said Henry H.Boone by Milton G.Urner,executor of Ruth A.Cain,by deed dated the 19th day of March,1894, and recorded in Liber_____

PROVIDED,that if the said Henry H.Boone and Annie S.Boone,his wife,shall pay the said promissory note at maturity,with all interest that may be due thereon,then this Mortgage shall be void;

PROVIDED,also,that until default be made in the payment of the promissory note aforesaid at maturity the said Henry H.Boone Annie S.Boone,his wife,shall possess the said mortgaged premises as of their present estate therein;

And still futher provided that if default shall be made in the payment of the said promissory note at maturity then it shall be lawful for Cephas M.Thomas,as Trustee,or in the event of his death or refusal to act then for Edwin Devilbiss,as Trustee,to sell the said property and premises hereby mortgaged,on the premises,by public aution,for cash,after having given at least three weeks notice of the yime,place,manner and terms of sale in some newspaper publisaed in Frederick Ceunty,once a week prior to the date of sale,and to apply the proceeds of the sale to the payment,in the first place,of the expences of the sale,including the usual commissionsand a reasonable council fee for preparing report of sale attehding to the ratification of sale and filing bend,and then to the payment of the promissory note aforesaid,or of any notes given in renewal of the same or any part thereof,with any interest that may be due thereon,and the surpluss,if any,to the said Henry H.Boone and Annie S.Boone,his wife.

And the said Henry H.Boone and Annie S.Boone,his wife,hereby covenant with the said Walkersville Savings Bank of Frederick County,Maryland,that they will keep during the continuance of this mortgage the buildings erected on said mortgaged premises insured to the ammount of Three hudred dollars in some safe and reliable insurance company,paying the premiums and assessments thereon as they fall due and beceme payable,and that they will assign the policy of insurance tothe said Walkersville Savings Bank of Frederick Ceunty,Maryland,for its benefit in case of loss or damage by fire.

Henry H.Boone (Seal)

Annie S.Boone (Seal)

Test!
Edwin Devilbiss

State of Maryland,Frederick Ceunty,to-wit!

I hereby certify that on this 18th day of December,in the year nineteen hundred and nine,before me,the subscriber,a Notary Public-----of the state of Maryland,in and for Frederick Ceunty,personally appeared Henry H.Boone and Annie S.Boone,his wife,and acknowledged the aforegoing mortgage to be their respective act;and at the same time appeared Cephus M.Thomas,President of the Walkersville Savings Bank of Frederick County,Maryland,and made oath in due form of law that the consideration stated in the said mortgageis true and bona fide as therein set forth;and also made oath in due form of law that the said mortgagee has not required the said mortgagors,their agents or atterneys,or any person for the said mortgagers,to pay the tax levied upon the interest covenanted to ge paid in advance,nor will said mortgaggee require the said mortgagors,or any person for them to pay any tax levied thereon during the existance of this mortgage.

Witness my hand and Natorial Seal.

PLACE OF Notary SEAL

Edwin Devilbiss Notary Public

In consideration of the sum of Fifty Dollars,the receipt of which is hereby acknowledged,the Walkersville Savings Bank of Frederick Ceunty,Maryland,a body corporate,hereby releases from the effect and operation of the aforegoing mortgage a lot of ground sixteen feet wide and two hundred feet long,which was conveyed by Henry H.Boone and Annie S.Boone,his wife,unto Wm. T.Biser and Addie S.Biser,by deed dated the 16th day of May,1914,and intended to be recorded among the land Records of Frederick County.

Witness the signature of the President of the Walkersville Savings Bank of Frederick County,Maryland,and the corporate sealof said corporation,attested by its Cashier,this 19th day of June,A.D 1914.

The Walkersville Savings Bank of Frederick County,Maryland,by

Cephus M.Thomas
President.

Bank Seal

Attest!
Edwin Devilbiss
Cashier.

Partial Release Recorded June 20th 1914.

Filed Oct,4th,1915.

Test!
Harry W.Bowers Clerk

Exhibit "B"

M O R T G A G E N O T E

Exhibit "B"

$350.00 Walkersville,Md.,December,18th,1909

Six months after date,we jointlyand severally promise to pay to the order of WALKERSVILLE SAVINGS BANK,WALKERSVILLE,Md. Three hundred Fifty Dollars for value received,with interest after maturity at six per cent per annum,payable semi annually in advance,Negotiable and payable at Walkersville Savings Bankof Walkersville,Md.

This note is secured by mortgage of even date

Henry H.Beene

Annie S.Beene

No.3672-Due June 18/10

Interest paid on the within note

June 21,1910,By Interest paid to

Dec,28,1910 -$10.50

Dec,24,1910,By Interest te

June 18,1911----------

June 22,1911 By Interest paid to

Dec,18,1911----------

Dec,19,1911 By Interest paid to

June 18,1912----------

June 18,1912 By Interest paid to

Dec 18,1912 By Interest paid to

June 18,1913

June 17,1913 By Interest to

Dec,18,1913

Dec,26,1913 By Interest to June 18,1914

June 15,1914 By Interest to Dec,18,1914

June 15,1914 By cash $50.00

Dec,15,1914 By Interest to June 18,1915.

Filed October 4th,1915.

E X H I B I T "C"

M O R T G A G E E'S S A L E

By virtue of the power of sale contained in a Mortgage from Henry H.Beene and Annie S.Beene,his wife,to the Walkersville Savings Bank of Frederick County, Maryland,a body corporate,bearing date the eighteenth day of December,in the year Nineteen Hundred and nine,and duly recorded in Liber H.W.B.No.291,Folio 69 etc.,one of the land Records of Frederick County,the undersigned Trustee,the party authorized by said mortgage to sell said property,will sell at public auction on the premises on SATURDAY,OCTOBER 2,1915,at 11 o'clock a.m. all that piece or parcel of land situated,lying and being in Mount Pleasant district,in Frederick County,Maryland,lying and being on the Liberty and Frederick turnpike road,one mile east of Mt.Pleasant.Said property is improved by a one and one-half story frame log and weatherboarded house containing six rooms. Thereis a never failing spring of water on the property and necessary outbuildings.The property containes three acres,29 ½ perches of land,more or less,and is all and the same property described in a deed from Milton G.Urner.executor,to the said Henry H.Beene,dated the 19th,day of March,1894,and recorded in Liber J.L.J.No. 5,folio674;save and except a right of way 16 feet wide which was subsequently conveyed away by the said Henry H.Beene and wife to William T.Biser and Addie S Biser,his wife,by deed dated May 16th,1914,and duly recorded in liber H.W.B.No. 310,folio 42,as by reference thereto will more fully and at large appear.

TERMS OF SAEE.-Cash upon ratification by the Court,the purchaser giving his,her or therenotes with approved security on the day of sale,A deposit of $100,00will be required on the day of sale. All conveyanceing at the expence of the purchaser.

Cephas M.THomas,
Trustee.

Charles McC.Mathias Solicitor

CERTIFICATE OF PUBLICATION

Frederick,Md.,Sept,30th,1915

This is to certify,That tye annexed Mortgagee's Sale was published in "THE FREDERICK POST"a newspaper published in Frederick County,ense a week for three successive weeks prior to the first day of October 1915.

THE POST PUBLISHING CO.

Per R.I.Ford

I hereby acknowledge to have purchased of Cephas M.Thomas,Trustee,ALL that property described in the annexed advertisement of sale,at and for the sum of $380.00, and I agree to pay for the same according to the terms and conditions set out in said annexed advertisement. Witness my hand and seal. John J.Remsburg (SEAL)

Witness!
Charles McC Mathias

ORDER NISI ON SALES.

In the Circuit Court for Frederick County sitting in Equity.September Term.1915.
In the matter of the report of sales filed the 4th day of October,1915.Cephas M.Thomas,Trustee,on petition .

ORDERED That on the 27th,day of October,1915,the Court will proceed to act upon the report of sales of real estate,reported to sa d Court by Cephas M.Thomas,trustee in the above cause,and filed therein as aforesaid to finally retify and confirm the same,unless to the contrary thereof be shown before said day,provided a copy of this prder be inserted in some newspaper published in Frederick County for three successive weeks prior to said day.

The report states the ammount of sales to be $380.00

Dated this 4th day of October,1915.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County.

True Copy---Test!
Harry W.Bowers Clerk

Charles McC.Mathias,Solicitor

CERTIFICATE OF PUBLICATION

Frederick,Md.,Oct,27th,1915

This is to certify,That the annexed Nisi on Sales was published in "THE FREDERICK POST"a newspaper published in Frederick County,once a week for three successive weeks prior to the twenty seventh day of October 1915

The Post Publishing Co.
Per R.I.Ford.

ORDERED by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,this 27th,day of October,A.D.1915,that the sale heretofore made ahd reported to this Court in the above cause by Cephas M.Thomas,Trustee,be and the same is hereby finally ratified and confirmed,no cause to the contrary having been shown,although due notice appears to have been given,as prescribed by the annexed order nisi,as appears by the printer's certificate filed herewith,and it is futher ordered that this cause be and the same is hereby refered to the Auditor of this Court for the purpose of stating an account.

Glenn H.Worthington

Filed Oct,27th 1915.

PETITION AND COURT'S ORDER

Cephas M.Thomas,Trustee
on
Petition.

No.9370 Equity.
In the Circuit Court for
Frederick County,sitting as
a Couty of Equity.

To the Honorable,the Judges of said Court!-

The Petition of Cephas M.Thomas,Trustee,respectfully represents unto your Honors!

1. That by virtue of the power and authority vested in your Petitioner by a mortgage bearing date the 18th day of December,in the year 1909,from Henry H. Beene and Annie S.Beene,his wife,to the Wlakersville Savings Bank of Frederick County,Maryland,a body corporate,in which said mortgage your petitioner was named as Trustee to sell in case of default,your Petitioner sold all the tract or parcel of land in said mortgage mentioned on the second day of October,1915, at 11 o'clock A.M.to Dr.John J.Ramsburg at and for the purchase price of Three Hundred and Eighty Dollars ($380.00),which sale was duly reported to and finally ratified and confirmed by your Honorable Court on the 27th,day of October,1915.

2. That the said purchaser,Dr.John J.Ramsburg,gave unto your Petitioner his note for $100.00,the deposit required in the advertisement of sale upon the day of sale,but that said purchaser,Dr.John.J.Remsburg,has failed to pay said note upon its maturity and now finds himself unable to comply with the terms as set forth in said advertsement of sale,although he has been called upon by your Petitionerse to do and the time for settlement is new long since past;and the said Dr.John J.Remsburg futher admits,by his acknowledgement filed herewith as a part hereof,that he is unable at this time to carry out his contract of purchase with your Petitioner.

WHEREFORE,your petitioner prays that your Honorable Court may pass an order autherizing and directing that the property mentioned an these proceedings may be resold at the risk of the purchaser,the said Dr.John J.Ramsburg.

And as in duty bound,etc.

Cephas M.Thomas
Trustee under said Mortgage.

Test!-

W.Nelson Stauffer

STATE OF MARYLAND,FREDERICK COUNTY,TO-WIT!-

I hereby certify that onthis 15th,day of November,A.D.1915,before me,the subscriber,a Notary Public for the State of Maryland,in and for the County aforesaid,personally appeared Cephas M.Thomas,Trustee namde in said mortgage,and made oath in due form of law that the matters and things contained in the aforegoing Petition are true to the best of his knowledge and belief.

Witness my hand ahd Notorial Sealthe day and year first above written.

PLACE OF Public SEAL

W.Nelson Stauffer
Notary Public.

I hereby acknowledge that I,the undersigned,Dr.John J.Ramsburg,the purchaser of the piece or parcel of land mentioned in these proceedings,am at the present time finaancially unprepared to carry out my contract of purchase and to complete the contract entered into by me by paying the purchase money as required by the terms of sale,and I hereby waive any and all rights that I may have,either at law or in Equity,as the ourchaserof said property,and to consent to the resale of said property at my risk.

John J.Ramsburg

WITNESS!
Charles McC.Mathias

The aforegoing Petition having been read and considered, it is thereupon this 17th day of November, A.D. 1915, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, adjudged, ordered and decreed that the property hereinbefore reported to the Court as sold to Dr. John J. Ramsburg be resold at the risk of the said Dr. John J. Ramsburg, and the said sale reported to this Court for ratification; the Court being satisfied that the said Dr. John J. Ramsburg has failed to comply with the terms of sale as hereinbefore prescribed.

Glenn H. Worthington

Filed Nov, 18th, 1915.

PETITION AND REPORT OF SALE

Cephas M. Thomas, Trustee
on
Petition.

No. 9 3 7 0 Equity.
In the Circuit Court for
Frederick County, sitting as a
Court of Equity.

To the Honorable, the Judges of said Court:-

The Petition of Cephas M. Thomas, Trustee, respectfully shows unto your Honors:-

1. That on the 17th, day of November, A.D. 1915, your Honorable Court ordered the property mentioned in these proceedings resold at the risk of Dr. John J. Ramsburg, as hereinbefore stated, and that the said Dr. John J. Ramsburg, the purchaser in the sale hereinbefore made and reported, was unable to comply with the terms of sale as hereinbefore set forth.

2. That since said time your Petitioner has procured a purchaser for said property in the person of one Henry Beimbrink, who is financially able and willing to purchase the property mentioned in these proceedings at and for the sum of Three Hundred and Eighty Dollars ($380.00), the same amount for which the property was heretofore sold to the said Dr. John J. Ramsburg, and your Petitioner files herewith, as a part hereof, an offer from the said Henry Beimbrink marked "Exhibit A" whereby the said Henry Beimbrink agrees to purchase said property at and for the sum of Three Hundred and Eighty-Dollars ($380.00), as hereinbefore set forth.

3. That your petitioner believes that the sale hereinbefore reported to Dr. John J. Ramsburg at and for the sum of Three Hundred and Eighty Dollars ($380.00), was a fair and equitable one, and that the ammount so offered at said sale represents the full value of said property.

4. Thatbyexcepting the offer of the said Henry Beimbrink your Petitioner will receive the same amount for said property as he would have received if the said Dr. John J. Ramsburg had complied with the terms of sale, and that there will be no financial loss in the matter after said sale to Henry Beimbrink is completed as herein before provided.

WHEREFORE, your Petitioner prays that he may be authorized and empowered to accept the said offer of Henry Beimbrink to purchase said property at and for the sum of Three Hundred and Eighty Dollars ($380.00), and that the said sale to Henry Beimbrink may be ratified and confirmed by your Honorable Court without the publication of the usual Order Nisi, provided the consent of the said Henry Beimbrink and Dr. John J. Ramsburg to the immediate ratification of said sale can be procured.

And as in duty bound, etc.

Cephas M. Thomas
Trustee under Mortgage.

Test:
W. Nelson Stauffer.

STATE OF MARYLAND, FREDERICK COUNTY, TO-WIT:-

I hereby certify that on this 15th, day of November, A.D. 1915, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Cephas M. Thomas, Trustee, named in said Mortgage, and made oath in due form of law that the matters and things contained in the aforegoing Petition are true to the best of his knowledge and belief.

Witness my hand and Notarial Seal the day and year above written.

PLACE OF Notary SEAL

W. Nelson Stauffer
Notary Public

The said Henry Beimbrink, the purchaser of the property hereinbefore mentioned, Dr. John J. Ramsburg, the former purchaser of said property, and Cephas M. Thomas, Trustee, do hereby consent to the immediate ratification of the sale to Henry Beimbrink, without the publication of the usual Order Nisi on Sales.

Henry Beimbrink

John J. Ramsburg

Cephus M. Thomas
Trustee.

I hereby acknowledge to have purchased from Cephas M. Thomas, Trustee under the mortgage mentioned in these proceedings, all the property mentioned herein At and for the sum of Three Hundred and Eighty Dollars ($380.00(, and I hereby agree to pay unto the said Cephas M. Thomas, Trustee, said sum of Three Hundreed and Eighty Dollars ($380.00), upon the ratification of said sale to me and the delivery of a good and suffficient Deed for said property.

Witness my hand and seal this 15th day of November, Nineteen Hundred and Fifteen.

Henry Beimbrink (Seal)

WITNESS:-
Donald Zimmerman,

The afiregoing Petition and Report of Sales of Cephas M. Thomas, Trustee of the mortgage mentioned in these proceedings, having been ratified and considered by the Court, and the Court being satisfied that no financial loss will result in the above entitled matter, it is thereupon this 20th, day of November, A.D. 1915 by the Circuit for Frederick County, sitting as a Court of Equity, and by the authority thereof, adjudged, ordered and decreed that the sale hereinbefore reported to Henry Beimbrink be and the same is hereby ratified and confirmed without publication of the usual Order Nisi on Sales, and the said Assignee of Mortgagee is hereby authorized and impowered to execute a Deed unto the said Henry Beimbrink upon the payment of the sum of Three Hundred and Eighty Dollars as hereinbefore set forth, and the papers are hereby refered to the Auditor to state an account.

Glenn H. Worthington

Filed Nov, 20th, 1915

Eugene L. Rowe, Plaintiff against
Joseph C. Beard and Bertha Beard
his wife, Albert Beard, and_____
Beard his wife, Callie Warren
and Lewis Warren her Husband,
the heirs of Maurice Beard
deceased, son of Isaac Beard, deceased,
_____Beard, widow of Maurice Beard,
the heirs of Clara Eshelman, deceased,
daughter of Isaac Beard, deceased, and
William Eshelman, the former husband
of Clara Eshelman, deceased,
Defendants.

No. 7 9 1 4 E Q U I T Y.

In the Circuit Court
for Frederick County,
sitting as a Court
of Equity.

)()()()()()()()()()()()()()()()()()()()

To the Honorable, the Judges of said Courtyour orator complaining says:-

1. That a certain Isaac Beard in his lifetime to-wit on the 18th, day of July in the year 1902, being indebted to your orator in the full and just sum of one hundred and Fifty Dollars the same being the balance of the purchase money of the Real Estate hereinafter mentioned advanced by your orator and gave to your orator his sealed waivor Judgement note for said sum so advanced, drawn to your orator or order, and payable six months after date, with interest from date, and your orator files herewith as part hereof said Sealed waiver Judgement note

marked Exhibit A,

2. That being desireus to secure the payment of the said sealed waiver Judgement note when the same should beecme due and payable,as alse the interest thereon,the said Isaiah Beard didby his deed of mertgage of said date,convey unto your orator certain Real Estate situated in Frederick Ceunty,and State of Maryland,and perticularly deseribed in said mertgage;to which deed there is a condition annexed that it should void upon payment te your erater er his assigns,ef the aforesaid sealed waiver judgement note for One Hundsed and Fifty Dellars and the interest thereon,en er befere the 18th,day ef January in the year 1903,all ef which will mere fully appear by reference to said deed ef mertgage filed herewith as part hereef marked Exhibit B,

3. That the said Isaac Beard is dead,having died in the month of May,in the year 1904,and that no letters testamentary er of administratien have been granted en his estate in this State.

4. That the said Isaac Beard left surviving him as his heirs at law.

a. Joseph C.Beard,a son whose wife is Bertha Beard,both adults.

b. Albert Beard,a son,whese wife is_____Beard both adults.

c. Callie Warren,a daughter,whose husband is Lewis Warren,both adults.

d. The heirs of Maurice Beard,a deceased son,whose names and ages are unknownte your erator,and whese widew is_____Beard,an adult.

e. The heirs ef Clara Eshelman,a deceased daughter,whese names ahd ages are unknown to your erator,whose former husband was William Eshelman,an adult.

5. That all ef the defendants reside in the State ef Pennsylvania,except the unknown heirs of Clara Eshelman and William Eshelman,her former husbamd,who all reside somewhere in the west but whese places of residents are unknown te your erater.

6. That the whele of said sum of One hundred and Fifty Dellars and interest thereon from the 18th,day of July in the year 1902,except twelve dollars and feurty thr:e cents interest paid to your erater by the said Jeseph C.Beard en the 5th,day of Decemher in the year 1903,still remains due and owing te yeur erater although the time limited for the payment thereef by said sealed waiver Judgement nete and the eondition ef said mortgage has leng since passed.to the end therefor

1. That the said Real Estate eonveyed as aferesaid to your prater by the said Isaac Beard,decease may be decreed to be sold te pay said sum ef One Hundred and Fifty Dellars se due as aforesaid to your erater togather with all interest accured thereen.

2. That your prater may have what ether and futher relief as his ease may require,may it please your Honers te grant unte your erater the erder of publicatien giving notiee to the said Joseph C. Beard and Bertha Beard,his wife,Albert Beard and _____Beard,his wife,Callie Warren ahd Lewis Warren,her husband,all adults,the unknown heirs of Maurice Beard,deceased,whose ages are unknown, _____Beard,his widow,an adult,all ef whome reside in the State ef Pennsylvania,and te the said unknown heirs of Clara Eshelman,deceased whese ages are unknownand William Eshelman,her former husband,an adult,whese place ef residents are unknown,all of whom are non-residents of this State, and warning them te appear in this Court,in persen er by eolicitor,en er before a certain day,to be named therein,to show cause,if any they have,why a decree ought not to pass as prayed.

And as in duty bound,etc.

Eugene L.Rowe
Plaintiff.

STATE OF MARYLAND,FREDERICK COUNTY,TO-WIT!

I hereby certify that On this 7th,day of June in the year Nineteen Hundred and five,before me,tha subscriber,the Clerk of the Circuit Court for Frederick County,personally appeared the above named Eugene L.Rowe and made oath in due form of law matter and facts in the aforegoing Bill are true to the best of his knowledge and belief.

Test.
Samuel T.Haffner, Clerk

Filed June 7th,1915.

$150.00 Frederick Co,Md.July 18th,1902

Six Months after date,for value received,I promised to pay to Eugene L.Rowe or order,One Hundred and Fifty Dollars and ____Cents,with interest from date,and I do hereby confess judgement for the above sum with interest,cost of suit and right of exemption waived.Witness my hand and seal.Secured by mortgage of even date herewith.

Isaac Beard (Seal)

Test! Henry Stokes,

Dec,5th,1903 Received Twelve Dollars and fourty three cents in full of interest to date on within note $12.43,paid by Joseph C.Beard,

Eugene L.Rowe.

Filed June 7th,1905

EXHIBIT "B"

This Mortgage,made this 18th,day of July in the year 1902 by Isaac Beard of Frederick County,and State of Maryland,Witnesseth that in consideration of the sum of One Hundred and Fifty Dollars now due from me,the said Isaac Beard to Eugene L.Rowe,of said County and State,the same being the balance of the purchase money of the hereinafter described Real Esate advanced by the said Eugene L.Rowe,and for which the said Isaac Beard hath given his sealed waiver judgement note for said sum of One Hundred and Fifty Dollars,of even date herewith,drawn to the said Eugene L.Rowe,or order,and payable six months after date with interest from date to better secure the payment of which note and the interest thereon this mortgage is executed,now therefor this mortgage witnesseth that in consideration of the premises and of one dollar I,the said Isaac Beard do hereby grant unto the said Eugene L.Rowe all that Real Estate situated in said Frederick County about four miles west or north west of the town of Emmitsburg and about one half a mile north of Friends Creek Winebrenerian Church,adjoining lands of David Turner and others,containing about six½acres of land,conveyed to the said Isaac Beard by George W.Rowe and others by their deed dated on the 22nd day of April,in the year 1899,heretofor hold as an Escrow by Henry Stokes,a Justice of the Peace residing in said town and delivered by him to we the said Isaac Beard,simonstaniously with the execution of this mortgage provided that if I the said IsaAc Beard,shall pay to the said Eugene L.Rowe,or his assigns,the aforesaid sealed waiver judgement note for One Hundred and Fifty Dollars and the interest thereon on or before the 18th,day of January in the year 1903,then these presents shall be void,Witness my hand and seal.

Isaac Beard (Seal)

Test!-
Henry Stokes.

STATE OF MARYLAND,FREDERICK COUNTY,TO-Wit!-

I hereby certify,that on this eighteenth day of July in the year ninteen hundred and two,before the subscriber,a Justice of the Peace of the State of Maryland,in and for Frederick County,aforesaid,personally appeared the above named Isaac Beard,and acknowledged the aforegoing mortgage to be His act,and at the same time before me also personally appeared Eugene L.Rowe,the mortgagee named in the aforegoing mortgage,and made oath in due form of law that the consideration stated in in the aforegoing mortgage is true and boni fide as therein set forth and did also make oath in due form of law that he has not required the mortgagor,his agent or attorney,or any person for the said mortgagor to pay the tax levied upon the interest covenanted to be paid in advance nor will he require any tax levied thereon to be paid by the said mortgagor or any person for him during the existance of this mortgage.

Henry Stokes J.P.

Filed June 7,1915.

ORDER OF PUBLICATION

No.7914 EQUITY.

In the Circuit Court for Frederick County sitting as a Court oof Equity.

Eugene L.Rowe,Plaintiff,against Joseph C.Beard and Bertha Beard,his wife,Albert Beard and_____Beard,his wifeCallie Warren and Lewis Warren,her husband,the heirsof Maurice Beard,a deceased son,of Isaac Beard,deceased,_____Beard, widow of Maurice Beard,the heirs of Clara Eshelman,a deceased daughter of Isaac

Beard,deceased,and William Eshelman,the former husband of Clara Eshelman,deceased,Defendants.
The object of this suit is to procure a decree for the sale of certain real estate situated in Frederick Countyand State of Maryland,which was mortgaged by Isaac Beard in his lifetime to the plaintiff,Eugene L.Rowe,The Bill states,

1. That a certain Isaac Beard in his lifetime,to wit,on the 18th,day of July,in the year 1902, being indebted unto the plaintiff in the full and just sum of one Hundred and Fifty Dollars,the same being the balance of the purchase money of the real estate mentioned in the Bill advanced by the plaintiff,gave to the plaintiff sealed waiver judgement note for said so advanced,drawn to the plaintiff,or order,and payable six months after date with interest from date,and the plantiff files with the bill as part thereof said sealed waiver judgment note marked Exhibit A.

2. That being desirious to secure the payment of the said sealed waiver judgement note when the same should become due and payable,as also the interest thereon,the said Isaac Beard did,by his deed of mortgage of said date,convey unto the plaintiff,certain real estate situated in Frederick County and State of Maryland,and particularly described in said mortgage;to which deed there is a condition annexed that it should void upon payment to the plaintiff or his assigns,of the aforesaid waiver judgement note for one hundred and fifty dollars and the interest thereon,on or before the 18th,day of January,in the year 1903,all of which will more particularry appear by referance to said deed of mortgage filed with the bill as part thereof marked Exhibit B.

3. That the said Isaac Beard is dead,having died in the month of May,in the year 1904,and that no letters testimentary or of administration have been granted on his estate in the State of Maryland

4. That the said Isaac Beard left surviving himas his heirs at law

(A)Joseph C.Beard,a son,whose wife is Bertha Beard,both adults.

(B) Albert Beard,a son,whose wife is_____Beard,both adults.

(C) Callie Warren.a daughter,whose husband is Lewis Warren,both adults.

(D) The heirs of Maurice Beard,a deceased son,whose names and ages are unknown to the plaintiff, and whose widow is_____Beard,an adult.

(E) The heirs of Clara Eshelman,a deceased daughter,whose names and ages are unknown to the plaintiff,whose former husband was William Eshelman,an adult.

5. That all of the defendants reside in the State of Pennsylvania,except the unknown heirs of Clara Eshelman and William Eshelman,her former husband,who all reside somewhere in the West but whose places of residents are unknown to the plaintiff.

6. That the whole of said sum of one hundred and fifty dollars and interest thereon,from the 18th day of July,in the year 1902,except twelve dollars and fourty three cents interest paid to the plaintiff by the said Joseph C.Beard on the 5th,day of December,in the year 1903,still remains due and owing to the plaintiff,although the time limited for the payment thereof by said sealed waiver judgement note and the condition of said mortgage has long since passed.

The Bill then prays for the following relief;

1. That the said real estate conveyed as aforesaid to the plaintiff by said Isaac Beard,deceased, may be decreed to be sold to pay said sum of one hundred and fifty dollars so do as aforesaid to the plaintiff together with all interest accured thereon.

2. For general relief.

3. For an order of publication against the defendants.

It is thereupon this 7th,day of June,1905.ordered by the Circuit Court for Frederick County, sitting as a Courtof Equity,that the plaintiff by causing a copy of this order to be inserted in some newspaper published in said County Frederick once a week for four successive weeks before the Eighth day of July,1905,give notice to the said defendants of the object and substance of this Bill,and warning the said Joseph C.Beard and Bertha Beard,his wife,Albert Beard and_____Beard, his widow,whose name is unknown;Callie Warren and Lewis Warren her husband,all adults,and residing in the State of Pennsylvania;the unknown heirs of Maurice Beard,deceased,_____Beard,his widow, an adult,and all residing in the State of Pennsylvania;and to the said the unknown heirs of Clara Eshelman,deceased,and William Eshelman,her former husband,an adult,whose residents are unknown, and warning them to appear in this Court in person or by solicitor on or before the 24th day of July,1905,to show cause,if any they have,why a decree ought not to be passed as prayed.

Samuel T.Haffner
Clerk of the Circuit Court for Frederick County,Md.

Eugene L.Rowe
Solicitor

THE EMMITSBURG CHRONICLE

Emmitsburg,Md.July 8th,1905

This is to certify,That the annexed notice was published in THE EMMITSBURG CHRONICLE,a newspaper published in Frederick County,once a week,for four successive weeks prior to the eighth day of July 1905.

W.H.Troxell Publisher.

Filed July 15-1905

TESTIMONY

Eugene L.Rowe Plaintiff,
Against,
Joseph C.Beard and
Bertha Beard,his wife,et al.
Defendants.

No.7914 EQUITY.
In the Circuit Court for
Frederick County,sitting
as a Court of Equity.
July TERM,1905.

It appearing from the proceedings in this cause that the order of publication heretofore issued therein has been duly published in the Emmitsburg Chronicle, a newspaper published in said Frederick County,as prescribed by said order,and the defendants Joseph C.Beard and Bertha Beard,his wife,Albert Beard and_____ Beard his wife,Callie Warren and Lewis Warren,her husband,the heirs of Maurice Beard,a deceased son,of Isaac Beard,deceased,_____Beard,widow of Maurice Beard,the heirs of Clara Eshelman,a deceased daughter,of Isaac Beard,deceased, and William Eshelman,the former husband of Clara Eshelman,deceased,having failed to appear,either in person or by solicitor and answer the bill of complaint filed against them,It is therefor this 27th day of July 1905,by the Circuit Court for Frederick County,sitting as a Court of Equity,adjudged, ordered,that said bill of complaint be and the same is hereby taken pro-confesso against the said non-residents defendants.And it is hereby futher ordered that depositions be taken before one of the standing Examiners of this Court,in support of the allegations of the bill

John C.Motter

Eugene L.Rowe
---$---
Joseph C.Beard,his wife,
Bertha Beard and others.

No.7914 EQUITY.
In the Circuit Court for
Frederick County sitting
as a Court of Equity.

In pursuant of the order of the Court annexed herete and notice given me by the solicitor for the plaintiff in the above entitled cause,I Clayton O.Keedy, one of the regular Examiners of said Court duly appointed qualified and sworn, having assigned the 10th day of August 1905,at the Hotel Spangler in Emmtisburg in Frederick County,as the time and place for taking the testimony in this cause and having given due notice thereof to the parties conserned did at the appointed time and place proceed to take the following testimony to-wit!-
The Plaintiff filed with the Examiner as evidence Exhibits A.&B.which is herewith returned by the said Examiner. Martin V.B.Eyler a witness of lawful age produced on the part of the plaintiff being duly sworn and examined vivi voce

deposes and says as follows!- my name is Martin V.B.Eyler,my age is 65 years,I reside in Emmitsburg District in Frederick County,about 6 miles from Emmitsburg,I was aquainted with Isaac Beard late of Frederick County,He is dead,he died in the month of May 1904 and there has been no Administration on his Estate in the State.

He left the following children as his only heirs at law,vis!-

1. A son Joseph C.Beardwhose wifes name is Bertha,both of whom are adults,
2. A son,Albert Beard,whose wife's name is_____Beard,both of whom are adults,
3. A daughter,Callie Warren,the wife of Lewis Warren,both of whom are over 21 years of age .
4. Another son,Maurice Beard,who died before his father and who left children and heirs,whose names an ages I do not know.The said Maurice also left a widow who is an adult,but whose name I do not know
5. Another daughter,Clara Eshelman,who also died before her father Isaac Beard,and who left heirs at law,whose names ahd ages are unknown.Her former husband was named Willia m Eshelman and he is an adult All of the defendants live in the State of Pennsylvania except the heirs of Clara Eshelman and her husband William,all of whom live in some of the Western States.

Ans. To the Gen,Int,by the Examiner. I know nothing futher.

his
Martin V.BxEyler
mark

Test as to signature
Clayton O.Keedy

Henry Stokes a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined viva voce deposes and says as follows!-

My name is Henry Stokes,my age is 80 years,I reside in Emmitsburg,Md,I am a Justice of the Peace in and for Frederick County,and have so been since 1867 continsously except for the years 1894 and 1895. I knew Isaac Beard very well.He is dead,he died in 1904.I look at Exhibit A,now shown me,the signature thereto was signedby him Isaac Beard in my presents and I witnessed it.I also look at Exhibit B,now shown me.Isaac Beard executed and acknowledged that mortgage before me as a Justice of the Peace of Frederick County,on the 18th,day of July 1902 as stated therein.

Ans. To the Gen.Int,by the Examiner . Not that I know of.

Henry Stokes

Whereupon there being no other witnesses to be examined and no futher time being required for the production of evidence,the said Examiner hereby certifies that the aforegoing are the original deposition in this cause as the same were read over to the witnesses and signed by them respectfully and I herewith return the same enclosed to the Court.

Witness my hand this 11th,day of August 1905. Clayton O.Keedy
Examiner.

Costs of the Aforegoing Testimony

C.O.Keedy Examiner, 1,day and expences	6.35	
Sheriff Young	.80	Paid by E.L.Rowe
Marti V.B.Eyler,writ mil,& atten.	1.35	
Henry Stokes Wit,	.75	
	9.25	

Certified ta!-
Clayton O.Keedy
Examiner.

Filed July 27th,1905

(D E C R E E)

Eugene L.Rowe
VS.
Joseph C.Beard
et al.

No.7 9 1 4 E Q U I T Y.
In the Circuit Court for Frederick County,sitting as a Court of Equity
July T E R M,1905

The above cause standing ready for a hearing,and being submitted,the Bill,Exhibits,testimony and all other proceedings were by the Court read and considered and it appearing from the proceedings that the period of thirty days has expired since the decree pro confesso against the defendants in this case asprescribed by the 12th,General Equity Rule and that no answer,plea or demurrer has

been interposed by said defendants and that the allegations present a propper case for relief.It is thereupon,this 28th,day of August in the year nineteen hundred and five by the Circuit Court for Frederick County,as a Court of Equity and by the authority of said Court,adjudged,ordered,and decreed,that the land and premises mentioned in these proceedings be sold,and that Eugene L.Rowe of Frederick County,be,and he is hereby appointed Trustee to make the said sales, and that the course and manner of his proceedings shall be as follows;he shall first file in the Clerk's office of this Court,a BOND to the State of Maryland, executed by him with a surity,or surties,to be approved by the Court,or the Clerk thereof,in the penalty of Four Hundred Dollars,conditioned for the faithful performance of the trust reposed in him by thid decree,or which may be reposed in him by any future order,or decree in the premises.he shall then proceed to make sale of the said Real Estate,having first given at least three weeks previous notice,inserted in some newspaper printed in Frederick County,and such other notice as he may think proper of the time,place,manner and terms of sale; which terms shall be as follows;One half of the purchase money to be paid in cash on the day of sale,or on the ratification thereof by the Court,the residue in six and twelve months from the day of sale,the purchaser or purchasers giving his,her,or their notes,with approved security and bearing interest from the day of sale,or all cash at the option of the purchaser or purchasers,and as may be convenient after any such sale or sales,the said Trustee shall return to this Court a full and particular account of the same,with an affidavit of the truth thereof,and of the fairness of such sale or sales by the Court,and on the payment of the whole purchase money,and not before,the said Trustee,by a good and sufficient deed to be executed and acknowledged agreeably to law,shall convey to the purchaser or purchasers of the said property,and to his,her or their heirs,the property to him,her or them sold,free,clear,and discharged of all claimof the parties to this cause,and of any person or persons claiming by,from,or under them;and the said Trustee shall bring into this Court the money arising on such sale or sales,and the bonds or notes which may be taken for the same, to be pisposed of under the direction of this Court,after deducting therefrom the cost of this suit,and such commission to the said Trustee as the Court shal think proper to allow,on consideration of the skill,attention,and fidelity he shall appear to have discharged his trust.

John C.Motter.

Filed August 28th,1905.

TRUSTEES REPORT OF SALES.

Eugene L.Rowe
Vs.
Joseph C.Beard et al.

No. 7914 EQUITY.
In the Circuit Court for Frederick County,
sitting as a Court of Equity.

To the Honorable the Judges of said Court8-

The report of Eugene L.Rowe,Trustee,appointed by a decree of your Honorable Court,passed in the above entitled cause,dated the twenty eighth day of August in the year 1905,to make sale of certain real Estate therein mentioned,respectfully shows:-That after giving bond with security for the faithful performance of his trust and after having complied with all the other prerequisites,as required by law and the said decree and giving notice of the time place, manner,and terms of sale by advertisement inserted in the Emmitsburg Chronicle,a newspaper printed in Frederick County,for three successive weeks before the day of sale and also by hand bills extensively distributed in the neighborhood,he did,

pursuant to said notice,attended in front of the Hotel Slagle,in the town of Emmitsburg,Frederick County,Maryland,on Saturday,the 23rd,day of September in the year 1905,at the hour of 10 0'Clock a.m. and then and there proceeded to sell said property in manner following,that is to say:Your Trustee offered at public sale to the highest bidder the property mentioned in said decree and consisting of all that Real Estate situated in said Frederick County,about four miles West of said town of Emmitsburg,and about one half a mile North of Friends Creek Winebrenarian Church,adjoining lands of David Turner and others,formely owned by George Ridenour and afterwards by IsaAc Beard,containing sixty acres of land,more or less,and your said Trustee sold the above described property to Martha B.Rowe for the sum of One Hundree and Fifty Dollars and upon the prescribed terms of sale, And hereby reports his said sale to your Honorable Court for ratification and prays the Court to ratify the same,all of which is respectfully submitted.

Eugene L.Rowe

Trustee.

State of Maryland,Frederick County,to-wit:-

I hereby certify that on this twenty nineth day of September,in the year nineteen hundred and five before the subscriber,a Justice of the Peace of the State of Maryland,in and for Frederick County, aforesaid personally appeared the above named Eugene L.Rowe,Trustee,and made oath in due form of law that the matters and things stated in the aforegoing Report of sales are true to the best of his knowledge and belief,and that the sale therein reported was fairly made.

Henry Stokes J.P.

ORDER NISI ON SALES.

ORDER NISI ON SALES.

No.7914 EQUITY.

In the Circuit Court for Frederick County,sitting in Equity.September TERM,1905.

In the matter of the Report of Sales filed the 30th,day of September,1905 Eugene L.Rowe,Plaintiff, Vs.Joseph C.Beard,et al.ORDERED,That on the 28th day of October,1905,the Court will proceed to act upon the Report of Sales of Real Estate,reported to said Court by Eugene L.Rowe,Trustee in the above cause,and filed therein as aforesaid,to finally and confirm the same,unless cause to the contrary thereof be shown beforesaid 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 ammount of sales to be $150.00.

Dated this 30th day of September,1905.

Samuel T.Haffner

Clerk of the Circuit Court for Frederick County.

Filed October 30th,1905.

THE EMMITSBURG CHRONICLE.

Emmitsburg,Md.Oct,28th,1905

This is to certify,That the annexed notice was published in The Emmitsburg Chronicle,a newspaper published in Frederick County,once a week,for three successive weeks prior to the 28th,day of October 1905

W.H.Troxell

PUBLIC SALE

By virtue of a decree of the Circuit Court for Frederick County,sitting as a Court of Equity,in said Court,the undersigned,Trustee,will sell at public sale,On Saturday,September 23,1905,at the hour of 10,0'Clock A.M.in front of Hotel Slagle,in the town of Emmitsburg,Frederick County,Maryland,all the Real Estate situated in said County,about four miles west of said town and about half mile North of Friends Creek Winedrenarian Church,adjoining lands of David Turner and others,formely owned by George Ridenour and afterward by Isaac Beard,and containing 60 acres of land,more or less Thereare some good fruit trees and excellent water on the premises,but no buildings.Terms of sale As prescribed by the decree;One-half of the puchase money to be paid in cash on the day of sale, or on the retification thereof by the Court;the residue in six or twelve months from the day of sale,the purchaser or purchasers givin his,her or there notes with approved security and bearing interest from the day of sale,or all cash at the option of the purchaser or purchasers.When all the purchase money has been paid the deed will be executed,but all the expence of conveyancing

to be born by the purchaser or purchasers.

Eugene L.Rowe
Trustee

THE EMMITSBURG CHRONICLE

Emmitsburg,Md.Sept,23,1905

This is to certify,That the annexed notice was published in The Emmitsburg Chronicle,a newspaper published in Frederick County,once a week,for three successive weeks prior to the 23rd,day of September 1905.

Filed September 30th,1905. W.H.Troxell Publisher.

Term 1905

Ordered by the Circuit Courtfor Frederick County,sitting as a Court of Equity, this 30th,day of October 1905,that the sale made and reported by the trustee aforesaid be and the same is hereby ratified and confirmed,no cause to the contrary having been shown,although due notice appears to have been given as requird by the proceeding Order Nisi passed in said cause,And the said cause is hereby refered to the Auditor to State an account therein.

John C.Motter.

Filed October 30th,1905.

BILL OF COMPLAINT.

The Central National Bank, of Frederick,Maryland,a body corporate, Vs. Emory L.Coblentz,Charles C. Waters,and Thaddeus M.Biser, Trustees of Augustus H.Ebert, in Bankruptcy;and Emory L.Coblentz, Charles C.Waters,and Thaddeus M.Biser, Trustees of Elizabeth Edert,in Bankruptcy;and Edward J.Winebrenner Sr. # No.8269 EQUITY. in the Circuit Court for Frederick County, sitting as a Court of Equity.

To the Honorable,the Judges of the Circuit Coubt for Frederick County,sitting as a Court of Equity;

The Bill of Complaint of the Central National Bank,of Frederick,Maryland,a body corporate,respectfully shows unto your Honors:-

1. That heretofore,to-wit: on the 28th,day of February,1899,Augustus H.Edert and Elizabeth Ebert,his wife,being indebted unto the said Central National Bank,of Frederick,Maryland,in the sum of Eleven Thousand Dollars,upon three several promissory notes bearing date on the 24th,day of February,A.D.1899,for the respective sum of Five Thousand Dollars,and Two Thousand Dollars,upon which Edward J.Winebrenner Sr,became surety,and for the purpose of indemnifying the said Edward J. Winebrenner Sr.as surety on said notes,and to protect him,the said Winebrenner, from all liability therefor,the Augustus H.Ebert,his wife,on thr said 28th day of February,1899,executed to the said Edward J.Winebrenner Sr.their deed of Mortgage conveying unto him,the said Winebrenner,all their title and interest in and to those and tracts of land lying in Frederick County,State of Maryland, known as the store property of B.Ebert and sons,on the North side of West Patrick Street,in Frederick City;the Laundry Property on the same side of the same street in said City;the Repository,on the South side of the same street in said City ; and Twenty-seven acres and Eighteen Perches of land near Feagaville,in said County,which said properties were futher described in said mortgage by reference to the title deeds therefor;and which said mortgage also conveyed all the interest

of the said Augustus H.Ebert and Elizabeth Ebert,his wife,in the stock in trade and machinery and equipment in the store property of the firm of B.Ebert and sons in said City.

2. And which said deed of mortgage contained a proviso,that if the said Augustus H.Ebert should pay or take up at or before maturity the promissory notes aforesaid so as to protect the said Winebrenner from all liability therefor,then the said mortgage shall be void,and it was agreed that until default should be made by the said Augustus H.Ebert he should retain possession of the premises and property thereby mortgaged.All of which will fully appear by reference to a certified copy of said mortgage filed herewith as Exhibit No.1,which,togather with all other Exhibits hereinafter produced,it is prayed may be taken and considered as part of the Bill of Complaint.

3. That said mortgage,so given as aforesaid,inured to the benefit of your complainant,the Central National Bank,of Frederick,Maryland,

4. That of said original indebtedness,secured by the said mortgage as aforesaid,there still remains due,owing and unpaid unto the Central National Bank,of Frederick,Maryland,your Complainant,the sum of Nine Thousand Dollars,with interest thereon from tha 16th day of May,1907,(although the time limited for the payment thereof by the condition of said mortgage has and payment has been duly demanded)upon notes which are renewals of the original notes recited in said mortgage,and upon which said renewals the said Edward J.Winebrenner Sr.is surety;and upon which said Central National Bank,of Frederick,Maryland,has secured judgment against the said Edward J.Winebrenner Sr.in the Circuit Court for Frederick County.

5. That in the month of September,1907,the said Augustus H.Ebert and the said Elizabeth Ebert,on their respective petition filed in the United States District Court for the District of Maryland, were duly adjudged Bankrupts under the Acts of Congress in such cases made and provided,certified copies of their adjudication in bankruptcy having been recorded,as required by law,among the land Records of Frederick County;and the said Emory L.Coblentz,Charles C.Waters and Thaddeus M.Biser were duly elected and qualified as Trustees of the said Augustus H.Ebert,as will appear by reference to a certificate of their appointment and qualification as such Trustees,under the hand of the Clerk of the said District Court of the United States for the District of Maryland,given under the seal of the Court,herewith filed as Exhibit No.2;and the said Emory L.Coblentz,Charles C.Waters and Thaddeus M.Biser were also duly appointed Trustees of the estate of said Elizabeth Ebert,and have qualified as such Trustees,as will appear by reference to a certificate of their appointement and qualification,under the hand of the Clerk of the said District Court of the United States for the District of Maryland,and under the seal of said Court,herewith filed as Exhibit No,3.wherefor under the provisions of the Acts of Congress relating to Bankruptcy all the right title,and interest of the said Augustus Ebert and Elizabeth Ebert,his wife,in and to the property mentioned and described in the mortgage aforesaid persons to the said Trustees.

6. That the said Central National Bank,of Frederick,Maryland,your Complainant,applied,by petition to said District Court of the United States for the District of Maryland,for permission to foreclose the mortgage above mentioned in the Courts of this State,the prayer of which petition having been subsequently granted by said District Court on the 29th day of January,1908,as will fully appear by reference to a certified copy of said petition and Court's Orders thereon herewith filed as Exhibits Nos.4 and 5 .

7. That,as will appear by reference to the certified copy of the aforesaid mortgage filed herewith as Exhibit No.1,the said Edward J.Winebrenner Sr,on the 24th day of April,1906,by endorsement at the foot of said mortgage,in thr Land Records of Frederick County,released from the operation of said mortgage,the property mentioned and described therein as the Laundry Property,but your Complainant, the Central National Bank,of Frederick,Maryland,did not join in said release.

TO THE END,THEREFOR,That the said Emory L.Coblentz,Charles C.Waters,and Thaddeus Biser,Trustees in bankruptcy of said Augustus H.Ebert,and the said Emory L.Coblentz,Charles C.Waters,and Thaddeus M.Biser,Trustees,in Bankruptcy of the said Elizabeth Ebert,to the said Edward J.Winebrenner Sr.may answer the several matteres and things aforesaid,or so much thereof as they may necessary,may be sold for the payment of your Complainints Claim,with interest aforesaid;and that your Complainant may have such other or futher reliefas its case may require.

May it Please Your Honors,to grant unto your Complainant the writ of subpoena in the usual form directed to the Sheriff of Frederisk County,against the said Emory L.Coblentz,Charles C.Waters and Thaddeus M.Biser,Trustees in Bankruptcy of Augustus H.Ebert,and against the said Emory L.Coblentz,Charles C.Waters and Thaddeus M.Biser,Trustees in Bankruptcy of Elizabeth Ebert,and against the said Edward J.Winebrenner,Sr.,commanding them and each of them to be and appear in this Court on some certain day to be therein named,to answer the premises and abide by and perform such decree as may be passed herein.

And as in duty,etc.,

John S.Newman
Sol,for Comp,

Filed February 14-1908.

EXHIBIT NO 1

U. S. INTERNAL Cancelled Revenue Stamp $5.00

At the Request of Edwar J.Winebrenner,Sr.,the following Mortgage is Received for Record and Recorded March 4th,1899 at 9.30 O'clock A.M.

Test: Doughlass H.Hargett,Clerk.

This Mortgage,made this 28th,day of February in the year Eighteen hundred and Ninety nine by Augustus H.Ebert and Elizabeth Ebert,his wife,of Frederick County Maryland,Witnesseth,Whereas Edward J.Winebrenner,Sr.,in consideration of the execution of these presents has indorsed three promissory notes of the said Augustus H.Ebert,to the central National Bank of the date of February 24,1899,for the sum of Five Thousand Dollars,Four Thousand Dollars and Two ThOusand Dàllars respectively for the accomodations of the said Augustus H.Ebert and has agreed to renue said indorsements from time to time when requested to do so by the said Augustus H.Ebert within the limit of $11000.aforsaid during a period of not more than Three years from the date of these presents,now therefore,in consideration of the premises the said Augustus H.Ebert and Elizabeth Ebert,his wife,do hereby grant unto the said Edward J.Einebrenner,Sr.,all their title and interest to and in those lots and tracts of land lying in said County and State and known as the Store property of B.Ebert & Sons on the North side of West Patrick Street in Frederick City,the Laundry Property on the same aide of the same street in said City,the repository on the south side of the same street in said City,twenty seven Acres and eighteen perches of land near Feaggaville in said County for a fuller description of which properties and the title to the same reference is made to various deeds recorded in Liber T.G.No.6,folio 602,folio 526,J.W.L.C.No.1, folio 255,W.I.P.No.6,folio 122,J.L.J.No.14,folio 167,& D.H.H.No.3 folio398,Land Records of said County,also all our interest in the stock in trade and machinery and equipments in the store property of the firm of B.Ebert and Sons,in said City and to have and to hold the above granted property unto the said Wdward J.Winebrenner Sr.his heirs and assigns forever in fee simple,provided that if the said Augustus H.Ebert shall pay or take up at or before maturity the promissory notes aforesaid indorsed by the said Edward J.Winebrenner,Sr.so as to protect the said Winebrenner from all liability therefore,then this mortgage shall be void,and it is agreed that until default shall be made by the said Augustus H.Ebert he shall retain possession of the premises and the property hereby mortgaged,but if the said Augustus H.Ebert shall fail to pay or take up the notes aforesaid or the renewals thereof so that the said Edward J.WInebrenner,Sr,shall become liable therefor,then it shall be lawful for the said Edward J.Winebrenner,Sr.to sell the said mortgaged premises and property at the Court House in said Frederick City, at public auction for cash after giving at least three weeks public notice of the time,place,and terms of sale by advertisement in some newspaper published in said City prior to the day of sale,and to apply the proceeds of such sale to the

payment,in the first place,of the expences attending such sale,secondly,to the payment of the said notes then due and thirdly,to the payment of all ther of said notes that may fall due and not be paid by the said Augustus H.Ebert umtil all of the notes so as aforesaid indorsed by the said Edward J.Winebrenner Sr.shall be fully paid with the expences thereon,and then to pay the surpluss of said proceeds of sale,if any,to the said Augustus H.Ebert,And the said Augustus H.Ebert hereby covenants and agrees as part of this mortgage,default in the covenant to give the right to sell as above provided,that he will during the continuance of this mortgage keep the property hereby mortgaged insured in some good and reliable Company from loss by fire in an ammount not less than Ten Thousand Dollars.

Witness our hands and seals,

Augustus H.Ebert (Seal)

Augustus H.Ebert (Seal)

Test! Thad M.Biser. Elizabeth Ebert (Seal)

State of Maryland,Frederick County,Sct!-

I hereby certify that on this 28th,d y of FEbruary A.D.1899 before me a Justice of the Peace in and for said Counby and State,personally appeared Augustus H.Ebert,his wife,and each acknowledge the aforegoing mortgage to be their respective act and deed,and at the same time alsd personally appeared Edward J.Winwbrenner Sr,the mortgagee above named and did make oath in due form of law that the consideration stated in said mortgage is true and bona fide as therein set forth.

Thad M.Biser,J.P.

In consideration of the payment by Augustus H.Ebert to the Central National Bank of Frederick of the sum of One Thousand Dollars and for value received I hereby release from the operation of the above mortgage the property mentioned and described therein as the Laundry Property,being the Property described in the deed from Charles W.Ross Trustee to Augustus H.Ebert and John Ebert,dated April 4th,1888,and recorded among the land records of FRederick County,in Liber W.I.P.No.6,folio122 retaining the lien of said mortgage on all the other real estate mentioned in said mortgage.

Witness my hand and seal this 24th,day of April A.D.1906.

Witness, Edward J.Winebrenner Sr. (Seal)

Harry E.Chapline.

(Partial release recorded April 24,1906.
Test! Samuel T.Haffner,Clerk)

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the original Mortgage as the same is recordd in Liber D.H.H.No.4 folio 654 &c.,one of the land Records for Frederick County,Maryland,with the partial release thereof as entered upon said Land Record.

In testimony whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederick,Maryland,this 3rd,ady of February,A.D.1908.

PLACE OF Court. SEAL

Samuel T.Haffner

Clerk of the Circuit Court for Frederick County ,Md.

Filed Feby,14th,1908

EXHIBIT NO "2"

Certificate of Appointement of Trustee by Creditors.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF MARYLAND.

In the matters of
Augustus H.Ebert,
trading as B.
Ebert & Sons,

No.1665 "H" In Bankruptoy.

BANKRUPT.

At Frederick,in said District,on the 10th,day of October 1907,before Edward Y.Goldsborough,Refree in Bankruptoy.

This being the day appointed by the Court for thr first meeting of creditirs of said Bankrupt,

and of which due notice has been given, in the "News" and by mail, I, the undersigned Refree of said Court im Bankruptcy, sat at the time and place above mentioned pursuant to such notice, to take the proof of claims, and for the appointment of a trustee or trustees of said Bankrupt's Estate.

And I hereby certify that by the majority vote in number and ammount of the claims of all oreditors whose claims have been allowed and were present, or duly represented at said meeting, Charles C. Waters, Emory L. Coblentz, and Thaddeus M. Biser of Frederick were chosen Trustees of said Bankrupt's Estate; and the penalty of their bond was fixed at 10.000, Dollars.

Edward Y. Goldsborough
Referee.

We hereby accept the appointement as said Trustee this 10th day of October 1907

Charles C. Waters
Emory L. Coblentz
Thad. M. Biser

The choise and appointment of Charles C. Waters, Emory L. Coblentz, and Thaddeus M. Biser as Trustees of said Bankrupt's Estate is this 11th, day of October 1907, approved.

Edward Y. Goldsborough
Referee.

UNITED STATES OF AMERICA, DISTRICT OF MARYLAND, to-wit:-

I, James W. Chew, Clerk of the District Court of the United States for the District of Maryland, do certify that the within is a true copy of the certificate of appointement of Charles C. Waters, Emory L. Coblentz and Thaddeus M. Biser, as Trustees of the Bankrupt estate of Augustus H. Ebert, trading as B. Ebert and Sons filed in the therein entitled case, in said District Court, on the 18th, day October 1907

And I do further certify that said Trustees have qualified as such by filing the required bond which has been duly approved.

PLACE United OF States SEAL

In Testimony Whereof, I hereunto set my hand and affix the seal of said District Court, this 5th, day of February 1908.

Arthur L. Spamer
Clerk.

Filed Feby. 14-1908

EXHIBIT NO 3.

Certificate of Appointment of Trustee by Referee.

UNITED STATES OF AMERICA, DISTRICT OF MARYLAND, SS.

In the United States District Court for the District of Maryland.

In the Matter of
Elizabeth Ebert.
Bankrupt.

No. 1666 In Bankruptcy.

At Frederick, in said District, on the 10th day of October 1907, before Edward Y. Goldsborough Referee in Bankruptcy.

This being the days appointed by the Court for the first meeting of oreditors under the said Bankruptcy, and of which due notice has been given, in the "NEWS" and by mail, I, the undersigned Referee of said Court in Bankruptcy, sat at the time and place above mentioned, pursuant to such notice, to take the proof of debts, and for the choice of trustees under the said Bankruptcy; and I do hereby certify that the oreditors whose claimes had been allowed and were present, or duly represented, failed to make choice of a trustee of said Bankruptcy Estate, and therefore I do hereby appoint Charles C. Waters, Emory L. Coblentz and Thaddeus M. Biser, in the County of Frederick and State of Maryland, as trustee of the same

And hereby fix the penalty of the bond to be filed by said trustee in

this case in the sum of $1000. Edward Y.Goldsborough
Referee in Bankruptoy.

We hereby accept the appointment as said Trustees this 10th day of October 1907.

Charles C.Waters
Emory L.Coblentz
Thad,M.Biser.

UNITED STATES OF AMERICA,DISTRICT OF MARYLAND,to-wit!--

I,James W.Chew,Clerk of the District Court of the United States forthe District of Maryland, bo certify that the within is a true copy of the certificate of appointement of Charles C.Waters, Emory L.Coblentz and Thaddeus M.Biser as Trustees of the Bankrupt estate of Elizabeth Ebert filed in the therein entitled case,in said District Court,on the 18th day of October 1907

And I do further certify that said Trustees have qualified as such by filing the required bond, which has been duyy approved.

In Testimony Whereof,I hereunto set my hand and affix the seal of said District Court,this 5th day of February 1908.

PLACE United ••••OF•••• States SEAL

Filed Feby,14-1908

Arthur L.Spamer
Clerk.

EXHIBIT NO 4

In the Distriot Court of the United States,for the District of Maryland,sitting as a Court of Bankruptoy!

In the Matter of
Augustus H.Ebert,Trading
as B.Ebert and Sons,
Bankrupt.

No. 1 6 6 5 Bankrupt Docket H.

To the Honorable Thomas J.Morris,Judge of the District Court of the United States,for the District of Maryland,sitting as a Court of Bankruptoy!

The petition of the Central National Bank,of Frederick,Maryland,a oreditor of said Bankrupt holding two promissory notes secured by an indemnity mortgage to Edward J.Winebrenner,Sr.,a co-maker thereof respectfully shows unto your Honor!-

1. That heretofore,to-wit;on the 24th day of September A.D.1907,a certain Ausustus H.Ebert,and Elizabeth Ebert,his wife,of the City of Frederick and State and District of Maryland,filed in your Honorable Court their voluntary petititon to be adjudicated bankruppts,and that the said Augustus H.Ebert and Elizabeth Ebert were,on said petition so filed,duly adjudicated bankrupts on the ____day of Septemner,1907.

2nd. That at the time of the filing of said Petition the said Augustus H.Ebert and Elizabeth Ebert his wife,were indebted to the Central National Bank of Frederick,Maryland,in the sum of Nine Thousand Dollars,with interest on same,upon two rebewed promissory notes of the said Augustus H.Ebert and Elizabeth Ebert,his wife,Harry Ebert,and Edward J.Winebrenner Sr.,that the said Edward J.Winebrenner,Sr.,is secured as surety for Augustus H.Eberton said renewed notes by a mortgage dated the 28th day of February,A.D.1899,duly executed by the said Augustus H.Ebert and Elizaberth Ebert,his wife,tothe said Edward J.Winwbrenner,Sr., to secure the said Winebrenner as surety on said notes or any renuals thereof;and that said mortgage has been heretofore duly recorded on Maroh 4th,1899,in Liber D.H.H.No.4,folio 654,one of the land records of Frederick County,in the State of Maryland,in the effice of the Clerk of the Circuit Court for Frederick County,a duly certified copy of which said mortgage is filed herewith as Ezhibit No.1,which,together with all the other exhibits herewith filed,it is prayed may be taken and considered as a part of this petition as if the same were herein set forth in words and figures.

3rd. That there is now due and unpaid on the promissory notes mentioned in the previous paragraph, with interest thereon,as secured by said mortgage,Ezhibit No.1,the sum of Nine Thousand Dollars, with interest from May 16,1907,all of which is secured to your petitioner by the undertaking of said Winebrenner and by said mortagage,which is a lien on the real estate therein mentioned,and that said Winebrenner is unwilling to pay said debt.

4th. That the property mentioned in said mortgage, consisting of the store property, the repository, and the farm at FeagAville, are worth, as your Orator is informed, verily believes and so charges, much less than the sum of Nine Thousand Dollars; that the Laundry Property mentioned in said mortgage has been long since released from its operation by said Winebrenner, and the stock of goods mentiond therein has long since been sold and pisposed of, and that said mortgaged property is not sufficient, by several Thousand Dollars, to pay the said indebtedness upon said notes secured by said mortgage, Exhibit No.1, together with the accured interest thereon, and the proper costs and charges of foreclosure proceedings.

5th. That the said trustees in bankruptcy of the said Augustus H.Ebert and Elizabeth Ebert, his wife, have no interest in the said mortgaged property, the liens thereon amounting to largely more than the said mortgaged property will sell for at public auction; that your petitioner has the lien prior in right to any other creditor of said bankrupts, as will appear by the schedules of the Bankrupts filed in your Honorable Court; and that there is no interest remaining in the other creditors of the said Bankrupts in the said mortgaged property; and that it would be to the best interest of all the creditors of the said Bankrupts to have the said land sold by your orator under ferolosure proceedings in the Courts of the State of Maryland and under the laws thereof.

Your Orator, therefore, prays your Honor to pass an order granting unto your Orator permission to ferolose said mortgage, Exhibit No.1, in the Courts of the State of Maryland, and under the laws thereof, and after deducting from the proceeds of said sale mortgage indebtedness and the interest thereon and all proper costs and charges, to pay over to the trustees in bankruptcy of the said Augustus H. Ebert, Bankrupt, the surpluss, if any there be, to be by said trustee returned to your Honorable Court for distribution among the creditors of the Bankrupts entitled thereto as their interest may appear, and for general relief; provided, due notice be given to the said Trustees in Bankruptcy of the object and purpose of this petition on or brfore the_____day of_____A.D.1908, to be and appear in your Honorable Court on or before the_____day of_____A.D.1908, to show cause, if any they may have, why an order should not be passed as prayed.

And as in duty, etc.

John S.Newman

Solicitor for Central National Bank, of Frederick.

United States of America, for the District of Maryland:-

I hereby certify that on this 31st day of December A.D.1907. before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Frederick, dult commisioned, qualified, and sworn, residing and having an office in said County and State aforesaid, personally appeared at said County and State William B.Storm, Cashier of the said Central National Bank, and made oath in due form of law that he is the Cashier of the said Central National Bank, of Frederick Maryland, and duly authorized by its Board of Directors to make this affidavit; and did futher make oath in due form of law that the matters and things setforh in the above and foregoing petition are true as therein set forth to the best of his knowledge, information and belief.

Given under my hand and Notorial Seal the day and year aforesaid.

Richard Potts

Notary Public.

(NOTARIAL SEAL)

In the matter of

Augustus H.Ebert, trading as B.Ebert and Son,

Bankrupt.

No. 1665 Bankrupt Docket H.

Ordered by the District Court of the United States, for the District of Maryland sitting as a Court of Bankruptcy, that permission is hereby given the Central

National Bank,of Frederick,Maryland,to instute proceedings in the Courts of Maryland to foreclose the mortgage dated February 24,A.D.1899,given by Augustus H.Ebert and Elizabeth Ebert,his wife,to Edward J.Winebrenner Sr.,to indemnify said Winebrenner for his endorsement of said notes discounted at said Bankand now due and unpaid,the said foreclossure to be under the laws of the State of Maryland;and after deducting fsom the proceeds of said foreclosure sale the mortgage indebtedness and the interest thereon and all property costs and charges,to pay over the surpluss,if any there be, to the Trustees in Bankruptoy of the said Augustus H.Ebert and Elizabeth Ebert,his wife,for distribution to the oreditors of said Bankrupts entitled thereof,as their interest may appear under the directions of this Court;provideed due notice be given by serving a copy of the foregoing petition and of this order on the Trustees in Bankruptoy of the said Augustus H.Ebert and Elizabeth Ebert, his wife,of the objeot and purpose of the petition filed as aforesaid by the said Central National Bank,of Frederick,Maryland,on or before the 6th day of January A.D.1908,for the said Trustees to answer said Petition in this Ciurt on or before the 18th day of January A.D.1908,and show cause,if any they may have,why this order should not be made absolute.January 2,1908.

Thos.J.Morris
District Judge.

UNITED STATES OF AMERICA,DISTRICT OF MARYLAND,to-wit!

I,ARTHUR L.SPAMER,Clerk of the District Court of the United States for the District of Maryland,do hereby certify that the foregoing is a true copy of the petition of the Central National Bank of Frederick,Maryland,and the Order of Court thereon,which were entered and filed in the therein-entitled matter of Augustus H,Ebert,trading as B.Ebert and Sons,Bankrupt,in said District Court,on the second day of January,1908.

In TESTIMONY WHEREOF,I hereunto set my hand and affix the seal of said District Court,this thirty first day of January,1908.

Arthur L.Spamer
Clerk.

PLACE UNITED OF STETES SEAL

Filed Feby.14th,1908.

EXHIBIT NO 5

IN THE DISTRICT COURT OF THE UMITED STATES FOR THE DISTRICT OF MARYLAND.

IN BANKRUPTCY.

Bankrupt.

In the Matter of
Augustus H.Ebert,
trading as B.Ebert &Sons,

No.1 6 6 5 Dooket H.

The matter of the petition of the Central National Bank of Frederick,Maryland,filed January 2nd, 1908,for leave to foreclose a mortgage of indemnity, dated February 28th,1899,from the Bankrupt and his wife to Edward J.Winebranner,recorded Maroh 4th,1899,in LIber D.H.H.No.4,folio 654,one of the land Records of Frederick County,Maryland,having oome on to be heard on the said Petition and the answer thereto of John E.Shell & Company and other creditors of said Bankrupt,and the answer thereto of the Frederick Gas & Electric Company of Frederick and other oreditors of said Bankrupt,and the answer thereto of Thaddeus M.Biser,one of the Trustees of said Bankrupt,and the answer thereto of Charles C.Waters and Emory L.Coblentz,two of said Trustees,and the Court having considered the same and all the proceedings in the matter,and it not being denied in any of said answers that the said mortgaged property is insufficient to pay the slaim intended to be secured by said mortgage,and it not appearing that the estate of said bankrupt has any benifisial interest in the said property, upon consideration of all the facts set forth in the said petition and the said several answers,it is now,this 29th day of January,1908,by the District Court of the United States for the District of Maryland,in Bankruptoy,ADJUDGED AND ORDERED,that the order nisi on the said petition be,and the same is hereby,made final;and that the Central National Bank of Frederickhave leave and is hereby give leave to forclose said mortgage in any Court of competent jurisdiction as it may be advised,as prayed in said petition.

Filed Feby.14-1908

TRUE COPY TEST!Arthur L.Spamer Clerk

Thos.J.Morris
District Judge.

Petition & Affidavit and Courts Orders Thereto

The Central National Bank, a body corporate etc. VS. Emory L.Coblentz et al. — No. 8269 Equity. In the Circuit Court for Frederick County, in Equity sitting.

To the Honorable Judges of said Court!

The petition of Michael F.Seachrist,respectfully represents unto your Honors:

1.That on the 14th,day of February,1908,the Complainant,in the above entitled cause,filed a Bill of Complaint therein,for the purpose of having certain Real Estate,therein mentioned and described,sold.

2. That the property,which the Complainant desires to be sold,was the property of one Augustus H.Ebert,a bankrupt,as therein alleged.

3. That your petitioner is a large and bona fide creditor of the said Bankrupt and has not been made a party to this cause,although he is advised,and so charges, that he is ehtitledto be made such.

3 1/2 That your Petitioner,is informed and verily believes and so charges,that the trustees,or rather two-the majority-of them-to-wit! Emory L.Coblentz and Charles C.Waters,will not protect and subserve his interests,as well as that of the other creditors of the said Bankrupt estate.

4. That your petitioner is advised,believes and so charges that the said trustees will not contest and question the right of the Complainant to the relief for which it seeks,which will be,your petitioner,charges detrimental to his interest and those of the other creditors.

5. That thereis certain defences namely (2)that the indebtness intended to be secured by the mortgage has been discharged by operation of law,(1) That the Central National Bank has no right to grant on this suit which your petitioner desires to interpose to the granting of the prayers of the said Bill of Complaint,and that the trustees will not introduce these defences nor urge the objections which we your petitioner wishes to establish in this cause.

6. That these said defenses are materious ones and to prevent their interposition would result in a great hardship and irreparably injury to your petitioner and the other creditors in this cause.

7. That your petitioner is advised that he is entitled as a matter of right,to be made a party defendant to these proceedings and permitted to enforce his rights and mantain his defenses.

To the end therefore,

1. That your petitioner,the said Michael F.Seachrist,may be made a party defendant to these proceedings,for the purposes set forth in this petition.

2. That he may have all such futher and futher relief as the nature of his case may require, And as in duty etc.,

Michael F.Seachrist.
Petitioner.

Stoner & Weinburg
Solicitors for Petitioner.

State of Maryland,Frederick County,Sot!

I hereby certify that on this 18th day of February A.D.1908,before the subscriber,the Clerk of the Circuit Court,for Frederick County,personally appeared Michael F.Seachrist,the above-named petitioner,and made oath,in due form of law that the mAtters and things stated in the aforegoing petition are true to the best of his knowledge and belief.

Samuel T.Haffner
Clerk of the Circuit Court for Frederick County.

The foregoing petition and affidavit having been read and considered by the Court;it is thereupon,this 19th,day of February A.D.1908,by the Circuit Court

for Frederick County,sitting as a Court of Equity,and by the authority thereof,ordered that the said Michael F.Seachrist,be,and he is,hereby made a party defendent to the proceedings in this cause.unles cause to the contrary be shown on or before the 29th day of February 1908,provided a copy of this order be served on the plaintiff and defendants nowof record on or before the 29th day of February 1908.

John C.Motter

Filed Feby,19,1908

COPY OF COURTS ORDER

The Central National Bank,
a body corporate etc.
Vs.
Emory L.Coblentz et al.

No 8269 EQUITY.
In the Circuit Court for Frederick County,in Equity sitting.

To the Honorable the Judges of said Court!

The petition of Michael F.Seachrist,respectfully represents unto your Honors!--&c.,&c.,&c.,

The aforegoing petition and affidavit having been read and considered by the Court,it is thereupon,this 19th,day of February A.D.1908,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,ordered that the said Michael F.Seachrist,be,and he is hereby made a party defendant to the proceedings in this cause,unless to the contrary be shown on or before the 29th day of February 1908,provided a copy of this order be served on the plaintiff and Defendants now of record on or before the 20th day of February 1908.

John C.Motter.

Filed February 19th.1908

True copy Courts order-Test! Samuel T.Haffner
Clerk of the Circuit Court for Frederick County,Md.

PLACE OF Court. SEAL

Filed Feby,21-1908

(ANSWER OF CENTRAL NATIONAL BANK OF FREDERICK MD.TO PETITION OF MICHAEL F.SEACHRIST.)

The Central National Bank
of Frederick,Md.
Vs.
Emory L.Coblentz,et al.,
Trustees,et al.

No. 8269 EQUITY.
In the Circuit Court for Frederick County,in Equity.

To the Honorable the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity.

The Central National Bank of Frederick,Maryland,for answer to the petition of Michael F.Seachrist, filed in this cause on the 19th day of February,1908,and to show cause why the prayer of said petition should not be granted,answers and says as follows!-

1st.That said petition does not allege the petitioner to be anything more than a general creditor of Augustus H.Ebert,a bankrupt debtor,and as such petitioner is represented by the trustees in Bankruptcy of said Ebert,who are parties to the cause.

2nd. That said petition does not allege that said trustees have either failed or refused action or that they are willing to bo so.

3rd. That said petition does not allege that thereis and equity in the property sought to be sold under the mortgage foreclosure proceedings in this cause,to accrue to the benefit of any creditor of said Augustus H.Ebert,or to his Bankrupt estate.

4th. That said petition does not set out any defence to the proceedings instuted in this cause.

5th. That your respondant believes,and so charges,that the filing of said petition and the desire on the part of petitioner to be made

a party defendant in this cause,is intended and has been produced only by a desire to delay,hinder and annoy,this respondant and complainant in its attempt to enforce the kortgage sought to be foreclosed,and in the collection ofa debt justly due to it.

6th.That said petitioner does not allege that he has any lien on the property covered by the mortgage set forth in the Bill and exhibit theretoo filed in this cause,or that he has any interest in said property or the proceeds thereof different from any other creditor of said Augustus H.Ebert,Bankrupt.

7th. That this respondant denies that petitioners has any meritorious defence to offer as a reason why the mortgage in this cause should not be foreclosed , or the prayer of the Bill should not be granted.

8th. That this respondent believes,and so charges,that the trustees in Bankrup toy of said Augustus H.Ebert and Of Elizabeth Ebert,his wife,who are parties defendant in this cause are able and willing and desirous to make every proper defence,but that they are not willing to engage in litigation merely for the purpose of delay and to hinder and harass the Complainant in the prosecution of its rights;they not being willing to incur the possibility of having to pay the costs and charges out of the estate in their hands to the detriment of those interested in said estate.For the above reasons and for others to be made known at the hearing this respondant objects to the said Michael F.Seachrist being made a party defendant in this cause,and demurs to the allegations of the petition as being sufficient in law to authorize or warrant your Honorable Court in passing any order making him a party.

John S.Newman

Sol.for Central National Bank of Frederick Md.

Filed Feby,26-1908.

ANSWER OF EMORY L. COBLENTZ AND CHARLES C.WATERS TO PETITION OF MICHAEL F.SEACHRIST.

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The Central National Bank, of Frederick,
Vs.
Emory L.Coblentz et al.
Trustees.,et al.

No. 8 2 6 9 Equity,In the Circuit Court for Frederick County,sitting as a Court of Equity.

To the Honorable,the Judges of said Court:-

Emory L.coblentz and Charles C.Waters,two of the Defendant Trustees in the adove entitled cause,foe answer to the petition of Michael F.Seachrist filed in this cause on the 19th day of February,1908,say:-

1. That these Respondents,to-gather with Thaddeus M.Biser,the remaining one of the Trustees of Augustus H.Ebert and Elizabeth Ebert,Bankrupts,filed their answer to the Bill filed to the above entitled cause,in which they admit such of the allegations contained in said bill of complaint as to the truth of which they had knowledge,and of such allegations as they had no knowledge they neither admitted nor denied the same,as will appear by their answer already filed in said cause.

2. That your Respondants absolutely deny that they will not protect and subserve the interest of the creditors of the Bankrupt estate of Augustus H. Ebert and Elizabeth Ebert as charged in said petititon of Michael F.Seachrist but aver that they have done and will do every thing in their power to protect the interest of the creditors of said bankrupt estate,and for this reason they object to the said Michael F.Seachrist being made a party defendant in this cause,and aver and charge that the sold object of said petitioner,who has been a willing tool and servent for various persons in an effort to injure

and practically desroy the interests of the general oreditors of the bankrupt estate in the bankrup proceedings,is to hinder,delay and harass the complainant in the above oause in the prosecution of its rights,and thus subject the complainant and possibly the estate of said bankrupts tounecessary costs and expenoes in litigation,the result of which cannot,in the nature of things,inure to the benefit of the said bankrupt estate.

3. That your Respondents as Trustees aforesaid are willingand desirous of making any proper defence to any suit or litigation which might in any way injuriously affect the interests of the oreditors of the said bankrupt estates,but are not willing to foster litigation merely for the purpose of hindering and delaying the complainant,or any other party,in the prosecution of their proper rights to the detriment of those interested in said bankrupt estate.

For the above reasons,and for others to be made known at the hearing,these Respondents object to the said Michael F.Seachrist being made a party defendant in this cause.

Emory L.Coblentz
Charles C.Waters

Filed Feby,27-1908

ANSWER OF TRUSTEES TO BILL OF COMPLAINT.

The Central National Bank , of Frederick,Marylamd,a body oerporate,
Vs.
Emory L.Coblentz,Charles C. Waters,and Thaddeus M.Biser, Trustees of Augustus H.Ebert, in Bankruptot,et al.

No.8269 Equity,In the Circuit Court for Frederick County, sitting as a Court of Equity.

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The joint and several answers of Emory L.Coblentz,Charles C.Waters,and Thaddeus M.Biser,Trustees in Bankruptoy of Augustus H.Ebert,and Emory L.Coblentz,Charles C.Waters,and Thaddeus M.Biser, Trustees in Bankruptoy of Elizabeth Ebert,to the Bill of Complaint filed against them and others in the above entitled oause. These Defendants, answering said Bill of Complaint,answer and state:-

1. That they admit the allegations contained in said Bill as therein set forth,except the allegation contained in the 4th paragraph of said bill,and as to the allegation of the 4th paragraph as contained in said bill,these Defendants admit that there is an indebtness due the Complainant of Nine Thousand Dollars,as set forth in said bill,but as to wether or not this indebtedness is upon notes whish are renewals of the original notes recited in said mortgage,these Defendants have no knowledge,and can,therefore, neither admit nor deny the same.

2. These Defendants further answering said bill allege that as to the property known as the Laundry Property,mentioned in said bill,the said Wdward J.Winebrenner Sr.released said property from the effect and operation of the mortgage in said bill mentioned,in consideration of the sum of One Thousand Dollars paid by the said Augustus H.Ebert to said Central National Bank,of Frederick, Maryland;and that said Central National Bank, of Frederick,Maryland,having received the consideration paid for said release,are bound for the same,and that,whether bound or not,the said property having been released by the said Winebrenner,for whose benefit said mortgage was given,said Central National Bank,of Frederick,Maryland,are precluded from attempting to enforce the lien of said mortgage against said property until they have exhausted their remedies against the said Winebrenner.

3. That said Trustees in Bankruptoy have heretofore advertised said Laundry Property to be sold at public sale,by virtue of and in performance of their duties as Trustees in Bankruptoy of the said Augustus H.Ebert,and they allege that,under the circumstances,the Circuit Court for Frederick County,in Equity,is,at this time,without jurisdiction to decree a sale of said Laundry Property,

4. And these Defendants fyther allege that the stock in trade mentioned in said mortgage were sold and disposed of be the said Augustus H.Ebert prior to his adjudication as a bankrupt,and that such of the machinery and equipment,coverdd by said mortgage,in the store property of the firm of

B.Ebert and Sons,as remained in the possesion of thr said Augustus H.Ebert at the time of his adjudication in bankruptcy,your trustees claim the right to dispose of and to account for the proceeds in the proceedings in said bankrupt case in the United States District Court for the District of Maryland.

And have fully answered,these Defendants pray to be hence dismissed.

Emory L.Coblentz
Charles C.Waters
Thad.M.Biser
Trustees in Bankruptcy of Elizabeth Ebert.

Emory L.Coblentz
Charles C.Waters
Thad.M.Biser
Trustees in Bankruptcy of Elizabeth Ebert.

Filed February 27th,1908

A N S W E R O F T H A D. M. B I S E R
One of the Trustees

The Central National Bank, a body corporate,(&c.,)
Vs.
Emory L.Coblentz,et al.
Trustee.

No. 8269 EQUITY.
In the
Circuit Court for
Frederick County,
in Equity.

To the Honorable,the Judges of said Court!--

The answer of Thad.M.Biser,one of the trustees in the above entitled cause to the petition of Michael F.Seachrist filed herein of date February 19th 1908, respectfully shows unto your Honors!-

1. That this trustee admits the matter and things alleged in the first and second paragraphs of said petition;

2. That as to the third parAgraph of said petition this trustee admits that said petitioner is a creditor of the bankrupt mentioned therein;but as to said petitioner's right to be made a party in this cause,this trustee neither consents nor objects thereto,as it does not appear from said petition upon what grounds said petitioner prays your Honors to be made a party thereto;

3. Answering the fourth paragraph of said petition this respondent avers that he has done,since his appointment as one of the trustees of said bankrupt estate, and will continue to do everything in his power for the protection and best interest,not only of one,but of all of the creditors of saod bankrupt estate;

4. And answering the fifth,sixth and seventh paragraphs of said petition this trustee says that as it does not certainly appear from said paragraphs what defences said petitioner desires to interpose,nor what rights he would endeavor to enforce,this respondent can neither admit nordeny the several matters referred to therein,but leaves the petitioner to his proof of the same.

And as in duty bound,&c.,-

Thad.M.Biser
One of the Trustees

Filed February 28th,1908

Petition of Edward J.Winebrenner Sr.to have his name stricken out as a party Defendant and to be made a Co-Plaintiff,& Courts Order thereon.

The Central National Bank of Frederick,Maryland,
vs.
Emory L.Coblentz,et al.
Trustee,et al.

No.8269 Equity.
In the Circuit Court for
Frederick County,in Equity.

To the Honorable the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity.

The petition of Edward J.Winebrenner, Sr., respectfully shows unto your Honors!--

1st. That since the filing of the bill in this he has paid to the Central National Bank of Frederick a large portion of the indebtedness due said Bank foe and on account of the notes of Augustus H.Ebert on which youe petitioner was suretyand for the payment of which your petitioner held the mortgage sought to be foreclosed in this case to indemnify him. That having paid a portion of the indebtedness described in said mortgage your petitioner prays your Honors to strike out his name as one of the defendants in this cause, and that he may be made a plaintiff therein along with said Central National Bank.

And as in duty &c.

E.J.Winebrenner

Claytin O.Keedy
Sol, for Petitioner

The Central National Bank of Frederick hereby consents to the striking out of the name of Edward J.Winebrenner, Sr. as one of the Defendants in this cause, and that he be made a co-plaintiff.

The Central National Bank of Frederick by
John S.Newman, Sol.

Filed March 11th, 1908

ANSWEROF EDWARD J.WINEBRENNER SR, TO PETITION OF MICHAEL F.SEACHRIST.

The Central National Bank of Frederick, et al.
Vs.
Emory L.Coblentz, et al.
Trustees, &c.

No. 8269 EQUITY.
In the Circuit Court for Frederick County, in Equity.

The answer of Edward J.Winebrenner, Sr., to the petition of Michael F.Seachrist, heretofore, filed in this cause.

This respondent for answer to the petition of Michael F.Seachrist heretofore filed in this cause, and for cause why the prayer of said petition should not be granted and said petitioned made a party to the proceedings in this cause, answer and says!--

That he adopts as his answer and as the reasons why said Michael F.Seachrist should not be made a party defendant, the answer and cause skown by the Central National Bank of Frederick heretofore filed in this cause on the 26th day of February, 1908.

E.J.Winebrenner Sr.

Clayton O.Keedy
Sol.for Defehdent

Filed March 11th, 1908.

GENERAL REPLICATION

The Central National Bank of Frederick, Md., and Edward J.Winebrenner, Sr.
VS.
Emory L.Coblentz, et al.,
Trustees &c.

No. 8269 EQUITY.
In the Circuit Court for Frederick County,
in Equity.

The plaintiffs in this cause join issue on the matters allegedin the answers of Emory L.Coblentz, Charles C.Wabers, and Thaddeus M.Biser, Trustees of Augustus H.Ebert, and in the answers of said Emory L.Coblentz, Charles C.Waters and Thaddeus M.Biser, Trustees of Elizabeth Ebert, so far as the same may be taken to deny or avoid the allegations of the Bill.

John S.Newman
Sol.for Central National Bank of Frederick Md.

Clayton O.Keedy Atty,
for Edward J.Winebrenner Sr.

Filed Mar, 21, 1908
Refiled Apr, 3, 1908

PETITION AND AFFIDAVIT OF
MICHAEL F SEACHRIST.

Central National Bank,
a body corporate etc.,
Vs.
Emort L.Coblentz,
Charles C.Waters;
and Thaddeus M.Biser,
Trustees.

No. 8269 EQUITY.
In the Circuit Court
for Frederick County,
sitting as
a Court
of Equity.

To the Honorable Judges of said Court:-

The ammended Petition of Michael F.Seachrist,respectfully represents unto your Honors:-

1. That on the 14th day of February A.D.1908,the Complainant in the above entitled cause,filed a Bill of Complaint in your Honorable Court,for the purpose of having certain real estate of one August H.Ebert,bankrupt,sold under a decree of your Honorable Court,setting forth therein that it,the Complainant,is the payee in certain notes made by the said bankrupt and indorsed by one Edward J.Winebrenner Sr.,and that the said bankrupt and his wife exesuted a mortgage indemnifying the said Edward J.Winebrenner Sr.,and that the said notes are now due and owing,and the said mortgage inures to the benefit of said Complainant;all of which will appear by reference to said Bill of Complaint filed in this cause.

2. That in this proceedings the Central National Bank was made the Complainant and Emory L.Coblentz,Charles C.Waters,and Thaddeus M.Biser,Trustees of Augustus H.EBert,in Bankruptcy;and Emory L.Coblentz,Charles C.Waters and Thaddeus M.Biser Trustees of Elizabeth Ebert,in Bankruptcy;and Edward J.Einebrenner Sr.,were made defendants;and,subsequently,to-wit:on the 11th day of March A.D.1908,the said Edward J.Winebrenner Sr.filed a petition allegaing that he had paid a large portion of the indebtedness due said Bank;whereupon your Honors passed an order dismissing the said Winebrenner as a defendant and constituting him a plaintiff.

3. That your petitioner is a large creditor of the said Augustus H.Ebert,bankrupt,having filed his claim with the refree in Bankruptcy;and is advised,believes and so charges that the trustees in this cause are not representing his interests in this matter as they should be and that they are manifesting more solicitude and concern about the claim of the Central National Bank,in this matter, than about the other creditors,rights;and your petitioner futher charges that they have been passive and indifferent to the suit of the Central National Bank in this cause--virtually consenting to a passage of the decree for which the said Bank asks in this cause,as shown by the answer of the said Trustees filed in this causeand to which reference is hereby made.

4. That your petitionsr filed in this cause an application and petition,on the 19th. day of February A.D.1908,alleging himself to be a bona fide creditor of the said bankrupt and that he had certain defences,which were meritorious,to interpose in this case to the granting of the relief for which the said bank prays and that the trustees would not urge nor introduce them.

5.That in andwer to this petition the trustees while stating that they are ready and willing to make every valid defence,practically deny that your petitioner has any sich defense and accuses him of being litigious and attempting to hinder, embarrass and delay the Central National Bank in the enforcement and prosecution of its rights,and your petitioner is therefore forced to the conclusion that they will not resist the suit of the Central National Bank,because they,the trustees,say that the Complainant is enforcing its rights in this behalf.

6. That your petitioner has certain valad and boni fide defences,as hereinafter set forth,which he desires to interpose to the claim and suit of the Central National Bank,as well for himself as all the other general oseditorsof the bankrupt estate,whose interests will be vitally affected in the event the said Bank succeeds in obtaining the decree for which it seeks.

7. Thqt your petitioner is perfectly willing for the trustees to set up and plead these defences, providee they will assure him that they will conduct them with zeal,fidelity and force;will be sincere,earnest and aggressive in maintaining them and in doing every other act and thing in a proper and dilligent manner for his protection anf those of his fellow oreditors.

8. That you petitioner has not and cannot obtain such assurance from the said trustees;and inasmuch as he is advesed that the atterneys who represented the trustees,aforesaid,likewise are the council for the Bank and Winebrenner the now plaintiffs,he,your petitioner charges that he and his associat oredators will not have the matters,which they desire to bring to the attetion of the Court,properly and rightly presented to the Court and that the trustees will not urge these defences and support them in the same manner and with the same degree of care and perseverance as if their attorneys represented them soley and absolutely and were free from all entangling alliances with the Central National Bank and its co-plaintiff,in this cause;which said alliances your petitioner believes now exist.

9.That these defences aforesaid,are as follows! 1.That your HonorableCourt has no Jurisdiction of t this cause for these reasons!(a) The mortgagee named in the mortgage, is Edward J.Winebrenner Sr., and thereis no allegation in the Bill of Complaint that he has ever refused or been requested to foreclose the said mortgage;that until this is done the Central National Bank has no right to maintain a suit of this kind,and hence this suit is prematurely brought;because the Nank cannot,and there is no necessity fot it to do so,enforse the lien if Winebrenner is willing to forclose the mortgage.(b)the petition of Edward J.Winebrenner Sr.,filed in this cause shows and proves that he has paid a large portion of this indebtedness,and consequently,the Central National Bank is not entitled to any recognition if its claim is being satisfied;and there is nothing to show that the residue (which your petitioner is informed is small)alleged to be due will not be paid by the said Winebrenner.2.The indebted-ness,which the said mortgage was intended to sevure has been discharged and extinguished for these reasons! (@)the original indebtedness consists of three notes,the respective amounts of which are $5000.00,$4000.00 and $2000.00;and these obligations are dated Feb.24, 1899,and that on these notes the names of Augustus H_Ebert,Elizabeth Ebert and Edward J_Winebrenner Sr.appear as makers;that this indebtedness has been reduced,evidently,to the amount of $9000.00, as stated in Bill of Complaint;that this being true when this indebtednedd was reduced,new notes were given by the said Eberts and Winebrenner to the bank,therefore,the antecdent indebtedness has been satisfied,according to law of Maryland;(b)that the notes whit it is now sought to have paid, contained in addition to the names of Augustus H.Ebert,Elizabeth Ebert and the said Winebsenner, the name of Harry Ebert;that the bank and Winebrenner demanded that his name be,and appear on these notes,before other--wise Winebrenner would not endorse;that the original notes,which constitute the indebtedness mentioned in the said mortgage,didnot bear his name,and therefore the notes now before the Court are entirely new and distinot obligations there being an essential variance and change;and the mortgage does not therefore cover this indebtedness,now sought to be satisfied;that the demand and acceptance of additional security created under the Laws of Maryland,a novation and an extinguishment of the old debt;that consequently there is now no dbet secured by the mortgage, aforesais,that all of these facts can be proven by contempt testimony;that the said indebtedness had been diminished,by virtue of many payments made thereon by the said Augustus H.Ebert and wife, until it was less than $9000.00,the ammount alleged to be due;and that by subsequent indorsements and obligations between the same parties it was increased to the ammount of $9000.00,the result of which is to change the entire obligation,and supersede the old obligation,so that there is now a new obligation not designated in the mortgage and never intended nor designed to be secured thereby according to its terms and provisions.

9. That your petitioner desires to be made a party to these proceedings unlessthe said Trustees will guarantee to set up the several defences,herein enumerated,upon the assurances heretofore mentioned and to be embodied in their answer.

To the end, therefor,

1. That your Honors will pass an order setting the matter arising hereon down for a hearing, and requiring and directing the trustees to answer this petition, show cause why the said Michael F. Seachrist should not be made a party, and also officially and definitely inform your Honors whether or no they will interpose the defenses, aforesaid, in the manner and form as stated.

2. That your Honors will geant unto your petitioner all such futher and other relief as the nature of his case may require.

And as in duty, etc.,

Michael F. Seachrist
Petitioner.

Stoner & Weinberg
Sol, for Petitioner.

State of Maryland, Frederick County, Sct:

I hereby certify that om this 23rd day of March A.D. 1908, before the subscriber, the Clerk of the Circuit Court for Frederick County, personally appeared Michael F. Seachrist, the petitioner named in the foregoing petition, and made oath in due form of law, that the matters and things therein stated, are true to the best of his knowledge and belief.

Samuel T. Haffner
Clerk of the Circuit Court for Frederick County.

The foregoing petition and affidavit having read and considered by the Court; it is thereupon, 24th, day of March A.D. 1908, by the Circuit Court for Frederick County, in Equity, ordered that the matter arising upon the foregoing petition, be and the same is hereby set down for a hearing on Saturday, the 28th. day of March A.D. 1908 at the hour of 10 A.M.; and it is futher ordered by the Court that the said Trustees, answer this petition on or before the 27th, day of March A.D. 1908; and it is futher ordered that a copy of this orderd be served upon the said trustees. Filed March 23-1908. John C. Motter.

Courts Order Filed March 25, 1908.

COPY COURTS - ORDER

Central National Bank a body coporete etc., VS. Emory L. Coblentz, Charles C. Waters, and Thaddeus M. Biser, Trustees.	No. 8 2 6 9 EQUITY. In the Circuit Court for Frederick County, sitting as a Court of Equity.

Copy Courts order to ammend petition of Michael F. Seachrist.

The foregoing petition and affidavit having been read and considered by the Court it is thereupon, this 24th, day of March A.D. 1908, by the Circuit Court for Frederick County, in Equity, ordered that the matter arising upon the aforegoing petition be and the same is hereby set down for a hearing on Saturday, the 28th, day of March A.D. 1908, at the hour of 10 A.M.; and it is further ordered by the Court that the said Trustees, answer this petition on or before the 27th, day of March A.D. 1908; and it is further ordered that a copy of this order be served forthwith upon the said trustees.

John C. Motter

Filed March 25th. 1908.

True copy--Test;

Samuel T. Haffner
Clerk of the Circuit Court for Frederick County, Md.

Returned Filed March 26th. 1908.

Answer of Emory L.Coblentz and Charles C.Waters to
ammended petition of Michael F.Seachrist

The Central National Bank,
of Frederick,and Edward J.
Winebrenner Sr.,
VS.
Emory L.Coblentz,et al.,
Trustees et al.

No.8269 EQUITY.
In the Circuit Court for
Frederick County,sitting
as a Court of Equity.

To the Honorable,the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity!--

The joint and several answers of Emory L.Coblentz and Charles C.Waters,two of the Trustees in Bankruptcy of Augustus H.Ebert and Elizabeth Ebert,to the amended petition of Michael F.Seachrist, respectfully shows;-

1st.That they admit the qllegations contained inthe 1st and 2nd paragraphs of said amended petition.

2nd.That answering the 3rd paragraph these respondants say that they admit that the said Michael F.Seachrist has filed a claim against the estate of the said bankrupts,and futher allege that as a creditor of said bankrupts he partisipated in the election at which these respondents were elected Trusteew of the bankrupts.And futher answering said paragraph these respondents emphatically and indig nantly deny that they are "not properly"representing the interest of the general creditors of the bankrupts and of the said Michael F.Seachrist in this cause,amd most emphatically and indignantly deny that "they are manifesting more solicisitude and oonsern about the claim of the Central National Bank than of the other creditors",and that"they have been passive and indiferent to the suit of the Central National Bank,virtually oonsenting to the passage of the decree asked for in the bill of Complaint."On the contrary these respondents say that their answer as filed in this cause shows no such condition of affairs as is alleged in this paragraph of the amended petition of Michael F.Seachrist,but does show that they neither admitted nor denied the legality of the mortgage or the existance of the claims of the bank and of the said Winebrenner,and put the bank upon its proof of the said indebtedness,thereby raising all questions necessary to be raised in this cause and presented to the Court for its determination before the final passage of any final decree by the Court in this cause.And futher answering said paragraph these respondents say that the said amended petition of the said Michael F.Seachrist is inspired by the solicitors representing the said bankrupts who are the same solicitors representing the said Michael F.Seachrist in this proceedings,and that the name of the said Michael F.Seachrist is being used by them as collicitors,and members of his family,alleged creditors of the bankrupt,as a means of injury and if possibly destroy the interests of the general creditors in the estate of the bankrupts,with the hope that the same will in some manner inure to the benefit of the bankrupts and the alleged creditors of the bankrupts,other than the said Seachrist,who are members of the bankrupts'family,who have heretofore filed in this cause a petition asking to be made parties to this proceeding,withdrawing the same before this Honorable Court could pass upon the question of their being made parties defendant,and then immediately refiling the said petition in the name of Michael F.Seachrist,as will appear by the papers of record fibed in this cause.

3rd. In answering paragraph 4 of the amended petition these respondents admit that apetition was filed as stated in said paragraph,but deny that they had any knowledge of any defence,meritorious or otherwise,to be made on behalf of the said Michael F.Seachrist to this suit,and they deny that the said alleged defences set forth in said mended petition had never been communicated to these respondents,and that they would not "urge or introduce" them,as alleged in said paragraph.

4th.Answering paragraph 5 these respondents say that they made such defense to their suit as they thoughtproper and right to raise all questions necessary to be determined in this cause,and they futher answering say that they,in answering the original petition of the said Seachrist to be made a party,avered themselves ready and willing to make every valid defenseto the bill of complaint,

and they now peofess themselves willing and ready to make any valid defense that may be made in this suit.And futher answering said paragraph 5 to the amended petition these respondents say that as to the conclusion drawn from the allegations of these respondents'answer by the colicitor for the petitioner,the language used in paragraph 2 of the answer of respondents to the original petition is plain, and it is hereby reiterated and repeated,and these respondents again take occasin to call the attention of this Honorable Court to the fact of record in this cause that the same solicitors who filed the petition of February 15th,1908 asking that Augustus and Elizabeth Ebert,the bankrupts,and Harry and Nargaret M.Ebert,the alleged creditors,to be made parties to this suit,are now appearing for Michael F Seachrist and filed this amended petition for him in his name.

5th.Answering paragraph 6 and 9 these respondants say that they are ready and willing to make any valid and bonafide,legal defense that may be made on behalf of the creditors of the bankrupts in this suit.And futher answering said parAgraph,with particular reference to paragraph 9 of the amended petition these respondents say that for the first time on the readings of this amended petition and paragraph 9 thereof have they had any knowledge of or information of the alleged defenses of Michael F.Seachrist to this suit,whish the solicitors for the bankrupts and of Harry and Margaret Ebert,alleged creditors of the bankrupt,and of Michael F.Seachrist,this prtitioner,desires to make in this cause,and now that the said alleged defense is disclosed in said paragraph 9 of the amended petition, these respondents respectfully submit the same to the consideration of this Honorable Court,and will abide its direotions in the matter as to wether the defense as mentioned in the amended petitiom,paragraph 9,is valid and meritorious and should be made in this cause.

6th.Answering paragraphs 7 and 8 of the amended petition these respondents say that the allegations contained in said paragraphs are impertinent,scandalous and extremely offencive,charging as they do,collusion on the part of these respondent in proventing defense being made in this suit,and that "the petitioner and his associate creditors will not have matters which they desire to bring to the attention of the Court properly and rightly presented to the Court,and that the Trustees will not urge these defenses and support them in the same manner and with the same degree of care,and perseverance as if their attorneys represented them sloely and absolutely and were freefrom all entangling alliances with the complainant in this cause,which said alliance your petitioner believes now exists,"And futher answering said paragraphs these respondents say that they do not recognize the rights of the petitioner or of his solicitors to "exact" of the Trustees any assurance "to set up and plead" the alleged defenses as contained in paragraph 9 of the amended petition,and " Upon what meat doth this,our Ceaser,feed?"that these respondents should recognise any right in the petitioner or his solicitors to "demand" of these respondents any assurense," that they will conduct themselves with zeal,fidelity and force and will be sincere,earnest,and aggressive in maintaining them,and in doing every other act and thing in a proper and diligent manner for his protection and those of his fellow creditors,"and these respondents say that the solicitor for the petitioner desires,with a much exagerated "Ego,"to usurp the power of this Honorable Court when they attempt to "exact"of the Trustees the assurance "to set up and plead" the defense that they outline in paragraph 9.And these respondents say that the language used in paragraph 7 and 9 by the solicitor for the petitioner in his amended petition is extremely bumptious and unnecessarily offensive to honorable gentlemen,members of the Bar of this Honorable Court, charging them with ignorance of their duties as Trustees of the bankrupt creditors,and an asperation upon their legal knowledge and an insult to their characters and standing as professional men,the promptings perhapts of over-heated imagination or "brain-storms"resulting from their zeal to serve the interest of the

bankrupts,whose solicitors they are,and alleged oreditors of the bankrupts,members of his family, and of the petitioner Michael F.Seachrist,who is merely a willing tool of the bankrupts and the members of his family,who allege themselves oseditors,and the said Seachrist is permitting himself to be used by the solicitors of the bankrupts and the members of his family,alleged oreditors of the bankrupt,to harass,annoy,impede,and delay a prompt and equitable settlement of the bankrupts estate.And these respondents futher answering say that there is no desire or real effort being made in this cause by the said solicitors filing this amended petition to serve the interests of the general oreditors of the bankrupt,but that the amended petition is filed by them in an effort to serve the interests of the bankrupts and the members of his family who profess themselves to be creditors of the bankrupt.And these respondents pray the Court to strike out the afore-mentioned scandalous and impertinent clauses and sentences in said amended petition.
And having answered all and several the paragraphs of said petition and the allegations therein , these respondents pray to be hence dismissed with their proper costs.

Emory L.Coblentz
Charles C.Waters

Filed March 27th,1908.

O P I N I O N O F C O U R T

Central National Bank
a body corporate,
VS.
Emory L.Coblentz et al.
Trustees.

No.8 2 6 9 E Q U I T Y.
In the Circuit Court for
Frederisk County,sitting
as a Court of Equity.

In the above entitled cause,Michael F.Seachrist,on the 23rd day of March 1908 filed an amended petition to be made a party defendent,in said cause for the purpose of presenting certain defenses to the mortgage,which is being sought to be foreclosed by the plaintiff,a duly certified copy of which mortgage is filed in the case.
In the petition he alleges that he is a common oreditor of the mortgagor Augustus H.Ebert,who has been duly adjudged a bankrupt,and that the trustees have failed to set up in their answer to the Bill the defense set forth in his petition,which he believes are good and valid defenses to the Bill of complaint,and which if sustained by the Court,would defeat the plaintiffs proceedings,and would result in distributing the property covered by said mortgage among the common oreditios of said mortgager.His petition has been sworn to by him.The Trustees answered said petition,in which answer they admit that said Seachrist is a creditor of said mortgagor,but allege they are willing to present any good and valid defense to the suit and refer to their answer to said Bill of Complaint as an evidence thereof.I have examined the answer,and found nothing in it to show that the defense set forth in said Seachrist's petition am affirmatively presented by them.The common oreditor generally has no right to intervene,and the Trustees represent them,dut it is only fair that they should more or less consult the interests of those who are ordinarily helpless to present their side of the controversy.it is the duty of the Court to see that this is done,either by directing the trustees to be so,or make the creditors a party to the cause,so he can do so.Nowit is not necessary for me to determine the correctness or validity of the defenses set up in the petition at this time,but some of them are sufficient consequence to be embraced in an answer to the Bill of Complaint.The trustees have personally expressed a willingness to be guided by the Court in the matter,and to file such an answer.I think it is the duty of the trustees,under all the circumstances to set up substantially the defenses set forth in the 2nd,statement of defense in said Seachrist's petition, so that they may be presented to the Court for its consideration.But any additional expense which will be entailed thereby in the event of a failure to maintain them,must be born by sa d petitioner I do not think it is necessary for any formal order in the premises,as I believe the trustees will act without the necessity for such order.Of course if they do not do so,on the application of the petitioners solicitor a formal order will be issued.

JohnC.Motter

Filed March 31,1908

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SUPPLEMENTAL ANSWER OF TRUSTEES TO BILL OF COMPLAINT.

The Central National Bank, of Frederick, and Edward J. Winebrenner Sr. VS. Emory L. Coblentz, et al, Trustees of Augustus H. Ebert, Bankrupt, et al.

No, 8269 EQUITY.
In the Circuit Court for Frederick County, sitting as a Court of Equity.

To the Honorable, the Judges of said Court:-

The supplemental answer of Emory L. Coblentz, Charles C. Waters, and Thaddeus M. Biser, Trustees in Bankruptcy of Augustus H. Ebert and Elizabeth Ebert, to the Bill of Complaintfiled against them and others in the above entitled cause, respectfully shows unto your Honors:-

That futher answering the said Bill of Complaint these Respondents say; that in obedience to the order of the Court as set forth in the opinion of the Court filed in this cause March 31st, 1908, add to the answer already filed by these Petitioners the foolwing paragraph to be known as paragraph 5, which it is prayed may be taken and considered as a part of the original answer of these respondents as filed in this Court on February 27, 1908, as follows, to-wit:-

5. And futher answering said Bill of Complaint these Respondents say; that the sworn amended petition of Michael F. Seachrist filed in this cause March 23, 1908, and the information therein contained in paragraph 9 thereof, (1) The indebtedness which the said mortgage was intended to secure has been discharged and extinguished for these reasons; (a) the original indebtedness consists of three notes, the respective amounts of which are $5000.00, $4000.00 and $2000.00; that these obligations are dated Feb. 24, 1899, and that on these notes the names of Augustus H. Ebert, Elizabeth Ebert and Edward J. Winwbrenner Sr. appear as makers; that this indebtedness has been reduced, evidently, to the amount of $9000.00, as stated in Bill of Complaint; that this being true when this indebtedness was reduced, new notes were given by the said Eberts and Winebrenner to the bank, and therefore, the antecedent indebtedness has been satisfied, according to the Law of Maryland; (b) that the notes which is now sought to have paid, contained in addition to the names of Augustus H. Ebert, Elizabeth Ebert and the said Winebrenner, the name of Harry Ebert; that the bank and Winebrenner demanded that his name be and appear on these notes, otherwise Winebrenner woukd not endorse; that the original notes which constitute the indebtedness mentio ned in said mortgage did not bear his name, and therefore the notes now before the Court are entirely new and distinct obligations, there being an essential variance and change; and the mortgage does not therefore cover this indebtedness, now sought to be satisfied; that the demand and acceptance of additional security created, under the Laws of Maryland, a novation and extinguishment of the old debt; that consequently there is now no debt secured by the mortgage aforesaid; that all of these facts can be proven by competent testimony; that the said indebtedness had been dim inished by virtue of many payments made thereon by the said Augustus H. Ebert and wife, until it was less than $9000.00, the amount alleged to be due; and that by subsequent indorsements and obligations between the same parties it was increased to the amount of $9000.00; the result of which is to changethe entire obligation, and supersede the old obligation, so that thereis now a new obligation not designated in the mortgage and never intended nor designed to be secured thereby, according to its terms and provisions.

And it is prayed that the aforegoing paragraph may be taken and considered as a part of the original answer as filed by these Trustees in this cause on February 27, 1908. Charles C. Waters. Emory L. Coblentz Thaddeus M. Biser.
Trustees.

Let t e abeve paragraph be taken and considered asa part Of the original answer as filed in this cause on February 27,1908,the same having been read and considered by the Court this 1st,day of April A.D.1908,and the same being im conformety with the opinion of the Court filed in this case on the 31st,day of March,A.D.1908.

John C.Motter

Filed April 1,1908

D E C R E E F O R S A L E O F R E A L E S T A T E.

The Central National Bank of Frederick.
VS.
Emory L.Coblentz,et al. Trustees &c.

No. 8269 EQUITY.
In the Circuit Court for Frederick County, sitting as a Court of E Q U I T Y.

T E R M, 1 8 9

The above cause standing ready for a hearing,and being submitted,the Bill,Answer,Exhibits testimony Argument of Council and all other proceedings were by the Court read and considered and the Court being clearly satisfied by the proof that at the final hearing of the case a Sale of the real Estate mentioned in the proceedings,will be ordered.It is thereupon,this 25th,day of May in the year Nineteen Hundred and Eight by the Circuit Court for Frederick County,as a Court of Equity and by the authority of said Court,adjudged,ordered,and decreed,that the land and premises mentioned in these proceedings be sold;and that the money arising from such sale be brought into Court to be disposed of as the Court by final decree shall direct and that John S.Newman and Clayton O. Keedy of Frederick County,be,and they are hereby appointed Trustees to make the said Sales,and that the course and manner of their proceedings shall be as follows;They shall first file in the Clerk's office of this Court,a BOND to the State of Maryland,executed by them with a surety,or sueties,to be approved be the Court,or the Clerk thereof,in the penalty of Ten Thousand Dollars, conditioned for the faithful performance of the trust reposed in them by this decree,or which may be reposed in them by any future order;or decree in the premises.They shall then proceed to make Sale of the said Real Estate,having first given at least three weeks previous notice,inserted in some newspaper printed in Frederick County,and such other notice as they may think prepper of the time,place,manner and terms of sale;which terms shall be as follows;One-Half of the purchase money to be paid in cash on the day of sale,or on the retification thereof by the Court,the residue in six months from the day of sale the purchaser or purchasers giving his,her,or theirnotes,with approve security and bearing interest from the day of sale,or all cash at the eption of the purchaser and as soon as may be convenient after any such sale or sales,the said Trustees shall return to this Court a full and pertieular account of the same,with an affidavit of the truth thereof,and of the fairness of such sale or sales,annexed,and on the ratification of such sale or sales by the Court,and on payment of the whole purchase money,and not before,the said Trustee,by good and sufficient deeds to be executed and acknowledged agreeably to law,shall convey to the purchaser or purchasers of the said property,and to his,her or their heirs,the property to him,her or them sold, free, clear,and discharged of all claim of the parties to this cause,and of any person or persons claiming by,from,or under them;and the said Trustees shall bring into this Court the money arising on such sale or sales,and the bonds or notes which may be taken for the same,to be disposed of under the direction of this Court,after deducting therefrom the costs of this suit,and such commission to the said Trustee as the Court shall think proper to allow,on consideration of the skill, attention and fidelity wherewith they shall appear to have discharged their trust.

John C.Motter.

Filed May 25th,1908.

T R U S T E E S R E P O R T O F S A L E S . .

A N D O R D E R N I S I T H E R E O N.

The Central National Bank of Frederick, Maryland, and Edward J. Winebrenner, Sr.

VS.

Emory L. Coblentz, Charles C. Waters and Thaddeus M. Biser, Trustees in Bankruptcy of Augustus H. Ebert and Trustees of Elizabeth Ebert.

No. 8269 EQUITY.

In the Circuit Court for Frederick County, in EQUITY.

To the Honorable the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity.

The report of sales of Clayton O. Keedy and John S. Newman, Trustees appointed by the decree of your Honorable Court to make sale of the Real Estate decreed to be sold in the above entitled cause respectfully shows unto Your Honors!--

1st. That after giving bond with security for the faithful discharge of their trust, as required by said decree, and giving notice of the time, place, manner, and terms of sale by advertisement inserted in the "Daily News" a newspaper published in Frederick County, for more than three successive weeks before the day of sale, and by hand bills extensively circulated, they did, pursuant to said notice, attended at the Court House Door in Frederick City, Frederick County, Maryland, on Tuesday the 18th, day of June, 1908, at the hour of 11 O'Clock a.m. and then and there proceeded to sell said Real Estate as follows, to-wit!--

In the first place your trustees offered at public sale to the highest bidder all that lot or parcel of ground known as the store property of B. Ebert and Sons situated on the North side of West Patrick Street in Frederick City, and being the same property described in the deeds recorded among the land records of Frederick County, in Liber T.G.No.6. folios 526 & 602, and Liber A.F.No.7, folio 584; and sold the same to Margaret M. Ebert and Caroline M. Ebert, they being then and there the highest bidders therefor, at and for the sum of Fifteen hundred dollars, and upon the terms of sale prescribed by the decree and set forth in the advertisement of sale. In the next place your trustees offered at public sale to the highest bidder all that lot of ground, with the improvements thereon, known as the "Repository Property," situated on the South Side of said West Patrick Street, and discribed in the deeds recorded in Liber J.W.L.C.No.1, folio 255, and Liber J.LJJ.No.14, folio 167. Land Records of Frederick County; and sold the same to Margaret M. Ebert and Caroline M. Ebert, they being then and there the highest bidder therefor, at and for the sum of Sixteen hundred and twenty-five dollars, and upon the terms of sale pre scribed by the decree and set forth in the advertisement of sale.

In the next place your trustees offered at public sale to the highest bidder, all that farm situated on the Road leading from Feagaville to Lime Kiln in said County, and bout two-miles South East of Feagaville, containing twenty-seven acres and eighteen square perches of land, more or less, being the property described in deed recorded in Liber J.L.J.No.14, folio 167, one of the Land Records of Frederick County; and sold the same to George A. Stockman and Charlotte A. Stockman, they being then and there the highest bidder therefor, at and for the sum of Eleven hundred dollars, and upon the terms of sale prescribed by the decree and set forth in the advertisement of sale. All of the above properties are futher described in the deed from Mary L. Ebert to Augustus H. Ebert, dated February 22nd, 1899, and recorded in Liber D.H.H.No.3, folio 398, one of the Land Records of Frederick County.

2nd. That the purchasers for each piece of property have signed acknowledgements of purchase which are herewith filed as part hereof.

3rd. That the purchasers of each piece of property have paid to your trustees the sum of one hundred dollars as part of the respective purchase price of said

property,the sum thus received by your trustees being a total of three hundred dollars.
4th.That pending the sale of said property your trustees rented to one John E.Derr the right of pasture on thr farm near Feagaville and have received from him in payment for such right the sum of five dollars.Your trustees report the gross ammount of sales to be the sum of Four thousand,two hundred and twenty-five dollars ($4225.00).All of which is respectfully submitted.

John S.Newman Trustees
Clayton O.Keedy

State of Maryland,Frederick County,to-wit!--

I hereby certify that on this 20th day of June in the year nineteen hundred and eight,before me the subscriber Clerk of the Circuit Court for Frederick County,personally appeared Clayton O.Keedy and John S.Newman,Trustees,and made oath in due form of law that the matters and things stated in the aforegoing report of sales are true as therein as stated to the best of their knowledge and belief,and that the sales therein reported were fairly made.

Samuel T.Haffner
Clerk.

ORDER NISI ON SALES.

In the Circuit Court for Frederick County,sitting in Equity.

The Central National Bank of Frederick,a body corporate,and Edward J.Winebrenner,Sr.VS.Emory L. Coblentz,Charles C.Waters and Thaddeus M.Biser,Trustees in Bankruptcy of Augustus H.Ebertand Trustees of Elizabeth Ebert.

In the matter of the Report of sales filed the 20th day of June,1908.May TERM,1908.

ORDERED,that on the 13th dat of July,1908,the Court will proceed to act upon the Report of Sales of Real Estate,reported to said Courtby Clayton O.Keedy and John S.Newman,trustees in the above cause,and filed therein as aforesaid,to finally retify and confirm the same,unless to the contrary thereof be shewn before said day;provided of this order be inserted in some newspaper published in Frederick County,for three successive weeks prior to said day.

The Reports states the ammount of sales to be $4225.00.Dated this 20th day of June ,1908.

Samuel T.Haffner
Clerk of the Circuit Court for Frederick County.

THE NEWS

FRederick,Md., July 14th,1908

THIS IS TO CERTIFY,That the annexed Order Nisi on Sales ,was published in "THE DAILY NEWS," a newspaper published in Frederick County,once a week 3 successive weeks prior to the 13th day of July,1908

Filed July 14,1908

The News Per,Thomas

PUBLIC SALE
OF
VALUABLE REAL ESTATE

By virtue of an order and decree of the Circuit Court for Frederick County,sitting as a Court of Equity,passed on the 25th day of May,1908,in No.8269,Equity on the Docket of said Court,the undersigned trustees will sell at public sale in front of the Court House Door in Frederick City,Md. THURSDAY,JUNE 18,1908.at 11 O'Clock A.M.all of the following described real estate of Augustus H. Ebert,of said City to-wit,

FIRST:All that lot or parcel of ground known as the store property of B.Ebert & Sons,situated on the North side of West Patrick Street in Frederick City,and being known as Nos.131 and 133,on said street,and being the same described in the deeds recorded among the land Records of said frederick County,in Liber T.G. No.6,folios 526 and 602 and Liber A.F.No.7,folio 584.This property is improved by a brick storehouse and the lot has a frontage of about 40 feet and 3 inches on Patrick Street and runs back irregularly 152 feet,more or less,for depth,and has a with of about 66 feet 6 inches in the rear.

SECOND.All that lot of ground,with the improvements thereon,known as the Repository Property,situated on the south side of said West Patrick Street,and being No.140.The improvements consists of a

large carriage Repesitery or wareheuse building, and the let fronts 26 feet on Patrick Straat and runs back to Carroll Creek for depth, and deseribed in the deeds recorded in J.W.L.C.No.1, folie 255, and J.L.J.No.14, folie 167, Land Reeords of said county.

THIRD. All that darm situated on the road leading from Feagaville to Lime Kiln in said County, and about two miles southeast of Feagaville, containing 27 aeres and 18 Square Perehes, mere or less, and being the same deseribed in the deed recerded in Liber J.L.J.No.14 folie 167, and adjeines the lands of Harvey Murry, C.Newton Trundle and Cephus Zimmerman. The improvements eensists of a frame and leg dwelling, stable and wagon shed, heg pen and eorn erib eombined, ehicken heuse and ether eut buildings There is a spring of never-failing water convenient to the heuse and a eollection of fine apple and pear trees on the premises. All of the above properties are futher described in the deed from Mary L. Ebert to Augustus H. Ebert, dated February 22, 1899, and recorded in Liber D.H.H.No.3, folie 398, one of the Land Records of Frederick County, Terms of sale as prescribed by the Decree.-One-half of the purchase money to be paid in cash on the day of sale, or on the ratification thereof by the Court, the residue in six months from the day of sale, the purchaser or purchasers giving his, her or their notes, with approved security and bearing interest from the day of sale, or all sash at the eption of the purchasers. Conveyaneing at the expence of the purchasers. A deposit of $100 on each of the properties will be required at the time of sale.

John S. Newman
Clayton O. Keedy,
Trustees.

Harvey R Lease Auct.

I hereby aeknowledge to have purchased, this 18th day of June, 1908, from Clayton O. Keedy and John S. Newman, Trustees, all that farm situated on the road leading from Feagaville to Lime Kiln, in Frederick County, Maryland, about two miles South-East of Feagaville, containing twenty-seven acres and eighteen perehes of land, mere or less formely the property of Augustus H. Ebert, and mere fully deseribed in the annexed advertisement, at and for the sum of Eleven Hundred Dellars, and upon the terms of sale prescribed by the deeree in No.8269 Equity, in the Circuit Court for Fr4derick County, in Equity, and set forth in the annexed advertisement.

George A. Steckman
Charlottw A. Stockman

Filed June 20th, 1908.

I hereby acknowledge to have purchased, this 18th, day of June, 1908, from Clayton O. Keedy and John S. Newman, Trustees, all that let or pareel of greund known as the store property of B. Ebert and Sens, situated on the North side of West Patrick Strect in Frederick City, Maryland and mere fully deseribed in the annexed advertisement, at and for the sum of Fifteen Hundred Dellars, and upon the terms of sale preseribd the thedeeree in No.8269 Equity, in the Circuit Court for Frederick County, in Equity, and set forth in said advertisement.

Margaret M. Ebert
Caroline M. Ebert

I hereby aeknowledge to have purehased this 18th day of June, 1908, from Clayton O. Keedy and John S. Newman, Trustees, all that let of ground, with the improvements thereon, known as the Repesitery property, of B. Ebert and Sens, situated on the South side of West Patrick Street, Frederick City, Maryland, and mere fully deseribed in the annexed advertisement, at and for the sum of Sixteen Hundred and twenty five Dellars, and upon the terms of sale preseribed by the deeree in NO.8269 Equity, in the Circuit Court for Frederick County, in Equity, and set fetth in the annexed advertisement.

Margaret M. Ebert
Caroline M. Ebert

Filed June 20-1908.

Central National Bank of Frederick Maryland, and Edwaed J.Winwbrenner, Sr.,

Vs.

Emery L.Coblantz, Charles C.Waters and Thaddeus M.Biser, Trustees in Bankruptoy of Augustus H.Ebert, and of Elizabeth Ebert.

No. 8269 EQUITY.

In the Circuit Court for Frederick County, in Equity.

The aforegoing report of sales having, by the Court been read and considered, it is thereupon this 14th day of July in the year nineteen hundred and eighth, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, ordered and adjudged, that said sales be and the same is hereby finally ratified and confirmed, no cause to the contrary having been shown, although due notice have been given, as appears from the printer's certificate herewith filed. And it is futher ordered that this cause be and the same is hereby referred to the auditor to state an account of the costs and expenses of sale, council fees, commisions &c., and shew the balance left for the further adjudication of this Court.

John C.Motter.

Filed July 14th, 1908

TRUSTEES PETITION TO COMPELL PURCHASERS TO COMPLY WITH WITH TERMS OF SALE &c AND COURTS ORDER THEREON.

The Central National Bank of Frederick et al.

VS.

Emery L.Cebentz, et al.

Trustees and others.

No. 8269 EQUITY.

In the Circuit Court for Frederick County.

sitting as a Court of EQUITY.

To the Honorable, the Judges of said Court!--

The petition of John S.Newman and Clayton O.Keedy, Trustees appointed by the decree or order in this cause to sell the real estate mentioned in these proceedings, respectfully reports!--

1. That in execution of the authority vested inthem by said order or decree, they did on the 18th day of Jume, 1908, sell at public sale twe of said pieces or parcels of real estate to MargAret M. Ebert and Careline M.Ebert of Frederick County, at and for the aggregate sum of $3125.00 (being $1500.00 for one of said parcels and $1625.00 for the other) upon the terms set forth in said decree or order of the Court, which terms required at least one half of said purchase money to be paid in cash on the ratification of said sale and the dalance in six months from the day of sale, or all cash at the option of the purchasers, and that said purchasers signed an acknowledgement of purchase agreeing to said terms.

2. That said sales has been duly reported to your Honorable Court and was thereby ratified on the 14th day of July, 1908, as by said report and the proceedings thereon now remaining in Court, will fully appear.

3. That the said purchasers have paid no part of said purchase money, except $100. on each of said parcels paid to the Trustees as deposit money at the time of sale, although they have been duly notified of the ratification of the sales so made as aforesaid, and have been required by your Petitioners to make payment and settlement according to the terms of said sale; dut instead thereof they made certain indefinite premises to pay between the 5th and 10th of August next, as will appear from a letter from said purchasers to one of your Petitioners herewith filed as part thereof marked "Exhibit x".

4. Wherefore your petitioners pray that the said Margaret M.Ebert and Careline M.Ebert may be compelled by decree or order of your Honorable Court to comply with the terms of said sale, or in default thereof that the said two parcels of real estate may be sold at the risk of said purchasers for the payment of the same.

5. That your petitioners may have such other and futher relief as the nature of their case may require And as in duty &c.

John S.Newman

Clayton O.Keedy

Trustees and Petitioners.

On this 22nd day of July,1908,before me.the Clerk of the Circuit Court for Frederick County,personally appeared John S.Newman and Clayton O.Keedy,the above named Petitionerw and Trustees and made oath in due ferm of law that the matters and things stated in the aforegoing Petition ate true to the best of their knowledge abd belief.

Samuel T.Haffner. (Clerk)

Upon the aforegoing Petition and affidavit it is Ordered,this 22nd day of July 1908,by the Circuit Court for Frederick County,sitting as a Court of Equity,that Margaret M.Ebert and Caroline M.Ebert,the purchasers aforementioned,comply with the terms of sale in these proceedings mentioned by bringing into this Court the sum of $1362.50,being the one half on the purchase money due from them in this cause less the $200.deposit money already paid,with interest on said $1362.50 from the 14th day of July,1908,and giving their notes for the other half of said purchase money as required by the terms of sale (or bt paying the whole of the purchase money in cash at their option) on or before the 5th day of August 1908, or show cause to the contrary;provided a copy of this order and the aforegoing petition be served on them on or defore the 24th day of July Inst.

(Filed July 22,1908). John C.Motter

True Copy-Test! Samuel T.Haffner

Clerk of the Circuit Court for Frederick County,Md.

PLACE ....OF.... Court. SEAL

1908 July 22nd,The within Petition anf Courts.Orders served.on Margaret M.Ebert and Caroline M.Ebert, G.Ed,Myers Sheriff

Returned Filed July 22,1908

EXHIBIT "X" TO TRUSTEES PETITION

Frederick Md,July 15th,1908

Mr.Clayton O.Keedy

Dear Sir!- We will be in position to make a cash payment for the properties we purchased from you as trustees ,between the 5th and 10th of next month,We are promised the money at that time.Mr.Wainberg called our attention to this yesterdy

Respectfully

Caroline MEbert

Filed July 22,1908- Margaret M.Ebert

Upon the aforegoing Petition and affidavit it is ordered,this 22nd day of July 1908,by the Circuit Court for Frederick County,sitting as a Court of Equity,that Margaret M.Ebert,and Caroline M.Ebert,the purchasers aforesaid mentioned, comply with the terms of sale in these proceedings mentioned by bringing into this Court the sum of $1362.80,being the one half of the purchase money due from them in this cause less the $200.deposit money already paid,with interest on said $1362.50 from the 14th day of July,1908,and giving their notes for the other half of said purchase money as required by the terms of sale (or by paying the whole of the purchase money in cash at their option)on or before the 5th day of August 1908,or show cause to the contrary;provided a copy of this order and the aforegoing petition be served on them on or before the 24th day of July Inst.

Filed July 22,1908. John C.Motter.

F I N A L D E C R E E A N D C O U R T S O R D E R

The Central National Bank of Frederick and Edward J.Winebrenner,Sr. Vs. Emory L.Coblentz et als Trustees and others.

No. 8269 Equity. In the Circuit Court for Frederick County, sitting as a Court of Equity.

Tha above entitled cause stahding ready for final decree and being submatted,the Bill,Answers, Exhibits,Testimony and all the other proceedings were by the Court read and considered;
And whereas the Court being of ppinion that the mortgage in these proceedings mentioned unquestionable was and is valid to the extent of securing the sum of $4851.65 with interest thereon from May the 16th 1907,and whereas the entire property covered by said mortgage having been sold and having brought only the sum of $4225.00,as shown by the report of sales filed and finally ratified in this cause,the Court does not deem it necessary to pass upon the question as to wheather said mortgage secures any futher or grater sum than said $4851.65 and interest,It is thereupon this 10th day of August,1908,by the Circuit Court for Frederick Couhty,sitting as a Court of Equity adjudged, ordered and decreed that the defendants in this cause pay,or bring into this Court to be paid to the Plaintiffs the said sum of $4851.65 with interest from May 16th 1907,together with the costs of this suit,within one day from the date of this decree;or in default thereof the said defendants and all persons claiming through or under them be absolutely debarred and foreclosed of and from all right and equity of redemption in and to thr said mortgage premises,and every part thereof .
Abd it is futher ordered and decreed that in default of such payment,the sum of $4225.00,now in the hahds of the trustees,be distributed on the ammount of the indebtedness as ascertained above by this decree,and interest,costs and expenses of suit,so far as the same will extend.
And it is futher ordered and decreed that the orderof sale passed herein on the 25th day of July, 1908,be ans the same is hereby made final and absolute,and the same is hereby refered to the Auditor to state the account.

John C.Motter.

Filed August 10,1908

$ BILL OF COMPLAINT $

Eutaw D.Neighbors, VS. John T.Holt and Alice Holt, his wife;Milton U.S.Holt and Mollie Holt,his wife;Eugene D.Holt and Molly Holt,his wife;Charles Holt and Lucinda Holt,his wife;Lavina Harne and Frank Harne,her Husband; C.Alice Cramer,Assignee of Mortgagee;and Eutaw D. Neighbors,Executors ofthe last will and testament of Harriet Ann Holt,deceased .

No. 8930 EQUITY. In the Circuit Court for Frederick County, in E Q U I T Y .

To the Honorable,the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity!

The Bill of Complaint of Eutaw Neighbors,of Lewistown,Frederick County,Maryland,on behalf of himself as well as all the other creditors of Harriet Ann Holt who may come in and contribute to the costs and expenses of this proceeding,respectfully shows unto your Honors!--

1st. That Harruet Ann Holt was in her lifetime and at the time of her death seized and possessed of certain pieces or pareels of land situated in the County of Frederick,State of Maryland,which was conveyed unte her by three deeds; first,by deed executed by Joseph Felton and wife,bearing date August 10,1859, and recorded in Liber B.G.F.No.4,folio 428;second by deed from Daniel Leatherma Trustee,bearing date January 21,1862,and recorded in liber B.G.F.NO.7,folio 466 third,by deed executed by Daniel Geasey and wife,bearing date April 13,1858,and recorded in Liber B.G.F.No.1,folio 735,one of the Land Records of Frederick County;as will more fully appear by reference to certified copies of said deeds filed herewith marked Exhibits A_B_and C.which togather with all other exhibits herewith filed,it is prayed may be taken abd considered as a part of this bill of complaint.

2nd. That the said Harriet Ann Holt was at the tim eof her death indepted unto your complainant,the said Eutaw D.Neighbors,in the sum of $114.35 for services rendered and matters and things properly chargeable on account,evidenced by his duly proven account which is filed herewith as a part hereof and marked Exhibit D.

3rd. That the said Harriet Ann Holt,being indebted as aforesaid,departed this life on or about the _____day of _____,A.D.1912,leaving surviving her the following children,to wit:--John T.Holt,a son,whose wife's name is Alie Holt;Milton U.S.Holt,a son,whose wife's name is Mellie Holt;Eugene D.Holt,a son whose wife's name is Mollie Holt;Charles Holt,a son,whose wife's name is Lucinda Holt;and Lavina Harne,a daughter,who intermarried with Frank Harne;all of whom are adults and reside in Frederick County,Maryland.

4th. That the said Harriet ANn Holt,being indebted unto a certain Andrew N. Cramer in the sum of Two Hundred and Fifty Dollars ($250.00),in order to secure the same,executed a mortgage conveying the property described in Exhibits A,B and C to the said Andrew N.Cramer for the purpose of securing the payment of said mortgage indebtedness,which said mortgage has been duly assigned to the said C.Alice Cramer,as will appear by a certified copy of said mortgage and assignment filed herewith as apart hereof and marked Exhibit E;and that so far as your Complainant is advised,there is still due and owing on account of said mortgage indebtednesss the sum of One Hundred Dollars ($100.00) with interest.

5th. That the saif Harriet Ann Holt,prior to her death,executed a last will and testament constituting and appointing your petitioner,Eutaw D.Neighbors,the Executor thereof,but providing no power of sale whereby said property mantioned in Exhibits A.B & C could be sold under said will,as will more fully appear by reference to a certain copy of said will filed herewith and marked Exhibit F.

6th. That the personal estate of the said Harriet Ann Holt was entirely insufficient to pay the funeral expences and physician's bill incident to the last sickness and death of the said Harriet Ann Holt,and that the real estate mentioned in Exhibits A.B & C should be sold under a decree of your Honorable Court and the proceeds therefrom,after the payment of the mortgage indebtedness there on as represented by Exhibit E,should be applied to the payment of the claims of your Complainant and such other of the creditors of the said Harriet Ann Holt who may come in and contribute to the costs and expenses of this suit.

TO THE END THEREFORE:

(a) That the real estate mentioned in Exhibits A_B &C may be sold and the proceeds,after the payment of the mortgage indebtedness thereon,be applied to the payment of the claim of your Complainant as well as the other creditors of the said Harriet Ann Holt who may come in and contribute to the costs and expenses of this proceeding,and the residue paid under the directions of your Honorable Court.

(b) And that your Complainants may such other and further relief as the nature of his case may require.May it Please Your Honors to grant unto your Complainant the writ of subpoena in the usual form against the said John T.Holt and Alice Holt,his wife;Milton U.S.Holt and Mollie Holt,his wife; Eugene D.Holt and Mollie Holt,his wife;Charles Holt and Lucinda Holt,his wife;Lavina Harne and Frank Harne,her Husband;C.Alice Cramer,Assignee of Mortgagee;and Eutah D.Neighbers,Executor;all of whom reside in Frederick County,Maryland,commanding them and each of them to be And appear,either in person or by solicitor,in this Court on some day to be named therein,to show cause if any they have why a decree should not be passed as prayed and to abide by and perform such decree as may be passed herein.

And as in duty bound etc.,

Emory L.Coblentz

Chas.McC.Mathias

Solicitors for Complainant.

Filed November 26-1912.

EXHIBIT "A"

At the request of Harriet A.Holt the folloqing deed was received Augst.17th 1859.

THIS DEED made this tenth day of August,in the year Eighteen Hundred & fifty nine by Joseph Fulton & Elizabeth his wife,

WITNESSETH,that in consideration of four hundred dollars the said Joseph Fulton & Elizabeth his wife doth grant unto Harriet Ann Holt wife of Benjamin Holt all that parcel or lots of ground situated in Lewistown knowen and distinguished on the plan of said town by their numbers,fourty five,fourty six,fourty seven,seventy four,seventy five,seventy six,bordering on Washington and Johnson Streets,with buildings,improvements and apertinences their unto belonging.

Test:Moses Anders.

Joseph Fulton (Seal)

Elizabeth her X mark Fulton (Seal)

Which is thus endorsed.

State of Maryland,Frederick County to-wit!

I hereby certify that on this tenth day of August,in the year Eighteen hundred and fifty nine before the subscriber a Justice of the Peace of the County and State aforesaid personaly appeared Joseph Fulton and Elizabeth his wife and did each acknowledge the aforegoing deed to be their respective acts.

Moses Anders.

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State of Maryland,Frederick County,to-wit!

I hereby certify that the aforegoing is a true copy of the original deed from Joseph Fulton and wife to Harriet A.Holt as recorded in Liber B.G.F.No.4,folio 428,One of the Land Records of Frederick CountyMaryland.

PLACE OF Court. SEAL

In Testimony Whereof,I hereunto set my hand and affix the seal of the Circuit Coubt for Frederick County,Md.,at Frederick City,Md.,this 26th day of November A.D.1912.

Harry W.Bowers

Clerk of the Circuit Court for Frederick County,Maryland.

Filed Jan,29-1913.

EXHIBIT "B"

At the request of Harriet Ann Holt the fellowing deed was recorded May 5th 1862.

THIS DEED made this twenty first day of January,in the year Eighteen hundred and sixty two by Daniel Leatherman,Trustee,

WITNESSETH,whereas by a Decree of the Circuit Court for Frederick passed on the 9th day of October in the year Eighteen hundred and fifty eight in the case of John L.Little Vs.Daniel Leatherman,et. al.being No.2784 on the equity docket of said Court,the said Daniel Leatherman was appointed

Trustee to sell the land decreed to be sold, and has sold a part thereof hereinafter described and known in the Trustees report of sales as Lot No.44, to Harriet Ann Holt, who has fully paid the purchase money therefor, NOW therefor in consideration of the premises and of the sum of twenty seven dollars, I the said Daniel Leatherman do grant unto the said Harriet Ann Holt, all the right and title of all the parties to the aforesaid cause in and to all that lot or parcel of ground, situate, lying and being in Lewistown, in Frederick County, State of Maryland and known and distinguished on the plat of said town as Lot No.44.

Witness my hand and seal.

Test: Geo.W.Miller. Daniel Leatherman. (Seal)

Which is thus endorsed:

State of Maryland, Frederick County, to-wit?

I hereby certify that on this 21st day of January, in the year Eighteen hundreed and sixty two, before the subscriber a Justice of the Peace of the State of Maryland, in and for Frederick County, aforesaid personally appeared Daniel Leatherman, Trustee and acknowledged the above deed to be his act.

Geo.W.Miller.

State of Maryland, Frederick County, to-wit:

I hereby certify that the aforegoing is a true copy of the original deed from Daniel Leatherman, Trustee to Harriet Ann Holt as recorded in Liber B.G.F. No.7, folio 466, One of the Land Records of Frederick County, Maryland.

PLACE OF Court. SEAL

In testimony Whereof, I hereunto set my hand and and affix the seal of the Circuit Court for Frederick County, Md. at Frederick City, Md., this 26th, day of November A.D.1912. Harry W.Bowers.
Clerk of the Circuit Court for Frederick County, Maryland.

Filed Jan,29-1913.

EXHIBIT "C"

At the request of Harriet Ann Holt the following deed was recorded June 8th.1858.

THIS INDENTURE made this third day of April in the year of our Lord, one thousand eight hundred and fifty eight, between Daniel Geesey and Elizabeth Geesey his wife of Frederick County in the State of Maryland, of the one part and Harriet Ann Holt of the County and State aforesaid of the other part, Witnesseth, that for and in consideration of the sum of Fifteen Dollars and twenty cents, current money, by the said Harriet Ann Holt to the said Daniel Geesey and Elizabeth Geeses his wife, in hand paid at and before the sealing and delivery of these presents, the receipt of which they do hereby acknowledge, the said Daniel Geesesy and Elizabeth Geesey his wife, have bargained and sold, aliened and enfeoffed, and by these presents do give, grant, bargain, and sell, eneoff, release, convey and confirm unto the said Harriet Ann Holt her heirs and assings, their tnterest as also the interest of three other heirs (there being eight full shares) in a lot or parcel of land, situate and lying in Lewistown, Frederick County, Md. and known on the plat of said Townas lot No.73, as by reference to a deed from John Perkins and Elizabeth Perkins, Perry G.Smith and Susannah R.Smith and Catharine Derr (Widow of Henry Derr dec'd) to Daniel Geesey bearing date of September 10th.1856, willl more fully and at large appear, togather with all and singular the ways, rights, privileges, advantages and appurtanances thereto belonging or an any wise appertaining, and all the estate, right, title and interest, trust property, claim and demand whatsoever at law and in Equity, of them the said Daniel Geesey and Elizabeth Geesey his wife of oin and to the same. To have and to hold the said herein described premises wtih the appurtanances thereunto belonging unto the said Harriet Ann Holt her heirs and assigns to the only proper use of the said Harriet Ann Holt her heirs and assigns forever.

In thstimony whereof, the said Daniel Geesey and Elizabeth Geesey his wife,

have hereunto set their hands and affixed their seals the day and year above first written.
Signed,sealed and delivered
in the presence of
Thos.Picking

Daniel Geesey (Seal)
Elizabeth Geesey (Seal)

Which is thus endorsed!

State of Maryland,Frederick County,Sct!

Be it rembered,and it is hereby certified that on this third day of April in the year of our Lord one thousand eight hundred and fifty eight,before the subscriber,a Justice of the Peace,of the State of Maryland,in and for the County aforesaid personally appeared Daniel Geesey and Elizabeth Geesey his wife,they being known to me to be the persons who are named and described as,and professing to be,the parties to the aforesaid deed or indenture and do severally acknowledge the said Indenture or instrument of writing to be their respective act and deed;and the said elizabeth Geesey being by me examined out of the presents and hearing of her said husband "Wether she doth execute and acknowledge the same freeyl and voluntarily and with out being induced to do so by fear or threats of, or ill usuage by her husband,or by fear of his displeasure",declaerth and saith,that she doeth.

In testimony whereof,I hereunto subscribe my name on the day and year aforesaid,

Thos.Picking.

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State of Maryland,Frederick County,to-wit!

I hereby certify that the aforegoing is a true copy of the deed from Daniel Geesey and Elizabth Geesey,his wife,to Harriet Ann Holt,as the same is recorded in Liber B.G.F.No.1,folio 735,one of the Land Records of Frederick County,Maryland.

PLACE OF Court. SEAL

Filed Nov,26th,1912.

In testimony whereof,I hereuoto subscribe my name and affix the seal of the Circuit Court for FrederickCounty,at Frederick,Maryland,this 26th,day of November,A.D.1912.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County,Md.

Filed Jan,29-1913.
with the Examiners

EXHIBIT "D"

Lewistown.Md.Nov,25th,1912.

The Estate of Harriet A.Holt Dr.
To Dr.E.D.Neighbors

Eighty eight Visits	$88.00	
To Medicine at different times	$38.35	
		126.35
By cash----------		12.00
Balance Due	$114.35	

PROBATE---SINGLE.

STATE OF MARYLAND,
Frederick County,to-wit!

On this 25th,day of November in the year of our Lord,nineteen hundred and twelve before me,the subscriber,a Notary Public,in and for the said State and County,personally appeared Dr.E.D.Neighbors and made oath in due form of law that the annexed account is true and just,and that he has not received any payment,satisfaction or security for the same,except as id credited thereon.

PLACE OF Notary. SEAL

Richard Potts J.P.
Notary Public.

Filed Nov,26-1912

EXHIBIT "E"

At the request of Andrew N.Cramer the following Mortgage is received for record and recorded April 13th,1897 at 2 O'clock,P.M.

Test! John L.Jordan,Clerk.

THIS MORTGAGE made this 5th,day of January,Eighteen hundred and ninety seven,by Harriet Ann Holt and Benjamin CMHolt her husband of Frederick County,in the State of Maryland,

WITNESSETH,that whereas the said Harriet Ann Holt is justly indebted to Andrew N.Cramer of the

County and State aforesaid,in the sum of two hundred and fifty dollars upon a sealed note of even date herewith,payable to the said Andrew N.Cramer or order one year after date with interest,at five per cent from date,in consideration there of and for the bettersecuring the payment of the said sealed note at maturity and the interest thereon annually,the said Harriet Ann Holt and Benjamin C.Holt her husband,do grant unto Andrew N.Cramer all these lots or parcels of land with the improvements thereon lying and being in Lewistown in the County of Frederick in the state of Maryland,known and distinguished on the plan of Lewistown by their respective numbers No 45-46-47-74-75-& 76,being the same lots or parcels of land conveyed to the said Harriet Ann Holt,by Joseph Fulton and wife by deed bearing date August 10th 1859 & Recorded in Liber B.G.F.No.4 fol-428 one of the Land Records of Frederick County,Lot No.75 and conveyed to the said Harriet Ann Holt,by Daniel Geesey & wife by deed bearing date April 13 1888,and Recorded in Liber B.G.F.No.1 fol,735,one of the land records of Frederick County ,Lot No.44,conveyed to the said Harriet Ann Holt by Daniel Leatherman,Trustee by the deed bearing date January 21st 1862 and recorded in Liber B.G.F.#7 fol 466 one of the Land records of Frederick City,Provided that if the said Harriet Ann Holt and Benjamin C_Holt,her husband shall pay the interest on the said sealed note annually on the 5th day of January of each year and the principal at maturity,then this mortgage shall be void,and Provided that until default be made in payment of the interest as aforesaid the said Harriet Ann. Holt and Benjamin C_Holt her husband shall possess the premisses and if default shall be made in the payment of the interest as aforesaid on the principal at the maturity of said sealed note,then it shall be lawful for the said Andrew N. Cramer to sell the said mortgaged premises at public auction forcash after giving at least thirty days notice of the time place and manner of sale in one or more of the newspaper published in Frederick County,to sell the same for cash, and apply the proceeds of such sale to the payment in the first place of expenses attending such sale including such commisions court fees and taxes and then to the payment and satisfaction of said sealed note and interest and surplus if then to be paid over to the said Harriet Ann Holt.Witness our hands and seals.

Harriet Ann her X mark Holt (Seal)

Test!Christopher Baker
Milton U.S.Holt

Benjamin C his X mark Holt (Seal)

State of Maryland,Frederick County,to-wit!

I,hereby certify that on this 5th day of January 1897 before me the subscribe a Justice of the Peace of the State of Maryland in and for the said County, personally appeared Harriet Ann.Holt and Benjamin C.Holt her husband and did acknowledge the aforegoing and within mortgage to be their respective act,and at the same time personally came Andrew N.Cramer and made oath on the Holy Evangely of Almighty God that the consideration named in the aforegoing and within mortgage is true and benafied as therein set forth.

Christopher Baker J.P.

State of Maryland,Frederick County,Sct!

I hereby certify that on this 13th day of April A.D.1897,before me the subscriber a Justice of the Peace of the State and County aforesaid personally appeared Andrew N.Cramer and made oath on the Holy Evangely of Almighty God that he has not required the mortgagors their agent or attorney or any person for the Mortgagors to pay the tax levied upon the interest covenanted to be paid in advance,nor will he require the same to be paid by the said mortgagors or any person for them during the existance of this Mortgage.

Thad M.Biser,J.P.

For value received,I hereby assign the within mortgage to C.Alice Cramer.

Witness my hand and seal this 26th day of October 1907

Charles S.Snook (SEal)
executor of the last will and
Testament of Andrew N.Cramer,Dec'd.

Test!
Christopher Baker.

State of Maryland,Frederick County,to-wit!

I hereby certify that on the ____day of October A.D.1907,before me the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County,personally appeared C.Alice Cramer the assignee of the within mortgage and made oath in due form of law,that she has not required the mortgagors their Agent or Attorney or any person for the said Mortgagors to pay the tax levied upon the interest covenanted to be paid in advance nor will she require the same or any tax levied thereon to be paid by the Mortgagors or any person for them during the existance of this Mortgage.

Christopher Baker,J.P.

(Assignment recorded January 28th 1908.
Test!Samuel T.Haffner,Clerk.)

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State of Maryland,Frederick County,to-wit!

I hereby certify that the foregoing is a true copy of the original Mortgage from Harriet Ann Holt and husband to Andrew N.Cramer as recorded in Liber No.15,folio623,One of the Land Records of Frederick county,Maryland.

PLACE OF Court. SEAL

In Testimony Whereof,I hereunto set my hand anf affix the seal of the Circuit Court for Frederick County,Md.,this 26th day of Vovember A.D.1912. Harry W.Bowers

Clerk of the Circuit Court for Frederick County,Maryland.

Filed Nov,26-1912.

EXHIBIT "F"

In the name of God,Amen

I Harriette A Holt of Frederief Co.Md do hereby make and publish this my last will and testament in manner and form following,that is to say,First and principally I commit my soul into the hands of Almighty God,and my body to the earth to be decently buried at the discretion of my executors, hereinafter named, and after all my debts and funeral charges are paid I devise and bequeath as follows; I devise and bequeath to my daughter Lavina all my house-hold effects,such as beureaus,chain bed and bedding,and all other articles of furniture that are in her (Lavinias) house at this time, and it is also my desire that my daughter Lavinia shall be well and fairly compensated for the kee care and attention which I have received,or will yet receive from her while residing in her home, And I devise and bequeath all the rest and residue of my property and estate both personal and real,to be equally divided between and among my sons,John,Eugene,Milton,and Charles. and daughter Lavinia in equal portions,skare and share alike

And lastly,I do hereby constitute and appoint Eutaw D.Neighborstto be sole executor of this my last will and testament

In witness whereof I have hereunto set my hand and seal this thirteenth (13) day of September 1911

Harriette A. her X mark Holt (Seal)

Witness to mark
Eutaw D.Neighbors

Andrew G.Cramer

Eli,D,Bowers

STATE OF MARYLAND,FREDERICK COUNTY,to-wit!

I hereby certify,That the aforegoing is a true copy of the last will and testament of Harriette A.Holt,late of Frederick County,deceased,as the same has been duly probated and filed in the office of the Register of Wills for Frederick County,Maryland.

PLACE Orphan's OF Court. SEAL

IN TESTIMONY WHEREOF,I hereunto subscribe my name and affix the Seal of the Orphans Court of Frederick County,this 25th,day of November,A.D.1912.

Test!

Samuel D.Thomas

Filed Nov,26th,1912.

Register of Wills for Frederick County,Maryland.

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EQUITY SUBPOENA

STATE OF MARYLAND, FREDERICK COUNTY TO-WIT:--

The State of Maryland.

To Milton U.S.Holt and Molly Holt his wife (Lewistown)
Eugene D.Holt and Molly Holt his wife (2)
Charles Holt and Lucinda Holt his wife (Walkersville)
of Frederick County, greetings!

YOU ARE HEREBY COMMANDED, That all excuses set apart, you personally appear before the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity to be held at the Court House in Frederick, in and for Frederick County, on the FIRST monday of December 1912, to answer the Bill and Complaint of Eutaw D.Neighbours (Crediters Bill for Sale of Real Estate of Harriet Ann Holt dec'd) against you and others in said Court exhibited, and so forth.

Hereof fail you not, as you will answer at your peril.

Witness the Honorable Hammond Urner, Chief Judge of said Court, the 4th day of November A.D.1912.

Issued the 26th day of November A.D.1912.

To the Sheriff of Frederick County. Harry W.Bowers ----------(Clerk)

Emory L Coblentz
Chas McC Mathias
Solicitors.

Returned & Filed Dec. 2-1912.

ANSWER OF C.ALICE CRAMER, ASSIGNEE OF MORTGAGEE

Eutaw D.Neighbors,
Vs.
John T.Holt and Alice Holt, his wife, et al.

No. 8930 EQUITY.
In the Circuit Court for Frederick County,
in EQUITY.

The answer of C.Alice Cramer, Assignee of Mortgagee, to the bill of complaint of Eutaw D.Neighbors filed in the above entitled cause!

This respondent, answering said bill of complaint, admits that she is the assignee of a mortgage executed by Harriet Ann Holt, her husband, in favor of Andrew N. Cramer, for the sum of two hundred and Fifty Dollars ($250.00), and that there is still due and owing on said mortgage the sum of One Hundred Dollars ($100.00), with interest from the 10th day of April A.D.1908, to date .

That your respondent is willing that the property mentioned in said property be sold under the direction of your Honorable Court in the above entitled cause, reserving her mortgage lien upon the proceeds of said sale.

C.Alice Cramer
Assignee of Mortgage.

Filed nov, 29-1912.

ANSWER OF JOHN T.HOLT AND ALICE HOLT, HIS WIFE.

Eutaw D.Neighbors,
Vs.
John T.Holt and Alice Holt, his wife, et al.

No. 8930 EQUITY.
In the Circuit Court
for Frederick County,
in Equity.

The answer of John T.Holt and Alice Holt, his wife, to the bill of complaintof Eutaw D.Neighbors filed in the above entitled cause!

These respondents, answering said bill of complaint, admit the allegationstherein to be true and consents to the passAge of a decree as prayed.

WITNESS Alice B.Snook.

John T.Holt
Rachael Alice her x mark Holt

Filed November 29th, 1912.

Answer of Lavinia Harne and
Frank Harne,her husband.

Eutaw D.Neighbors,
VS.
John T.Holt and Alice
Holt,his wife,et al.

No. 8930 EQUITY.
In the Circuit Court for
Frederick County,in
EQUITH.

The answer of Lavinia and Frank Harne,her husband,to the bill of complaint of Eutaw D.Neighbors filed in the above entitled cause!

These respondents,answering said Bill of complaint,admit the allegations therein contained to be true and consent to the passage of a decree as prayed.

Lavinia E.Harne.
B.F.Harne.

Filed November 29,1912.

ANSWER OF EUTAW D.NEIGHBORS,EXECUTOR.

Eutaw D.Neighbors,
VS.
John T.Holt and Alice
Holt,his wife,et al.

No. 8930 EQUITY.
In the Circuit Court for
Frederick County,
in EQUITY.

The answer of Eutaw D Neighbors,Executors of the last will and testament of Harriet Ann Holt, deceased,to the bill of complaint of Eutaw D.Neighbors filed in the above cause;

This respondent,answering said bill of complaint,admits the allegations therein contained to be true and consents to the passage of a decree as prayed.

Eutaw D.Neighbors.
Executer of the last will and testament of Harriet Ann Holt,deceased.

Filed November 29th,1912.

PETITION OF LAVINIA E. HARNE
TO BE MADE A PARTY PLAINTIFF,AND
COURTS ORDER THEREON.

Eutaw D.NEighbors
VS.
John T.Holt and Alice
Holt,et al.

No. 8930 EQUITY.
In the Circuit Court for
Frederick County,in Equity.

To the Honorable,the Judges of the Circuit Court-

The Petition of Lavinia E.Harne,respectfully shows unto your Honors;-

That she is a creditor of Harriet A.Holtz,mentioned in the bill of complaint filed in the above cause,and that the said Harriet A.Holtz was indebted unto your petitioner in the sum of Seven hundred and fourty dollars and fifty cents,($740.50.) as will appear by reference to the duly probated statement of account,filed herewith,and made a part of this Petition,and such creditor your Petitioner begs that she may be made a party Plaintiff to these proceedings,and Prays Your Honors to pass an order of Your Honorable Court directing that she may be made a Plaintiff in the above cause.

And as in duty etc,

Smith & Smith
Solicitors for Petitioner.

Ordered this 27th day of November 1912 by the Circuit Court for Frederick County,sitting in Equity upon the aforegoing Petition that the said Lavinia E.Harne,be made a party Plaintiff to this suit, as prayed in the aforegoing Petition,

John C.Motter
Judge.

Filed December 2nd,1912.

CLAIM OF LAVINIA E.HARNE

Estate of Harriet A.Holtz.

Mrs Harriet A.Holtz,
to
Lavinia E.Harne,Dr;-

October 15,1912.

To board and lodging,and to services rendered,in nursing,care and attention,
from September 7th,1909 to October 5th,1912,at $1.00 per day, $1123.00
To amt of cash paid at various times Credit 382.50
Balance Due---------- $740.50

State of Maryland,Frederick County,sct;-

I hereby certify that on this 15th day of October 1912 before the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County,personally appeared Lavinia E.Harne and she made oath in due form of law that the above and aforegoing account is just and true and that she has not received any security,payment or satisfaction for the same except the credit noted,to the best of her knowledge and belief.

Fabrian Posey
Justice of the Peace.

Filed December 2-1912.

PETITION OF LAVINIA E.HARNE AND FRANK HARNE TO WITHDRAW ANSWER FILED IN THIS CAUSE AND COURTS ORDER THEREON .

Eutaw D.Neighbors
Vs.
John T.Holt and
Alice Hlot,et al.

No. 8 2 3 0 Equity.
In the Circuit Court
for Frederick County,
in Equity.

To the Honorable the Judges of said Court;-

The Petition of Lavinia E.Harne and Frank Harne,her husband,respectfully shows your Honors;-

That On the 27th day of November 1912,the said Lavinia E.Harne,through her attorneys Smith and Smith,petitioner your Honorable Court to permit her,the said Lavinia E.Harne,to be a party plaintiff in the above cause,she being a creditor of the estate of Harriet A.Holtz,as therein set forth,and in accordance with said petition,she was made a party plaintiff by an order of your Honorable Court,on the said 27thday of November 1912,but that the Attorneys for your petitioner were not able to file said petition and Order in said Cause until this date.

That subsequently,to wit,on the 28th day of November,a certain paper was presented to the said Lavinia E.Harne and Frank Harne,her husband,by Eutaw D.Neighbors,the Plaintiff in the above cause,and they,without fully understanding the contents of said paper,which they have since been informed is an answer consenting to the sale of the real estate mentioned in these proceedings,signed said paper,which was filed by the said Eutaw D.Neighbors,or his attorneys,on the 29th day of November,1912.

Your Petitioner therefore prays your Honers to pass an order of your Honorable Court,permitting them to withdraw the said answer which was signed by them,in order that the said Lavinia E.Harne may become,as she has been authorized,a Party plaintiff in this cause. And as in duty bound etc,etc,

Smith & Smith
Solicitors for Petitioners

Filed December 2-1912

ANSWER OF MILTON U.S.HOLT AND OTHERS TO BILL OF COMPLAINT

Eutaw D.Neighbors
vs.
John T.Holt et al.

No. 8930 Equity.
In the Circuit Court for
Frederick County,in Equity.

To the Honorable,the Judges of said Court!--

The answer of Milton U.S.Holt and Mollie Holt,his wife,Charles Holt,and Lucinda Holt his wife,and Eugene D.Holt and Mallie Holt his wife,Defendants,in this cause,to the Bill oc Complaint agqinst them them and others in this Honorable Court exhibited.

These Defendants answering say!

1st. That that they admit the matters and things containdd in the first paragraph of said bill.

2nd. Answering the 2nd,paragraph of said bill not knowing they neither admit or deny the same but leave the plaintiff to his proof.

3rd. Answering the third paragraph of said bill,while neither admiting or Denying the indebtedness mentioned therein,these defendents admit the other allegations therein made.

4th. These respondents admit the matters and things contained in the 4th and 5th paragraphs of said bill.

5th. These respondents not knowing neither admit or deny the matters and things alleged in the 6th paragraph of said bill.

6th. In the matter of thr petition of Lavinia E.Harn and Frank Harn her husband who, were never made parties plaintiff to this cause by an exparte order of your Hohorable Court,these respondents objeot to said proceedings,for that had no legal notice thereof and further more object to said bill and account filed by them as being exorbitant and unreasonable ,and entirely too general to require an answer,and whilst denying in toto the indebtedness alleged in said prtition and account or claim filed December 2nd,1912,futher respectfully ask and pray that the said Lavinia E.Harn be required to to furnish and file in this cause a full and pertioular account of the indebtedness of the said Harriet A.Holt in the form of a bill of partioulars,as well for the debts as the credits before these respondents are required to answer and filed to the matters and things alleged in said petition and claim filed December 2nd,1912,as aforesaid.

And these respondents pray to be hence dismissed with their costs.

Arthur D.Willard

Solicitor for Milton U.S.Holt and the other respondents as cited in the aforegoing answer.

Filed December 20th,1912.

G E N E R A L R E P L I C A T I O N.

Eutaw D.Neighbors,
vs.
John T.Holt and Alice Holt,
his wife,et al.

No. 8930 EQUITY.
in the Circuit Court,for
Frederick County,in Equity.

The Complainants join issue upon the matters and thimgs set forth in the answers of C.alice Cramer, Assignee of Mortgagee,Eutaw D.Neighbors,Executor,John T.Holt and Alice Holt,his wife,and Milton U. S.Holt,and Mollie Holt,his wife,Charles Holtand Lucinda Holt,his wife,and Eugene D.Holt and Molly Holt,his wife,Defendents in the above entitled cause,in so far as the same be taken to avoid or deny the allegations of the bill of complaint.

Emory L.Coblentz
Charles McC Mathias
John Francis Smith.
Solicitors for Complainants.

Filed January 3rd,1913.

PETITION AND COURTS ORDER TO TAKE TESTIMONY.

Eutaw D.Neighbors,
vs,
John T.Holt and Alice Holt,
his wife,et al.

No. 8930 EQUITY. in the Circuit Court for Frederick County,in Equity.

To the Honorable,the Judges of said Court!

The answers of all the defendants in the above entitled cause having been filed and said cause being at issue,the Complainants pray your Honors to pass an order referring said cause to one of the standing examiners of said Court for the purpose of taking testimony in support of the allegations contained in the bill of complaint. And as in duty bound etc.,

Emory L.Coblentz
Chas.McC.Mathias
John Francis Smith.
Solicitors for Complainants.

The foregoing petition having been read and oonsidered,it is thereupon,this 3rd day of January,in the year nineteen hundred and Thirteen,by the Cirouit Court for Frederick Ceunty,sitting as a Court of Equity,and by the authority thereof, adjudged, ordered and decreed that the above entitled cause be and the same is hereby refered to any one of the stahding examiners of this Court for the purpose of taking testimony in support of the allegations contained in the bill of compla int. Filed January 3-1913. Glenn H.Worthingtan.

Eutaw D.Neighbors
VS.
Nehn T.holt & wife

No. 8 9 3 0 E Q U I T Y.
In the Cirouit Court for
Frederick Ceunty,sitting as a
Court of Equity.

To the Honorable,the Judges of the Cirouit Court for Frederiok County,sitting as a Court of Equity.

The petition of John T.Holt and Alice Holt his wife,respectfully represents unto your Honors.

That on the 29th,day of November 1912,the said John T.Holt anf Alice Holt his wife,filed their answer te the bill of oomplaint filed in the above oause admitti ng the allegation of said bill of oomplaint: that said answer was filed under a mistake and misapperhention of what its effect would be and without the advioe of Counoil.

2nd. That on the 2nd day of Decomber 1912,one Lavinia E.Harne her petition in your Honorable Court as a oreditor of the waid Harriet Ann.Holt,deceased,praying to be made a party plaintiff to said oause,and they was made so by the order of your Honorable Court passed on the 27th day of November 1912,which order and peti tion was not filed however in the Clerk's offioe until the said 2nd day of Decem- ber 1912 whioh was after the answer of your petitioners was filed although the answer was obtained antenor thereto.

3rd, That this petitioner either desires and oontrad ots the claim of this said Lavinia E.Harne and they now desires to answer the valeu of said bill of complai nt,and to that end thay ask the permission of your Honorable Court to withdraw daid answer and file a new answer to said bill of Complaint.

John C.Motter.
Soliaitor for Petitioner

The above petition having been read and considered it is thereupon on this 6th, day of January 1913,Ordered and directed by the Circuit Court for Frederiok Coun- ty,sitting as a Court of Equity and by the authority thereof leave be gaanted be granted to the said John T.Holt and Alice Holt his wife,to withdraw their answer and file a new answer to said bill of complaint.

Glenn H.worthington

Filed January 6th,1913.

JOINT AND SEPERATE ANSWER OF JOHN T.HOLT AND WIFE

Eutaw D.Neighbors
Vs.
John T.Holt et al.

No. 8 9 3 0 E Q U I T Y.
in the Cirouit Court for
Frederick Ceunty,sittin g as
a Court of Equity.

The joint and seperate answers of John T.Holt and Alice Holt filed under the leave of your Honorable Court passed on the 6th day of January 1913,to the above bill of complaint.

1st. These Defendants admit within and things alleged in the first paragraph of the Plaintiffs bill of oomplaint.

2nd. These Defendants neither admit nor deny the allegationsof the second paragraph of said bill, but put the Plaintiff upon his proof,

3rd. These Defendants admit all the allegations of the 3rd,paragraph of said bill of complaint excepting any indebtedness to the plaintiff.

4th. These defendants admit the alllegations of the 4th,paragraph of said bill of Complaint;and also the allegations of the 5th,paragraph of said bill of complaint.

6th. These Defendants neither admit nor deny the allegationsof the 6th,paragraph of said bill of complaint and put the plaintiff on his proof.

7th. These Defendants deny the allegations of the petition of Lavinia E.Harne filed in the above cause praying to be made a party plaintiff to the bill of complaint and say that at the time of her death the said Harriet A.Holtz was not indebted unto the said Lavinia E.Harne in the sum of seven hundred and fourty dollars as alleged in said petition or any other sum.

And as in duty bound &c.

John Motter
Sol.for Defendant.

Filed January 7th,1913.

S U P P L E M E N T A L R E P L I C A T I O N

Eutaw D.Neighbors,
VS.
John T_Holt and Alice Holt,
his wife,et al.

No. 8 9 3 0 Equity.
In the Circuit Court for
Frederick Ciunty,in E Q U I T Y.

The original answer of John T.Holt and Alice Holt,his wife,having been withdrawn and a new answer substituted therefor subsequent to the filing of the general replication filed January 3rd, 1913,the Plaintiffs join issue upon the matters and things set forth in the new answer of the said John T.Holt and Alice Holt,his wife,filed in this cause on January 7th,1913,in so far as the same may be taken to avoid or deny the allegations of the bill of complaint .

Emory L.Coblentz
Charles McC.Mathias
John Francis Smith
Solicitors for Plaintiffs.

Filed January 7th,1913.

AGREEMENT OF COUNCIL FOR PLAINTIFFS AND DEFENDANTS TO APPORTION PROCEEDS OF SALE AFTER COSTS AND EXPENSES AND MORTGAGE DEBT AND INT ARE,PAID.

Eutaw D.Neighbors,
vs.
John T.Holt and Alice
Holt,et al.

No. 8 9 3 0 Equity.
In the Circuit Court for
Frederick County,in E Q U I T Y.

To the Honorable,the Judges of said Court!--

It is agreed by and between the Plaintiffs and Defendants in the above entitled cause,all of the parties in tnterest therein being of age,that the Real Estate mentioned and described in these proceedings as shown in Exhibits A.B.and C.,be sold,and the proceeds thereof after the payment of the costs of these proceedings and the mortgage indebtedness thereon,shall be applied,by the Trustees to be appointed in this cause,as follows!-

The sum of One Hundred ($100.00),shall be paid to the Defendants,John T.Holt,Milton U.S.Holt, Eugene D.Holt and Charles Holt,to be equally divided between them.

Thr Plaintiff,Eutaw D.neighbors shall receive the sum of Ninety (90.00)from the remainder,and the Plaintiff,Lavinia E.Harne,shall receive the entire balance remaining after the aforesaid sums shall have been paid.

John T.Holt,Milton U. S.Holt,Eugene D.Holt and Charles Holt.

Chas.McC.Mathias.
Attorney for Eutaw D.Neighbors.
John Francis Smith
Attorney for Lavinia E.Harne,
John Motter
Arthur D.Willard Attorneys for Defendants.

Filed March 24th,1913.

\$\$D E C R E E\$\$

Eutaw D.Neighbors

Vs.

John T.Holt et al.

No. 8 9 3 0 Equity.

In the Circuit Court for Frederick County, sitting as a Court of Equity.

March Term, 1913.

The above cause standing ready for a hearing, and being submitted, the bill, Answer, Exhibits testimony and all other proceedings were by the Court read and considered and the special, agreement between the Plaintiffs and Defendants dated March 24th, 1913, having been read and considered, which agreement is to the effect that the proceeds of sale after the payment of the costs of these proceedings, and the mortgage indebtedness upon said real estate, shall be apportioned in the manner indicated in the said Agreement which is filed in this cause,

It is thereupon, this 24th day of March in the year nineteen hundred and thirteen by the Circuit Court for Frederick County, as a Court of Equity, and by the authority of said Court, adjudged, ordered, and decreed, that the land and premises mentioned in these proceedings be sold, and that Arthur D.Willard and John Francis Smith, of Frederick County, be, and they are hereby appointed Trustees, to make the said sales, and that the course and manner of their proceedings shall be as follows; they shall firse file in the Clerk's office of this Court, a Bond to the State of Maryland, executed by them with asecurity, or sureties, to be approved by the Court, or the Clerk thereof, in the penalty of Two thousand Dollars, conditioned for the faithful performance of the trust reposed in them by this decree, or which may be reposed in them by any future order, or decree in the premises, they shall then proceed to make sale of the Real Estate, having first given at least three weeks previous notice, insertsr in some newspaper printed in Frederick County, and such other notice as they may think proper of the time, place, manner and terms of sale; which terms shall be as follows; One half of the purchase money to be paid in cash on the day of sale, or on the ratification thereof by the Court, the residue in six months, the purchaser or purchasers giving his, her or their notes, with approved security and bearing interest from the day of sale, or all cash at the option of the purchaser, and as soon as may be convenient after any such sale or sales, the said Trustees shall return to this Court a full and particular account of the same, with an affidavit of the truth thereof, and of the fairness of such sale or sales annexed, and on the ratification of such sale or sales by the Court, and on payment of the whole purchase money, and not before, the said Trustees by a good and sufficient deed to be executed and acknowledged agreeably to law, shall convey to the purchaser or purchasers of the said property, and to his, her ortheir heirs, the property to him, her or them sold, free, clear, and discharged of all claim of the parties to this cause and of any person or persons claiming by, from, or under them; and the said Trustees shall bring unto this Court the money arising on such sale or sales, and the bonds or notes which may be taken for the same, to be disposed of under the direction of this Court, after deducting therefrom the costs of this suit, and such commission to the said Trustees as the Court shall proper to allow, on consideration of the skill, attention and fidelity wherewith shall appear to have discharged their trust.

Glenn H.Worthington. Filed March 24-1913

PETITION OF TRUSTEE TO FILE BOND IN THIS CAUSE,

AND COURTS ORDER THEREON.

Eutaw D.Neighbors et al.,
Vs.
John T.Holt et al.,

No. 8930 Equity.
In the Circuit Court for Frederick County,in E Q U I T Y.

To the Honorable,the Judges of said Court!--

The petition of Arthur D.Willard and John Francis Smith,Trustees in the above cause respectfully represents;-

That by a decree of Your Honorable Court dated March 14th,1913 filed in the above cause,the said Arthur D.Willard and John Francis Smith were appointed Trustees in said cause,and in said decree your Petitioners were directed first to file innthe Clerk's Office of this Court a bond to the State of Maryland,executed by them with a surety etc in the penalty of two Thousand (2000) Dollars, conditioned for the faithful performance of the trust reposed in them by said decree,etc etc,and then directed to make sale of the real estate mentioned in these proceedings as mentioned in said Decree.That your Petitioner the said Arthur D.Willard and John Francis Smith,inadvertently omitted to file the aforesaid bond,before making sale of the real estate,although they have executed a bond with sufficient sureties as required by law in such case,in the sun of Two Thousand ($2000)dollars which said bond is dated April 19th,1913.

That the sale aforesaid will not be ratified until the_____day of May 1913,and your Petitioners believe and so state that it will be to the bemefit,interest and advantage of all the parties interested in said estate to permit said bond to be filed in this cause,forthwith,

Wherefore your Petitioners pray your Honors to pass and order of your Honorable Court,authorizing and permitting them as Trustees to file the aforesaid bond in this cause,forthwith,and that the same may be filed as of the date of April 19th,1913.the date thereof.

And as in duty bound etc etc,

Arthur D.Willard
John Francis Smith
Trustees.

Ordered upon the aforegoing Petition this first day of May 1913,by the Circuit Court for Frederick County, sitting in Equity,and by the authority thereof that leave be and the same is hereby granted to Arthur D.Willard and John Francis Smith,Trustees in the aforegoing cause to file the bond mentioned in the above petition,and it is futher ordered that the said Bond shall be filed and become effected as of the date of April 19th,1913;the datethereof it appearing to the Court that the said sale has not yet been finally ratified by the Court.

Glenn H.Worthington

Filed May 1st,1913.

REPORT OF SALES.

Eutaw D.Neighbors
Vs.
John T.Holt,et al.,

No. 8930 EQUITY.
In the Circuit Court for Frederick County,in E Q U I T Y.

To the Honorable,the Judges of said Court!-

The petition and report of sale of John Feanois Smith and Arthur D.Willard,trustee,in the above entitled cause respectfully shows unto Your Honors!

1. That your petitioners were appointed trustees to sell real estate in the above entitled cause, decreed to be sold,and after giving bond,advertised said property decreed to be sold in the Frederick News,a newspaper published in Frederick County,for three weeks prior to the day of sale,as will be shown by the printers certificate,filed herewith as a part hereof,marked Exhibit "A", also by hand bills posted in the neighborhood of the said property,said trustees did attend in front of the store of A.G.Cramer,in Lewistown,Frederick County,Maryland,April 21st.,1913,at the hour of 11 O'Clock A.M. being the time and place designated in said advertisement of sale,and then and there proceeded to offer the land and premises to be sold,vis;All the following describe real estate,situated in the village of Lewistown,in Frederick County,Maryland,known and distinguished on the plan of Lewistown by the following numbers,vis:lots nos.45,46,47,74,75,76,being the same lots or parcels of land conveyed to a certain Harriet Ann Holt by Joseph Fulton and wife,

by deed dated August 10th,1859,and recorded in Liber B.G.F.No.4,folio 428,one of the Land Records of said Frederick County;also that part of lot No.73,conveyed to said Hariet Ann Holt.by Daniel Geesey,and wife,by deed dated April 3,1858,and recorded in liber B.G.F.No.1,folio 735,and lot No.44,which was conveyed to the said Harriet ANN Holt,by Daniel Leatherman,trustee,by deed dated January 21st, 1862,and recorded in Liber B.G.F.No.7,folio 466,all of which said deeds are recorded in the Land Records for said Frederick County,Maryland,together with the improvements thereon,and sold the same unto John T.Holt,who was them and there the highest bidder therefore,at and for the sum of Eight Hundred and ninety five Dollars.That your trustees have taken a written acknowledgement of purchase there for,which is filed herewith as a part hereof and marked Exhibit "B," to this Report of Sale.

The total ammount of sale herein reported is the sum of Eight Hundred and ninety-five Dollars.All of which is respectfully submitted,to the end,that said sale may be duly and finally ratified unto the said purchaser thereof.

John Francis Smith.

Arthur D.Willard.

Trustees.

State of Maryland,Frederick County,to-wit:--

I hereby certify that on this 22nd day of April,1913,before the subscriber Clerk of the Circuit Court,for said Frederick County,personally appeared John Francis Smith and Arthur D.Willard,trustees,and made oath in due form of law that the matters and things set forth in the aforegoing petition anfd report of sales are true to the best of their knowledge and belief,and that the sale therein reported was fairly made.

Harry W.Bowers
Clerk.

O R D E R N I S I O N S A L E S.

Eutaw D.Neighbors et al.	No. 8 9 3 0 Equity.
Vs.	In the Circuit Court for
John T.Holt and wife,et al.	Frederick County,sitting in E Q U I T Y.
	March TERM,1913.

In the Matter of the Report of Sales filed the 1st day of May 1913.

O R D E R E D,That on the 24th day of May 1913,the Court will proceed to act upon the Report of Sales of Real Estate,reported to said Court by Arthur D.Willard and John Francis Smith Trustees in the above cause,and filed therein as aforesaid,to finally ratify and confirm the same,unless 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 $895.00

Dated this 1st day of May 1913.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County.

Citizen

Office of the Citizen

Frederick,Md.,May 24th,1913

We hereby certify that the attached Order Nisi On Sales No.8 9 3 0 Equity, was published in "The Citizen,"a Newspaper published in Frederick County,State of Maryland,for three successive weeks prior to the 24th,day of May 1913.

Filed May 26-1913.

C.H.Baughman & Son

T R U S T E E S S A L E.

By virtue of the power and authority contained in a decree of the Circuit Court for Frederick County,Md.passed on the 24th,day of March,1913,in a cause known as No. 8930 Equity,wherein Eutaw D.Neighborsis Plaintiff and John T.Holt,et al.,are Defendants,the undersigned Trustees will offer for sale at Public Sale in front

of the store of A.G.Cramer,in Lewistown,Frederick County,Maryland,on MONDAY,APRIL 21st,1913,at 11 o'clock a,m,all the following valuable real estate,situated in the village of Lewistown Frederick County,Maryland,known and distinguished on the plan of Lewistown,by the following numbers,vis;Lots Nos,45-46-47-74-75 & 76,being the same lots or parcels of land conveyed to a certain Harriet ANn. Holt by Joseph Fulton and wife by deed dated August 10th,1859,and recorded in Liber B.G.F.No.4, Folio 428,one of the Land Records for Frederick County;also that part of lot No.73 conveyed to the said Harriet Ann Holtby Daniel Geesey and wife by deed dated April 3rd,1858,and recorded in Liber B.G.F.No.1,Folio 735,and Lot No.44,which was conveyed to the said Harriet Ann Holt by Daniel Leatherman,Trustee,by deed dated January 21st,1862,and recorded in Liber B.G.F.No.7,Folio 466,one of the Land Records foe Frederick County,Md.The improvements consist of A Fine Brick Dwelling,containing 5 rooms and has a new metal roof;also a good seller,stable and chicken house,hog pen,Thereis a well of good water on the premises,This property is especially situated for building lots,and is very convenient to stores,schools and churches.

TERMS OF SALE.as Prescribed by the Decree,-One-half cash on day of sale,or ratification thereof by the Court,and the balance in six months,the purchaser giving his,her or their notes with approved security,bearing interest from the day of sale,or all cash at the option of the purchaser.Cost of conveyancing at expence of purchaser.A deposit of $200 will be required of the purchaser on day of sale.

Exhibit "A" To Report of Sales

Filed May 1-1913.

John Francis Smith,
Arthur D.Willard,
Trustees in No.8930 Equity.

Certificate of Publication Filed April_____1913.

T H E ##########N E W S

Frederick,Md.,April 21st,1913

THIS IS TO CERTIFY,That the annexed "Trustees Sale was published in "THE SEMI WEEKLY NEWS", a news paper published in Frederick County,once a week 3 successive weeks prior to the 21st, day of April,1913

The News
Per I. Fout.

EXHIBIT "B" TO REPORT OF SALES.

I hereby acknowledge to have purchased at public sale this 21st day of April,A.D.1913,from John Francis Smith and Arthur D.Willard,Trustees in No.8930 Equity,in the Cirouit Court for Frederick County,in Equity,all that piece or parcel of land,together with the improvements thereon,situate and being in Lewistown,Frederick County,Maryland,and more particularly described in the annexed advertisement of sale,at and for the sum of Eight Hundred and Ninety Five Dollars ($895.-);and agree to comply with the terms of sale as set forth in said advertisement.

John T.Holt
Per.
Chas.S.Snook.

Test!
Harvey R.Lease
Auctioneer.

Filed May 1st,1913.

FINAL RATIFICATION OF SALE

ORDERED this 26th day of May,1913,by the Circuit Court of Frederick County,sitting as a Court of Equity,and by the authority thereof that the sale made and reported by the Trustees aforesaid,be, and the same is hereby finally ratified and confirmed,no cause to the contrary having shown although due notice appears to have been given,as required by the order Nisi passed in said cause and hereto annexed and the trustees are hereby allowed the usual commmisions and such proper expenses as they shall produce vouchers for the auditor.

Glen H.Worthington

(Filed May 26th,1913)

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BILL OF COMPLAINT

Minnie N.Perry and
Dr.Benjamin C.Perry,
Agent of Minnie N.Perry,
Vs.
Bertha R.Strube and
George Robertson Dennis,Jr.

No.9336 EQUITY.
In the Circuit Court for
Frederick County in EQUITY.

---------O---------

The Bill of Complaint of Minnie N.Perry and Dr.Benjamin C.Perry,Agent of Minnie N.Perry,respectfully shows unto your Honors:--

1.That they are residents of Frederick County,in the State of Maryland,as is also George R.Dennis Jr.one of the Defendants,but that the said Bertha R.Strube resides in Greenvale,Langdon,District of Columbia.

(2) That Ann R.Dronenburg,late of Frederick County,but now deceased,departed this life a number of years ago intestate,seized and posessed of certain real estate lying and being in Urbana District,Frederick County,Maryland,and more perticulary hereinafter described,and leaving surviving her ahusband,Charles Dronenburg,who has since departed this life,and the following children and heirs at law,togather with their respective husbands and wifes,as follows:--Emma I.Yaste and B.Frank Yaste,her husband,and E.Leola Dixon of Washington,District of Columbia,Jesse Dixon of Baltimore City,Maryland,Marjorie Smith and Albert W.Smith,her husband, Nellie Sikken and Ernest A.Sikken,her husband,of Prince George'S County,Maryland and William Sumwalt of said County and State,Mary D.Yerby and Howard Yerby,her husband,of Cape May Court House,New Jersey,C.Belle Strube and William H.Strube, her husband,of Ivy City,District of Columbia,Bertha R.Strube and Charles Strube, her husband,of Greenvale,Langdon,District of Columbia,Alice Dronenburg,Laura M. Pyles and Wallis Pyles,her husband,Charles W.Dronenburg and Manzella E.Dronenburg,his wife,of Urbana,Frederick County,Maryland.

(3) That the said real estate hereinbefore mentioned consisted of all those pieces or parcels of land,situated,lying and being in Urbana District,Frederick County,Maryland,and more perticularly described as the two acres,more or less, tract first described,the 26 acres and two perch tract a part of the second described parcel,and the 4 acre tract,the third described parcel of land in a deed from Charles Dronenburg to the said Ann R.Droneneburg,dated the 9th day of April 1890,and recorded in Liber W.I.P.No,11,folio 206,a certified copy of which said deed is filed herewith as a part of this bill of Complaint and is marked Exhibit A.

(4) That the said heirs at law of Ann R.Dronenburg through their Agent and Attorney,George Robertson Dennis Jr.on the 10th day of April,1915,entered into an agreement of sale with Minnie N.Perry for the herein described real estate at and for the sum of Three Thousand Six Hundred and Fifty-Five Dollars ($3,655.00) and took the acknowledgement and agreement of purchase of your complainant and accepted the deposit required by said advertisement of sale,all of which will more fully and at large appear by the authority to the said George Robertson Dennis Jr.,herewith fibed marked Exhibit B,and the acknowledgement and agreement of purchase of the said Benjamin C.Perry,Agent for Minnie N.Perry,herewith filed and marked Exhibit C.

(5) That your complainant,said Minnie N.Perry,through her Agent,Dr.Benjamin C. Perry,bought said property in good faith and stands ready to pay unto the said George Robertson Dennis Jr.,Agent and Attorney for the heirs of Ann R.Dronenburg the balence due on the said purchase price of said property upon the delivery to her of the good and sufficient deed for said property duly executed by all the

heirs of said decendent,and that your complainant has further had prepaired at herexpence a deed for said property conveying to her,the said Minnie N.Perry,all the right,title and interest of all the heirs at law of Ann R.Dronenburg,deceased,which said deed has been duly executed and acknowledged by all the heirs at law of the said Ann R.Dronenburg,their respective husbands and wifes,save and except the Bertha R_Strube,as will more fully appear by said deed filed herew9th,and marked Exhibit D.

(6) That the said deed has been presented to the said Bertha R.Strube for her signature and acknowledgement,and has even been gigned by Charles Strube,the husband of the said Bertha R.Strube,but that she,the said Bertha R_Strube,refuses to execute said deed in complaince with the agreement of sale hereinbefore mentioned and does still refuse to execute said deed,although youw complainant stands ready and willing to pay over the balance of said purchase price to the said George R. Dennis Jr.,Agent and Attorney of the heirs at law of Ann.R.Droneburg,and now stands ready and willing to pay said money into Court should your Honors direct.

(7) That your complainant through her agents has urged the said Bertha R.Strube to execute said deed and has exhausted every means to secure her compliance with the agreement hereinbefore set out,but that the said Bertha R_Strube absolutely refuses to execute said deed.

W H E R E F O R E your complainant prays the said agreement mentioned herein may be specifically enforsed and that the said Bertha R.Strube may be decreed to convey unto your Petitioner the premises mentioned herein in accordance with said agreement upon the payment of the balance of the purchase money still due and owing by your complainant.

2. And for such other and further relief as the nature and equity of her case may require.

M A Y it please your Honors to grant unto your complainant a writ of subpoena in the usual fprm against the said George Robertson Dennis Jr., of the City of Frederick,Frederick County,Maryland, commanding him to be and appear in your Honorable Court on some day certain to be named therein, either in person or by solicitor,to answer the premises and abide by and perform such decree as may be passed therein,and for an order of publication against the said Bertha R_Strube,a non-resident of the State of Maryland,giving notice of the substance and object.of this Bill of Complaint and warning her to be and appear in your Honorable Court either in person or by solicitor on or before a certain day to be named therein, and to show cause if any they have why a decree should not be passed as prayed.

And as in duty bound,etc.

Emory L.Coblentz
Charles McC.Mathias.
Solicitors for Complainants

Filed June 26th,1915.

E X H I B I T "A"

AT the request of Ann R.Dronenburg,the fallowing deed is received for record and recorded April 9th 1890,at 11 o'clock 30 minutes A_M.

Test--W.Irving Parsons,Clerk.

This deed made this nineth day of April in the year eighteen hundred and ninety,between Charles Dronenburg and Ann Rebecca Dronenburg,his wife,both residents of Frederick County,State of Maryland,Witnesseth--That for and in consideration of the sum of Twenty-five Huhdred Dollars,to the said Charles Dronenburg,paid him by the said Ann Rebecca Dronenburg,the receipt hereof is hereby acknowledged,I the said Charles Dronenburg do hereby bargain and sell unto the said Ann Rebecca Dronenburg,all my right,title and interest in and to all the several parcels and tracts of land as follows-First--All that lot or parcel of ground lying and being in the town of Urbana,in Frederick county State of Maryland,it being part of a tract of land called "Many Makes One"on part of a re-survey on Choice Improved,lying and being in Frederick County,State of Maryland,aforesaid, containing 2 acres more or less,it being the same land that was conveyed by deed dated the eight day of September A.D.1859 by Henry Dronenburg,and Eva Dronenburg,his wife,to the said Charles Dronenburg,a full account of which will more fully appear by reference to the deed recorded in liber B.G.F.No.4,folio 560 &c.,one of the land records of Frederick County.

Second--All thoseparts or tracts of land situated in Frederick County,State of Maryland,called the "Re-survey on Choice Improved,and part of Many Makes One" the first part containing 26 acres &two

perches, and the second part containing 29 acres one rood and 14 perches of land more or less. It being the same land that was conveyed to said Charles Dronenburg from Sarah Dorsey by deed dated the 30th dayd of November A.D._1860, and recorded in liber B.G.F.No.6 folio 332 one of the land records of Frederick County, by reference to which a full and more accurate description will appear.

Third--All these parts or tracts of land called "Many Makes One, situated lying and being adjacent to the public road leading from Buckeystown to New Market, Frederick County, State of Maryland, and fully described in a deed from George W. Beall Executor of Mary Beall, dated the 24th day of April A.D., 1869, and recorded in liber C.M.No.3, folio 487 &c., by reference to which will more fully appear, containing 4 acres of land more or less, Also one lot or parcel of land in the county and the state aforesaid it also being a partof a tract of land called "Many Makes One" commencing at the end of the 3rd line of the above described parcel of land containing 4 acres, then by and with said, said four acres reversed two courses anddistances &c., containing 12 acres, one rood and twenty three pers-hes of land more or lwss, it being the dame land that was conveyed to the said Charles Dronenburg by George W. Beall, executor of the said Mary Beall by deed dated the 24th day of April A.D.1869, and recorded in liber G.M.No.3, folio 487 one of the land records fer Frederick County, by reference to which a more full and complete description will appear.

Witness my haned and seal this_____day of April A.D.1890.

Test-- Charles Dronenburg (Seal)
John Wilson.

State of Maryland, Frederick County to-wit-

I hereby certify that on th9s ninth day of April A.D.1890, personally appeared before me the subscriber a Justice of the Peace of the State of Maryland, in and for Frederick County, aforesaid, the above named Charles Dronenburg and acknowledged the aforegoing instrument of writing to be his act and deed.

John Wilson, J.P.

State of Maryland, Frederick County, to-wit!-

PLACE OF Court. SEAL

I hereby certify that the aforegoing is a true copy of the original deed from Charles Dronenburg to Ann R.Dronenburg, as recordee in liber W.I.P.No.11 folio 206, one of the land records for Frederick County, Maryland.

In testimony whereof I hereunto subscribe my name and affix the seal of the Cirouit Court for Frederick County at FRederick, this 25th, day of June A.D.1915.

Filed June 26-1915.

Harry W.Bowers
Clerk of the Cirouit Court for Frederick County Maryland.

E X H I B I T "B"

THIS AGREEMENT made this_____day of February in the year A.D.1915, by and between the undersigned and George R.Dennis, Jr., of Frederick City, State of Maryland, Witnesseth!--

Whereas we are interested as the heirs of Ann R.Dronenburg, late of Frederick County, deceased, in certain real estate situated in Urbana District, Frederick County Maryland, of which she was seized in her lifetime and leaving no will died intestate as to the same.

And whereas we have agreed with the said George R.Dennis, Jr., that he shall for us advertise the property aforesaid, pay the auctioneer, and further thqt the said advertisement shall run two weeks and the property be sold at public auction and offered in two parts, first, and then altogather, the bids to be exoepted being those that will bring the mose to the heirs.

And Whereas we have agreed with the said George R.Dennis, Jr., to pay him foe said

servises including auctioneer and advertising,the sum of Fifty Dollars the payment of which to be equally distributed among all the heirs and each paying pro rata.

NOW THEREFORE in consideration of the premises we the undersigned do hereby authorize and empower the said George R.Dennis,Jr.,to proceed at once with the sale of said propertyas our agent and attorney and do futher agree to execute good and sufficient deed for the property when sold in accordance with the above provisions.

Mrs.Chas Strube (Seal)
Charles Strube (Seal)
Mrs.Wm Strube (Seal)
Wm.H. Strube (Seal)

Filed June 26-1915.

PUBLIC SALE OFVALUABLE REAL ESTATE.

The undersigned as agent and atterney will sell at public sale at Henderson's store,Urbana,Maryland on Saturday,April 10,1915,at 2 0'Clock P.M.all the following described tracts or parts of tracts of land situated on the Monocacy and Urbana Turnpike road in the village of Urbana and adjacent to the lands of Benj.C.Perry and Mrs.Beall,and known as the Dronenburg property.

First--All that valuable real estate opposite to Hendrickson's store in said village of Urbana, Frederick County,Maryland,it being part of a tract called "Many makes One"and being the same land conveyed by Henry Dronenburg and wife to Charles Dronenburg by deed dated September 8th,1859,and recorded in Liber No.4,Folio 560,etc.,one of the Land Records of Frederick County,and being part of the same and conveyed by Charles Dronenburg to Ann R.Dronenburg by deed dated the nineth day of April,1890,and recorded in Liber W.I.P.No.11,Folio 206,one of the Land Records containing two acres of land more or less,and improved with DWELLING HOUSE and small barn and outbuildings.

Second--All that valuable tract of land containing 30 acres and two square perches of land,more or less,and lying nearby the above described tract of land and being the same lands conveyed by Charles Dronenburg to Ann R.Dronenburg,his wife,by deed dated the 9th day of April,1890,and recorded in Liber W.I.P.No.11,Folio 206,one of the land Records,excepting therefrom the above mentioned tract of two acres of land and 41 acres,2 roods and 27 square perches of land conveyed by Jacob Rohrbach attorney named in the mortgage of Charles Dronenburg and Ann R.Dronenburg to Margaret Brunner,to Andrew Strube,by deed dated the 8th day of August,1895,and recorded in J.L.J.No.11,Folio 420,one of the Land Records as aforesaid.

The above properties will be offered first seperately and then as a whole and the bid or bids amounting to the larger sum will be accepted.Possesion given on the 15th day of April,1915.

Terms of sale--Cash,A deposit of $100.00 will be required of the purchaser of the first property on day of sale and likewise $200.00 on the second property.The purchasers to be at all costs of conveyancing together with the revenue stamps.

George R.Dennis Jr.,
Attorney and Agent for the heirs of Ann R.Dronenburg deceased.

EXHIBIT "C"

Urbana,Maryland.April 10th,1915.

I hereby acknowledge having purchased this date at public sale from George R.Dennis,Jr.,agent and atorney for the heirs of Ann R.dronenburg,late of Frederick County,deceased,the property described in the annexed advertisement at and for the sum of Twenty Six Hundred and Fifty five Dollars and I obligate myself to comply with the terms of sale as set forth in saod advertsement.

Benjamin C.Perry
Agent for Minnie N.Perry.

Test!-
Wm.E.Darner Auct,

Filed with the Examiner as evidence November 11" 1915.

U.S. INTERNAL $2.50 Revenue Stamp

EXHIBIT "D"

At the request of Minnie N.Perry,the following deed is received for record and recorded December 17th,1915,at 3.45 0'Clock P.M.

Test!-Eli G.Haugh,Clerk.

This Deedmade ihis 1st day of May in the year A.D.1915,by us,Emma I.Yaste and B.Frank Yaste,her husband,and E.LEola Dixon of Washington,District of Columbia, Jesse Dixon of baltimore City,Maryland,Marjorie Smith and Albert W.Smith,her husband,Nellie Sikken and Earnest A.Sikken,her husband,of Prince George's County, Maryland,and William Sunwalt of said County and State,Mary D.Yerby and Howard Yerby,her husband,of Cape May Court House,New Jersey,C.Bell Strube and William H. Strube,her husband,of Ivy City,District of Columbia,Bertha R.Strube and Charles Strube,her husband,of Greenvale,Langdon,District of Columbia,Alice A.Dronenburg, Laura M.Pyles amd Wallace Piles,her husband,Charles W.Dronenburg amd Manzella E. Dronenburg,his wife,of Urbana,Frederick Counby,Maryland,Witnesseth!-That and for and in consideration of the sum of Thirty Six Hundred and Fifty five Dollars we the said Emma I.Yaste and B.Frank Yaste,her husband,E.Lela Dixon,unmarried,Jessie Dixon Margorie Smith and Albert W.Smith,her husband,Nellie Sikken and Earnest A.Sikken her husband,William Sunwalt,Mary D.Yerby and Howard Yerby,her husband,C.Bell Strube and William H.Strube,her Husband,Bertha R.Strube and Charles Strube,her husband, Alise Dronenburg,Laura M.Pyles and Wallice Pyles,her husband,Charles W.Dronenburg and Manzella E.Dronenburg,his wife,be hereby grant and convey unto Minnie N.Perry of Urbana,Frederick County,Maryland,all of the fallowing described real estate situate,lying and being in Urbana District of said Frederick County,Maryland,to-wit!First,all that lot or parcel of ground situated in the village of Urbana,it being a part of a tract called "Many makes One"and being the same land conveyed by Henry Drenenburg and wife to Charles Dronenburg by deed dated September 8th,1859, and recorded in Liber B.G.F.No.4,folio 560,etc.,one of the land records of Frederick County,and being a part of the same land conveyed by Charles Dronenburg to Ann R.Dronenburg by deed dated the 9th,day of April,1890,and recorded in Liber W.I.P. No.11,folio 206,one of said Land Records,containing two acres of land,more or less Second all that tract of land containing thirty acres and two square perches of land,more or less,and being the same lands conveyed by said Charles Dronenburg to Ann R_Dronenburg,his wife,by said deed dated the nineth day of April,1890,and recorded as aforesaid,excepting therefrom the above mentioned tract of two acres of ground hereinbefore and hereby conveyed and Fourty-one acres,two roods and twenty-seven square perches of land conveyed by Jacob Rohrback,Attorney named in mortgage of Charles Dronenburg and Ann R.Dronenburg to Margaret M.Brunner,to Andrew Strube,by Deed dated the 8th,day of August,1895,and recorded in Liber J.L.J.No. 11,folio 420,one of the Land Records as aforedaid,it being all the land situate, lying and being in Urbana District of said County and State of Which the said Ann R.Dronenburg died seized and possessed and which decended to her heirs at law,together with all buildings thereon and all rights and ways appendant or appurtant thereto.And the said grantors herein named do hereby covenant that they will warrent specially the property hereby conveyed,and that they will execute such futher assurance of said land as may be requisite.

Test!-
as to Mary D.Yerby and
Howard Yeby
Luther T.Garretson

Mary ,D.Yerby (Seal)
Howard Yerby (Seal)

as to Marjorie Smith and
Albert Smith
W.Hampton Hickey

Marjorie Smith ((Seal)
Albert W.Smith (Seal)

John O.Robison
as to E.Leola Dixon
and Jessie Dixon

E.Leola Dixon (Seal)
Jessie Dixon (Seal)

as to Nellie Sikken and
Earnest A.Sikken and
William J.Sumwalt
W.Hampton Hickey

Nellie Sikken (Seal)
Earnest Sikken (Seal)
William J_Sumwalt (Seal)

Attest.
as to Emma I.Yaste and
B.Frank Yast
J.C.Rathbone,N.P.

Emma I.Yaste (Seal)
B.Frank Yaste (Seal)

as to C.Bell Strube
Joe W.Smith J.P.1915 6-5
Atest
J.C.Rathbone N.P.

C.Bell Strube (Seal)

as to William H.Strube
as to Alice Dronenburg
Joe W.Smith J.P.1915 6-5

William H.strube (Seal)
Alice V.Droneburg (Seal)

Test!-
J.C.Rathbone as to
Charles Strube

Charles Strube (Seal)

as to Charles W.Dronenburg
Manzella E.Drenenburg
Laura M.Pyles
Wm.W.Pyles
Joe W.Smith J.P.1915-6-5

Charles W.Dronenburg(Seal
Manzella E.Dronenburg(Seal)
Laura M.Pyles (Seal)
Wm W.Pyles (Seal)

District of Columbia,Washington City,to-wit!-

I hereby certify that on this 20th,day of May in the year A.D.1915,before me,the subscriber,a Notary Public of District of Columbia,in and for the City of Washington,personally appeared Emma I. Yaste and B.Frank Yaste,her husband,and did each acknowledge the aforegoing deed to be their respe-otive act.

PLACE OF Notarial SEAL

In testimony whereof I have hereunto set my hand and affixed my natorial seal the day and yearfirst above written.

J.C.Rathbone
Notary Public
District of Columbia

My Com.expires Nov. 24,1915.

State of Maryland,Baltimore City,to-wit!-

I hereby certify that on this 17th,day of May in the year A.D.1915,before me,the subscriber,a Notary Public of the State of Maryland,in and for Baltimore City,personally appeared Jessie Dixon and E.Leola Dixon and acknowledged the aforegoing deed to be their respective act.

PLACE OF Notarial SEAL

In testimony whereof I have hereunto set my hand and affixed my Notorial Seal the day and year first above written.

John O.Robinson
Notary Public

My Commission Expires May 1st 1916.

State of Maryland,Prince George's County,to-wit!-

I hereby certify that on this 19th day of May in the year A.D.1915,before me,the subscriber,a Notary Public of the State of Maryland,in and for Prince George's County,personally appeared Marjorie Smith and Albert W.Smith,her husband,and William Sumwalt,and did each acknowledge the aforegoing deed to be their respective act.

PLACE OF Notalial SEAL

In testimony whereof I have hereunto set my hand and affixed my notorial seal the day and year first above written.

W.Hampton Hickey
Notary Public.

State of New Jersey,Cape May County to-wit!-

I,Luther T.Garretson,Commisioner of Deeds duly Commisioned and sworn do certify that on the fourteenth day of May in the year A.D.1915,in the City aforesaid,personally appeared before me Mary D. Yerby and Howard Yerby,her husband,doth known to me to be the individuals described in and who have executed the aforegoing deed,and the contents thereof being by me first made known to them, they severly acknowledged to me that thay had signed,sealed and delivered the said deed as their voluntary act and deed,And the said Mary D.Yerby on a private examination by me,separate and apart from her husband,futher acknowledged to me that she signed,sealed and delivered the said deed freely and without any fear,threats or compultion from her husband.

PLACE Com,of OF Deeds. SEAL

In witness whereof I have hereunto set my hand and official seal this the day and year first above written,in the City aforesaid.

Luther T.Garretson
Commisioner of Deeds

Commision expires
May 1,1918.

District of Columbia, to-wit:-

I hereby certify that on this 24th day of May in the year A.D.1915, before me, the subscriber, a Notary Public of the District of Columbia, in and for Washington District of Columbia personallly appeared William H.Strube and did acknowledge the aforegoing deed to be their respective act.

PLACE OF Notarial SEAL

In thstimony whereof I have hereunto set my hand and affixed my notorial seal the day and year first above written. J.C.Rathbone
Notary Public.D.C.

My Com.expires Nov.24,1915

State of Maryland, Frederick County, to-wit:-

I hereby certify that on this fifth day of June in the year A.D.1915, before me, a Justice of the peace of the State of Maryland, in and for Frederick County, personally appeared Alice V.Dronenburg, Laura M.Ptles and Wallace Pyles, her husbamad , Charles W.Dronenburg and Manzella E.Dronenburg his wife, and did each acknlwledge the aforegoing deed to be their respectave act, Joe.W.Smith
Justice of the Peace.

District of Columbia SS

I hereby certify that the aforegoing is a true copy of the original Deed from Emma I_Yaste and husband et al to Minnie N.Perry, as recorded in Liber H.W.B.No. 314, Folio 401 etc., one of the Land Records of Frederick County, Maryland.

PLACE OF Court. SEAL

In thstimony whereof, I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County, at Frederick, Maryland, this 20th, day of December A.D.1915.

Eli G.Haugh
Clerk of the Circuit Court for Frederick County, Maryland.

Filed December 20,1915.

E Q U I T Y S U B P O N E A

STATE OF MARYLAND, FREDERICK COUNTY TO-WIT:

The State of Maryland.

To George Robertson Dennis Jr.

Frederik City Md. of Frederick County, Greetings:

YOU ARE HEREBY COMMANDED , That all excuses set apart, you personally appear before the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity to be held at the Court House in Frederick, in and for Frederick County, on the FIRST Monday of July 1915, to answerthe Bill and Complaimt of Minnie N.Perry et al Vs. Bertha R.Strube et al., (For Specific Performance of Contract) against you in said Court exhibited, and so forth.

Hereof fail you not, as you will answer the contrary at your peril.

PLACE OF Court. SEAL

Witness the Honorable Urner, Chief Judge of said Court, the 3rd day of MayA.D.1915
Issued the 26th day of June A.D.1915.

Harry W.Bowers (Clerk)

To the Sheriff of Frederick County.

E.L.Coblentz
Charles McC.Mathias Solicitor.

Filed June 28th, 1915.

O R D E R O F P U B L I C A T I O N.

Minnie N.Perry and
Dr.benjamin C.Perry,
Vs.
Bertha R.Strube and
George Robertson Dennis, Jr.

No. 9 3 3 6 Equity.
In the Circuit Court for
Frederick County.
in E Q U I T Y.

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ORDER OF PUBLICATION

The object of this Bill is to procure a Decree for the specific performance of a contract of sale to Minnie N.Perry,made and entered into the 10th day of April,1915,by the heirs at law of Ann R. Dronenburg,late of Frederick County,deceased,for certain real estate lying and being in Urbana District,Frederick County,Maryland,all of the said heirs having executed said contract with the exception of Bertha R.Strube,against whom this Bill is filed.The Bill states in substance---

(1)That Minnie N.Perry and Dr.Benjamin C.Perry,Agent of Minnie N.Perry,are residents of Frederick County,in the State of Maryland,as is also George R.Dennis Jr.,one of the defendants,but that the said Bertha R.Strube resides in Greenvale,Langdon District of Columbia.

(2) That Ann R.Droneburg,late of Frederick County,but now deceased,departed this life a number of years ago intestate,seized and possessed of certain real estate lying and being in Urbana District, Frederick County,Maryland,and more particularly hereinafter described,and leaving surviving her a husband,Charles Dronenburg,who has since departed this life,and the following children and heirs at law,together with their respective husbands and wives,as follows:---

Emma I.Yaste and B.Frank Yaste,her husband,and E.Leola Dixon of Washington,District of Columbia, Jessie Dixon of Baltimore City,Marjorie Smith and Albert W.Smith,her husband,Nellie Sikken and Ernest A.Sikken,her husband,of Prince George'S County,Maryland,and William Sumwalt of said County and State,Mary D.Yerby and Howard Yerby,her husband,of Cape May Court House,New Jersey,C.Bell Strube and William H.Strube,her husband,of Ivy City,District of Columbia,Bertha R.Strube and Charles Strube,her husband,of Greenvale,Langdon,District of Columbia,Alice V.Dronenburg,Laura M.Pyles and Wallice Pyles,her husband,Charles W.Dronenburg and Manzella E.Dronenburg,his wife,of Urbana, Frederick County,Maryland.

(3) That said Real estate hereinbefore mentioned consisted of all those pieces or parts of land, situated,lying and being in Urbana District,Frederick County,Maryland,and more particularly described as the two acres,more or less,tract first described,the 26 acres and two perch tract a part of the second described parcel,and the 4 acre tract,the third described parcel of land in a deed from Charles Dronenburg to the said Ann R.Dronenburg,dated the 9th day of April,1890,and recorded in Liber W.I.P.No.11,folio 206,a certified copy of which said deed is filed herewith as a part of this Bill of Complaint and is marked Exhibit A.

(4) That the said Heirs at law of Ann R.Dronenburg through their Agent and Attorney,George Robertson Dennis Jr.,on the 10th day of April,1915,entered into an agreement of sale with Minnie N.Perry for the hereinafter described real estate at and for the sum of Three Thousand Six Hundred and Fifty five Dollars ($3,655.00)and took the acknowledgement and agreement of purchase of your complainant and accepted the deposit required by said advertsement of sale, all of which will more fully and at large appear by the authority to the said George Robertson Dennis Jr.,herewith filed marked Exhibit B.and the acknowledgement and agreement of purchase of the said Benjamin C.Perry,Agent for Minnie N.Perry,herewith filed and marked Exhibit C.

(5) That your complainant,said Minnie N.Perry,through her Agent,Dr.Benjamin C.Perry,bought said property in good faith and stands ready to pay unto the said George Robertson Dennis Jr.,Agent and Attorney for the heirs of Ann R.Dronenburg,the balance due on the said purchase price of said property upon the delivery to her of a good and sufficient deed for said property duly executed by all the heirs of said decendent,and that your complainant has further had prepared at her expence a deed for said property conveying to her,the said Minnie N.Perry,all the right,title and interest, of all the heirs at law of Ann R.Dronenburg,deceased,which said deed has been duly executed and acknowledged by al the heirs at law of the said Ann R.Dronenburg,their respective husbands and wives,save and except the said Bertha R.Strube,as will more fully appear by said deed filed herewith,and marked Exhibit D.

(6) That said deed has been presented to the said Bertha R.Strube for her signature and acknowledgment,and has even been signed by Charles Strube,the husband of the said Bertha R.Strube,but that she,the said Bertha,refuses to execute said deed in compliance with the agreement of sale hereinbefore mentioned and does still refuse to execute said deed,although your complainant stands ready and willing to pay over the balence of said purchase price to the said George R.Dennis Jr., Agent and Attorney of the heirs at law of Ann.R.Dronenburg,and now stands ready and willing to

pay said money into Court should your Honors direct.

(7) That you complainant through her agents has urged the said Bertha R.Strube to execute said deed and has exhausted every mens to secure her compliance with the agreement hereinbefore set out,but that thr said Bertha R.Strube absolutely refuses to execute said deed.

The Bill prays that the agreeneht mentioned therein may be specifically enforsed and that the said Bertha R.Strube may be decreed to convey unto your Prtitioner the premises mentioned herein in accordance with said agreement upon the payment of the balance of the purchase money still due and owing by your complainant.

2. And for such other and further reliefas the nature and equity of her case may require

It is thereupon this 26 day Of June,in the year Nineteen Hundred and Fifteen, ordered by the Circuit Court for Frederick County in equity that the Plaintiff shall cause a copy of this order to be inserted in some newspaper published in Frederick County once in each of four successive weeks before the 26 day of July, A.D.1915,giving notice to the said absent defendant of the nature and substance of this Bill,warning them to appear in this Court in person or by solicitor on or before the sixteenth day of August,A.D.1915,and show cause if any they have why a decree ought not to be passed as prayed.

Harry W.Bowers.

Clerk of the Circuit Court for Frederick County,Md.

Filed June 26-1915

C E R T I F I C A T E O F P U B L I C A T I O N

Frederick,Md.,July 26,1915

This is to certify,That the annexed ORDER OF PUBLICATION was published in "The Frederick Post"a newspaper published in Frederick County,once a week for four successive weeks prior to the twenty sixth day of July 1915.

The Post Publishing Co.
Per R.I.Ford.

DECREE PRO CONFESSO

Minnie N.Perry and Dr.Benjamin C.Perry, Agent of Minnie N.Perry, Vs. Bertha R.Strube and George Robertson Dennis,Jr.	No. 9 3 3 6 Equity. In the Circuit Court for Frederick County. In E Q U I T Y.

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The defendant,Bertha R.Strube,having been duly notified by publication to appear to the Bill of Complaint,and having failed to appear thereto,which publication was inserted in the Frederick Post,a daily newspaper published in Frederick County,once aweek for four successive weeks as ordered by the Court,

It is thereupon this 21 day of September in the year 1915 by the Circuit Court of Frederick County,sitting as a Court of Equity,and by the authority thereof, adjudged, ordered and decreed that the complainants are entitled to relief in the premises,and that said Bill of Complaint be and the same is hereby taken pro confesso against said defendant,Bertha R.Strube;but because it does not certainly appear to what relief the plaintiffs are entitled it is further adjudged,ordered and decreed that leave be granted the plaintiffs to take testimony before any one of the standing examiners of this Court to support the allegations of the Bill of Complaint.

Glenn H.Worthington

Filed September 22 1915.

ANSWER OF GEORGE R.DENNIS JR.

Minnie N.Perry and
Dr.Benjamin C.Perry,
Agent of Minnie N.Perry.
Vs.
Bertha R.Strube and
George Robertson Dennis,Jr.

No. 9336 E Q U I T Y.
In the Circuit Court
for Frederick County.
In Equity.

The answer of George R.Dennis,Jr.,one of the defendahts of the above entitled matter,respectfully represents unto your Honorable Court that he admits the allegations contained in the several paragraphs of the Bill of Complaint to be true as therein set forth,and prays that he be dismissed with his reasonable costs.

And as in duty,etc.

George R.Dennis Jr.

Filed Sept,22 1915.

T E S T I M O N Y

Minnie N.Perry,et al.
Vs.
Bertha R.Strube,et al.

No. 9336 Equity.
In the Circuit Court for Frederick
County in E Q U I T Y.

To the Honorable,the Judges of said Court!--

In Pursuance of an order of the Court and a notice given me by the Solicitor for the Plaintiffs in the above entitled cause,I,Albert S.Brown,one of the Standing Examiners of Your Honorable Court, duly commisioned and qualified,did,on the 2nd day of October A.D.1915,at the law office of the Examiner in the City of Frederick,State of Maryland,at the hour of 11 o'clock P.M.proceeded to take the following deposition of the witnesses in this cause then and their produced before me,that is to say!- Present.Mr.Charles McC.Mathias,Solicitor for the Plaintiffs,Mr.Rohrback for the Defendants Exhibits A,B.C,&D filed with the Examiner as evidence,and areso marked.

CHARLES W.DRONENBURG,a witness of lawful age,prodeced on the part of the plaintiff,being first duly sworn,deposes and says as follows!-

Q.Will you state your name,age and residents?

A. My name is Charles W.Dronenburg;I was born May 5th,1873;I live in Urbana,I am a carpenter by trade,and have had twenty years at it.

Q. Do you know the Plaintiff in this suit&?

A. Yes sir,I know Dr.Perry and his wife,the complaimant.They live in Urbana.Bertha R.Strube, one of the defendants,is my sister,and George R.Dennis Jr.,the other defendant,I know very well. He lives in Frederick County.My sister,Bertha R.Strube,is a resident of Greenvale Langdon,District of Columbia.My mother,Ann R.Dronenburg,who was a resident of Frederick County,died about 1892,sieze and posessed of certain real estate lying and being in Urbana District,and leaving surviving her my Father,Charles Dronenburg,who has since died,and the following children and heirs at law!- Emma I.Yaste,who married Frank Yaste.They live in Washington,D.C.E.Leola Dixon,who is the daughter of Jessie W.Dixon,deceased,a sister of mine .Leola,my niece,lives in Baltimore.Jessie Dixon is her father,my drother-in-law.Marjorie Smith,who intermarried with Albert Smith,and Nellie Sikken,who intermarried with Earnest A.Sikken,and daughter of a deceased sister of mine,Margaret Sumwalt. William Sumwalt is my drother-in-law.MaryD.Yerby is a neice of mine,and a daughter of Jessie Dixon, hereinbefore mentioned.They live in Cape May Court House,New Jersey.C.Bell Strube is a sister and she intermarried with William H.Strube.They live in Ivy City,D.C.Bertha R.Strube,the defendant,is another sister who intermarried with Charles Strube,and they live as I stated before,in Greenville, Langdon,D.C.Alice V.Dronenburg,another sister of mine,lives in Urbana.I am the other heir of Ann R.Dronenburg,and my wife's name is Manzella E.Dronenburg.We live in Urbana likewise.All the heirs of Ann R.Dronenburg agreed to sell the property lying and being in Urbana District,and mentioned in this proceedings,and all being of age we employed George R.Dennis as our agent and Attorney

to make the sale.He drew up an agreement or authority to himself,and the three or four copys of the same made,which he sent around to the different heirs,to be signed,They all signed this auth orization,including my sister,Bertha R.Strube, as she signs herself.I look at Exhibit "B" which is now handed me.It is one of the papers which Mr.Dennis prepared and is the one which was signed by my sister, Mrs.Charles Strube.(Solicitor for defehdants excepts to answer being made as to wether paper was signed by Mes.Strube.)Mr.Dennis,after he had secured the signatures of all the heirs to his authority,proceeded to sell the real estate in Urbana.After giving three weeks advertisement of this property,Mr.Dennis sold the same in front of Hendrickson's store in Urbana,Maryland,on Saturday,April 10th, 1915,at two o'clock P.M.At this sale Dr.Benjamin C.Perry,acting as agent ofr his wife,Minnie N.Perry,was the purchaser of this property,for $3655,00.Mr.Dennis had an acknowledgement of purchase prepared,which Dr.Perry signed,He also paid the sum of $300.00,the deposit required in the advertisement.I look at Exhibit "C",whi oh is now handed me.It is the acknowledgement of puchase that Dr.Perry signed om the day of sale.My brother-in-law,Charles Strube,the husband of Bertha R.Strube, was present on the day of sale,and bid on the property.In fact,it was her who ran the property up on Dr.Perry,and I think his last bid was $3654.00.(Solicitor for Defendant excepts to last sentence.)My sister since after the property was sold to Mrs.Perry and sent it around for all of us heirs to sign.All of them did sign this deed with the exception of my sister,Bertha R.Strube.Her husband signed the Deed,but she absolutely refuses to do so.My sister,Emma and my niece,Leola Dixon, went to see her to try to persuade her to sign this deed,but she evidently refusd as it has not been signed,although her husband,Charles Strune,did sign the Deed. I did not have a personal talk with her regard the signing of the deed,although I requested several of my sisters to go to see her and urge her to sign the deed.It seems to me the only think for her to do.After I had exhausted all means to have her to sign this Deed,I told Dr.Perry that he had better institute some legal pro ceedings to pass the title to his wife,so that the whole affair could be closed up.In my judgement,the price paid by Dr.Perry is a fair one.There is about 34 acres in all in the tract in question,and the price paid is over a hundred dollas an acre.I did not think that my sister would object to the fairness of the sale. In fact,she forsed the sale of the property,and when it was sold I think it brought all it was worth.I know that Dr.Perry has always stood ready and willing to pay the balance due on his property just as soon as the deed was completed.He has told me this a numder of times,so that there can be no question in my mind as to the good faith of the purchaser.

CROSS EXAMINATION

1x. Are all of the children of his deceased sisters twenty-one years of age?

A. Yes sir,and then some.Some of them are as old as I am.

2x. No other children of your deceased sisters have a deceased brother?

A. No sir.

3x. None of your deceased sisters,as I understand it,were under twenty-one years of age.

A. No sir.

4x. Is Charles Strube,the person mentioned in these proceedings,any other relation to you than the husband of your sister,Bertha R.Strube?

A. No sir.

5x. Have his people always lived here?

A. No sir,his father came from Germany and his mother too;
both of German decent--pure blood.

6x. You did not have any conversation with your sister Bertha R.Strube conserning the power of Attorney to Mr.Dennis,did you?

A. No sir;she just said she was going to see Mr.Dennis;and she came in and hired Mr.Dennis and we got ready to go.(Ex.to by solicitor for defendants after word no.)

7x. You did not see your sister Bertha R.Strube sign any papers of authirity to Mr.Dennis,did you?

A. No sir.

8x. You were not present at any conversation between your sister and niece or any memder of your family and your sister,Bertha Srrube,conserning the signing of the deed to Mrs.Perry,were you?

A. No sir.

9x. So that any thimg you have narrated on this subject is only in the nature of hearsay?

A. Yes sir;but I knew something about it from a letter that my sister wrote;to me.

10 x. Have you the letter your sister wrote you?

A. I have not. (To the general Interrogatory.)

Well,itis Just this way! My sister Bertha wanted the place,and we agreed to let her have it for $3500.00,without any sale,and she said we was trying to extortion on her,and she wouldnt take it; then she said put it up at public sale--she told me that her self--and we offered the place for sale. She came in and hired Mr.Dennis to put it in the Court of Equity,so that she could sell the land.Then it was put up for sale,and knocked down to her for $5100.00 and her husband,wouldn't comply with the terms of sale,said it was too much.Then we would advertse and sell it again,and she was there and her husband bid up to $3654.00,and went home.If she wasen't my sister I would bring suit against her for $1600.00;and it was Dr.Perry who bid on the property before,and he would have took it if it was knocked down to him.

RE-CROSS EXAMINATION.

1xx. How many acres in this property?

A. I think there was thirty acres in the land,more or less,two acres in the house and lot,in all in all about 32 acres.(EX.)

2xx. Who was the next highest bidder to your sister at the last time?

A. Dr.Perry.

Signature of Witness Waived!--

Adjourned until November 3 1915 and examination resumed at the office of the Examiner at 11 O'Clook A.M.

Present-

Mr.Mathias for Plff
Mr.Rohrbaok For Defts

DR.BENJAMIN C.PERRY,a witness of lawful age,being produced on the part of the plaintiffs,first being duly sworn,deposes and says as follows!-

Q. State your name,age,residence and occupation.

A. Benjamin C.Perry;32 years old;residents,Urbana,Maryland;physician.

Q.Do you know the parties to this cause?

A. I do;as agent for my wife,Minnie N.Perry,I am one of the plaintiffs in this suit,and I know the Defendants,Bertha R.Strube and George Robertson Dennis.Jr.I did not know Ann R.Dronenburg,the original owner of the property mentioned in this proceedings,as she died before I came to Urbana; but I knew practically all of her children,and I knew her husband,Charles Dronenburg,who died about a year ago.I heard Mr. Charles Dronenburg testify,and the heirs at law of Ann R.Dronenburg are as he stated,to the best of my knowledge and belief.I knew Bertha R.Strube personally;she lives in Greenvale,Langdon,Distriot of Columbia.The real estate mentioned in this proceedings lies adjoining the property of my wife in Urbana Distriot.I look at Exhibit "A,"whichis now handed me.It is a certified copy of the deed describing the property,of which the several paroels purchased by me from a part,and it correctly describes this property.When George R.Dennis,as Attorney for the heirs at law of Ann R.Dronenburg,advertsed this property for sale I considered it a valuable adddtion to our property in Urbana,as it lies adjoining,and when the property was offered for sale I was a bidder for the same.The property was sold on the poarch of Hendriokso'S store in Urbana on the 10th day of April,1915,and,as Agent for Minnie N.Perry I was the highest bidder and best bidder for the property,the ammount of my bid being $3655.00.I gave Mr.Dennis the deposit of $300.00 required by the advertisement,and signed the acknowledgement of purchase.

At my request,Mr.Dennis prepared the deed from the heirs at law of Ann R.Dronenburg to Minnie N.Perry,and it is the Deed which is filed in these proceedings, marked Exhibit "B".At at this time I idetify Exhibit "C" as the acknowledgement of purchase signed by me on the 10th of April,1915.I have always been,and am now ready to comply with the terms of sale,as soon as the Deed is completed.It lacks only the signature of one of the defendants,Bertha R.Strube,who has as not yet signed this Deed.I do not thimk there is any question about the fairness of the sale,or the price paid for the property in question.In my judgement,$2500 would be a fair price for this property,but I was willing to pay more for the reason that it adjoines my property and males a valuable addition to it.I do not know what objection Mrs.Strube can have to signing the deed,but the fact remains that it has not been executed,and for that reason I understand these proceedings were instituted.As I said above,I always have been and am now ready,willing and anxious to comply with the terms of sale,as soon as the Deed is completed.

CROSS EXAMINATION.

1x. Have you paid any money to Mr.Dennis,as Attorney in this case?

A.I paid him $300.00 as a deposit on the day of sale,according to the terms of sale.

2x. You knew that Mr.Dennis did not have deed for this property,either in his own name or as Attorney in fact for the Dronenburg heirs?

A. I knew he was to prepare the deed acording to the sale bills,and I was to pay the rest of the purchase price when he delivered me the Deed.

3x. Have you a copy of the sale bill with you?

A. No sir.

4x. Do you have a copy of the sale bill that you have filed with the examiner?

A. I do not know whether I could produce a copy of the sale bill or not,but I know thst the advertisement annexed to Exhibit "C" is identical with the sale bills as printed.I compared them at the time.

5x. You knew Mr. Dennis did not have a power of attorney from these heirs,did you not?

A. No,I didn't.

6x. Did you examine at all into Mr. Dennis's authority as Agent and Attorney to sell this property before the day of the sale?

A. No, I didn't go over anything special in the advertisement.

7x. From whom did you expect to get the deed;the heirs of the property?

A. Well,I understood that it belonged to them;that after Charles Dronenburg's death it was to be sold at auction.I took it under this agreement that they would deliver the deed.

8x. Then you took your chances on the day of sale of these heirs at law being willing to sign the Deed?

A. Well,I felt positive it was Charles Dronenburg's,and the different heirs told me that George R.Dennis had the selling of it;and that there wouldn't be any question about the Deed.

9x. Charles Dronenburg was the only one of the heirs,was he not?

A. No;there was Charles Dronenburg and Mrs.Pyles.I dommot know as I know of any others.

10x. There were about six other interested of the heirs at law besides the two mentioned,were there not?

A. I think so;Bertha Srrube is one of them.

11x. You didn't talk to her before the day of sale,did you?

A. No sir.

12x. Was there any statement made by the auctioneer at the time of the sale other than the reading of this newspaper advertisement,Exhibit "C"?

A. I don't rember thqt therewas.

13x. Was there any thing said by the auctioner as to the manner of conveying the title to the purchaser?

A. I don't remember.

14x. Was any thing said by Mr.Dennis as to the manner in which the title would be conveyed to the purchaser?

A. I do remember that the auctioner said that a good title would be given the purchaser,that is the highest bidder.

15x. What Mr.Dennis say about the date of the sale?

A . I don't remember Mr.Dennis saying anything.

16x. Was this newspaper advertisement,Exhibit "C",or a like copy to the persons assembled at the time of the public sale on April 10th,1915?

A. Yes sir.

17x. Was Mrs.Bertha R.Strube,wife of Charles R.Strube,present at this sale on April 10th,1915?

A. Bertha R.Strube was not there,but her husband was.

18x. Mr. Charles Strube,the wife of Bertha R.Strube,was the contesting bidder who ran this property upon you,was he not?

A. Yes sir,he was.

(To the general interrogatory.)

A. Nothing further. Signature of Witness waived

Adjourned until November 11"1915 and examination resumed at the office of the examiner:--

MRS.C.BELLE STRUBE,a witness of lawful age,produced on the part of the plaintiff,first being duly sworn,deposes and says as follows:

Q. State your name,age and residence.

A. My name is Mrs.C.Bell Strube;I am 49 years old,and I am at present living with my daughter in Urbana.

Q. Do you know the parties to this cause?

A. I know Dr.Perry and his wife,who live in Urbana,and the defendant,Bertha R.Strube,is my sister. I am one of the heirs at law of Ann R.Dronenburg,and am entitled to a distributive share in the property sold to Dr.Perry.

Q. State whether or not you have lived in the residents of you sister,Mrs.Bertha R.Strube,within the past year,and if so,for how long?

A. I made my home with her from about the 8th,of February,1915,until the 25th,of April.

Q. State what declarations,in regard to her signing the deed in question if any,were made in your presence by Mrs.Bertha R.strube,the Defendant in this cause,during the period yuu were with her.

A.Shortly before I left her home on the 25th,of April my sister Emma came over and stated that she expected to have the Deed for the property which had been sold on April 10th for her sign,and she told sister Emma that if she brought it to her that she would burn or tear it up,and sister Emma tood her not to do any thing like that.She absolutely refused to sign the deed.

Q. Do you know whether your sister,Bertha R.Strube,has ever signed this deed?

A. She never signed the deed,and what I know of her she never will sign it.The only way that her interest can be passed would be by the Court giving a Deed.I firmly believe that if she got her hands on this Deed she would destroy it.

(To the general interrogatory.)

A. I do not know a thing further that I can add,only I would like to have the natter settled.

Mrs.C.Belle Strube.

GEORGE ROBERTSON DENNIS,JR.,a witness of lawful age,produced on the part of the Plaintiff,first being duly sworn,deposes and says as follows;

Q. State your name,age,residents and occupation.

A. My name is George R.Dennis Jr.,I am 45 years old;my residents is Frederick,Maryland,

occupation,attorney at law.

Q. Do you know the parties to this cause?

A. I do.

Q. Will you state what was your connection with this matter?

A. Attorney for the heirs.

Q. Will you tell the Court from what you derived your authority and the nature of the proceedings taken by you in reference to the sale of the property mentioned in these proceedings?

A. I had all of the heirs sign a contract,similar to Exhibit "B".I had a number of these executed in order to save time,as the heirs lived in different parts of the country,and I could secure all of the signatures more rapidly by sending out carbon copies.Exhibit "B" containes the signature of Mrs.Charles Struhe,who is one of the defendants in this cause,she being Bertha R.Strube.

Q. Had you any other correspondence with Mrs.Strube which would enable you to be familiar with her signature?

A. I had other letters,and her signature on this contract is similiar to her signat ure on letters that I have received.I file two letters herewith for compariaon.

Q. After you secured the authority of the heirs,of which Exhibit "B" is a counter-part,will you state what you then did?

A. I proceeded to advertise the property,and offered the same for sale,sometime in February or Maroh.and the property was knocked down to Bertha R.Strube,the defendah in this cause,for over $5100.00. I don't recall the exact amount.When asked to com-ply with the payment of the deposit money in the advertisement of sale Mrs.Strube wasnot to be found,and we waited for some length of time for her to make the deposit. In the course of about a half hour I then went to the place where I heard she had gone,the same being the Strube farm,about a mile distant,and asked her to make the deposit.She said her husband would not pay any such price as that.She was unable to make the deposit.She paid for the costs of the auctioneer and the advertising.I then re-advertised the property to be sold on April 10th,of which advertsements the one annexed to Exhibit "C" is a copy.On April 10th I then proceeded with the sale, and the property was knocked down to Benjamin C.Perry,agent for M9nnie N.Perry,at and for the sum of $3655.00. At the request of Dr. Perry,I prepared a Deed for the heirs at law of Ann R.Droneburg,to his wife,Minnie N.Perry.All od them signed this deed with the exception of Bertha R.Strube,the Defendane therein,eho I understand refudes to sign the same.It is not signed by her,although her husband has signed it I look at Exhibit "D" which is now handed me.It is the deed which I prepared,and contained the signatures of all the parties to this cause with the exception of Bertha R_Strube,the defendant.I forgot to add that ah the sale on April 10th Doctor Perry paid me $300.00,the deposit money required in the advertisement of sale,and after deducting fee and costs of advertising I turned the balanne,$250.00,over to Mr.Charles Dronenburg.

Q. What can you say to the price paid for this property by Dr.Perry,as to being a fair and equitable price for the property?

A. The price paid was a very high one.It was a big price.over $100.00 an acre.

Q. Will you look at Exhibit "A" which is now handed meu,and state what same is?

A. I look at Exhibit "A".It is Deed for certain real estate lying and being in Urbana District,of which the property sold by me on April 10th forms a part.

CROSS EXAMINATION.

1x.In answer to the fourth interrogatory,you stated you had all of the heirs sign a contract similar to Exhibit B. Where is the original of Exhibit B?

A. At my office.I will produce and file same with the Exaniner.

2x. Is Mrs.Charles Strube Bertha R.Strube?

A. Her Husband's name is Charles Strube,and I believe them to be the same party.

3x. Did you make any reply to the letter dated February 14,1915 written to you by Mrs.C.Strube,and mentioned in your examination in chief?

A. I don't recall.I dont know wether she came up in person or not.

4x. Did you make any reply to the letter of May 11,1915,written to you by Mrs,Charles Strube,and referred to your examination in chief and filed in your testimony?

A. No sir.

5x. Can you give any reasons why you did not reply to either of these letters?

A. I saw Mrs.Strube several times before the property was sold,and she was present and attended the sale of the property sometime in April.In responce of the second letter she called me up over the telephone,and she said that my servises were no longer required,and I thought that sufficient notice,having been notified over the telephone and having received these letters,that my servises were no longer required..

6x. When did she call you up over the telephone?

A. I think it was a week prior to the receipt of that letter.

7x. The second letter?

A. Yes sir.

8x. Was that after the second sale or before the second sale?

A. That was after the second sale?

9x. Did you ever send the deed to Bertha R.Strube,the Defendant,for her signature?

A. Not directly.

10x. Why did you turn the $250.00 from the ammount $350.00 paid to you on April 10th by Dexter Perrry,over to Mr. Charles Dronenburg?

A. After the sale of the property my servises as Attorney had seased for all the parties.Mr.Dronenburg came in town,and I saw him at my office and told him that I would pass the money over to him,as he was the agent for most of the heirs.

11x. Was he the agent for Mrs.Bertha R.Strube?

A. I don't think so.

12x. In your opinion,was she entitled to a portion of this $250.00?

A. Yes sir.

13x. Then if your view in that respect is correct why did you not tender her share?to her?

A. I really can't state any particular reason.There was a very small part for her portion,and I have known Charles Dronenburg all my life and I thought he was a thoroughly competent and honest man to hold the purchase money.

14x. Mrs.Bertha R.Strube did not authorize the payment of any money to Charles Dronenburg,did she

A. No sir.

15x. Did you not sell this real estate under any power of attorney executed by the heirs of ANn R.Dronenburg,did you?

A. All of the heirs join in the power of Attorney to sell.

16x. There was no power of attorney executed,acknowledged and recorded in accordance with the provisions of the Code was there?

A. The authority to sell is contained in the paper Exhibit B.

17x. Under the terms of this paper Exhibit B who was to receive the purchase price from the purchaser of this real estate?

A. There was no provision made in this contract as to whom should receive it.

18x. Was Mrs.Bertha R.Strube present at the second sale?

A. I don'T recall seing her there.

19x. Did she make any objection to the selling of the property prior to this sale on April 10th?

A. No sir.

20x. Did she write to you or speak to you verbally on the subject stating that she did not wish the property sold prior to that time?

A. I don't recall her saying anything.

To the general interrogatory.

A. Nothing further.

Solicitor for Plaintiff desires to file as evidence copy of a letter written by him to Mrs.Bertha R.strubeJune 11,1915,and return registry receipt,and makes said offer at this time.Solicitor for Defendant notes exception.
Filed and marked Exhibit B.R.S.No.1 Signature of witness waived.

Whereupon,there being no other witnesses to examine and no futher time being required for the production of testimony,the said Examiner at the request of the Solicitor for the Plaintiffs closes the taking of Testimony,and said Examiner hereby certifies that the aforegoing are atrue and original deposition of witnesses in this cause as the same were taken down in stenographic notes and subsequently typewritten by Ralph E.Schroeder,the Examiners sworn Clerk;(and the same was read over to said witnesses,and the signatures thereto have been waived);and the said Examine herewith chooses the said testimony to your Honorable Court.

Witness my hand and seal this 18th day of November 1915.

Albert S.Brown (Seal)
Examiner.

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Costs of the aforegoing testimony.

Albert S.Brown,Examiner, 2 days	$8.00
Charles W.Dronenburg,witness,1 day and 6 miles	1.35
Dr.Benjamin C.Perry,witness,1 day "party to cause"	
Mrs.C.Belle Strube,witness,1 day and 6 miles	1.35
George R.Dennis,Jr.,witness "party to cause"	
	$ 10.70

CERTIFIED TO:--

A.S.Brown
Examiner.

O P I N I O N A N D D E C R E E.

Minnie N.perry and Dr. Benjamin C.Perry,Agent, VS. Bertha R.Strube and George R.Dennis. — In the Circuit Court for Frederick County, sitting as a Court of E Q U I T Y.

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This is the proceedings of a somewhat novel caracter.On February_____,1915,all the children and heirs at law of Ann R.Dronenburg and Charles Dronenburg,both of whom were then dead,together with their respective wives and husbands,entered into a written agreement with George R.Dennis Jr.whereby they authorized Mr.Dennis to advertise and sell for them certain lands belonging to them,located in Urbana District,which they obtained by inheritance from their parentsabove mentioned.
In /ccordance with this authority,Mr. Dennis advertised the property for sale and, on April 10th,1915,sold the same at auction to Mrs.Minnie N.Perry,wife of Dr.Benjamin C.Perry,of Urbana,for the sum of $3,655.00.Dr.Perry did the bidding at the sale and sioned the acknowledgement of purchase as agent for his wife,Minnie N.Perry.
The authority to Mr.Dennis to advertise and sell the property did not vest him with power to execute a deed for the same,so,after the sale had been made,a deed was prepared,intended to convey the property to the purchaser,and send around to th different heirs to sign and acknowledge.All of them were adults and all duly executed the deed exoept one heir,a married daughter of decedents,a Mrs Bertha R.Strube, wife of Charles Strube,both of whom reside in the District od Columbia.Mrs.Strube was urged to sign the deed but resolutely refused.Her husband,Charles Strube,signed the acknowledgement the same but still the wife obstinately declined,and declared that if she got her hands on the deed she would burn or tear it up.All efforts to

induce her to sign being unavailing,proceedings were instuted in this cause for the specific performance of the contract of sale.She being a non-resident,an order of publication was published against her as the law requires,and a decree pro-confesso obtained thereon in due course.Sobsequen tly the appearence of Mr. Jacob Rohrback,Solicitor of the Court,was entered for her of record.Some question was raised at the argument as to wether notice by publication to a non-resident,was adequate notice to entitle the plaintiff to a decree.But the case of Worthington vs.Lee,61 Md.530; Chappell vs.Clark,94 Md.182,and Hollander vs.Central Metal Co.,109 Md.149,and Code Art.16,Sec.124, seems to answer the question emphatically in the affirmative.

Some question was also raised atbthe argument as to the statue of frauds having been complied with But the plaintiff exhibits the written authority to Mr.Dennis to sell,signed by defendant,and a signed memorandum of purchase by the purchaser through her husband as her agent.It has been held that the authority to an agent to sell or to buy need not be in writing.

Moore vs.Taylor,81 Md.644.

Tritapoe vs,Zimmerman,No.8476 Equity.

But here we have written authority to Mr.Dennis to sell,and a signed and accepted written acknowledgement of purchase from the purchaser by her agent,ratified and confirmed by all the heirs, their representive waives and husbands,except this one heir who refuses to complete her contract of sale.Courts would be absurdly ineffectual instruments for the protection and enforcement of rights and the redress of wrongs if their were no power in them to complete the purchaser's contract of purchase under the circumstances of this case,and to perfect her title to the property which she bought and avows herself ready and willing and able to pay for.

It is unfortunate for this defendant that she should obstinately and persistently refuse to sign the deed,for the decree must against her and the costs of the proceedings must charged against her interest in the proceeds of sale.

Deeming the case for specific performance of the contract of sale fully made out by the proceedings and evidence,the Court will pass a decree appointing a trustee to convey to the purchaser all of defendant,Bertha R_Strube's interest in the lands inherited by her and described in the advertisement of sale annexed to the memorandum of purchase.

It is thereupon,this 6th day of December,A.D.1915,by the Circuit Court for.Frederick County,sitting as a Court of Equity,and by authority thereof,adjudged,ordered and decreed that the complainant, Minnie N.Perry,is entitled to have the contract of sale mentioned in these proceedings specifically enforsed against the defendant,Bertha R.Strube;and it is futher adjudged,ordered and decreed by the authority aforesaid,that a good and sufficient deed be executed,conveying all the right, title,interest and estate of the said Bertha R.Strube,both at law and in Equity,in and to the land and psemoses in these proceedings mentioneed and described as having been inherited by her and others,and sold bythe agentGeorge R.dennis Jr.,to the complainant,Minnie N.Perry,unto the said Minnie N.Perry,her heirs and assigns,in fee simple,upon the payment into this Court,by the said purchaser,of said Bertha R.Strube's proportionate part of the purchase money foe said lands and premises,to be held by the Clerk of this Court subject to the further of the Court.

And it is further adjudged,ordered and decreed by the authority aforesaid,that Charles McC.Mathias be and he is hereby appointed trustee to execute said deed on behalf of said Bertha R.Strube,and that said Bertha R.Strube pay the costs of these proceedings.

Filed December 6-1915.

Glenn H.Worthington

PETITION AND COURT'S ORDER.

Minnie N.Perry and Dr.Benjamin C.Perry,Agent

vs.

Bertha R.Strube and George R. Dennis.

No. 9336 EQUITY.

In the Circuit Court for Frederick County,sitting as a Court of EQUITY.

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The Petition of your Complainants respectfully shows unto your Honors!--

That the Deed executed by all of the parties in interest,with the exception of Bertha R.Strube,has been filed in the above entitled matter as "Exhibit D."

That your Petitioner now desires to withdraw said "Exhibit D"from the papers in the above entitled cause for the purpose of having the same recorded,and to file its place and stead a duly certified copy thereof after said Deed has been recorded.

Wherefore your Petitioner prays your Honorable Court to pass an Order authorizing and directing that the said #Exhibit D" may be withdrawn from the papers in the above entitled matter,and that a certified copy may be filed in its place and stead after said "Exhibit D" has been duly recorded among the land records of Frederick County.

Chas McC.Mathias.
Solicitor for Complainants.

The afore-going Petition having been read and considered,it is thereupon this 14th day of December,in the year Nineteen Hundred and Fifteen,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof adjudged,ordered and decreed that leave be and the same is hereby granted to said complainants to withdraw from the papers in the above entitled cause "Exhibit D",provided the said complainants file in this place and stead a duly certified copy of said "Exhibit D".

Glenn H.Worthington

Filed December 14th,1915.

B I L L O F C O M P L A I N T

Clara H.Boyer,and Clara H.Boyer,executrix, vs. India P.Boyer,infant.	" " " " " " " " " "	No. 9007 E Q U I T Y,in the Circuit Court for Frederick County,in E Q U I T Y.

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To the Honorable,the Judges of said Court!--

The Bill of Complaint of Clara H.Boyer,and Clara H.Boyer executrix,respectfully shows unto Your Honors;

1. That John Wesley Hank Boyer,late of Frederick County,Maryland,died testate in or about the month of August,1912,siezed and possessed of certain real estate consisting of a farm containing about one hundred and seven acres,three roods,and eighty-eight one hundredths square perches of land,situated in said Frederick County,Maryland,and also leaving surviving him a widow,your oritrix,Clara H.Boyer and a daughter India P.Boyer who is an infant about sixteen years of age,who resides in said Frederick County,as does also your oritrix,Clara H.Boyer.

2. That under and by virtue of the last will and Testament of the said John Wesley Hank Boyer,which said last Will and Testament has been duly probated and recorded in Liber S.D.T.No.1,folio 80 etc.,one of the Wills Records in the offfer of the Register of Wills,for said Frederick County,which said last Will and Testament is dated August 12,1912,said real estate was devised to the said Clara H. Boyer,and the said India P.Boyer,in such way and manner that the said parties are each siezed and possessed of a one-half undivided interest in said real estate,as will more fully appear by reference to the said last Will and Testiment of the said John Wesley Hank Boyer,a certified copy of which last Will and Testiment is herewith filed,and marked Exhibit A,to this Bill of Complaimt and togather with all other Exhibits is prayed to be taken and considered as a part hereof.

3. That the said parties being seized as tenants in common as aforesaid,the said real estate is not suceptible of partition or division between the said parties

without material loss and injury to the parties entitled to interests therein as above stated, and that, in orderto make division of said property it will be necessary that said real estate be sold and the proceeds thereof be divided amongst the parties according to their respective interests, and that it would be to the best interest and advantage of the said parties to sell said real estate or to ratify the sale which has already been made on behalf of said infant, and to divide the proceeds amongst or between said parties entitled thereto according to their respective rights and interests.

4. That a contract has been made, by the said Clara H.Boyer on behalf of herself and the said infant, India P.Boyer, for the sale of said real estate, unto one James G.Linthicum of said Frederick County, in the State of Maryland, at and for the sum of $35.00per acre or the total of Three thousand seven hundred and seventy one dollars and fourty four cents($3771.44)and that the James G.Linthicum, has entered into possession of the said real estate and now holds the same and stands ready and willing to pay the said purchase price upon delivery to him of a good and sufficient deed conveying all the interests of the said parties to him, in and to said real estate.

5. That your complainant believes that your Honorable Court after an examination into all the circumstances, will believe, and think as she now thinks, that the said sale of said real estate, is for the interest, and advantage of boath the said infant India P.Boyer, and of herself the said Clara H. Boyer the persons interested in said land under and by virtue of said last will, and to that end confirm said sale.

6. That the property devised in said last will and Testament, as aforesaid, and of which a contract of sale to the said James G.Linthicum, has been entered into as aforesaid, is more fully described in the following named deeds, to-wit:--A deed to John Wesley Hank Boyer from J.E.R.Wood and M.G. Urner, trustees, dated April 7, 1888, and recorded in Liber W.I.P.Mo.6, folio 401, one of the land records of said County; A. deed to John Wesley Hank Boyer from August G.Boyer, dated March 1, 1888, and recorded in Liber W.I.P.No.6, folio 17, one of the Land Records of said Frederick County, A deed to John Wesley Hank Boyer, dated April 4, 1888, and recorded in Liber W.I.P.No.6, folio 154, one of the Land Records of said Frederick County; A deed to John Wesley Hank Boyer from Lebben Griffith dated March 3, 1870, and recorded in Liber C.M.No.4, folio 680 etc., one of the Land records of said Frederick County, less two lots or small tracts or parcels of land sold off the above by the said John Wesley Hank Boyer, in his lifetime, one of which containes about one and one-seventh acres of land and was conveyed to Daniel B.Snyder and Rachael R.Snyder, his wife, from the said John Wesley Hank Boyer, and wife, by deed dated on the 21st day of June, in the year 1895, and duly recorded among the land records of said Frederick County, in Liber J.L.J.No.11, folio 193; The other of said tracts of land sold off as aforesaid, was conveyed to HArriet R.Snowden, his wife, from the said John Wesley Hank Boyer, and wife, by deed dated on the 30th day of October, in the year 1908, and duly recorded in Liber S.T.H.No.286, folio 109, one of the land records of said Frederick County, Leaving in said tract of land, sold as aforesaid one hundred and seven acres, three roods, and eighty-eight one hundredths square perches of land as aforesaid, a partcular description of which will appear by paper entitled Description of the John Wesley Hank Boyer propertyand filed herewith as a part hereof, marked Exhibit B. To the end thereof,

(1) That a decree may be passed by your Honorable Court, retifiing the said contract of sale unto the said James G.Linthicum of said real estate for the sum of $3771.44.

(2) That the proceeds of said sale may be distributed between your oritrix, and the said India P. Boyer according to their respective rights, the share Of the said Infant India P.Boyer to be invested under the directions of your Honorable Court for her benefit.

(3) That a trustee may be appointed by your Honorable Court to grant and convey unto the said purchaser a good and sufficient title for said real estate conveying, therein, to the said purchaser all the interests of all the parties to this cause.

(4) That Your oritrix may have such other and further relief as her cause may require.

May it please your Honors to grant unto your oritrix the writ of subpoena, directed to the said India P.Boyer, infant, residing in said Frederick County, State of Maryland, commanding her to be and appear in this Court at some certain day, to be named therein, and answer the premises and abide by and perform such decree as may be passed therein. And as in duty bound etc.,

Arthur D.Willard
Solicitor for Plaintiff.

Filed April 28-1913

"E X H I B I T A"

I,John Wesley Hank Boyer,of Frederick County,in the State of Maryland,do make and publish this,my last will and testament,in manner and form following--that is to say;

1. I direct my executrix named,to pay out of my estate after my deceased,all of my just debts,and also the expence of my last illness and my funeral expences.

2. I give,devise and bequeath to my beloved wife,Clarah Boyer,and to my beloved daughter,India P.Boyer,absolutely,the farm on which I now reside,situated in Frederick County,State of Maryland,togather with all my personal estate of whatever description of which I may be possessed at the time of my death,to be devided equally between them,share and share alike.

3. It is my will and I hereby so express at,that in the event of India P.Bpyer's death before she reaches her majority,that the devise,bequeath and provision made to her 9n section 2,I give,devise and bequeath the same to my beloved wife,Clara H.Boyer,absolutely.

4. It is my will and desire that my beloved wife act in the capacity of Guardian to my beloved daughter so long as such care may be necessary,and that they,my wife and daughter,continue to live togather and that they may make sale until they find much to their advantage to do so.

5. It is my will that the house and lot which I own in Montgomery County,Maryland and occupied by brother,Columbus Boyer,remain as it is for his occupancy and use until his death,when I direct that this said house and lot shall be sold,and I hereby authorize and empower my executrix or whoever shall assume the execution of this will,to make sale of and convey said lot,and out of the proceeds of such sale to pay the funeral expences of my brother,Columbus Boyer,and that the remainder of the proceeds,if any,be divided equally between my said wife and daughter.

6. I hereby constitute and appoint my beloved wife,Clara H.Boyer,executrix of this my last will and testament,and I desire that my said executrix shall be excused from the necessity of giving bond for the performance of her duties as such executrix.

In Witness Whereof,I,the above-named testator,have hereunto set my hand and seal, this 12th, day of August,in the year of our Lord nineteen and twelve.

John Wesley Hank Boyer (Seal)

Signed,sealed,published and declared by the said testator,John Wesley Hank Boyer,as and for his last will and testament,in the presents of us,who,at his request and in his presents and in the presents of each other,have hereunto subscribed our names as witnesses.

Jesse L.Baker
Nicholas B.F.Snowden
James H.Lawson

STATE OF MARYLAND,FREDERICK COUNTY,to-wit!

I HEREBY CERTIFY,That the aforegoing is a true copy of the last Will and Testament of John Wesley Hank Boyer,late of Frederick County,deceased,as the same has been duly admitted to probate and recorded in Liber S.D.T.No.1,Folio 80,one of the Books for Recording Wills in the office of the Register of Wills for Frederick County,Maryland.

PLACE Orphans Court.

IN TESTIMONY WHEREOF,I hereunto subscribe my name and affix the Seal of the Orphans'Court of Frederick County,this 26th day of April,A.D.1913. Filed April 28.1913.

Test! Samuel D.Thomas Register of Wills of Frederick County,Maryland.

"E X H I B I T B"

DESCRIPTION OF THE JNO.W.H.BOYER PROPERTY

Situated near Monrovia,New Market Dist.,Frederick,Co.,Md.

The property hereby intended to be conveyed is a part of the land included in the deeds recorded under the following referenoes;J.W.H.Boyer from J.E.R.Wood and M.G.Urner,trustees,by deed dated April 7,1888,and recorded in Liber W.I.P.No.6 Folio 401,J.W.H.Boyer from August G.Boyer,by deed dated March 1,1888 and recorded in Liber W.I.P.NO.6 Folio 17,J.W.H.Boyer from Columbus Boyer,by deed date April 4,1888,and recorded in Liber W.I.P.No.6,Folio 154,and J.W.H.Boyer from Lebbens Griffith by deed dated March 3,1870 and recorded in Liber C.M.#4 Folio 680 etc;Beginning for the same at the original beginning of the above last mentioned deed and running thence N 28 1/4 E-72 ps.to a stone standing on the North side of the public road,thence S 86 E-21.5 ps to a stake standing on the North side of the said public road,thence S 50 E-3.0 ps.to a stake on the south side of the said public road,thence N-1.6 ps.to a stake standing on the North side of the said road,S 62 3/4 E-48.8 ps.to a stake,thence S 88 3/4 E-30.8 ps.to a stake standing in the public road thence S 32 W-5.0 ps.to a stone,thence S 32 3/4 W-138.0 ps to a stake,thence S 26 1/4 E-42.0 ps.to a stone, thence S 7 1/2 W 6.6 ps.to a stake,thence N 70 W-12.1 ps.to a stone standing near a black oak tree thence N 38 W-6.0 ps.to a stake,thence S 83 W-6.75 ps,to a stake,thence N 62 W-7.0 ps to a stake, thence N 25 3/4 W-10.9 ps to a stake,thence N 76 1/4 W-10.75 ps.to a stake,thence N 56 W-28.8ps. to a stake,thence S 36 1/4 W 21.2 ps.to a stake,thence N.47 3/4 W-4.0ps.to a stake standing on the South side of a mill race,thence N 27 1/4 W-11.0 ps to a stake,Thence N 43 3/4 W-10.0 ps to a stake,thence N 62 3/4 W 14.0 ps to a stake,thence N 32 1/4 E-5.0 ps.to a stake,thence N21 1/4 E-14.4 ps.to a stake,thence N 61 3/4 E-12.0 ps.to a stake,thence N 5 1/4 E-21.7 ps.to a stake,thence S 84 1/4 E-12.8 ps to a stone,thence N 6 1/2 E-5.1 ps.to a stone,thence S.78 3/4 E-12.8 to a stone Thence N 5 1/2 E-11.0 ps.to a stone,thence N 62 3/4 W-13.6 ps.to a stone,thence N 6 1/2 E0.9 ps. to a stone,thence S 63 1/4 E-21.4 ps.to a stone,thence N 66 1/2 E-31.8 ps to the place of beginning.

CONTAINING 107 ac. 3 rds. 0.88 sq.ps.

Filed April 28-1913

EQUITY SUBPOENA.

STATE OF MARYLAND,FREDERICK COUNTY to-wit!

The State of Maryland.

To India P.Boyer,infant,of Frederick County,greeting!

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of May 1913,to answer the Billand Complaint of Clara H.Boyer et al.

(For ratification of Contract of Sale and appointment of Trustee)

against you in said Court exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Urner,Chief Judge of said Court,the 3rd day of March A.D.,1913

Issued the 28th day of April A.D.1913

Harry W.Bowers
Clerk.

TO THE SHERRIFF OF FREDERICK COUNTY.

Arthur D.Willard,Solicitor.

Filed May 1,1913.

Clara H.Boyer,and Clara H.Boyer,executrix, vs. India P.Boyer,infant.	:	No. 9007 Equity,in the Circuit Court for Frederick County, in Equity.

To the Honorable,the Judges of said Court:--

The petition of the plaintiff in the above entitle cause respectfully represents That the said India P.Boyer,the defendant in said cause has been duly returned summoned,but being an infant she can not answer and defend this suit for herself, your petitioner therefore prays your Honorable Courtto appoint a guardian ad litem to appear and answer for said infant.

And as in duty bound etc., A. D. Willard
Solicitor for Petitioner.

Ordered this 5th.day of May,1913,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the Authority thereof,upon the petition,that Eli G. Haugh be,and he is hereby,appointed guardian ad litem to appear and answer for India P.Boyer,infant defendant in the above cause.

Glenn H.Werthington

Filed May 5,1913.

ANSWER OF GUARDIAN AD LITEM

Clara H.Boyer,and Clara H.Boyer,executrix, vs. India P.Boyer,infant. | No. 9007 Equity, in the Circuit Court, for Frederick County, in Equity.

The answer of India P.Boyer,infant,by Eli G.Haugh,guardian ad litem,duly appointed by order of this Court,to the Bill of Complaint,of Clara H.Boyer,and Clara H. Boyer executrix,against her in this Court exhibited.

This defendant being an infant cannot admit any of the matters and yhings in said bill alleged,and submits her rights thereunder to the pretection of this Court.

And as in duty bound,etc., Eli G.Haugh
Guardian ad litem.

Filed May 5,1913.

GENERAL REPLICATION

Clara H.Boyer,and Clara H.Boyer,executrix, vs. India P.Boyer,infant. | No. 9007 Equity, in the Circuit Court, for Frederick County, in Equity.

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The plaintiffs join issue on the matters alleged in the answer of India P.Boyer, infant,by her guardian ad litem,Eli G.Haugh,so far as the same may be taken to deny or avoid the allegations of the bill.

A. D. Willard.
Solicitor for plaintiffs.

Filed May 5,1913.

PETITION AND COURTS ORDERS TO TAKE TESTIMONY

Clara H.Boyer,and Clara H.Boyer,executrix, vs. India P.Boyer,infant. | No. 9007 Equity in the Circuit Court, for Frederick County, in E Q U I T Y.

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To the Honorable,the Judges of said Court:-

The Petition of the plaintiffs in the above entitled cause respectfully shows unto your Honors:-

That the answer of the defendant in this cause has been duly filed,and that the case is now at issue,wherefore,the plaintiff prays your Honors to pass an order directing the papers to be refered to one of the standing examiners of this Court for the purpose of taking testimony in the above entitled cause.

And as in duty bound etc., A.D.Willard Solicitor for Plaintiff.

Ordered this 5th,day of May,1913,by the Circuit Courtfor Frederick County,sitting as a Court of Equity,and by the authority thereof,and upon the aforegoing petition that,leave be,and the same is hereby granted,to the parties in this cause to take testimony before any one of the standing examiners of this Court.

Glenn H.Worthington.

Clara H.Boyer and	)(	No. 9007 Equity,
Clara H.Boyer,Extrix-	)(	In the Circuit Court
vs.	)(	for Frederick County,
India P.Boyer,Infant	)(	sitting as a Court
	)(	of Equity.

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To the Honorable,the Judges of said Court!-

The above cause being at issue and pursuant to the annexed order passed by your Honorable Court in the above entitled cause,I D.Princeton Buckey,one of the standing examiners of the Circuit Court for Frederick County,Md,duly appointed qualified and sworn,met at my law offfice in the City of Frederick State of Maryland,on monday the 5th,1913,at the hour of 12 O'Clock M,and then and their in the presents of the Complainants solicitor and the witnesses,proceeded to take the following depaictions, that is to say!- Present-

Arthur D. Willard,Esq,
Plff's Solicitor and the witnesses-

(Exhibits A. and B.are herewith returned)

Clara H.Boyer a witness of lawful age produced on the part of the plaintiff having first been duly swern deposes and says!--

My name is Clara H.Boyer,I am the widow,and executrix of John Wesley Hank Boyer,late of Frederick,County,who died testate on September 2,1912.At the time of his death he owned certain real estate situated in Frederick County,Maryland,consisting of a Farm containing 107 acres,3 reods, and 88 Sq,perches of land more or less.he left surviving him a widow,being my self,and a daughter India P.Boyer,who is an infant about twelve years of age,and who resides in said Frederick County, with me,I also reside in said Frederick County,That under the terms of the Will of my said husband the said Farm,upon which we reside was devised to myself,and to the said India P.Boyer,my step daughter,absolutely,to be devided evenally between us,share and share alike.

I was also appointed executrix under said will.I look at Exhibit A,now handed me and it is a certified copy of the last will and testamentof my said husband.I look at Exhibit B,to the bill of complaint now shown me,and to the best of my knowledge & belief it correctly describes the said farm devised to myself and step-daughter,as aforesaid by metes and bounds,courses and distances.

Exhibits A and B are herewith filed with the Examiner by the plaintiffs as evidence in said cause.

That the said real estate is not susceptable of division or pition between myself and my said step-daughter without loss and injury to us and that in order to make said division I deemed it necessary that said real estate shall be sold and the proceeds thereof divided amongst us according to the terms of said last will and testament.I accordingly sold said real estate at private sale on behalf of myself and said Infant Step-daughter,to James G.Linthicum of this County for the sum of $35.00,per acre,totalling the sum of $3771.44 which said sale I deemed to be the best interest and advantage of beath myself and my said infant step-daughter the only two parties interest in the said property,and I regard the sum of $35.00 per acre for said property a good price for it and all that it is worth.The said James G.Linthicum has taken possession of said real estate and now is ready to pay the full ammount of the said purchase price upon the delivery to him conveying to him a good and sufficient deed,for said real estate for which purpose these proceedings were instituted.

To Gen-Int.-

Ans, Clara H.Boyer.

John C.Walker,a witness of lawful age,produced on the part of the plaintiff,having first been duly swoen deposes and says,-My name is John C.Walker I know Mrs.Clara H.boyer and Inda P.Boyer,the infant mentioned in these proceedings.I am 54 years of age,and reside at Monrovia.I am familiar with this real estate and I think it is properly described by Exhibit B.

I knew the property well and I regard the price of $35.00 per acre a good price for it in its present condition,as Mrs.Boyer has moved from the property,it is going down there is a house,but no barn but an old log frame and very little fencing.I think it would be to the best interest to Mrs.Clara H.Boyer and also India P Boyer the Infant step-daughter that this sale to James G.Linthicum be ratified and confirmed by the Court,as the property is not susceptable of division amongst these twe parties without loss and injury to their interest and in my judgement I think it would be to the intwrest and advantage of the parties and especially the infant Julia P.Boyer,that this real estate be sold and the sale confirmed as the property is depreceating in value in its present condition and for the other reasen stated.
To Gen-Int!- Ans-Nothing else!-

John C.Walker.

No other witnesses being named or produced before me,I then at the request of the solicitor for the plaintiff,closed the depasetions so taken by me and now return to your Honorable Court this 6th day of May,1913,at the City of Frederick,State of Maryland, Witness my hand and seal.

D. Princeton Buckey (Seal)
Examiner

Costs of Depositeus!--

D.P.Buckey,Examiner fee,1 day	$4.00
J.C.Walker,Witness 1 day,10 miles	1.75
	$5.75

I hereby certify that the above costs are correct.

D . P . Buckey.
Examiner.

Filed May 5,1913.

DECREEE

Clara H.Boyer and Clara H.Boyer,executrix,
vs.
India P.Boyer,infant.

No. 9007 Equity.
In the Circuit Court for Frederick County,in Equity
May yerm 1913.

The above cause standing ready for a hearing and being submitted,the bill,answer, exhibits,testimony and all other proceedings were by the Court read and considered It is thereupen this 3rd day of June,in the year Nineteen Hundred and Thirteen,by the Circuit Couty for Frederick County,sitting as a Court of Equity,and by the authority thereof,adjudged,ordered and decreed,that the contract of sale of the land and premises mentioned in these proceedings as having been sold unto James G. Linthicum,of said Frederick County,at and for the sum of Three Thousand,Seven Hundred and Seventy-one Dollars and Fourty-four cents,($3771.44),according to the contract made by Clara H.Boyer,on behalf of her self and the infant defendant,India P.Boyer,be and the same is hereby finally ratified and confirmed by this Court,The said Court upon hearing and examining into all the circumstances,and considering the Will of the said John Wesley Hank Boyer,deeming it for the best interest and advantage,both of said infa nt,India P.Boyer,and Clara H.Boyer that said contract of sale be finally ratified and confirmed.
And it is further ordered,adjudged and decreed,that Arthur D.Willard of said Frederick County,be,and he is hereby appointed trustee,to receive the purchase money for said land and premises so sold as aforesaid and to convey the said landand premises unto the said James G LInthicum,his heirs and assigns.And it is further ordered,that the said Arthur D.Willard,before entering upon his duties as said trustee shall first file in the Clerk's office of this Court,a bond to the State of Maryland,executed by him with a suety or sureties to be approved by the Court or the Clerk thereof,in the penalty of Eight Thousand Dollars,conditioned for the faithful performance of the trust reposed in him by any future order or decree in

the premises,and on the payment of the whole purchase money,and not before,the said trustee by a good and sufficient deed to be executed and acknowledged agreeably to law, shall convey to the purchaser,the said James G.Linthicum,his heirs and assigns,the said property sold to Him as aforesaid,free,clear,and discharged of all claim of all the parties to this cause,and of any person or persons claiming by,from or under them,and the said trustees shall bring into this Court the money arising from said sale,to be disposed of under the direction of this Court,after deducting therefrom the costs of this suit,and such commision to the said trustee as the Court shall think prepper to allow,in consideration of the skill,attention and fidelity wherewith he shall appear to have discharged his trust.The same rights and privileges are hereby reserved under and in this decree to the creditors of the said John Wesley Hank Beyer,against the proceeds of sale of said real estate in the hands of said trustee,that said creditors or any of them might or could have hade against the property itsself had not the same been sold as hereinbefore set forth.

Filed June 7-1913. Glenn H.Werthington

CREDITORS PETITION

Clara H.Beyer,and Clara H.Beyer,executrix,
vs.
India P.Beyer,Infant.

No. 9007 EQUITY.
in the Circuit Court for Frederick County,
in Equity.

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To the Honorable,the Judges of said Court!--

The petition of Clara H.Beyer,G.W.Walker,Adolphus H.Thomas,F.S.Gladhill,R.Claude Feut,William T. Lewis,The Post Publishing Company,a body corporate of the State of Maryland,R.B.Murdoch,James C. Walker,and Grayson H.Staley,all of Frederick County,in the State of Maryland,respectfully shows unto your Honors!--

Your Petitioners,who sue as well for themselves as for all other creditors of John Wesley Hank Boyer,late of Frederick County,deceased,who will come in and contribute to the expense of this petition,complaining,say!-

1st.That the said John Wesley Hank Boyer,was in his life time,indebted unto your Petitioner,the said Clara Hank Beyer,his wife,in the full and just sum of One Hundred Dollars,and that he was likewise indebted unto the said G.W.Walker,in the full and just sum of Twenty-five Dollars,as will more fully appear by Exhibits C.H.B.herewith filed,and together with all other Exhibits herewith filed as apart of this petition,prayed ans considered to be a part hereof the same,as if said Exhibits, were set out in said petition fully,in words and figures.

2nd. That the said John Wesley Hank Boyer was in his life time,indebted unto your petitioner,the said Adolphus H.Thomas,in the full and just sum of Seventeen Dollars and fourty-five cents,as will more fully appear by Exhibit A.H.T. herewith filed,and that the said John Wesley Hank Boyer,was also indebted in his life time,unto your petitioner the said F.S.Gladhill,in the full and just sum of Two dollars and fourteen cents,as will more fully appear by Exhibit F.S.G. herewith filed,and that the estate of the said John Wesley Hank Boyer is further indebted unto your petitioner the said William T.Lewis,in the sum of One hundred and thirteen dollars,and twenty-five cents,as will more fully appear by Exhibit W.T.L.herewith filed;also to R.Claude Feut in the sum of one hundred and twelve dollars and fifty cents as will more fully appear by Exhibit R.C.F. herewith filed;also to the Post Publishing Company,in the sum of three dollars,as will appear by Exhibit P.P.C.herewith filed;also to R.B.Murdoch as will apear by Exhibit R.B.M. herewith filed;also to James C.Walker,in the sum of Sixty-two dollars and ten cents,as will more fully appear by Exhibit J.C.W. herewith fibed;also to Grayson H.Staley in the sum of seventy-five dollars and fourty-three cents,as will more fully appear by Exhibit G.H.S.herewith filed;also to Samuel Meleswerth in the sum of Seven dollars and fifty cents,as will more fully appear by Exhibit S.M.herewith filed.

3rd.That the said John Wesley Hann Boyer,being so indebted as aforesaid unto your petitioners and also unto divers other persons,and having realestate of considerable value,which was sold and conveyed in these proceedings,died about the 2nd day of September,in the year 1912,testate,leaving a

widow,the said Clara H.Boyer,and an infant daughter,India P.Boyer,aged about twelve years,as his heirs at law,both of whom reside in said Frederick County,Maryland the said John Wesley Hank Boyer,he having desired the real estate sold in these proceedings unto Clara H.Boyer and Inda P.Boyer as fully appears by reference to Exhibit A.to the Bill of Complqint filed in this Court on April 28th 1913,

4th. That the personal estate or property of the said dedendant amounted to about Fifteen to Sixteen hundred dollars,in value,and was totally insufficient to pay his debts,which amounted to about twenty-two hundred dollars.

5th. That the said Clara H.Boyer,was named executrix in the will of the saed John Wesley Hank Boyer,and has duly qualified as such,in the Orphans Court for Frederik County.

6th. That the proceeds from the sale of said real estate amounting to the sum of Three thousnad seven hudred and seventy-one dollars and fourty-four cents,is now in the hands of Arthur D.Willard,trustee,under a decree of your Honerable Court, passed in this cause,which said decree reserved unto the crediters of the said John Wesley Hank Boyer certain rights against the proceeds of said sale of said real estate,as therein set forth.

And your petitioners are advised that they are entitled to be paid their respective claims out of proceeds of said sale which said claims,the proceeds of the personal property were insufficient to pay in full,as hreinbefore set forth.

To the end therefore:--

(1) That so much of the proceeds of said real estate as may be necessary,may be ordered and decreed by your Honerable Courtto be applied to the payment of the debts,or the balance due on the debts of the said John Wesley Hank Bpyer,deceased.

(2) That your Petitioners may have such other and futher relief as their case may require.May it please Your Honers to grant unto Your petitioners the writ ofSubpoena,directed to the said Clara H.Boyer and Inda P.Boyer,infant,of said Frederick County,and also Clara H.Boyer executrix of the last will and Testament of John Wesley Hank Boyer,commanding them,and each of them to be and appear,either in person or by solicitor in this Court,on or before a certain day,to be named therein,to show cause,if any they may have,why a decree ought not to be passed as prayed.

And as in duty bound,etc.

Arthur D.Willard

Filed August 5.1913. Solicitors for Petitioners.

E Q U I T Y S U B P O E N A.

State of Maryland,Frederick County to-wit:

The State of Maryland.

To Clara H.Boyer and Inda P.Boyer,infant,and Clara H.Boyer,executrix of the last Will and Testament of John Wesley Hank Boyer, (Kemptown) of Frederick County, greeting:YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County, on the FIRST Monday of September 1913,to answer the Crtditors Petition of Clara H Boyer et al. against you in said Court exhibited,and so forth.Hereof fail you not, as you will answer the contrary at your peril.

PLACE OF SEAL Court.

Witness the Honerable Urner,Chief Judge of said Court,the 7th day of July A.D.1913.

Issuad the 5th day of August A.D.1913

Harry W.Bowers (Clerk)

To the Sheriff of Frederick County.

Arthur D.Willard,Solicitor.

Filed August 15th,1913.

PETITION AND COURT'S ORDER GIVINGNOTICE TO CREDITORS.

Clara H.Boyer,and Clara H.Boyer,executrix,
VS.
India P.Boyer,infant.

No. 9007 Equity.
in the Circuit Court for Frederick County.
in Equity.

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To the Honerable,the Judges of said Court!---

The petition of Clara H.Boyer and ether crediters named in the crediters petition filed in this cause on August 5th 1913,respectfullly shews unto yuor Heners!-

1st. That they are the crediters of John Weslwy Hank Boyer,late of Frederick County,deceased and that they have filed a petition in the above entitled cause,sueing as well for themselves as for all ether crediters of the said John Wesley Hank Boyer,etc.,and that they are desireus of having the matter of the estate of John Wesley Hank Boyer and their said petition now pen ding in your Honerable Court,in the above entitled cause,properly passed upon according to law and account stated in said cause.

Eherefore your petitioners pray your Honerable Court to pass an order autherizing and directing Arthur D.Willard,trustee in said cause,to give notice to all persons having claims against the estate of the said John Wesley Hank Boyer,deceased,to file their claims properly authenticated with the Clerk of Your Honerable Court,on or before a certain date,to be named therein.

And as in duty bound,etc.,

A.D.Willard
Sol.for Petitioners.

Filed August 25th,1913.

ANSWER OF CLARA H. BOYER TO CREDITORS PETITION

Clara H.Boyer,and Clara H.Boyer,executrix.
vs.
India P.Boyer,infant.

No. 9007 Equity.
In the Circuit Court for Frederick County.
in E Q U I T Y.

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To the Honerable,the Judges of said Court!-

The answer of Clara H.Boyer to the crediters petition filed in the above entitled cause,on the 5th day of August 1913 Against her and India P.Boyer infant,in this Court exhibited.

This defendant admits the matters and facts set forth in said crediters petition,and consents to the passage of such decree as may be right and proper in the premises.

And as in duty bound etc.,

Clara H.Boyer

Fibed September 13th,1913.

PETITION AND COURTS ORDER APPOINTING GUARDIAMAD LITEM

Clara H. Boyer,and Clara H.Boyer,executrix.
vs.
India P.Boyer,infant.

No. 9007 E Q U I T Y.
In the Circuit Court for Frederick County,
in Equity.

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To the Honerable,the Judges of said Court!-

The petition of the plaintiffs in the crediters petition filed in the above entitled cause,on the 5th day of August,1913,respectfully represents!-

That the said India P.Boyer,one of the defendants in said cause,mentioned in said crediters petition,has been duly returned summoned,but being an infant,she cannot answer and defend this suit for herself,Your petitioners therefore pray Your Honorable Court,to appoint a guardian ad litem to

appear and answer for said infant. And as in duty bound etc.,

A.D.Willard
Sol.for petitioners.

Ordered this 13th day of September,1913,by the Circuit Court for Frederick County, sitting as a Court of Equity,and by the authority thereof,upon the aforegoing petition that Eli G.Haugh be,and he is hereby appointed guardian ad litem to appear and answer fee India P.Beyer,infant defendant to the crediters petition filed in the above cause.

Glenn H.Worthington.

Filed September 13th,1913.

ANSWER OF GUARDIAN AD LITEM TO CREDITORS PETITION

Clara H.Beyer,and Clara H.Beyer,executrix. vs. India P.Beyer,infant. | No.9007 Equity. In the Circuit Court for Frederick County, In Equity.

The answer of India P.Beyer,infant,by Eli G.Haugh,guardian ad litem,duly appointed by the order of this Court to the crediters petition filed in this cause,on the 5th day of August,1913 against her and Clara H.Beyer,in this Court exhibited. This defendant being an infant cannot admit or deny any of the matters and things in said crediters petition alleged,and submits her rights thereunder to the protection of this Court. And as in duty bound,etc.,

Eli G. Haugh.
Guardian ad litem.

Filed September 13th,1913.

GENERAL REPLICATION TO ANS, TO CR'S PETITION.

Clara H.Beyer,and Clara H.Beyer,executrix. vs. India P.Beyer,infant. | No.9007 Equity. In the Circuit Court for Frederick County. in Equity.

The plaintiffs join issue on the matters and things alleged in the answer of India P.Beyer,infant,by her guardian ad litem,Eli G.Haugh,and Clara H.Beyer,so far as the same may be taken to deny or avoid the allegations of the crediters petition in this cause on the 5th day of Aughust 1913.

A. D. Willard.
Sol.for plaintiffs.

Filed September 13,1913.

TESTIMONY

Clara H.Beyer,and Clara H.Beyer,executrix. vs. India P.Beyer,infant. | No. 9007 Equity. In the Circuit Court for Frederick County, in Equity.

To the Honorable,the Judges of said Court!-

The petition of the petitioners and plaintiffs named in the crediters petition filed in the above entitled cause on August 5th.1913,respectfully shews unto you Honors!- That the answers of the defendants to said crediters petition in this cause,having been duly filed,and the case on said crediters petition filed as aforesaid,is now at issue,wherefore,the petitioners in said crediters petition pray Your Honors to pass an order directing the papers to be refered to one of the standing examiners of this Court,for the purpose of taking testimony in the above

entitled cause. And as in duty bound etc.,

A.D.Willard
Sol.for Petitioners.

Ordered this 13th day of September,1913,by the Circuit Court for Frederick County,sitting as a Court of Equity and by the authority thereof,and upon the aforegoing petition,that leave be,and the same is hereby granted to the parties mentioned in said petition,and the creditors of John Wesley Hank Boyer and all other parties to this cause to take testimony before any one of the standing Examiners of this Court.

Glenn H.Worthington

Clara H.Boyer,et al. vs. Creditors Petition. : No.9007 Equity. In the Circuit Court for Frederick County,In Equity.

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To the Honorable,the Judges of said Court!--

Pursuiant to the annexed order of your Honorable Court,and at the request of the Solicitor for the Petitioner in this cause I D.Princeton Buckey,one of the Standing Examiners of the Circuit Court for Frederick County,Maryland,duly appointed,qualified and sworn met at my law office in Frederick City,Maryland,on Saturday 13th day of September,1913,at the hour of 10 oclock A.M. and then and their in the presents of the solicitor for the plaintiff and the witnesses,proceeded to take the following depositions,that is to say!-Present,

A.D.Willard,Esq.
Solicitor for Petitioners

And the Witnesses!---

John C.Walker,a witness of lawful age,produced on the part of the Petitioners,hav9ng first been duly sworn,deposes and says!--

My name is John C.Walker,I am the agent for Clara H.Boyer Executrix,of John Wesley Hank Boyer,dead-In the settlement of the estate of John Wesley Hank Boyer,dead,in the Orphans Court for Frederick County,the first and final account of Clara H.Boyer,Executrix,shows an over paid estate in the amount of $416.36 a certified copy of said first and final account is herewith and marked Exhibit F. F.I am her agent as aforesaid and knew this account is correct-Under the terms of the Will of the said deceased,filed in this cause as Exhibit A.to the Bill of Complaint,in Paragraph 5,it is directed that the funeral expences of the deceased brother Columbus Boyer,be paid out of the proceeds of sale of a certain house and lot situated in Montgomery County,said property brought the sum of $94,25 which was accountable for in the Orphans Court for Frederick County,and credited to the Estate of John Wesley Hank Boyer,dec'd The ammount of the funeral expences of the said Columbus Boyer, were $53,and I look at the account filed in this cause as Exhibit,W.T.L. by William T.Lewis,and this account is correct,and should be paid out of the estate of John Wesley Hank Boyer,Dec'd as the same was inadvertedly ammitted in the Orphans CourtAccount!-There are also a number of other accounts due against the estate of John W.H.Boyer,deceased,and were not mentioned nor accounted for in the Orphans Court,and they should be paid out of the residue of his estate,which is in this cause, and he had no sufficient personal peoperty to pay them-

These accounts,so far as I know at this time are as follows,and they are all correct,

Adolphus H.Thomas,Acct,	$17.45	F.S.Gladhill,	Acct,	$2.14
Grayson H.Staley, Acct,	75.43	R.Claude Feut,	M.D.	$112.50

This Bill was made after the death of John W.H.Boyer,for selling real estate ,Samuel Meleswerth, for Thrashing wheat since the death of John W.H.Boyer$7.50 Geo,W.Walker,Bal,on Note $25.and interst Bruce Murdock,Acct.$ 11.85 To myself J.C.Walker,fee sundry bills paid by me for the estate that I advanced for surveying done,for a piece of landfor a road,and several small bills itemized in this account $ 62.10 Clara H.Boyer,Widow for cash loaned John W.H.Boyer,$ 100.00 There are several bills mentioned in the creditors petition filed in this cause which have been accounted for in the Orphans Court,The above mentioned accounts are filed with the examiner as Exhibits "Accounts"-These Accounted in the Orphns Court and mentioned in the creditors petition filed On August 5,1913,are as follows Acct,of Wm.T.Lewis $113.25 Acct,of Frederick Post,$ 3.00 The said John W.H.Boyer died about Sept, 2,1912,intestate,as appears by Exhibit A.in this cause paid leaving a widow Clarsa H.Boyer, and an infant daughter India P.Boyer,aged about 14 years as his heir at law,both of whom reside in

Frederick County,Maryland,and have been duly summoned in to this Crediters petition,John W.H.Boyer,devised his estate to his widow and daughter aforesaid,as per Exhibit,A.which said property as real estate has been sold in these proceedings for the sum of $ 3771.44 which sais sum is in the hands of Arthur D.Willard Esq, Trustee,The personal estate of the said John W.H.Boyer,deceased was totally insufficient to pay his debts by a large ammount,to wit,The ammount of the over paid estate in the Orphans Court of $ 416.36 and the accounts filed in this cause as Exhibit"Accounts" To Gen Int,Ans.Nothing else-

John C.Walker.

J.windsor Williams,a witness of lawful age,produced on the part of the petitioner having first been duly sworn depeses and says:-

My name is J.Windsor Williams,I reside in Kemptown this County and know all the parties to this cause.India P.Boyer,the infant in this cause is a niece of mine, her mither,who is now dead was a sister of mine.I knew John Wesley Hank Boyer in his life time,he is dead and left surviving him the child India P.Boyer and Clara H.Boyer,who is the second wife.I have read the testimony as given in this cause by John C.Walker,and all the facts as given by him are correct.I have examined all of these accounts and know them to be correct as given in the testimony of Mr.Walker. John W.H.Boyer,left no personal peoperty sufficient to pay his debts and the over paid estate in the Orphans Court of $416.36 and the accounts filed in this cause should be paid out of the funds in the hands of the trustee in this cause,as the same is the only fund and source from and out of which these claims and accounts can be paid.I went to state in reference to the account of Grayson H.Staley,that Mr.Walker and Mrs.Boyer were unable to make the contract for the sale of the farm and it was at my suggestion that Mr.Staley was employed to make the sale,He made the sale,fixed up the contract and his claim should be paid,the same as all other claims. To Gen Int. Answer No-Sir.

J.Windsor Williams.

No other witnesses being named or produced before me and no futher time being required for the examination of witnesses as for the taking of futher depositions in said cause.I,then,at the request of the solicitor for petitioner closed the depositions taken by me and now return the same to your Honorable Court this 13th day of September,1913,at the City of Frederick,State of Maryland,

Witness my hand and seal.

D.Princeton Buckey (Seal)
Examiner.

Costs of Depositions:-

D.P.Buckey,Examiners fee	$ 4.00
J.Windsor Williams 13 miles,1 day	$ 2.05
J.C.Walker,8 miles 1 day	$ 1.55
	$ 7.60

I hereby certify that the aforegoing costs are correct.

D.Princeton Buckey
Examiner.

Filed September 13,1913.

DECREE ON CREDITORS PETITION.

Clara H.Boyer,and Clara H.Boyer.executrix.

vs.

India P.Boyer,Infant,

No.9007 Equity,
In the Circuit Court for
Frederick County,
in Equity.

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The above cause standing readt for a hearing on the creditors petition filed in said cause,on the 5th.day of August,1913,wherein certain creditors in said petition named,sued as well for themselves as for all other creditors of John Wesley Hank Boyer,late of said Frederick County,deceased,who will come in and contribute to the expense of said creditors petition,and whereas the said cause on said cred-

iters petition stood ready for a hearing,on said Creditors petition,and being submitted,the petition,answer,exhibits,testimony and all other proceedings were by the Court read and considered.
It is thereupen this 11th day of October,in the year 1913,by the Circuit Court for Frederick County sitting as a Court of Equity,and by the authority thereof,adjudged,ordered and decreed,that the proceeds from the sale of the real estate in these proceedings,now in the hands of Arthur D.Willard trustee in this cause,be,and the same are hereby ordered to be applied by him as follows,first,to the payment of all costs and expenses of these proceedings including a reasonable counsel fee,and the usual commisions to the trustee,secondly,to the payment to the Executrixof the said John Wesley Hank Beyer,viz,Clara H.Beyer the amount which her final account in the Orphans'Court of this County shows to have been over-paid by her,to-wit:-the sum of $ 416.36,and also the balance of the creditors of the said John Wesley Hank Beyer,deceased,such sums as appearsto have been due to them and each of them,by the testimony in this cause,returned and filed by D.Princeton Buckey,Examiner,on the 13th,day of September,1913.
Thirdly,to distribute,all the rest and residue of the funds and money remaining in his hands,as said trustee,unto Clara H.Beyer,and Inda P.BOyer,infant,equally according to the terms of the last will and Testament of the said John Wesley Hank Beyer,deceased,and that the said trustee shall refer the papers in said cause to the auditer of this Court,for the statement of an account in accordance with this decree,and after due publication in accordance with law,the said auditor's report shall be submitted to this Court for final retification,subject to such exceptions as may be made therete.

Glenn H.Worthington.

Filed October 16th,1913.

FINAL RATIFICATION

ClAra H.Beyer,ans Clara H.Beyer,executrix. vs. India P.Beyer,Infant.	:	No.9007 Equity, In the Circuit Court for Frederick County, in Equity.

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To the Honorable,the Judges of said Court:-
The Petition of Arthur D.Willard,trustee in said cause respectfully shows unto your Honors:-
First:- That the audit distributing the funds in the above entitles cause,has been finally ratified and confirmed by Your Honorable Court,and that your trustee and petitioner now has in his hands belonging to the said India P.Beyer,infant,the sum of Twelve Hundred and Seventy-nine Dollars,and Six and one-half cents,and that Clara H.Beyer,guardian has failed to qualify or give bond as guardian and no other person has not been appointed to act as guardian.
Second:-That said infant is entitled to the income of said trust fund,or rather the person or persons suppoting her,and Your trustee and petitioner aforesaid,is anxious that the money should be placed on interest,under the direction of your Honorable Court,for the benefit of said infant, India P.Beyer,until a proper guardian be qualified to receive the same.Wherefore,Your petitioner and trustee prays Your Honorable Court to pass an order authorizing and directing him as said trustee to pay the said sum into your Honorable Court,in order that such other proceedings may be taken for the investment of the sum,for the benefit of said infant,as Your Honors may deem right and andpfurtheeophemiand.futher relief as the nature of the case may require.

Ans as in duty bound etc., Arthur D.Willard
Trustee and Petitioner.

The aforegoing petition having by the Court been read and considered,it is thereupon,this 11th, day of November,in the year 1913,by the Cereuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,ordered,adjudged and decreed,that Arthur D.Willard trustee,be, and he is hereby ordered and directed to pay the said sum of Twelve Hundred and Seventy-nine Dollars and Six cents($ 1279.06) into this Court,to the Clerk thereof,who is hereby directed to deposit said sum of interest in the First National Bank,of Monrovia_Frederick County,Maryland,at 4 % per annum and the said Bank is hereby authorized and directed to pay the interest on said fund

te Clara H.Boyer,with whom said infant resides,for the support of said infant,semi-annualy until the futher order of this Court.And the said Clerk is directed te have the deposit made in his name as Clerk as per the order of Court in No.9007,Equity, te the use of India P.Boyer,subject te the futher order of the Court in the premises and pass book shall be carefully kept by the Clerk of this Court in the iron safe in the Clerks Office.

Glenn H.Worthington.

Filed Vovember 11th,1913.

B I L L O F C O M P L A I N T.

IN THE CIRCUIT COURT FOR FREDERICK COUNTY,IN EQUITY.

David C.Aldridge and Sadie R.Aldridge
his wife,Birdie G.Breshear and Irving
Beashear,her husband,John G.Aldridge
and Estella Aldridge,his wife.

VS.

No. 9343 E Q U I T Y.

Charles T.Aldridge and Clara Aldridge
his wife,Mary P.Brown and Bushrod Brown,
her husband,and Walter Brown,adults,
and Emory Aldridge and Charles M.Brown,
infants.

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TO THE HONORABLE THE JUDGES OF SAID COURT!

The bill of complaint of the above plaintiffs,respectfully represents!

1. That a certain Evan J.Aldridge,late of Frederick County,deceased,was,during his life time and at the time of his death,seized and possessed,in fee simple,of a farm in Woodville District,in said Frederick County,containing about 99 acres of land,more or less,and being the same lands which were conveyed to the said Evan J. Aldridge,by twe deeds as follows!

First!from David C.Aldridge and wife by deed dated March 17,1905,and recorded in Liber S.T.H.#269 folio 387,one of the land records of said Frederick County,and,

Second!from Asenith R.Norris,by deed dated April 28,1904,and recorded in Liber S.T. H.#267 folio 56,one of said records;certified copys of said deeds,marked respective ly "Exhibit A"and"Exhibit B" are herewith filed and prayed to be taken as part of thid bill of complaint.

2. That said Evan J.Aldridge being se seized and possessed of said real estate, departed this life intestate,in January,1910,leaving a widow,Mary Ellen Aldridge, who died July 2,1915,an the following childrenand grand-childrenas his only heirs at law,to whom said real estate decended.

(a) A son,David C.Aldridge,whose wife's name is Sadie R.Aldridge,both adults,residing in said Frederick County,Maryland.

(b) A son,John G.Aldridge,whose wife's name is Estella Aldridge,adults,residing in Frederick Ceunty,

(c) A daughter,Birdie Brashear,whose husbands name is Irving Brashear,adult,residing in Frederick Ceunty.

(d) A son,Charles T.Aldridge,whose wife's name is Clara Aldridge,adults,residing in Delaware Ceunty,Ohio.and who are non-residents of the State of Maryland.

(e) A daughter,Mary P.Brown,whose husband's name is Bushrod Brown,adults,residing in Howard Ceunty,Maryland.

(f) A daughter,Jane Brown,now deceased,whose husband's name was Walter Brown,adults,said Walter Brown,being a resident of said Frederick County.

(g) Two infant grandchildren,Emory Aldridge and Charles M.Brown,who are the children the said Jane Brown,

who died since the death of her father,to wit,on the_____day of Mqrch 1915,intestate,in said real estate,and leaving as her only heir at law,the above namdd children,and the said Walter Brown, her widow.The said Charles M.Brown being a resident of Howard County,Md.and Emery Aldridge resident of Frederick County,Md.

3. That the above named parties are the owners,in fee simple,as tenants in coqmon,of said real estate.

4. That said real estate is not susceptible of partition without material loss or injury,to the parties entitled to intereststherein as above stated,and that,in order to make division of said interests,it will be necessary that said real estate be sold,and the proceeds thereof divided amongst the parties according to their several interests.

5. That said property is greatly in need of repairs,and is depreciating in value to such an extent that it would be to the benefit and advantage of said infants,and other parties as well,to sell said real estate and to invest the proceeds thereof in some productive fund.

T the end,therefore,

(1) That a decree may be passed for the sale of said real estate.

(2) That the trustee or trustees may be appointed to make said sale.

(3) That the proceeds of said sale may be distributed among the parties according to their respective interests.

(4) That your orators may have such other qnd further relief,as their case may require.

May it please your Honors to grant unto your Orators the ORDER OF PUBLICATION giving notice to the said Charles T.Aldridge,and Clara Aldridge,his wife,both of the State of Ohio,and non residents of this State,of the object and substance of this bill,and warning them to appear in this Court,in person or by solicitor,on or before a certain day,to be named therein,to show cause,if any they have,why a decree ought not to passas prayed;and also the writ of subpoena directed to the said, Mary P.Brown and Bushrod Brown,adults residing in Howard County,Maryland,Walter Brown,adult and Emery Aldridge and Charles M.Brown,infants,all of Frederick County,Maryland,except Charles M.Brown, who id a resident of Howard County,Maryland,commanding them and each of them,and each of them to be and appear in this Court,on or before a certain day to be named therein,to show cause,if any they have,why a decree ought not to be passed as prayed.

And as in duty bound etc.,

H.Kieffer DeLauter.
Solicitor for complainants.

Filed July 14th 1915.

"E X H I B I T A"

At the request of Evan J.Aldridge the follewin deed is received for record and recorded April 8th,1915 at 1.20 O'Clock P.M. Test Samuel T.Haffner Clerk.

This Deed made this Seventh day of March in the year of our Lord Nineteen Hundred and Five by David C.Adridge and his wife Sadie R.Aldridge of Frederick County in the State of Maryland,Witnesseth,that in consideration of the sum of Eighteen Hundred Dollars ($1800)the said David C.Aldridge and Sadie Aldridge his wife,do hereby grant unto Evan J.Aldridge of said County and State All the right,title interest and estate (the same being a title in fee simple)to the following described real estate,to wit:-1st all of that parcel of land situated in Frederick Countyin the State of Maryland,being a part of a tract of land called,"Williams Beginning" part of a tract of land called "Peel's Industry" part of a tract of land called "The Resurvey on Pount Lookout"and part of "Pleasant Forest,"Containing eighty and three fourth Acres and twenty one perches of land more or less,2nd all of that parcel of landsituated in Frederick County,in the State of Maryland,being a part of "Williams Beginning" and a part of"Peole's Industry,"Containing two acres and eleven square perches of land more or less;making for the agreegate quantity of land hereby intended to be conveyed,82 acres, 3 roods and 32 perches,more or less, Being the same real estate that was conveyed by Lewis A.Aldridge,executor of Oliver P.Aldridge,to David C.Aldridge,by deed bearing sate the Nineteenth day of September A.D.1896,and recorded in Liber J.L.J.No.14,folie 372 &c

one of the land records of Frederick County, reference to which deed is hereby made for a more full and particular description of the property hereby conveyed &c.

Witness our hands and seals

David C.Aldridge (Seal)
Sadie R.Aldridge (Seal)

Test
C.H.Eckstein.

State of Maryland, Frederick County to wit!

I Hereby certify that on this 7th, day of March in the year Nineteen Hundred and Five before me the subscriber a Justice of the Peace of the State of Maryland, in and for Frederick County, personally appeared David C.Aldridge and Sadie R.Aldridge his wife as aforesaid and did each acknowledge the above and aforegoingDeed to be their respective act.

C.H.Eckstein J.P.

State of Maryland, Frederick County, to-wit!-

I hereby certify that the aforegoing is a true copy of the original Deed from David C.Aldridge and Sadie R.Aldridge his wife to Evan J.Aldridge as recorded in Liber S.T.H.No.269, folio 387, one of the land records of Frederick County, Maryland.

PLACE OF Court. SEAL

In Testimony Whereof, I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County, at Frederick Maryland, this 14th, day of July A.D.1915.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County Maryland.

Filed July 15th.1915.

"E X H I B I T B"

At the request of Evan J.Aldridge the following Deed is received for record and recorded May 19th 1904 at 12,55 O'clock P.M.

Test Samuel T.Haffner Clerk.

This Deed made this 28th day of April in the year Nineteen Hundred and four, by me Asenith R.Norris of Frederick County, in the State of Maryland.

WITNESSETH: That for and in consideration of the sum of One Hundred Dollars ($100.) the receipt of which is hereby acknowledge I the said Asenith R.Norris do hereby grant and convey unto Evan J.Aldridge in fee simple all that lot or parcel of land situated lying and being in Woodville District, in Frederick County Maryland, adjoining the lands of John Baker and others being known as lot No,1, on exhibit marked A, And being a piece of that tract of land called "Williams Beginning" which was conveyed to Cleggett W.Dorsey, by Deed from William A.Dorsey, dated May the 18th A.D.1843 and recorded in Liber J.C.S.No.18 folio 532 &c one of the Land Records of Frederick County Maryland; Beginning for the outlines at the Beginning of the 7th line of aforesaid Deed thence with the outlines thereof, South 26 degrees, West 26 perches to a Stone South 49 degrees, East 31.75 perches to a black Oak tree South 85 degrees, West 56.75 perches, to a Stone, South 30 degrees East 9.70 perches to Stone North 35 degrees West 20 perches to a stone, then by line of division North 73 1/4 degrees East 52.25 perches to the beginning Containing 8 acres and 3 reeds of land, more or less; It being the same lot or parcel of land that was conveyed to John G.Norris, by Randolph Dorsey and Theordore A.Stephens, execu5ors of the last Will and Testament of Claggot W.Dorsey 1st of Frederick County Maryland by deed dated the 27th day of March A.D. 1884, And recorded in Liber W.I.P.No.4, Folio 676 &cone of the Land Records of Frederick County Maryland, And I.Asenith R.Norris warrent the property generally.

Witness my hand and Seal.

Asenith R.Norris, (Seal)

Test Francis E.Swadner

State of Maryland, Frederick County, to wit!

I hereby certify that on this 28th day of April A.D.1904 before me,the subscriber one of the Justices of the Peace of the State of Maryland,in and for Frederick County personally appeared Asenith R.Norris and did acknowledge the aforegoing Deed to be her act and deed.

Francis E.Swadner J.P.

State og Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the original Deed from Asenith R.Norris to Evan J.Aldridge,as recorded in Liber S.T.H.No.267,Folio 56,one of the Land Records of Frederick County,Maryland.

In Testimony Whereof,I hereunto subscribe my name and affix the seal of the Circuit Ciurt for Frederick County,at Frederick County,at Frederick,Maryland,this 14th day of July A.D. 1915.

PLACE OF Court. SEAL

Harry W.Bowers

Filed July 15-1915.

Clerk of the Circuit Court for Frederick County,Maryland

EQUITY SUBPONEA

State of Maryland,Frederick County to-wit!

The State of Maryland.

To Emery Aldridge,infant.Is with Wm Sappington at Unionville.Have Deputy,consult M.S.Pearre,Unionville. of Frederick County,Greetings!

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of th the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of December 1st 1915,to answer the Bill of Complaint of David C.Aldridge,et al.,VS.Charles T.Aldridge,et al.,(Bill of Sale of Real estate of Evan J.Aldridge.deceased)against you in said Court exhibited,and so forth .

Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Urner,Chief Judge of said Court,the 5th day of July A.D.1915

Issued the 17th day of July A.D.1915

Harry W.Bowers Clerk.

To the Sheriff of Frederick County

H. K. DeLauter,Solicitor.

Filed Nov,24-1915.

EQUITY SUBPONEA

STATE OF MARYLAND,FREDERICK COUNTY TO-WIT!'

The State of Maryland.

To Charles M.Brown,infant,Gaither,Howard County-With an Uncle_____Brown Howard County Greetings: YOU ARE HEREBY Commanded,That all excuses set apart,you personally appear befrore the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRSTMonday of AuguSt 1915,to answer the Bill of Complaint of David C.Aldridge,et al.,Vs.Charles C.Aldridge,et al.,(Bill for Sale of Real Estate of Evan J.Aldridge,Deceased.)against you in said Court exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Urner,Chief Judge of said Court,the 5th day of July A.D.1915.

Issued the 17th day of July A.D.1915 To the Sheriff of Howard County,

Filed August 2-1915.

H.K.DeLauter,Solicitor.

EQUITY SUBPONEA

STATE OF MARYLAND,FREDERICK COUNTY TO-WIT!

The State of Maryland.

To Mary P.Brown & Bushrod Brown Howard County.of Howard County Greetings;
YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity to be held at the Court House in Frederick,in and for Frederick County,on the FIRSTMonday of August 1915,to answer the Bill of Complaint of David C.Aldridge et al., Vs.Charles T.Aldridge et al.,(Bill of Complaint for Sale of Real Estate of Evan J.Aldridge.deceased.)against you in said Court exhibited,and so forth.
Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Urner,Chief Judge of said Court,
the 25th day of July A.D.1915
Issued the 17th day of July A.D.1915

Harry W.Bowers (Clerk)

To the Sheriff of Howard Co.

H. K. DeLauter.Solicitor.

Filed August 2-1915.

E Q U I T Y S U B P O N E A

STATE OF MARYLAND ,FREDERICK COUNTYto-wit!

The State of Maryland.

To Mary P.Brown,Bushrod Brown,& Charles M.Brown,Infant Near Mariettsville, Howard County.Md.Copy to be left of Frederick County,Greetings!
YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick C unty,on the FIRST Monday of September 1915,to answer the Bill and Complaint of David C .Aldridge and Sadie R.Aldridge et al.,Vs.Charles T.Aldridge et al.(Bill for Sale of Real estate.of Evan.J.Aldridge.deceased.against you in said Court exhibited,and so forth.Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Urner,Chief Judge of said Coub
the 1st day of September A.D.1915
Issued the 12th day of August A.D.1915

Harry W.Bowers (Clerk)

To the Sheriff of Frederick Co.

H.K.DeLauter,Solicitor. Filed Aug,17th 1915.

ANSWER OF CHARLES T.ALDRIDGE AND CLARA ALDRIDGE

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, IN EQUITY.

David C.Aldridge et al

vs. No._____E Q U I T Y.

Charles T.Aldridge et al.

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TO THE HONORABLE,THE JUDGES OF SAID COURT!

The Joint and several answer of Charles T.Aldridge and Clara Aldridge,two of the defendants in the above cause,respectfully represent!,
That these defendants,Charles T.Aldridge and Clara Aldridge admit the allegation contained in the bill of complaint,and consents to the passage of a decree as prayed therein.

Charles T.Aldridge
Clara Aldridge
Defendants.

Subscribed to and awknowledged before me,a Notary Public of the State of Ohio and County of Looking this 26"day of July,1915,

B.R.Nott.
Notary Public.

PLACE Notarial SEAL

Filed Aug-6-1915.

ANSWER OF WALTER BROWN.

In the Circuit Court for Frederick County, in Equity.

David C. Aldridge et al.

vs.

Charles T. Aldridge et al.

No. _____ EQUITY.

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TO THE HONORABLE, THE JUDGES OF SAID COURT!

Tha Answer of Walter Brown, one of the defendants in the above cause, respectfully represents, unto yeur Honers!

That he admits the allegations contained in the bill of complaint, filed in this cause, and consents to the passage of a decreeas prayed therein.

William B. Brown.
Defendant.

Filed Aug 6-1915.

ANSWER OF MARY P. AND BUSHROD BROWN

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, IN EQUITY.

David C. Aldridge et al

vs.

Charles T. Aldridge et al.

No. _____ EQUITY.

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TO THE HONORABLE, THE JUDGES OF SAID COURT!

The Joint and several answers of Mary P. Brown and David Bush Brown, two of the defendants, in the above cause, respectfully represent!

That these defendants, Mary P. Brown and Bushrod Brown, admit the allegation contained in the bill of complaint, filed in this cause, and consent to the passage of a decree, as prayed therein.

David B. Brown.
Mary P. Brown.
Defendants.

Filed Sept, 6-1915.

COURTS ORDER APPOINTING GUARDIAN AD LITEM FOR EMORY ALDRIDGE AND CHARLES M. BROWN INFANT.

David C. Aldridge et al.

vs.

Charles T. Aldridge et al.

No. 9343 EQUITY.

In the Circuit Court for Frederick County, in Equity.

TO THE HONORABLE, THE JUDGES OF SAID COURT!

The petition of the complainants, in the abeve cause, respectfully represents!

That Emery Aldridge and Charles M. Brown, infant defendants, in the abeve cause, have been duly returned summoned, but being infants, they cannot answer and defend this suit for themselves.

That Emory Aldridge Charles M. Brown, infants have ne duly appointed guardian within the jurisdiction of this Court. Your petitioner therefore, prays your Honors to appoint a guardian ad litem to appear and answer for said infants, in this cause.

Ans as in duty bound, etc. H. K. DeLauter
Solicitor for complainants.

State of Maryland, Frederick County, to-wit!

I hereby certify that on this 25th day of November, 1915, before me the subscriber, a Justice of the Peace for the State of Maryland in and for rederick County, personally appeared David C. Aldridge, one of the petitioners, and made oath in due form of law that the matters and things set forth in the aforegoing petition are true to the best of his knowledge and belief, George R. Dennis Jr.
J.P.

Orsered on this 25th day of November, 1915, by the Corcuit Court for Frederick County, sitting in Equity, and by the authority thereof, upon the aforegoing petition and ffidavit, thar Isaac N. Loy, be and he is hereby appointed guardian ad litem to appear and answer for Emory Aldridge and Charles M.

Brown, infant defendants in the above cause.

Glenn H. Worthington.
Filed Nov, 26-1915. Judge of the Circuit Court for Frederick County.

ANSWER OF GUARDIAN AD LITEM FOR INFANTS

David C. Aldridge et al. vs. Charles T. Aldridge et al.

No. 9343 E Q U I T Y. In the Circuit Court for Frederick County, in E Q U I T Y.

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TO THE HONORABLE, THE JUDGES OF SAID COURT!

The answer of Emery Aldridge and Charles M. Brown, infants under the age of twenty-one years, by Isaac N. Ley, Guardian ad Litem, to the Bill of Complaint of David C. Aldridge et al. against these defendants et al., in the Cercuit Court for FRederick County, sitting as a Court of Equity, exhibited.

Thesedefendants can not admit any of the matters and things alleges in the Bill of Complaint, and being infants of tender years, submit their rights to the protection of the Court.

Isaac N. Ley.
Filed Nov, 26-1915. Guardian ad Litem for Emory Aldridge and Charles M. Brown.

(R E P L I C A T I O N)

David C. Aldridge et al. vs. Charles T. Aldridge et al.

No. 9343 Equity. In the Circuit Court for Frederick County, sitting in E Q U I T Y.

TO THE HONORABLE, THE JUDGES OF SAID COURT!

The replication of the complainants respectfully represents!

That they join issue with the defendants on their answers in the above cause so far as the same may be taken to deny or avoid the allegations of their bill of complaint.

H. K. DeLauter
Solicitor for Complainants.

Filed Nov, 26-1915.

T E S T I M O N Y.

David C. Aldridge et al. vs. Charles T. Aldridge et al.

No. 9343 E Q U I T Y. In the Circuit Court for Frederik County, in E Q U I T Y.

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TO THE HONORABLE, THE JUDGES OF SAID COURT!

The petition of the said complainants respectfully represents.

That the above cause is at issue and they desire to take testimony to prove the allegations of their bill of complaint, and pray that leave be granted them to do so before one of the standing examiners of this Court.

H. K. DeLauter
Solicitor for complainants.

Ordered this 26th day of November, 1915, by the Circuit Court for Frederick County, and by the authority thereof, that leave nbe and is hereby granted the complainant to take testimony as prayed, before any one of the standing examiners of this Court.

Glenn H. Worthington.
Judge of the Circuit Court for Frederick County.

Filed Nov 26-1915.

David C. Aldridge et al. vs. Charles T. Aldridge, et al.

No. 9343 E Q U I T Y. In the Circuit Court for Frederick County sitting in E Q U I T Y.

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To the Honorable,the Judges of said Court!-

The above cause being at issue and pursuant to the annexed order of your Honorable Court,and at the request of the solicitor for the plaintiffs,I.D.Princeton Buckey one of the standing examiners of your Honorable Court,duly appointed qualified and aswern met at the law office of H.Keefer DeLauter,Esq,Solicitor for the Plaintiffs,in Frederick City Marykand,on Friday the 26th day of November,1915,at the hour of 10 O'Clock A.M.and then and their in the presents of the solicitor for the Plaintiffs and the witnesses,proceeded to take the fellowing depositions,that is to say!-

PRESENT- H.Keefer DeLauter,Esq. Sol.for Plaintiffs and the witnesses-

(There were two exhibits A.and B.filed as evidence,they are hwsewith returned to your Honorable Court)Wilfred Dayhoff,a witnessof lawful age,produced on the part of the plaintiffs,having first been duly sworn,deposes and says!-My name is Wilfred Dayhoff I am 33 Years of age ,and I reside in Frederick Ceity,Maryland.Where I have lived for nearly a year,but prior to Dec,1,1914,I lived in the neighberhood of the real estate mentioned in this case and I worked on this farm and know it well.I knew the late Evan J.Aldridge he is dead,he died on or about January,1910,anf lefta widow surviving him Mary Ellen Aldridge,who died July 2nd,1915,during the past summer,and he also left the fellewing children,Vis!-David C.Aldridge an adult son whose wifes name is Sadie R.Aldridge,Both of whom are adults and reside in Frederick Maryland,a daughter Bertie Brashear,whosehusbands name is Irving Brashear both of whom are adults and reside in Frederick County Maryland,John G.Aldridge, a son whose wifes name is Estella Aldridge both of whom are ad ults and David C.Aldridge,one of hhe plaintiffs,produced on behalf of the plaintiffs,having first been duly swern,deposes and says!-

My name is David C.Aldridge I am 49 years of age,I reside in Frederick Coty,Maryland,I am one of th the plaintiffs in the proceedingsand know all the pasties to this suit-My father Evan J.Aldridge died on January 1910,I dont knew the exact date,and left a widow my mother Mary Ellen,who died in July 1915.The fellewing children survive,David C.Aldridge,the present witness whose wifes name is Sadie R.Aldridge,both of us are adults residing in Frederick City,Maryland,Bertie Brashear a daughter whosehusbands name is Irving Brashear,both of whom are adults and reside in Frederick County, MdJohn G.aldridge,a son whose wifes name is Estella Aldridge,both of whom are adults and reside in Frederick County Maryland,Mary P.Brown,a daughter whose husband's name is Bushear Brown,both are adults residing in Heward Co,Md. Charles T.Aldridge,an adult son Newark Ohio is his home,his wife's name is Clara Aldridge and they are both adults,There was annother daughter who survived Father, her name was Jane Brown,her Husbands name was Walter Brown and he is about 39 years of age. she died about March,1915,and in addition to leaving the surviving husband,she left two children, Viz,Emery Aldridge aged 11 years and Charlws M.Brown,aged about 2 years.They are both infants residing in Frederick County,Maryland.She died intestate.The infant Charles M.Brown is new in Heward Co,Md.My father Evan J.Aldridge died intestate,leaving no Will and at the time of his death he was seized of two tracts of land,in Woodvill District in Frederick County,Maryland.and contained in the aggregate about 92 acre of land.I look at the twe Exhibits A.and B. filed in this case and they correctly describe this real estate.The two tracts lie adjacent to each other and constitutes a small farm with one set of farm buildings.They consist of a small barn,a twe story and basement dwelling house,log weatherbearded,hog pen and some other outbuildings.This Farm is not succeptable of division or partition among the parties interested with out or injury to them,becauseit consists of a farm with one set of buildings and there is no way it could be done to make any general distribution or division of it, and it would be to the benefit and advantage of all the parties,especially to the benefit of the two children,the infants that this property should be sold and the proceeds be sold and the proceeds of sale be devided among these according to their respective interests.The buildings need repairs and painting the fences need repairs and the rows are growing up in bushes.This farm is worth about $20,to $25.per acre.To the Gen,Int!-Answer,No Sir!-

David C.Aldridge.

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residein Frederick County Maryland,a daughter Mary P.Brown,whose husbands name is Bushred Brown, both of whom are adults and reside in Heward County,Maryland,a daughter,Jane Brown who died after her fathers death and leaving a husband whose name is Walter Brown,who is an adult aged 35 or 36 yeras and reside in Frederick County, Md.Jane Brown,left no will that I ever heard of,and she left twe children.I understand there is a son out west whose name is Charles T.Aldridge,I dont

knew where he lives .As I have stated,I knew the real estate mentioned in this cause and I look at Exhibits A.and B.and they correctly describe this farm.
It consists of about 92 acres of land and is impreved by a bank barn and a two story and a basement dwelling house,log weatherbearded,with sheds,hog pens and other outbuildings,and their is just this one set of buildings on the farm.
This farm and real estate cannot be devided without loss and injury to the parties interested and it would be to the benefit and advantage of all the parties interested in this proprty,and espeeilly to the benefit of the infant children of Jane Brown,dec'd to have this farm sold and the proceeds received for it to be divided among them according to their rights and interest in the same.The farm is going down and is depreciating in value and the longer it goes the worseit will get,unless repairs are put on it,All the buildings need painting and the fences are down and the rews are growing up in bushes.In my Judgement this farm is worth about $20.to $25.per acre,$25.would be a good price for it.To Gen Int.Answer
No Sir. Wilfred Dayhoef.

No other witnesses being named or produced before me and no futher time required for the taking of futher testimony in said cause I then at the request of the solicitor for the complainants,closed the depositions so taken by me and now return the same to your Honorable Court this 26th,day of November,1915 at the City of Frederick,State of Maryland.Witness my hand and seal -

D.Princeton Buckey (Seal)
Examiner.

Costs of Depositions---
D.P.Buckey, Examiners fee 1 day---------$4.00
Wilfred Dayhoff, Witness fee----------.75
$4.75

I hereby certify,that the aforegoing costs are correct.

Filed Nov,26th,1915. D.Princeton Buckey Examiner

D E C R E E

David C.Aldridge al.
vs.
Charles T.Aldridge al.

No. 9343 E Q U I T Y.
In the Circuit Court for Frederick County,sitting as a Court of Equity.
----------TERM,190

the above cause standing ready for a hearing,and being submitted,the Bill,Answer, Exhibits,testimony and all other proceedings were by the Court read and considered It is thereupon,this 24th day of December in the year nineteen hundred and fifteen by the Circuit Court for Frederick County,as a Couer of Equity,and by the authority of said Court,adjudged,ordered,and decreed,that the land and premises mentioned in these proceedings be sold,and thah Daniel C.Aldridge and H.Kieffer DeLauter of Frederick County,be,and they are hereby appointed Trustees,to make said sales,and that the course and manner of their proceedings shall be as follow they shall first file in the Clerk's office of this Court,a BOND to the State of Maryland,executed by them with a security,or sureties,to be approved by the Court or the Clerk thereof,in the penalty thereof Four Thousand Dollars,if a bond with personal securities is given as $2400.00 if the bond is given with an approved bonding Company as sueety,conditioned for the fathful performance of the trust reposed in them by this decree,or which may be reposed in them by any future order,or decree in the premises.they shall then proceed to make sale of the said Real Estate,having first given at least three weeks previous notice,inserted in some newspaper printee in Frederick County,and such other notice as they may think proper of the time,place,manner and terms of sale!which terms shall be as follows:

One half of the purchase money to be paid in cash on the day of sale,or on the ratification thereof by the Court,the residue in six months the purchasre or purchasers giving his,her or their notes,with approved security and bearing interest from the day of sale,or all cash at the eption of the purchaser and as soon as may be convenient after any such sale or sales,the said Trustees shall return to this Court a full and particular account of the same,with an affidavit of the truh thereof,and of the fairness of such sale or sales annexed,and on the ratificayion of such sale or sales by the Court,and on payment of the whole purchase money,and not before,the said Trustee,by a good and sufficient deed to be executed and acknowledged agreeably to law,shall convey to the purchaser or purchasers of the said property,and to his,her or their heirs,the property to him, her or them sold,free,clear,and discharged of all claim of the parties to this cause,and of any person or persons claiming by,from,or under them;and the said Trustee shall bring into this Court the money arising on such sale or sales,and the bonds or notes which may be taken for the same,to be disposed of under the direction of this Court,after deducting therefrom the costs of this suit, and such commision to the said Trustee as the Court shall think proper to allow,on consideration of the skill,attention and fidelity wherewithshall appear to have discharged their trust.

Filed December 24.1915. Hammond Urner.

REPORT OF SALE &c.

David C.Aldridge et al. vs. Charles T.Aldridge et al. — No. 9343 EQUITY. In the Circuit Court for Frederick County,in EQUITY.

TO THE HONORABLE THE JUDGES OF SAID COURT!

The petition and report of sales of David C.Aldridge and H.Kieffer DeLauter,Trustees,appointed by a decree of this Court dated December 24,1915,passed in the above cause,to make sale of certain real estate therein mentioned,respectfully represents;

That after giving bond with security for the faithful performanceof their trust,and having complied with all the prerequisites,as required by law and said decree,and giving notice of the time, place,manner and terms of sale by posters in the vicinity of the property,and by advertisement in the Frederick News,a newspaper published in Frederick County,for at least three successive weeks, prior to the day of sale,they did,pursuant to the notice,in front of Simpson's Hotel,in Mount Airy,Maryland,at the hour of 10 o'clock A.M.on Saturday,January 15,1916,then and their proceeded to sell sais property,in the manner following!

Your trustees offered,the preprtyu mentioned in said decree known as the aldridge farm containing 92 acres of land,more or less,about three miles North-west of Mt.Airy,near the Old Liberty Road, adjoining the lands of David Martin,William Harsher and others,being the same real estate which was conveyed to the late Evan J.Aldridge,mentioned in these proceedings,and after being cried for nearly 45 minutes your trustees sold the above described property to Thomas I.Shoemaker for the sum ofthenty three hundred and faur dollars and sixty cents,($2304.60),he being at that price the highest and best bidder therefore,the terms of said sale being cash on the retification thereof.

Your Trustees report the gross ammount of sales to be $2304.60 and pray that the said sale may be finally ratified and confirmed.

Respectfully submitted,

David C.Aldridge
H.Keiffer DeLauter
Trustees.

H.K.DeLauter
Sol.

State of Maryland.Frederick County,to-wit!

I hereby certify that on this 17th day of January,1916,before me,the subscriber,the Clerk of the Circuit Court for Frederick County personally appeared the above named trustees, David C.Aldridge and H.Feiffer DeLaubar,and made oath ih due form of law that the matters and things set forth in the aforegoing peiition and report of sales,are true to the best of their knowledge and belief, and that the sale therein reported was fairly made.

Eli G.Haugh
Clerk.

ORDER NISI ONSALES

No. 9343 EQUITY.

In the Circuit Court for Frederick County, sitting as a Court of Equity.
David C. Aldridge and Sadie R. Aldridge, his wife, et al. vs. Charles T. Aldridge and Clara Aldridge, his wife, et al. In the matter of the report of sales filed the 17, day of January, 1916. January Term, 1916.
Ordered, That on the 9th day of February, 1916, the Court will proceed to act on th the Reoprt of Sales of Real Estate, reported to said Court by David C. Aldridge and H. Kieffer DeLauter, Trustees in the above cause, and filed therein as aforesaid to finally ratify and confirm the same, unless cause to the contrary thereof be shown before said day; provided a copy of 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 $"2,304,60. Dated this 17th day of January, 1916,

Eli G. Haugh.
Clerk of the Circuit Court for Frederick County.

Daily "News"

THE NEWS

Frederick, Md., Feb 14, 1916.

THIS IS TO CERTIFY, That the annexed ORDER NISI ON SALES was published in "THE DAILY NEWS" a news paper published in Frederick County, once a week 3 successive weeks prior to the 9th day of February, 1916. The News
Per J. R. Fisher.

PUBLIC SALES.

The stockholders of the Frederick Trust Company having voted to go into liquidation, notice is hereby given to the creditors of said Frederick Trust Company to present their claims against said Trust company for payment on or before the 15th day of February, A.D. 1916. Reno S. Harp, President.

A. W. Ecker, Treasurer.

PUBLIC SALE
of
Valuable Real Estate. Situated near Mt. Airy,
in Frederick County, Maryland.

By virtue of a decree of the Circuit Court for Frederick County, sitting as a Court of Equity, passed on the 24th day of December, 1915, in a cause therein pending, designated as No. 9343, Equity, on the Equity Docket of said Court, the undersigned Trustees will offer at public sale in front of Simpson's Hotel, in Mt. Airy, Maryland, on the 15th day of January, 1916, at the hour of 10 o'clock A.M. all the following described real estate, to-wit, All that farm of 92 acres, more or less, about 3 miles northwest of Mt, Airy, near the old Liberty road, adjoining the lands of David Martin, William Harsher and the Frederick Klein farm, and described in two deeds to Evan J. Aldridge from: First David C. Aldridge. dated March 17, 1915, and recorded in Liber S.T.H. No. 269, Folio 387, and from Asenith Norris, dated April 28, 1904, and recorded in Liber S.T.H. No. 267 Folio 56, one of the Land Records of Frederick County, This farm is known as the Aldridge farm, it is well watered and divided into fields of convanient size, and is a very productive farm. Improved with a six-roomed house with a basement and seller, in good repair; new carriage house, wagon shed and corn house a bank barn with running water in the yard, and other necessary out buildings, all nearly new, also never-failing spring of water near the house.
TERMS OF SALE. as Prescribed by Decree.--One-half cash on the day of sale, or the ratification thereof, and the balance in six months, or all cash at the option of the purchaser. All costs of conveyincing, including Revenew Stamps, at the expence of the purchaser. A deposit of $100.00 will be required of the purchaser on the day of sale.

David C. Aldridge.
H. Kieffer DeLauter,
Trustees.

THE NEWS Frederick, Md. Jan 17, 1916.
THIS IS TO CERTIFY, That the annexed Public Sale was published in "THE DAILY NEWS" a newspaper published in Frederick County, once a week 3 successive weeks prior to the 15th, day of January 1916. The News Per, J. R. Fisher. Filed Jan, 17, 1916.

I hereby acknowledge to have this day purchased from David C.Aldridge and H.Kieffer DeLauter, Trustees,the property described in the annexed adverttisement,and for the price of Twenty three hundred and four and 60/100 dollars ($2304.60)I have this day paid the sum of one hundred dollars, and agree to pay the balance as follows:on ratification of saletogather with the costs of conveyancing including the revenue stamps.Witness my hand and seal,this day of January,1916.

Thomas Shoemaker (Seal)

Witness.

It is agreed that the owners of the lumber (now cut) shall have right to remove same in a reasonable manner also a small quanity os corn now on premises.

Filed Jany,17th,1916.

Ordered this 15th day of February,1916,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,that the sale made and reported by the Trustees,in the aforegoing report be,and the same is hereby finally ratified and confirmed,no cause to the contrary having been shown,although due notice appears to have been given as required by the order nisi passed in said cause;and the trustees are allowed the usual commisions and such proper expenses,as they shall produce vouchers for to the auditor.

Glenn H.Worthington

Judge of Circuit Court for Frederick County.

Filed January 17th,1916.

In the matter of the Petition of Vernon W.Dorsey.

No. 4553 EQUITY
In the Circuit Court for Frederick County, sitting as a Court of Equity.

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To the Honorable the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity The Petition of Vernon W.Dorsey of Carroll County in the State of Maryland,hereby petitioning respectfully shows unto your Honorable Court,

FIRST-That a certain Joseph Wood of Frederick County in the State aforesaid,was on the 25th,day of January A.D.1881,by your Honorable Court,appointed Trustee to execute the trust in the proceedings mentioned,and shortley there after executed a bond to the State of Maryland for the faithful discharge of his trust,all of which appears by the proceedings had in the above entitled cause,in whih this petition is filed and prayed may be taken and considered as a part thereof.

SECOND-That the said Joseph Wood Trustee,aforesaid in the execution of his trust has come into possession of large sums of money appertaining to said Trust,and from the date of his appointment to the present time has never rendered to this Court any account of the xecution of his said Trust as was his duty to do.-

THIRD-That since the execution of his said bond a certain J.N.Wood one of the sureties in said bon has died,and your Petitioner is informed that his estate is in course of settlement or has been finally settled and close up.Your Petitioner therefore prays your Honorable Court.

(1) To pass an order requiring the said Joseph Wood to render to this Court an account of the execution of his said Trust.

(2) To execute annother bond for the faithful performance of the trust aforesaid in accordance with the terms of the order or decree by which he was appointed Trustee in this cause.For such other and further relief as he may be in Equity entitled to,or his case may require and as in duty bound he will ever pray &c.

Vernon W.Dorsey
PETITIONER.

Chas.L.Reifsnider
Chas,E.Fink
Sol.for Petitioner

State of Maryland Carroll County to-wit:-

I hereby certify that on the 13th day of September in the year Eighteen hundred and eighty six before me the subscriber a Justice of the Peace of the State of Maryland in and for Carroll County aforesaid personally appeared Vernon W.Dorsey the above named Petitioner and made oath on the Holy Evangely of Almighty God that the matters and things set forth in the aforegoing Petition are correct and true as therein set forth to the best of his knowledge and belief sworn before.

J.Frank Shipley J.P.

State of Maryland,Carroll County,Sct.

I HEREBY CERTIFY,That J.Frank Shipley Esquire,before whom the annexed was made, and who has thereto subscribed his mane,was, at the time odf so doing,a Justice of the Peace of the State of Maryland,in and for Carroll County,duly commisioned and sworn.IN TESTIMONY WHEREOF, I hereto set my hand and affix the seal of the Circuit Court for Carroll County,This 15th day of September A.D.1886.

COURT SEAL

Wm.N.Martin
Clerk of the Circuit Court for Carroll County.

The foregoing Petition having been by the Court read and considered,It is thereupon this 16th,day of September A.D.18186,ordered that Joseph Wood the Trustee in the Petition mentioned,answe the aforegoing Petition and show cause on or before the seventh day of October next why the prayers of the Petitioner shall not be granted Provided a copy of said Petition and this order be served on the said Joseph Wood Trustee in cause No.4335 Equity on or before the 23rd, day of September inst.

John Richie
John A.LYnch
Judges of the Cir,Court.

Filed Sept,16th,1886.

U.S. INTERNAL $2.00 Revenue Stamp

EXHIBIT "A"

At the request of Dr.Harry W.Dorsey the following deed was recorded March 30,1872,This Deed made this 13th day of August in the year 1871,by us Harry W. Dorsey and Susan M.Dorsey of Frederick County State of Maryland ,WITNESSETH that for and in consideration of the love and affection which I Harry W.Dorsey bear to my son Vernon W.Dorsey and his children now living Rezin W.Dorsey and Vernon George,and for the support and maintainance of the said Vernon W.Dorsey and his children now living Rezin W.Dorsey &Vernon George,or who may be born hereafter during the lifetime of the said Vernon W.Dorsey,and also in consideration of the annual sum of Two Hundred and twenty dollars payable to me Harry W. Dorsey during my life,and the annual sum of One Hundred and ten dollars payable to me Susan M.Dorsey during my life in case I survive my said husband the said Harry W.Dorsey,which annuity to said Susan MDorsey shall only commence from and after the death of the said Harry W.Dorsey,We the said Harry W.Dorsey and Susan M.Dorsey his wife have agreed to execute these presents.

Now this Deed Witnesseth that in consideration of the above recited premisses,we the said Harry W.Dorsey and Susan M.Dorsey his wife do grant unto Dr.Harry W. Dorsey all the following pieces or parcels of tract or tracts of land situated in Frederick County State of Maryland.The first part containing Eighty and a quarter acres of land more or less and being more fully described,and being the same land heretofore conveyed by Mavia Higgins to Harry W.Dorsey by Deed dated on the 7th day of January in the year 1854,and recorded in Liber E.S.No.4 folio 359 and 360,One of the land records of Frederick County,the other part containing Ninety four Acres of land more or less,and being more fully described,and being the same land heretofore conveyed by William M.Merrick Trustee to said Harry W. Dorsey one of the grantors by Deed dated on the 24th day of Frbruary 1855,and recorded in Liber E.S.No.7 folio 158 and 159,One of the land records of Frederik County,and I the said Harry W.Dorsey do further grant unto the said Dr.Harry W. Dorsey the sum of One Hundred Dollars in cash.To have and to hold unto the said Dr.Harry W.Dorsey the hereinbefore described Lands and premises,and the said sum of One Thousand Dollars upon the following truste!upon trust to appropriate the said sum of One Thousand dollars to the improvement repairs and erection of a Barnor other buildings on said premises as he may deem best.Secondle upon the futher Trust to work or rent out the lands hereby conveyed,and to apply the rents issues and profits thereof as follows;to payment of all taxes thereon,

SECONDLY,upon the futher Trust te work or rent out the lands heretofore thmveged,and to apply the issues and prefits thereef as follows;te payment of all taxes thereon,

Seeondaly,out of such issue rents and prefits te pay te Harry W.Dorsey the Grantor during his life the sum ef Twe hundred and twenty dollars annually,the said annuity or rent charge to be paid semi-annually in eaeh and every year in sums of One hundreed and ten dollars,and upon the futher Trust te apply the residue of suoh issue rents and profits to the support and maintainance of said Vernon W.Dersey and the support maintainance and education ef Regin W.Dorsey & Vernon Dorsey his childsen now born,or who may be born hereafter during the lifetime of said Harry W.Dorsey as tenants in eemmon,and upon the futher Trust from and after the death of the said Harry W.Dorsey out of such rents issues and profits te pay to Susan M.Dorsey wife of said Harry W.Dorsey in ease she survives her said husband,annually during her life the sum of one hundred and ten dollars in half yearly portions of fifty five dollars And upon the futher Trust to apply the residue of said rents issues and profits to the support,maintenance of said Vernon W.Dersey and the support mainentanence of said Vernon W.Dersey and the support maintenance and educatiom of Regin W.Dersey & Vernon Dorsey his children now born or hereafter to be Born during the lifetime of the said Susan M.Dorsey as tenants in eemmen.

And upon the futher Trust from and after the death of said Harry W.Dersey and Susan M.Dorsey his wife out of the rents issues profits of said land after payment of expenses incurred in necessary repairs,in Trust to appropriate the residue of such rents issues and profits,to the support & maint-tenance of said Vernon W.Dersey and to the support mantenience and education of his childdren now born Regin W.Dersey and Vernon Dorsey,or hereafter to be born during the lifetime of said Vernon W.Dersey as tenants in eemmen for and during the lifetime of said Vernon W.Dersey and lastly upon the futher Trust after the death of the said Vernon W.Dersey te sell the lands herein eonveyed at public sale upon such terms and such time and upon such notice as he may deem most expedieht,and after payment of all eests expenses and eommisions attendant en said sale,te devide and distribute the residue of such proceeds of sale equeally among Regin W.Dersey and Vernon Dersey the children of Vernon W.Dersey and those children who may hereafter be born,share and share alike,and in case any of the said children be dead,at the death of said Vernon W.Dersey leaving lawful child or children,then living,such child or children to represent in the distributien its or their respectiv present or presents.

Witness our hands and seals.

Test!-
Thomas Worthington
Wm.Downey

Harry W.Dersey (Seal)
Susan W.Dersey (Seal)

Which is thus Endorsed Vis!

State of Maryland Frederick County SS.

I hereby certify that en this 13th day of Augustin the year 1871 before me the subseriber a Justice of the Peace of the State of Maryland in and for Frederick County personally appeared Harry W. Dersey and Susan M.Dersey his wife and did each acknowledge the within and aforegoing Deed to be their respective act.

Thomas Worthing J.P.

State of Maryland Frederick County Sct!

I hereby certify that the foregoing is a true copy of the original Deed and recorded in Liber C.M. No.8,folios 141 &c.One of the land records of Frederick County.

In testimony whereof I herete subseribe my name and affix the seal of the Circuit Court for Frederick County this 11th day of Nov,A.D.1879.

PLACE SEAL Court.

Filed Nov,11th,1879.

Thomas Gersuch
Clerk.

PETITION OF VERNON W.DORSEY

In the Circuit Court for Frederick County sitting as a Court of Equity--

Te the Honerable the Judges of the Circuit Court for Frederick County sitting as a Court of Equity--The petition of Vernen W.Dersey of Frederick County,in the State aforesaid respectfully shows that heretofore,to-wit,en or about the thirteenth day of August in the year Eighteen hundred

and seventy one a certain Harry W.Dorsey and Susan M.Dorsey his wife among other conveyances intended as previsions fer his several children execution delivering unto Dr,Harry W.Dorsey of said County and State a certain indenture conveying unto him the said Dr, Harry W.Dorsey in trust the real estate and sum of money therein specified for the uses purposes and trusts set forth in said indenture a certified copy whereof is herewith filed marked Exhibit A.and is prayed to be taken and considered as a part hereof as fully as if herein at large in words and figures set forth!That the said Harry W.Dorsey the grantor in said conveyance has departed this life and that the said Dr.Harry W.Dorsey the trustee nominated in said conveyance has come into possesion of the real estate personal property and money therein conveyed and now holds the same and is in controle thereof under and in virtue of the said deed of trust.That your petitioner is interested in the said property and in the due administration of the said trusts created by and under said conveyence,and believes and therefore charges that it will be necessary for the safety of said trust estate that the said Dr, Henry W.Dorsey the trustee named in said conveyance should give bond fer the faithful and due performance of his duties in the premises under the provisions of said indenture.Wherefore your petitioner prays that your Heners may pass an order directing the said Dr,Harry W.Dorsey the trustee aforesaid by a certain day to be named therein to give bend in a sufficient penalty for the faithful discharge of his duties as trustee as aforesaid agreeably to the act of Assembly in such case made and provided and owening that upem a failure to comply with such order the said Dr.Henry W.Dorsey will be removed from said trusteeship unless good and sufficient cause to the contrary be shown

And as in duty &c.

Jas.McSherry
Sol.for Petitioner.

Nov.11,1879

Ordered by the Court this second day of December A.D.1879 that Dr,Harry W.Dorsey be and he is herby required to show cause on or before the 18th day of December instant why he should not be ordered to give bond in the penalty of ten thousand dollas for the faithful discharge of his duites as trustee under the deed of trust mentioned in the aforegoing petition whyupon failure to give such bond not be removed from said trusteeship,provided a copy of the aforegoing petition and of this order be served upon the said Dr.Harry W.Dorsey by the Sheriff of this County on or befow the tenth day of December instant

John A.Lynch
Judge of the Circuit Court.

Filed Nov,11th,1879.

ANSWER OF HARRY W. DORSEY

The answer of Harry W.Dorsey Trustee of Vernon W.Dorsey,to the petition of Vernon W.Dorsey filed in the Circu it Court sitting as a Court of Equity against him----
This respondent for answer to said Petition answer and says,that he admits that one or about the thirteenth day of August 1871 a certain Harry W.Dorsey and Susan M. Dorsey his wife by their deed of that date,conveyed to your respondants certain real estate therein described for the use and trust therein described and contained all of that exhibit A filed with said petition is a true certified copy of said deed of Trust.And this respondeht futher answering said petition States,that by the said deed of trust their was given in trust for the purpose and oBjects therein specified the sum of one thousand dollars which said sum of One Thousand Dollars this respondant avers that he never received from the granters at the time of the execution and delivery of said deed of trust,nor did he ever receive one cent there of in the lifetime of the grantor Harry W.Dorsey but th t after the death of the said grantor Harry W.Dorsey,your respondant received,and now halds in trust under the provisions of the said deed of trust the sum of four hundred and twenty dollars
Your resp ndant futher says,that from the time he took possession of the said property conveyed to your respondant that the deed of trust aforesaid,he has faithfully applied the rents assines and profits arising from the real estate conveyed by

said deed of trust,according to the provisions thereof in the support and maintainence of the said Vernon W.Dorsey and to the support and maintenance of his family.

And this respondent futher answering said petition states that he is willing to give the dond as required by your Honorable Court,and agrees that your Honorable Court shall pass such other and decree in the premises as to your Honors shall appear right and Equitable under the circumstances of this case.

C.W.Rep. Dec,4th.1879. H.W.Dorsey

Sol,for Respondent.

P E T I T I O N O F V E R N O N W D O R S E Y

In the Circuit Court for Frederick County,sitting as a Court of Equity.

To the Honorable the Judges of the 2 of the Circuit Court for Frederick County sitting as a Court of Equity.

The petition of Vernon W.Dorsey of Frederick County,in the State aforesaid respectfully shows that heretofore,to wit,on or about the thirteenth day of August in the year Eighteen hundred and Seventy one a certain Harry W.Dorsey and Susan M.Dorsey his wife,among other conveyances intended as provision for his several children executed and delivered unto Dr.Harry W.dorsey of said County,and State a certain indenture conveying unto him the said Dr.Harry W.Dorsey in trust the real estate and sum of money therein specified for the uses purposes and trusts set forth in said indenture a certified sepy whereof is herewith filed marked Exhibit A.and is prayed to be taken and considered as a part hereof as fully as if herein at large in words and figures set forth.That the said Harry W. Dorsey the granter in said Conveyence has departed this life and that the said Dr.Harry W. Dorsey the trustee nominated in said conveyence has come into possession of the real estate personal property and money therein conveyed and now holds the same and is in controll thereof under and in virtue of said deed of trust.That your petitioner is interested in the said property and in the administration of the said trust created by and under said conveyence,and believes and therefore charges that it will be necessary for the safety of said trust estate that the said Dr.Harry W. Dorsey Trustee named in said conveyence should give bond for the faithful and due performance of his duties in the premises under the provisions of said indenture.

Wherefore your petitioner prays that your Honors may pass an order directing the said Harry W. Dorsey the trustee aforesaid by a certain day to be named therein to give bond in a sufficient penalty for the faithful discharge of his dutys as Trustee as aforesaid agreeably to the act of Assembly in such cases made and provided and ordering that upon a failure to comply with such order the said Dr.Harry W.Dorsey will be removed from said Trusteeship unless good and sufffficient cause to the contrary be shown.

And as in duty &

Jas.Mc.Sherry
Sol.for Petitioner

Ordered by the Circuit Court this second dqy of December A.D.1879 that Dr.Harry W.Dorsey be and he is hereby required to show cause on or before the 18th,day of December instant why he should not be ordered to give bond in the penalty of Ten Thousand Dollars for the faithful discharge of hid duties as Trustee under the Deed of Trust mentioned in the aforegoing petition and why upon failure to give such bond he should not be removed from said Trusteeship provided a copy of the aforesaid petition and of this order be served upon the said Dr.Harry W.Dorseyby the Shriff of this County on or before the tenth day of December instant . John A.Lynch
Judge of the Circuit Court.

PLACE OF Court. SEAL

Filed Dec,4th,1879.

True Copy Test:--

ADLPHUS FEARHAKE Jr.
(Clerk)

COURTS ORDER APPOINTING NEW TRUSTEE

No.4535 Equity.

The petition of Vernon W.Dorsey in this cause and the Courts order thereon of the second of December last requiring Harry W.Dorsey to show cause on or defore the Eighteenth day of December last why he the said Harry W.Dorsey shuuld not be ordered to give bond as trustee and why upon failure to file such bomd he should not be removed from said trusteeship,having been served

upon the said Harry W.Dorsey,
and he having approved the same and having expressed therein his willingness to
give sugh bond and having agreed in said answer that this Court shall pass such ord-
er in the premises as to the Court shall appear right;It is thereupon this Fourth
day of March A.D.1880 by the Circuit Court for Frederick County,sitting as a Court
of Equity adjudged ordered and decreed that the said Harry W.Dorsey be and he is
hereby released of said Trusteeship in said Petition mentioned and that H.Dorsey Wat
ers be and he is hereby appointed Trustee in his place and stead for the uses and
purposes set forth in the proceedings in this cause.and it is further ordered that
the said Harry W.Dorsey turn over to and deliver to the said H.Dorsey Waters all the
trust Estate and property held by him,the said Harry W.Dorsey as Trustee of the said
Vernon W.Dorsey under the Deed of Trust refered to in these proceedings,upon the
said H.Dorsey Waters filing a bond with suretie to be approved by the Clerk in the
penalty of Ten Thousand Dollars for the faithful discharge of his duties as such.

John A.Lynch
William V.Bowie
Judges of Cir,Ct.

Filed March 4th,1880.

PETITION OF VERNON W.DORSEY AND COURTS ORDER
APPOINTING A NEW TRUSTEE VICE H.W.D.WATERS Deed.

In the Circuit Court for Frederick County Sitting as a Court of Equity.

To the Honorable the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity.

The Petition of Vernon W.Dorsey of Frederick County in the State of Maryland respectfully shows that heretofore on the Foutsth day of March in the year Eighteen hunded and Eighty,Your Honors by an order they passed in this Cause appointed H.W.D. Waters Trustee in the place and stead of Harry W.Dorsey the Trustee named in and mentioned by the Deed exhibited in these proceedings for the uses and trusts in said order set forth.And that said new Trustee H.W.B.Waters enters upon the discharge of his duties in the premises and gave bond in the penalty of Ten Thousand Dollars as by said order required.Your petitioner further shows that said H.W.Dorsey Waters after answering said Trustee ship departed this life and is now dead and that their is therefore no Trustee it being vested with or entitled to said Trust Estate and property.Whereforeyour Pertitioner prays that yours Hinors mat pass an order appoin-ting a new Trustee in the premises in the place and stead of the said H.W.Dorsey Wat ers now deceased.

And as in Duty &c.

Jas,McSherry
For Petitioner

January 25th,1881.

The aforegoing Petition having read and considered and the Court being satisfied therefrom of the trust thereof.It is thereupon this 25th,day of January A.D.1881 by the Circuit Court for Frederick County,sitting as a Court of Equity adjudged,ordered and decreed that Joseph Wood Esq,of Frederick County in the State of Maryland be and he is hereby appointed Trustee in the place and stead of H.W.Dorsey Waters for the uses and purposes set forth in the proceedings in this cause,and it is further order ed that the said Joseph Wood Esq,execute and file a Bond in the penalty of Ten Thous and Dollars for the faithful performance of his duties in the premises as such Trus-tee.

John A.Lynch
Judge of the Cir,Court.

Filed Jany,25.1881.

PETITION AND COURTS ORDER TO BE SERVED ON JOSEPH WOOD.

SERVED:Luther C.Derr,Sheriff.

To the Honorable the Judges of the Circuit Court of Frederick County,sitting as a Court of Equity.

The Petition of Vernon W.Dorsey of Carroll County,in the State of Maryland,humbly petitioning respectfully shows unto your Honorable Court,

FIRST.That a certain Joseph Wood of Frederick County,in the State aforesaid,was on the 25th,day of January A.D.1881 by Your Honorable Court Appointed Trustee to Execute the Trust in the proceedings mentioned,and shortly thereafter executed a bond to the State of Maryland for the faithful discharge of his trust,all of which appears by the proceedings had in the above entitled cause in which this petition is filed and prayed may be taken and considered as a part thereof,
SECONDLY,That the said Joseph Wood Trustee aforesaid in the execution of his trust has come into possession of large sums of money appertaining to said Trust,and from the date of his appointment to the resent time has never rendered to this Court any account of the execution of his said Trust as was his duty to do.
THIRDLY.That since the execution of his said Bond a certain I.N.Wood one of the sureties in said bond has died,and your petitioner is informed that his Estate is in course of settlement or has been finally settled and closed up.Your Petitioner therefore prays your Honorable Court
(1)To pass an order requiring the said Joseph Wood to render to this Court an Account of the execution of his said Trust(2) To execute annother Bond for the faithful performance of the trust aforesaid in accordenance with the terms of the order or decree by which he was appointed Trustee in this cause.For such other and further relief as he may be in Equity entitled to,or his case may require and as in duty bound he will ever pray &c,

Vernon W.Dorsey
Petitioner

Chas.F.Reifsnider
Chas.E.Fink
Solis,for Petitioner.

State of Maryland Carroll County,to-wit.

I hereby certify that on this 13th,day of September in the year Eighteen hundred and eighty six before me the subscriber a Justice of the Peace of the State of Maryland in and for Carroll County,aforesaid personally appeared Vernon W.Dorsey the above named Petitioner and made oath on the Holy Evangely of Almighty God that the matters and things set forth in the aforegoing Petition are correct and true as therein set forth to the best of his knowledge and belief.

Sworn before----------J.Frank Shipley J.P.

Certificate of Wm.N.Martin Clerk of the Circuit Court for Carroll County,that J.Frank Shipley is a duly authorized Justice of the Peace attached to the original.
The foregoing Petition having been by the Court read and considered It is thereupon this 16th,day of September A.D.1886 ordered that Joseph Wood the Trustee in the Petition mentioned,answer the aforegoing Petition and show cause on or before the 7th,day of OctOber next why the prayer of the Petitioner shall not be granted.Provided a copy of said Petition and this order be served on the said Joseph Wood trustee in cause No.4535 Equity on or before the 23rd,day of September inst.

Jno.Ritchie
John A.Lynch
Judges of the Cir,Court.

Filed Sept,20th,1886.

True Copy TEST!

W.Irving Parsons Clerk.

NOTIFICATION SENT MAY 2,1884,

In this cause the Trustee Wood was appointed Jan,25th,/81 & has never rendered any account will you please notify him (Under the standing practice of the Court,I believe)to at once file an a/c

F.I Nelson.

COPY OF COURTS ORDER

Upon the aforegoing Petition it is ordered by the Court this 12th,day of March A.D.1887,that Joseph Wood Trustee in the above case render an account to this Court on or before the 1st,day of April A.D.1887,of the execution of his trust,wherein he shall charge himself with all moneys by him received as such Trustee,and furnish a detailed Statement of his expenditures with vouchers therefor,and that he also show cause by said date why he should not be removed from said trust; provided a copy of this order be served on said Joseph Woood on or before the 16th,inst.

John A.Lynch
Judge of the Cir,Court.

(Filed March 12th,1887)

PLACE ---- OF ---- Court. SEAL

True Copy,

TEST!W.Irving Parsons Clerk.

In the matter of the Petition of Vernon W. Dorsey.

No.4535 EQUITY.
In the Circuit Court
for Frederick County.

To the Honorable the Judges of said Court.

The Petition of Vernon W.Dorsey,Regin W.Dorsey and Vernon W.Dorsey Jr,respectfully shows unto your Honors!-

1st,That on the 13th,day of August A.D.1871,Harry W.Dorsey and Susan M.Dorsey,his wife,by their deed of said date Conveyese to Dr.Harry W.Dorsey certain valuable real estate situated in Frederick County,and described in said deed,and also the sum of One Thousand Dollars,upon trust to appropriate the said sum of One thousand Dollars to the improvements,repairs anD erection of a barn or other outbuildings on said Real Estate and upon thefuther trust to work or rent out the said Real Estate and to apply the rents,issues and profits thereof to payment of all taxes thereon,then out of said issues,rents and profits to pay to said Harry W.Dorsey the grantor,during his life the sum of two hundred and twenty dollars annually,and upon the futher trust to apply the residue of such issues,rents and profits to the support and maintanance of your petitioner Vernon W.Dorsey and the support,maintenances and educatin of your petitioner Regin W.Dorsey and vernon Dorsey Jr,children of said Vernon W. Dorsey,then born,and each other Children of said Vernon W.Dorsey as might thereafter be born during the lifetime of said Harry W.Dorsey,and upon the further trust,from and after the death of said Harry W.Dorsey out of such rents,issues and profits to pay Susie M.Dorsey wife of said Harry W.Dorsey annually during her life the sum of one Hundred and Ten Dollars and to apply the residue of said rents,issues and profits to the support & maintenances of your Petitioner Vernon W.Dorsey and the support maintenances and education of your Petitioner Regin W.Dorsey and Vernon Dorsey Jr, Children of Vernon W.Dorsey and such other Children as might thereafter be born during the life time of said Susan M.Dorsey,and upon the further trust from and after the Death of said Harry W.& Susan M.Dorsey,out of the trusts issues and profits of said Real Estate,after payment of expences inourred in necessary repaires,in trust to appropriate the residue of such rents,issues and profits to the support & mainten ances of your petitioner Vernon W.Dorsey and to the support maintenances and educati on of your petitioners Regin W.Dorsey and Vernon Dorsey Jr,Children of said Vernon W Dorsey and such other Children of said Vernon W.Dorsey as might thereafter born during his lifetime as tenants in common for and during the life time of said Vernon W. Dorsey and after His Death to sell said Real Estate and after payment of costs of Sale to divide and distribute the residue of such proceeds of sale equally among your petitioners Regin W.Dorsey,Vernon Dorsey Jr,and such other Children of said Vernon W Dorsey as might be thereafter born,all of which will more fully appear by reference to a certified copy of said deed heretofore filed in this case marked Exhibit "A"and which with all others Exhibits heretofore filed in this case or hereafter filed in reference to,is prayed to be taken as part of this petition as fully as if were inserted names and figures.(2)That said Harry W.Dorsey and Susan M.Dorsey are now both Dead.(3)That since the execution of said deed your petitioner Vernon W.Dorsey has had Born unto him two other Children Viz,Marriott M.Dorsey and Emily E.Dorsey both of whom are now living and are infants.(4)That by the terms and provisions of said Deed your petitioner Vernon W.Dorsey,Regin W.Dorsey and said Marriott M.Dorsey and Emily E.Dorsey are entitled to the issues and profits of said trust after the payment of taxes and necessary expences.(5)That upon the 4th,day of March A.D.1880 your Honorable Courtby order of said date released the same Dr.harry W.Dorsey,the trustee named in said deed from said trust and appointed H.W.Dorsey Waters Trustee in his place as will appear by said order filed in this case.(5)That said H.W.D.Waters subsequently.

Died and on the 29th,day of January A.D.1881 Joseph Wood was appointed Trustee in his place by order of your Honorable Court filed in this case .(7) That said Joseph Wood executed his bond as such Trustee and entered upon the execution of the trusts created by said deed,and received the Real Estate.(8)That upon the application of your petitioner Vernon W.Dorsey as next friend of said Marriott M.Dorsey and Emily E.Dorsey,by his will of complaint filed in No.5086 Equity in your Honorable Court,the said Joseph Wood as Trustee was by decree of your Honorable Court,passed on the 5th,day of July A.D.1885,and managed to raise the sum of fifteen hundred dollars by mortgage upon said Real Estate for the purpose of raising funds to live and improve said land as will more fully appear by reference to the proceedings in said No.5086 Equity now remaining in your Honorable Court and to which reference is specially made as prayed to be considered as part hereof as fully as if here inserted in words and figures,(9) That by the said Decree in said No.5086 Equity,the said Joseph Wood as Trustee was authorized to expend the said finances to be raised by mortgage as aforesaid in liening and improving said land only and he was further ordered to make a detailed report of his expenditures of said sum of money together with his vouchers for such expenditures. (10)That said Joseph Wood,as Trustee,Die ,upon the 7th,day of July A.D.1885,borrow from the Franklin Savings Bank of Frederick the sum of Fifteen Hundred Dollars and did execute a Mortgage for said ammount,of the said Trust Estate,the said Franklin Savings Bank,but he has not made any report to your Honorable Court of the expendatures of said money as required by said Decree.
(11) That said Joseph Wood,as Trustee,has never made any report to your Honorable Court of the manner of which he has discharged his said Trust,nor has he ever stated an account thereof.
(12) That upon the 15th,day of September A.D.1886,your Petitioner Vernon W.Dorsey filed his petition in this case asking that said Joeph Wood might be required renue an account of the execution of his said Trust and that he might also be required to execute and file another Bond for the faithful execution of his trust as will appear by said Petition now specifically refered to and prayed to be taken as part of this.(13) That upon said Petition yor Hdnors passed anorder requiring said Joseph Wood to answer said Petition and show cause on or before the 7th,day of October then n next why the prayers of said petition should not be granted.Provided a copy of said petition and the said order of your Honorable Court should be served on said Joseph Wood Trustee on or before the 23rd,day of said September as will fullyappear by said orded filed in this case.(14) That a copy of said Petition and order was served upon said Joseph Wood,Trustee,before said 23'day of September,by Luther C.Derr,Sheiff,as will appear by said copy and the Sheriff returned thereon filed in this Court on the 20th,day of September A.D.1886.(15) The said Joseph Wood,Trustee,paid no attention to the said order of your Honorable Court,and did not answer said Petition or show cause why its prayers should not be granted,nor has he rendered to your Honorable Court any account of the execution of his said Trust nor has he filed any new Bond,but has wholey disregarded and disobeyed both said orders of your Honorable Court of 15 September 18186,filed in this case and said decree of July 6th,1885 filed in said 5086 Equity.(15)That the present Bond of said Joseph Wood Trustee,is not ample and sufficient.(17) That your Petitioner has reason to believe and do charge that said Joseph Wood as Trustee has not faithfully executed his said trust,Wherefore your Petitioner prays.(1)That said Joseph Wood,Trustee,may be required by order of your Honorable Court to forthwith renue to this Court an account of the exeqution of his said trust.(2) That since Joseph Wood,Trustee,may be required to renue an account wherein he shall charge himself with all moneys by him received by him as Trustee,both from the Estate of the former Trustee one from the rents issues and profits of said Real Estate as well as the money he borrowed upon the execution of said Mortgage,and that he shall also be required to furnish a detailed statement of the manner in which he has expended the money so received with proper vouchers for such expendtures.(3)That said Joseph Wood may be removed from his said Trusteeship and some other and more suitable person appointed in his place.(4) That your Petitioner may have all such other and further relief to which they may be entitled and to your Honors shall seem just.And they will now prey &c.

Chas T.Reifsnider
Milton G.Urner
Solicitor for Petitioners

In the matter of the Petition of Vernon W. Dorsey. : No.4535 EQUITY. In the Circuit Court for Frederick County.

Upon the forgoing Petition it is ordered by the Court this 12th, day of Mareh A.D.1887,that Joseph Wood,Trustee,in the above case render an account to this Court on or before the 1st,day of April A.D.1887,of the execution of his Trust, Wherein he shall charge himself with all moneys by him received as such Trustee and furnish a detailed statement of his expenditures with vouchers therefor,and that he also show cause by said date why he should not be removed from said trust,provided a copy of this order be served on said Joseph Wood on or before the 15'inst.

John A.Lynch
Judge of the Cir-Court.

Filed Mareh 12th,1887.

AUDITIORS REPORT AND ORDER NISI

Statement of an account in No.4535 Equity between Joseph Wood Trustee and the cestuí que trust.

To---------To whole ammount of receipts from the trust Estate to April 1st,1887. $2359.70

By-----Trustee the usual commisionson the income five per cent and for same sum distributed 5 per cent---------- $235.97
"-----J.E.R.Wood Auditors fee---------- 9.00
"------Trustee to pay order Nisi on Audit---------- 3.00
"------Trustee to pay W.I.Parsons taxed costs---------- 9.90 257.87
Leaving balance of---------- $2101.83

Of this sum Trustee paid

By-----Cash paid expences & cestui que Trust as per voucher No.1 $984.13
" Cash paid expences & cestui que Trust as per vouchers No.2 533.82
" Cash paid expences and cestui que Trust as per vouchers No.3 571.00
" Cash paid expences and cestui que Trust as per vouchers No.4 457.32
" Cash paid out for Farm in 1886 as per voucher No.5 185.06
" Cash paid note for cestui que Trust as per voucher No.6 90.00
" Cash paid State and County taxes for 1884 on Trust Estate No.7 44.60
" Cash paid State and County taxes for 1885 for Trust Estate No.8 40.94
Total payment--------$2906.87 $2101.83

Leaving balance due to Joseph Wood Trustee of $805.04

To the Honorable the Judges of the Circuit Court for Frederick in Equity.
In this case I have charged the Trustee with the whole ammount of receipts from the trust Estate.I have then allowed him a commission of ten per cent on the ammount raised,taxed costs and expenses State and County taxes for all moneys paid by him in this cause for which he produced the vouchers and shows a balance due Trustee.

J.E.R.Wood (SEAL)
Auditor.

Filed April 4th,1887.

ORDER NISI ON AUDIT.

Vernon W.Dorsey
on
Petition.

No.4535 EQUITY.
In the Circuit Court for Frederick County,sitting in Equity.March Term,1887
In the matter of the Auditors Report filed the 4th,day of April 1887.

ORDERED,That on the 26th,day of April,1887,the Court will proceed to act upon the Report of the Auditor,filed as aforesaid,in the above cause,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 two successive weeks prior to said day.
Dated this 4th,day of April,1887.

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

"UNION"

(Audit not Ratified)

Answer of Joseph Wood Trustee to Petition and Courtôs Order

Vernon W.Dorsey et al.
on
PETITION.

No. 4535 EQUITY.

(1) The answer of Joseph Wood Trustee in the above entitled cause Respectfully shows unto your Honorable Court that he was appointed Trustee at the earnest Solicitation of Vernon W.Dorsey the cestui que Trust.(2) That he has faithfully and Honestly performed his duties as such and paid the income properly and regurarly to said vernon W.Dorsey anf frequently paid the same in advance,and that the said Trust estate is now indebted to this Trustee for a considerable sum of money advanced by him to pay taxes and purchase fertilizer and seed wheat to sow out the crop on the trust Estate and for money advanced to cestui que Trust(3) That by a decree of your Honorable Court this Trustee Borrowed Fifteen Hundred Dollars on a Mortgage on the Trust property,and of which he has paid expenses of obtaining this as shown by the receipts.(4)That the said cestui que Trust is only entitled to the income for life and the property then goes to the children in fee.(5)That your trustee loaned the said Vernon W.Dorsey and his two sons who are of age the sum of five hundred dollars for which they gave him confessed judgment which is still due with interest and cost which is herewith filed marked Exhibit No.2.(6) Your Trustee believes the said Vernon W.Dorsey to be a dishonest man and is unwilling to pay any honest debt and seeks to have this trustee removed so as to cheat him out of the money he has advanced to the estate this trustee affirms that he only wants to be paid what has been advanced by him to said Estate and if necessary to hold said Trusteeship until the advances are repaid from income of the same or if the said advances are paid now by order of Court and this trustee paid the money advanced and the commisions due him form the estate them he is ready to resign as Trustee otherwise he claims the right to hold it until it is fully and fairly settled and satisfied affirming that has faithfully performed all the duties as trustee in the premises (7) Thid trustee says he received no money from the former Trustee whatsoever,and has received no money but what he has paid to the cestui que fund for expenses.(8) That is ready to execute any bond the Court may require at any time.(9) That he has not used the money borrowed on mortgage as alleged in improvements because he was notified by the parties in interested not to use the same in the said unimproved as they intended to sell the said farm under a decree of the Court.

J.E.R.Wood
For Joseph Wood Trustee.

Filed April 5-1887.

In the matter of the Petition of Vernon W. Dorsey. | No. 4535 EQUITY. In the Circuit Court for Frederick County.

TO THE HONORABLE THE JUDGES OF SAID COURT.

The Petition of Vernon W.Dorsey,Regin W.Dorsey & Vernon W.Dorsey Jr,respectfully shows that upon the petition of your prtitioner filed in the above ease on the 12th day of Marek A.D.1887,your Honors passed an order requiring Joseph Wood Trustee in the above ease to render an account to your Honorable Court of the execution of his trust by the time named in said order,wherein he was required to charge himself with all moniegs by him received as such Trustee and furnish and furnish a detailed statement of his expendiatures with vouchers thereof.(2) That on the 4th,day of April inst.said Joseph Wood procured an Auditors report to be filed in this ease wherein he is charged with $2359.70 as "Whole ammount of receipts from the trust estate to April 1st,1887"(3) That said Audit was made without any authority from your Honorable Court and without any legally sufficient data or evidence before the Auditor upon which to state said audit,and without said Joseph Wood Trustee,having filed a report to your Honorable Court as required by said order.(4)That said Joseph Wood has utterly failed to comply with the said order of your Honorable Court,although on the 5th,day of April inst,he did file a paper in this case which he demoniated an answer to said petition,wherein he has made certain scandalieus and impertenant allegations,and which paper is in no sense a complainee with the said order of your Honorable Court.And your Petitioners pray.(1)That said Audit may be rejected and set aside at the personal cost of said Joseph Wood.(2)That said Joseph Wood Trustee,may be again required to render an account to your Honorable Court,under oath,of the execution of his said Trust.at an early date.(3)That your Petitioners may have all such other and further relief to which they may be entitled,and they will now prey &c.

Chas.T.Reifsnider
Milton G.Urner
Solicitors for Petitioners

Filed April 20th,1887.

C O P Y O F C O U R T S O R D E R

Upon the foregoing petition it is ordered by the Court this 20th,day of April A. D.1887,that Joseph Wood,Trustee,in the above case,render an account to this Court under oath on or before the 2nd,day of May A.D.1887,of the execution of his trust, wherein he shall charge himself with all moneys by him received as such Trustee and the sources from whence received,and furnish a detailed statement of his expenditures with his vouchers thereof,or show cause to the contrary before said day,and that he also show cause why the auditors report filed on the 4th,day of April inst.should not be set aside at his cost;provided a copy of this order be served on said Joseph Wood on or before the 24th,inst.

John A.Lynch
Judge of the Cir-Court.

True Copy,
TEST:W.Irving Parsons Clerk.

PLACE OF Court. SEAL

Filed April 25th,1887.

REPORT OF JOSEPH WOOD TRUSTEE.

To the Honorable the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity.The report of Joseph Wood Trustee in the above cause respectfully shows unto your Honors.That in obedience to the order of the Court served in this case on your trustee he came in and had the Auditors of the Court on April 4th 1887,state a full and accurate account of all monies received by him as Trustee in this cause.That he is unable now to give a more specific statement than is contained in that account when he settled with Vernon W.Dorsey he delivered to said Dorsey

all evidences of receipts of money and statements showing the income and from what Crpps derived at the request of said Dorsey.That all the settlements were thourgherly understood by said Vernon W.Dorsey and fortunally for your Trustee all the payments to said all the receipts given your Trustee by said Vernon W.Dorsey was drawn and given in the presents of good and respectable witnesses and included the expences,fertilizer and all expences as well as net income paid Dorsey your Trustee Reports that the Gross Receipts from said farm and trust Estate up to date from all and every source is Twenty three hundred and fifty nine dollars and seventy cents.Your trustee reports the gross payments including payments to Vernon W.Dorsey and advances to him and including Trustees commissions Twenty Nine Hundred and six dollars and eighty seven cents,being an overpayment by thid Trustee of Eight Hundred and five dollars and four cents.This report does not include the fifteen hundred dollars borrowed by your trustee on mortgage by order of this Court,nor does it include the judgment confessed to your trustee by said Vernon W.Dorsey anD his two sons nor the costs and expences obtaining said decree.That these settlements were with said Dorsey at the time of the transaction when all the facts were fresh in mind,and fully known to said Vernon W.Dorsey, who while he himself would cheat once everybody,will allow no man to keep a cent of his Dorsey's money.These settlements were fully and fairly made and the final agreement and understanding witnessed by James McSherry then counsil for Dorsey who drew up the agreement and understanding in writing which will be produced at the proper time or when the Court may desire it.All of which is Respectfully submitted.

Joseph Wood .

State of Maryland Frederick County,to-wit:-

I hereby certify that on the twenty sixth day of April A.D.1887,before the subscriber a Justice of the Peace in and for this County and State aforesaid personally appeared Joseph Wood Trustee and made oath on the Holy Evangely of Almighty God that the matters and things stated in the afore going report are true to the best of his knowledge and belief.

W.R.Johnson J.P.

Filed April 26,1887.

REPORT OF VERNON W. DORSEY AND COURTS ORDER

To yhe Honorable the Judges of the Circuit Ciurt for Frederick County sitting as a Court of Equity,The petition of Vernon W.Dorsey of Frederick County in the State of Maryland (1)respectfully shows,that heretofore on the twentyfifth day of January in the year A.D.1881,Your Honors by an order then passed in No.4535 Equity on the petition of Vernon W.Dorsey appointed Joseph Wood Trustee in the place and stead of H.W.Dorsey Waters and then said new Trustee entered upon the discharge of his duties an the discharge and gave bond in the penalty of Ten Thousand Dollars. (2) That by virtue of a decree passed by your Honorable Court on the 6th,day of July A.D.1885 the said Joseph Wood trustee apointed was authorised and empowered to borrow the sum of fifteen hundred dollars upon a mortgage of said trust property said sum of fifteen hundred dollars to be appropriated to the present improvement of said property.(3)That pursuant to said decree the said Joseph Wood trustee borrowed the sum of fifteen hundred dollars upon a mortgage of said trust Estate from the Franklin Savings Bank of Frederick City.(4) That said Joseph Wood Trustee never appropriated said fifteen hundred dollars to the purposes intended by said decree (5)That said Mortgage is overdue and the interest thereon running unpaid(6)That your petitioner is interested in the said property and in the due administration of the said trust created by and under the conveyance heretofore mentioned and believes and charges that the said Joseph Wood trustee did not appropriate said fifteen hundred dollars to the purposes contemplated by said decree,and for the perpetution of said trust your petitioner thinks it necessary that said Joseph Wood trustee should report to your Honorable Court under oath the disposition made of the said fifteen hundred dollars hereinbefore mentioned.Wherefore your petitioner prays that your Honors may pass an order requiring the said Joseph Wood Trustee to State an account of said fund of fifteen hundred dollars under oath on or before a day to be therein named.

Frank L.Stoner
Solicitor for Petitioner

April 3rd,1890.

State of Maryland Frederick County to-wit.

I hereby certify that on this 3rd,day of April in the year A.D.1890 before the subscriber a Justice of the peace for the said State in and for the County aforesaid personally appeared Vernon W.Dorsey and made oath in due form of law that the matters and things alleged in the aforegoing petition are true and bonified as therein stated

Thomas Turner J.P.

Ordered by the COurt this 7th,day of April in the year A.D.1890,that Joseph Wood Trustee be and he is hereby required to state an account under oath showing the disposition of the fifteen hundred dollars borrowed by him on a mortgage of said trust Estate from the Franklin Savings Bank,For the purpose of improving said farm on or before the 25th,day of April A.D.1890,providing a copy of the foregoing petition and of this order be served upon the said Joseph Wood on or before the 12th,day of April A.D.1890,by the Sheriff of Frederick County.

John A.Lynch
Judge of the Cir,Court.

Filed April 7th,1890.

Copy of Petition & Court's Order Served on Joseph Wood.

To the Honorable the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity.The petition of Vernon W.Dorsey of Frederick County in the State of Maryland.(1)Respectfully shows,that heretofore on the twenty-fifth day of Jany in the year A.D.1881,your Honors by an order then passed in No.4535 Equity,on the petition of Vernon W.Dorsey appointed Joseph Wood,Trustee,in the place and stead of H.W.Dorsey Waters and that said new trustee entered upon the discharge of his duties in the premises and gave bond in the penalty ten thousand dollars.(2) That by virtue of a decree passed by your Honorable Court on the 6th,day of July A.D.1885,the said Joseph Wood, Trustee aforesaid,was authorized and empowered to borrow the sum of Fifteen Hundred dollars upon a Mortgage of said Trust property,said sum of fifteen hundred dollars to be appropriated to the present improvement of said property.(3) That pursuant to said decree the said Joseph Wood,trustee,borrowed the sum of Fifteen hundred dollars,upon a Mortgage of said trust estate from the Franklin Savings bank of Frederick City, (4)That said Joseph Wood Trustee,never appropriated said Fifteen hundred dàlars to the purposes intended by said decree.(5)That said mortgage is overdue and the interest thereon remains unpaid.(6)That your petitioner is interested in the said property and in the due administration of the said trust created by and under the conveyance heretofore mentioned and believes and charges that the said Joseph Wood,Trustee,did not apprpriate said Fifteen hundred dollars to the purposes contemplated by said decree,and for the perpetuation of said trust your petitioner thinks it necessary that said Joseph Wood,Trustee,should report to your Honorable Court under oath the disposition made of the said Fifteen hundred dollars hereinbefore mentioned.Wherefore your petitioner prays that your Honors may pass an order requiring the said Joseph Wood , Trustee,to state an account of said fund of Fifteen hundred dollars,under oath on or before a day to be named.

Frank L.Stoner
Solicitor for Petitioner.

April 3rd,1890.

State of Maryland,Frederick County,to-wit.

I hereby certify that on the 3rd,day of April in the year A.D.1890,before the subscriber a Justice of the Peace for the said State in and for the County aforesaid personally appeared Vernon W.Dorsey and made oath in due form of law that the matters and things alleged in the aforegoing Petition are true and bona fide as therein stated.

Thomas Turner J.P.

Ordered by the Court this 7th,day of April in the year A.D.1890,that Joseph Wood Trustee,be and he is hereby required to state an account under oath showing the disposition of the Fifteen hundred dollars borrowed by him on a mortgage of said trust estate from the Franklin Savings Bank for the purpose of improving said farm,on or before the 25th,day of April A.D.1890,providing a copy of the foregoing petition and of this order be served upon the said Joseph Wood,on or before the 12th,day of April

A.D.1890,by the Sheriff of Frederick County.

(Filed April 7th,1890.)

John A.Lynch
Judge of the Cir,Court.

PLACE
COURT.

True Copy Test:W.Irving Parsons,Clerk.

Filed April 12th,1890

CORTS ORDERS APPOINTING SPECIAL AUDITOR

Ordered by the Circuit Court for Frederick County sitting as a Court of Equity. That J.Roger McSherry be and he is hereby appointed Special Auditor in this case and the report of Joseph Wood,Trustee,and the papers inthe case are hereby refered to to him to State an account herein this fourteenth day of December A.D.1892.

John A.Lynch
John T Vinsen
Judges of the Circuit Court.

Filed December 14th,1892.

TRUSTEES REPORT AND AFFIDAVID

The petition andreport of Joseph Wood Trustee respectfully shows unto your Honorable Court that by a decree of your Honorable Court passed in No.5086 equity your trustee was authorized to borrow the sum of fifteen hundred dollars on a mortgage executed by him on the trust estate to-wit a farm in Frederick County Maryland.That your trustee was authorized by this decree to use said money in certain improvements on said land specified in said decree.That James McSherry was employed as attorney to obtain the decree and when obtained the same,the said James McSheyry drew the money paid the expenses of the proceedings,to-wit;the sum of one hundred and twenty five dollars council fees and twenty nine dollars costs to the Clerk and discount to the Franklin Savings Bank of Frederick Marylandthe sum of forty six dollars,ond hundred to your petitioner the residue of said sum of fifteen hundred dollars,to-wit the sum of thirteen hundred dollars.This sum your trustee has had and held since which time that he did not make the improvements,which he was always ready and willing to make,because he was stopped by the cestui que Trust,who told your petitioners that he intended to sell said farm,and did procure your Honorable Court a decree for such sale as will appear by proceedings in No._____Equity of your Honorable Court That your petitioner paid the Franklin Savings Bank the further sum in interest on said loan of two hundred and twenty seven dollars and seventy fife cents,after the first discount paid at time of loan.Your Trustee further paid to Frank L.Stoner Trustee by subsequent appointment,the sum of one hundred dollars on said fund.That your Trustee has always been ready and willing to pay said sum of money to the proper parties and is now ready and willing to pay the same whenever your Honorable Court shall determine what sum your petitioners is leagally bound to pay.That until the appointment of Frank L.Stoner Trustee by your Honorable Court,there was no person to whom it could be paid,and since his appointment your petitioner has always been ready and willing to pay said money said Stonezzwhereever the ammount was determined which the said F.L.Stoner Trustee well knows your petitioner further states by an account filed in this Court it will appear that the trust estate is indebted to your trustee for money advanced in cestui que Trust,in the sum of eight hundred and five dollars and four cents above all receipts from the trust estate which with commissions to be allowed by the Court your petitioner says may be allowed your trustee in the final settlement of this account your petitioner prays your Honorable Court to pass an order referring this case to the Auditor of the Court to state an account or accounts so that your Honorable Court may determine what sum if any is due by your petitioner and he is ready and willing to pay the same and abide by and perform such decree as to your Honorable Cous shall seem right.

Joseph Wood Trustee.

State of Maryland Frederick County.to-wit;

I hereby certify that on this fourteenth day of december in the year eighteen hundred and ninety two before the subscriber a Justice of the Peace in and for the County and State aforesaid personally appeared Joseph Wood Trustee and made oath on the Holy Evangely of Almighty God that the matters and things stated in the aforegoing report are true to the best of his knowledge and belief

Filed December 14th,1892.

Thomas Turner J.P.

QUALIFICATION OF J.ROGER McSHERRY SPECIAL AUDITOR.

I J.Roger McSherry do swear that I will well and faithfully execute the duties of Special Auditor in the above entitled cause, without favor, affection, partiality or prejudice. So help me God.

J.Roger McSherry

Sworn to before me this 15th, day of December A.D.1892.

John A.Lynch
Judge of the Cir, Court.

Filed December 15th, 1892.

ACCOUNT No.2

Statement of an account in No.4535 Equity between Joseph Wood Trustee and V.W. Dorsey cestui que Trust.

To.Whole sum borrowed of Franklin Savings Bank		$1500.00
By.Trustee paid Jas.McSherry attorney for filing bill and obtaining decree	$125.00	
Trustee paid costs of decree	29.00	
Trustee paid Bank discount	46.00	200.00
balance in hand of Trustee		$1300.00
Trustee paid F.L.Stoner Trustee	$95.00	
Trustee to pay taxed insts	6.45	
Trustee to pay J.R.McSherry Auditor	4.50	105.95
Leaving balance in hand of Trustee		$1194.05

To the Honorable the Judges of the Circuit Court for Frederick Countyin Equity In this case I have charged the Trustee with the whole ammount of Trust borrowed of the Bnk.I have then allowed him the costs and expenses of obtaining decree I have then allowed him the costs and expences of the Audit and show the balance in Bank

Filed Feb.13th.1893.

J.Roger McSherry (SEAL)
Special Auditor

A C C O U N T NO. 1

Statement of an account in No.4535 Equity between Joseph Wood Trustee and V.W. Dorsey cestui que Trust.

To--Whole ammount borrowed of the Franklin Savings Bank		$1500.00
By--Trustees paid Jas.McSherry for filing bill and obtaining decree	$125.00	
Trustee paid Clerk taxed costs	29.00	
Trustee paid to Bank discount at time of loan	46.00	200.00
Leaving a balance of		$1300.00
Trustee July 7th,1885 Interest on the same from Dec,23rd 1890 to March 1st,1893.		170.08
Total in hand		$1470.08
Trustee Joseph Wood paid F.L.Stoner Trustee	95.00	
Interest on the same	9.50	
Trustee to pay taxed costs	6.45	
Trustee to pay J.R.McSherry Auditor	4.50	115.45
Ammount in hand of Trustee March 1st,1893		$1355.53

To the Honorable the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity.In this ammount I have charged the Trustee with whole ammount borrowed on Mortgage.I have charged him with interest on same from Dec,23rd,1890 to March 1st,1893.I have then allowed trustee costs and expences of devree and cost of this Audit,and costs paid F.L.Stoner Trustee and interest on same.

Filed Feby,13th,1893.

J.Roger McSherry (SEAL)
Special Auditor.

Petition of F.L.Stoner Trustee and Courts Order

The petition of Frank L.Stoner Trustee in the above cause respectfully shows.
1st.That under a decree of your Honorable Court passed on the 12th, day of August 1893 A certain Joseph Wood was required ordered and directed to pay to your petitin ner the sum of Fifteen hundred and fifty dollars and forty six and two third cents, with interest from March A.D.1893,2nd,That said Joseph Wood is ready to comply with

the order of the Court in the premises.3rd,That on July 14th,1885 a certain Joseph Wood obtained by compassion of Vernon W.Dorsey Regin W.Dorsey anD Vernon W.Dorsey Jr,cestui que Trust in this cause a Judgement in the sum of five dollars and fifty eight cents costs and interest binding upon the trust estate consisting of a farm,mentioned in this cause,that said judgment has been assigned to Melvin P.Wood,and fifa has been issued on the same,and a levy made by the Sheriff of Frederick Cpunty,who is about to advertise and sell the same to satisfy said judgment a copy of which with the docket entries are herewith filed marked Exhibit No.1 to this petition,and prayed to be considered as a part thereof.4th,That your petition on the day of _____executed to Dr.Fairfax Schley a mortgage for the sum of twenty four hundred dollars,on the trust property mentioned in these proceedings which mortgage was subsequent to the above described judgment,that it is desirable in orde to protect the trust estate and to procure the sale thereof under said judgment and to protect the mortgagor aforesaid that the said judgment be paid and satisfied out of the fund to be paid by said Joseph Wood,5th,That they are taxes due and owing on said trust proprtyu-since the year Eighteen hundred and eighty six,which taxes should be paid out of the monies to paid by Joseph Wood in order to protect the trust estate mentdoned in these proceedings and to prevent a sale thereof,

Frank L.Stoner Trustee

The foreoeing petition having been read and considered,it is thereupon on this 1st,day of September A.D.1893 by the Circuit Court for Frederick County sitting as a Court of Equity and by the authority thereof ordered adjudged and decreed,that Frank L.Stoner Trustee in the above petition named be and he is hereby ordered and directed to pay out of the monies to be paid to him by Joseph Wood trustee the decree of this Court in this cause,the jidgment a copy of which is filed in this case,and all taxes that may be due and in arrears.Jas.M.McSherry

John A.Lynch
Judges of the Circuit Court.

Filed September 2nd,1893.

COPY OF JUDGMENT EXHIBIT NO.1 IN THE CIRCUIT COURT FOR FREDERICK COUNTY!

Joseph Wood.
Judgement to use of Melvin P.Wood
Plff atty order filed August 9th,1893

VS.

Vernon W.Dorsey
Regin W.Dorsey &
Vernom W.Dorsey Junior
Plaintiff's Costs $6.85
Defendant's Costs,$5.45

No.112 Trials May Term,1895 Case docket,by Consent,Rule Plea 1885,July 14th,Judgment for Plaintiff by Confession on within Narr for five hundred dollars and fifty eight cents(500.58)Cur,Mon.with interest from date till paid and costs of suit,releasing all Errors & waiving appeal (by order of Judge out of Court)(Vide Power of attorney filed in papers as to extent of lien) Fi fa No.34 Juds A in M.T.!93.

STATE OF MARYLAND,FREDERICK COUNTY,Set!-

I hereby certify,That the aforegoing is a true copy of the docket Entries and Judgment in the above entitled cause,taken from the record of proceedings of the Circuit Court for Frederick County and I hereby certify,that said record contains no entry to show that the Judgment aforesaid has been satisfied either in whole or in part.

PLACE OF Court. SEAL

IN TESTAMONY WHEREOF,I hereto set my hand and affix the Seal of the said Court,this first day of September,A.D.1893.

John L.Jordan,
Clerk of the Circuit Court for Frederick County.

Filed September 2nd,1893.

Petition of F.L.Stoner Trustee & Courts Order

To the Honorable the Judges of the Circuit Court for Frederick County in Equity-

The petition of Frank L.Stoner Trustee respectfully shows to your Honors that on the second day of Sept,1893 your petitioner filed a petition to this cause and your Honors passed an order directing your petitioner to pay all of the trust fund a certain payment in favor of Joseph Wood against Vernon W.D rsey Rezin Dorsey and Vernon W.Dorsey Jr,& that has been assified to Melvin P.Wood.

That your petitioner was under the impression at the time of filing said petition and so stated in said petition that said judgment was a lien when the trust estate and thatlas a consequence it was for the benefit of the trust estate that said judgment should be paid in preference protante to the mortgage made to trustee under will of Harriett S.Sehley but yourpetitioner finds that he was mistaken in this belief and that said judgment is not a lien upon the trust estate at all.But that the whole interest in the farm forming said trust Estate is in the Petitioner as Trustee and that the same is not subject to said judgment.(2) And your Petitioner further shows that one of the cestui qui Trusts in this trust is Marriott Dorsey who is not a party to said proceedings (3) And petitionerfurther shows,that the money borrowed from trustee under writ of H.H.Sehley was borrowed for the purpose of taking up a Mortgage to the Frankling Savings Bank which had been made under an order of your Honorable Court,which said mortgage was older than said judgment.The deed constituting the trust in this case in which Petitioner is Trustee being Exhibit filed in this case.Wherefore your petitioner prays that saidorder of date September 1,1893,directing petitioner to pay charge the funds in his hands the judgement herein mentioned may be annuled and set aside.And as in duty bound &c.

Frank L.Stoner

The aforesaid petition having been read and considered it is therefore ordered adjudged that the petition ordered passed by this Court before the petition of Frank L.Stoner Trustee and to which order is dated Sept,1st,1893 be and the same is hereby stricken out annuled and set aside.

Jas.McSherry.

Filed Sept,28th,1893.

Frank L.Stoner,trustee of Vernon W.Dorsey

ON.

P E T I T I O N.

No.4535 E Q U I T Y.
In the Circuit Court for Frederick County,In Equity.

The petition of Frank L.Stoner trustee in the above entitled cause respectfully represents unto Your Honors:-

1St That Your petitioner the substituted trustee in the above entitled cause holds the legal title to all that tract of land described in a certain deed from Harry W. Dorsey to Harry W.Dorsey Jr,trustee bearing date August 13th,Eighteen Hundred and Seventy One,duly recorded in Liber C.M.No.8.Folio 141 and 142,one of the land record for Frederick County.That Vernon W.Dorsey,the cestui que trust died sometime last fall,in the year A.D.1902,and since his death his son Marriott Dorsey has occupied said property.3rd,that said Deed of trust provides that after the death of said Vernon W.Dorsey said real estate shall be sold,by the trustee in the proceeds distributed as therein provided.4th,that your Honorable Court assumed jurisdiction of said trust,in No.4535 equity,in the Circuit Court for Frederick County.To the end thereof That your Honorable Court will pass an order directing petitioner to sell said real estate,And for such other relief as the nature of the case may require.

Frank L.Stoner
Solicitor for Petitioner

Order on the above petition this 30th,day of June in the year A.D.1903,by the Circuit Court for Frederick County sitting as a Court of Equity and by the authority,that Frank L.Stoner,trustee,in the above entitled cause,be and he is hereby authorized and directed to sell the real estate mentioned in the aforegoing petition first before doing so he will give bond to the State of Maryland in the penalty of Ten thousand dollars for the faithful discharge of his duties as such trustee and after first giving twenty days notice of the time place manner and terms of sale by advertisement insetted in some newspaper printed and published in Frederick County,and the terms of sale shall be,one half cash on the day of sale or upon the ratification of the same by the Court,the residue in twelve months from the day of sale the purchaser

giving his her or their notes with approved security bearing interest from day of sale or all cash at the option of the purchaser.

John C.Motter.

Filed June 30th,1903.

TRUSTEES REPORT OF SALE & ORDER NISI THEREON FILED.

To the Honorable the Judges f the Circuit Court for Frederick County sitting as a Court of Equity!The petition and report of sales of Frank L.Stoner,trustee of Vernon Dorsey,under the will of Harry W.Dorsey deceased respectfully represents unto your Honors!-

1st-That Your petitioner qualified as trustee in the above entitled sause,by giving bond as required by the prded of your Honorable Court,and after first having given twenty days notice of the time place manner and terms of sale by advertisement inserted in the Examiberr,a weekly newspaper printed and published in Frederick County,and by hand bills circulated in the vicinity of said property did pursuant to said notice attend at the Court House Door in Frederick City,Frederick County Maryland,on Saturday the 15th,day of August at the hour of Eleven Oclock A.M.and then and there offered the real estate mentioned in the advertisement and notice of sale,at public auction and then and there sold the same to Marriott W.Dorsey at and for the sum of Fourty Three Hundred and Fifty Six Dollars and twenty fife cents,he being the highest and best bidder therefore,taking his certificate of purchase which is filed herewith and marked exhibit No.1,to this report.Your petitioner reports the aggregate amount of sales to be $4356.25,all of which is submitted for the action of your Honorable Court,and your petitioner prays that said sales may be ratified and confirmed.

Frank L.Stoner Trustee.

State of Maryland,Frederick County.Sct!-

I hereby certify that on this 18th,day of August,in the year A.D.1903,before the subscriber,the Clerk of the Circuit Coubt for Frederick County personally appeared Frank L. toner anD made oath in due form of law,that the matters and things set forth in the above and aforegoing petition are true and bonified as therein stated and that said sale were fairly made.

Douglass H.Hargett Clerk.

Filed Aug,18th,1903.

ORDER NISI ON SALES

Frank L.Stoner trustee of Vernon Dorsey under the will of Harry W.Dorsey Sr. on. PETITION.	No. 4535 EQUITY. In the Circuit Court for Frederick County, sitting in Equity.July Term,1903. In the matter of the report of sales filed the 18th,day of August 1903.

ORDERED,that on the 10th,day of September 1903,the Court will proceed to act upon the report of Sales of Real Estate,reported to said Court by Frank L.Stoner Trustee in the above cause,and filed therein as aforesaid,to finally ratify and confirm the same,unless cause to the contrary thereof b 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 sale to be$4356.25.Dated this 18th,day of August,1903.

Douglass H.Hargett
Clerk of the Circuit Court for Frederfok Co.

EXAMINER

PRINTERS CERTIFICATE.

I hereby certify that the annexed order Nisi on Sales was published in the Examiner a weekly Newspaper printed and published in Frederick county,two successive weeks prior to the 10th,day of September A.D.1903.

Examiner Publishing Co.
Per,A.J.Topper.

Filed October 6th,1903.

Final Ratification of Sale

Ordered on this 6th,day of October in the year A.D.1903,by the Circuit Coubt For Frederick County, sitting as a Court of Equity,and by the authority thereof that the sales reported in the above entitled cause,be and the same are hereby ratified to Casper E.Cline substituted purchaser no cause to the contrary having been shown;although notice appears to have been given as required by the annexed Nisi on Sales.

John C.Motter.

Filed Oct.6th,1903.

PUBLIC SALE

By virtue of a power of sale contained in a certain deed from Harry W.Dorsey to Harry W.Dorsey Jr,dated August 13th,A.D.1871, and duly recorded in Liber No.8,Folios, 141 and 142 one of the land records for Frederick County,and pusuant to an order of the circuit Court for Frederick County,the undersigned substituted trustee,will sell at the Court house door in Frederick City Frederick County Maryland,on Saturday,the 15th,day of August A.D.1903,at the hour of eleven Oclock A.M.all that tract or parcel of land situated in New Market District,Frederick county,Maryland,containing 174 and one-quarter Acres of land more or less,improved with a two story Stone Dwelling house Stable,Granary Milk House,and an Orchard of Apple fruit;it is devided into convenent fields,is well watered,and has about ten acres of meadow land.This Farm adjoines the lands of Lewis Deitrick,P.J.Kimmel.et al.is situated about one mile East of New London on the road leading from New London to the Annapolis Road,and is convenient to church es,schools and stores the growing crop of corn is reserved.Terms of said as prescribed by the Courts Order:-One half of the purchase money cash,on the day of sale,or upn the ratification of the same by the Court.the residue in twelve months,the purchaser giving his,her or their notes with approved security bearing interest from the day of sale.The purchaser will be required to make a deposit of two hundred and fifty dollars on the day of sale.

Frank L.Stoner Trustee

I herby acknowledge the purchase of the property described in the annexed notice and advertisement of sale containing One hudred and seventy four and one quarter acres of land more or less,at and for the sum of Twenty five dollars per acre,and I hereby agree to comply with the terms of sale as stated in said notice,Witness my hand and seal on this 15th,day of August A.D.1903.

Marriott M.Dorsey.

Filed August 18-1903.

AGREEMENT OF SUBSTITUTE PURCHASE

I Marriott W.Dorsey purchaser of the property described in the above entitled cause hereby consent that Casper E.Cline be substituted as purchaser of the property aforesaid in my place and stead,and agree that the property be ratified to the said Noah E Cramer.

Marriott M.Dorsey

I Casper E.Cline hereby agrees to be substituted as the purchaser of the property described in the above entitled cause,in the place and stead of Marriott W.Dorsey.and consent that the sales be ratified to me.

Casper E.Cline

I Frank L.Stoner,trustee,in the above entitled cause hereby agree,that Casper E. Cline,be substituted as purchaser of the property mentioned in the above cause,in the place and stead of Marriott W.Dorsey,anD the sale be ratified to him.

Filed Oct,6th,1903.

Frank L.Stoner Trustee

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BILL OF COMPLAINT

Daisy E.Junius,nee Daisy E. Johnson,widow of Charles E.T. Johnson,deceased,

VS.

Charles Edward Johnson,infant.

No.8595 E Q U I T Y.In the Circuit Court for Frederick County sitting as a Court of equity.

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To the Honorable,the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity.The Bill of Complaint of Daisy E.Junius,formerly Daisy E.Johnson, widow of Charles E.T.Johnson,deceased,respectfully represents unto your Honorable Court:-

1st. That your Complainant was married to the said Charles E.T.Johnson,formerly of Frederick County,Maryland,and,after said marriage,your Complainant and the said Charles E.T.Johnson lived together as man and wife in the City of Philadelphia in the State of Pennsylvania until on or about the 28th,day of February,A.D.1902,when the said Charles E.T.Johnson died intestate leaving surviving him your Complainant as his wodow and one child,to wit,Charles Edward Johnson,who was born December 27,1901,and who is the infant Defendant in the above entitled cause.

2nd, That the said Charles E.T.Johnson at the time of his death was seixed and possessed of a smal parsel of land situated in or near the town of Middletown,in Frederick County,Maryland,containing one-fourth of an acre,more or less,which formerly belonged to a certain Edward Ellicott,and which was conveyed to him by deed executed by George Bear and wife bearing date the 18th,day of January 1854,and duly recorded among the Land Records for Frederick County,as will appear by a certified copy of said deed filed herewith marked "Exhibit A",which,together with all other exhibits herewith filed,it is prayed may be taken and considered as a part of this bill of complaint,the said Edward Ellicott having died intestate about the year_____in Frederick County,Maryland,and who left surviving him as his only child and heir at law,one daughter,Laura Ellicott,who was married to Henry T.Johnson,of Frederick County,Maryland,the said Laura Ellicott Johnson having died intestate in July 1876,leaving as her only child and heir at law the said Charles E.T.Johnson,to whom the said real estate mentioned in Exhibit A descended by inheritance,sudject to the life estate of the said henry T.Johnson,surviving husband of the said Laura Ellicott Johnson.

3rd. That the said Charles E.T.Johnson having died intestate as aforesaid leaving surviving him as his only child and heir at law the said Charles Edward Johnson,the said real estate mentioned in Exhibit A descended unto said infant subject to the dower right of his mother,the said Daisy E. Junius,nee Johnson,and subject to the life estate of the said Henry T.Johnson.

4th. That the said land mentioned in Exhibit A lies contigous to a quantity of land owned in fee simple by the said Henry T.Johnson,and that,inasmuch as your Complainant and the said Charles Edward Johnson,the infant Defendant,though temporarily residing in Frederick County,permanently reside in Philadelphia,Philadelphiayour petitioner,acting in her own right and on behalf of said infant defendant,have sold their interest in the said land to the said Henry T.Johnson at and for the sum of Fifty Dollars(50.00),as will appear fully by an acknowledgment of purchase signed by the said purchaser and which is filed or to be filed as an exhibit to this bill of complaint.

5th. That the said sale made as herein set forth is an advantageous one to all the parties having an interest in the said land,and it would be decidedly to the interest and advantage of the said infant in this case if the said sale made of his behalf by your complainant would be ratified and confirmed by your Honorable Court and a trustee appointed to convey said land to the purchaser thereof,and the proceeds arising therefrom to be invested under the direction of your Honorable Court for the use and benefit of the said infant until he shall become twenty-one years of age.

TO THE END,THEREFORE.(a)That said sale may be ratified and confirmed by your Honorable Court. (b) that a trustee may be appointed to convey all the intecst of the parties in this cause in the said land sold as aforesaid to the said Henry T.Johnson,the purchaser thereof.

(c) That your Complainant may have such other and further relief as the nature and equity of her case may require.May It Please Your Honors to grant unto yous Complainant the writ of subpoena in theusal form against the said Charles Edward Johnson,infant,who is now temporarily residing at Middletown,in Frederick County,Maryland,commanding him to be and appear in your Honorable Court on some day certain to be named therein to answer the premises and to abide by and perform such decre as mat be passed herein.

And as in duty etc.,

Emory L.Coblentz
Solicitor for Complainant.

Filed August 27th,1910.

E X H I B I T A.

At the request of Edward Ellicott the following deed was recorded October 28th,1856.

This Indenture made this 18th,day of January in the year One Thousand Eight hundred and fifty four,by and between George Bear and Mary his wife og Frederick County and the State of Maryland of the first part,and Edward Elliott of the County and State aforesaid of the second part!Witnesseth

that for and in consideration of the sum of Eighty Five dollars currant money by the said Edward Elliott to the said George bear and his wife,aforesaid,in hand paid at and before the sealing and delivery of therse presents,the receipt whereof they do hereby acknowledge and themselves therewith fully satisfied and paid,the said george Bear and his wife aforesaid have granted,bargained,sold,aliened released,conveyed and confirmed and by these presents,do grant,bargain,sell,alien,enfoff,release,convey and confirm unto the said Edward Elliott his heirs and assigns forever all the following particularly described piece or parcel of land situate and lying in the County aforesaid.Beginning for said piece or parcel of land hereby to be conveyed S,62½°E. 13 feet and 9 inches from a locust post standing on the South West side of the public road leading from Middletown past James Kinna's Mill to Burkettsville,said post standing also near the corner of the celler now digging by said Elliott and nearest the bars opening to the alley leading to Lawsons Alexander's land and running thence from said beginning in and along the middle of said road N.30½° E.44 feet,thence N. 62½°W.263 feet and 9 inches to a stone now planted on the lines separating the lands of the aforesaid George Bear and Edward Elliott;thence S.30½°W.44 feet to the fence along the alley aforesaid and then with the fence along said alley S,62½°E251½feet to the post aforesaid and then to the beginning,containing one quarter of an acre of land more or less,together with all and singular the buildings,improvements.ways,rights,privilages,advantages,and appurtenances thereunto belonging,or in any wise appertaining,and all the estate,right.title,claim and demand whatsoever at law and in equity of them the said George Bear and his wife aforesaid of in and to the same,To have and to hold the herein described premises with the appurtenances thereunto belonging unto the said Edward Elliott his heirs and assigns,to the only proper use of the said Edward Elliott his heirs and assigns forever.

In testimony whereof the said George Bear and his wife aforesaid have hereunto set his hand and affixed their seals on the day and year first above written.

George Bear (SEAL)

Mary her X mark Bear (SEAL)

Signed,dealed and delivered in the presents of John Alexander, G.Bowles.

Which is thus endorsed,viz!-

State of Maryland,Frederick County,to-wit!-

Be it remembered,and it is hereby certified that on this 18th,day of January in the year 1854,before the subscriber two Hustices of the Peace of the State of Maryland in and for the County of Frederick Aforesaid,personally appeared George Bear and Mary his wife they being known to us,of our personal knowledge,to be the persons who are named and described as,and professing to be the parties grantors in and to the foregoing deed or Indenture,and severally acknowledged the saidIndenture or instrument of writing to be their respective act and deed;the said mary Bear having signed and sealed the said Indenture,before us,and out of the presents and hearing of her said.And the said Mary Bear being by us examined out of the presents and hearing of her said husband whether she executed and acknowledged the said Indenture freely and voluntarily,and without being indiced to do so by fear or threats of,or ill usage by her said husband or by fear of his displeasure,declared and said she did the same freely and willingly or without the fear of his displeasure.In testimony whereof we have hereunto subscribed our names on the day and year above written

John Alexander. G.Bowlus.

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the original deed from George Bear and wife to Edward Elliott,as recorded in Liber E.S.No.7.folio 680,one of the land records of Frederick County,Maryland.

In testimony whereof I hereunto subscribe my name and affix the Seal of the Circuit Court for Frederick County,Md,at Frederick this 27th,day of August A.D.1910.

PLACE OF Court. SEAL

Filed August 27th,1910.

Harry W.Bowers.
Clerk of the Circuit Court for Frederick County, Maryland.

S U B P O E N A

State of Maryland,Frederick County to-wit!

The State of Maryland.

To Charles Edward Johnson,infant(Middletown)of Frederick County,greeting!

YOR ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judged of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the First Monday of September 1910,to answer the Bill and Complaint of Daisy E.Junius (For Sale of Real Estate of Charles E.T.Johnson,dec'd) against you in said Court exhibited,and so forth.Hereof fail you not,as you will answer the contrary at your pearl

PLACE OF COURT. SEAL

Witness the Honorable Hammond Urner,Chief Judge of said Court,the 4th, day of July A.D.1910.Issued the 27th,day of August A.D.1910.

To the Sheriff of Frederick County.

Harry W.Bowers Clerk.

Emory L.Coblentz
Solicitor

Filed Aug.31,1910.

A C K N O W L E D G M E N T O F P U R C H A S E.

I,Henry T.Johnson,of Frederick County,Maryland,do hereby acknowledge to have purchased from Daisy E.Junius,nee Daisy E.Johnson,for and on behalf of Charles Edward Johnson,infant heir of Charles E.T.Johnson,deceased,all the right,title,and interest of the said Daisy E.Junius and Charles Edward Johnson,infant in and to that piece or parcel of land containing one-fourth of an acre,more or less,which is described in a deed from George Bear and Mary Bear,his wife,to Edward Elldcott, bearing date the 18th,day of january,1854,and duly recorded in Liber E.S.No.7,folio 680,one of the Land Records of Frederick County,Maryland,at and for the sum of Fifty Dollars ($50.00),and do hereby agree to pay the same upon the ratification of said sale by the Court.

Henry T.Johnson

Filed September 8th,1910.

PETITION AND COURT'S ORDER APPOINTING ELI G. HAUGH GUARDIAN AD LITEM.

To the Honorable,the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity;the plaintiff in the above entitled cause prays your Honors to pass an order appointing a guardian ad litem to appear and answer the bill of complaint on behalf of Charles Edward Johnsen, the infant defendant upon whom process has been returned as served.

And as in duty etc.,

Emory L.Coblentz
Solicitor for Plaintiff.

The aforegoing petition having been read and considered,it is thereupon this 30th,day of October in the year Nineteen Hundred and eleven,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,adjudged,ordered and decreed that Eli G.Haugh be and he is hereby appointed guardian ad litem to appear for and answer the bill of complaint filed in the above entitled cause,on behalf of Charles Edward Johnson,the infant defendant,therein named,upon whom process has been returned as served.

Hammon Urner

Filed October 30th,1911.

ANSWER OF GUARDIAN AD LITEM

The Answer of Charles Edward Johnson,an infant under the age of twenty-one years,by Eli G.Haugh Guardian ad Litem,to the Bill of Complaint of Daisy E.Junius etc,against Charles E.Johnson in the Circuit Court for Frederick County,sitting as a Court of Equity exhibited.

This Defendant cannot admit any of the matters and things alleged in the Bill,and being infant of tender years,submit his rights to the protection of this Court.

Eli G.Haugh.

,,,,_____,,,,
GUARDIAN Ad LITEM.

Filed October 30,1911.

GENERAL REPLICATION.

The Plaintiff joines issue upon the answer of Eli G.Haugh,guardian ad litem to Charles Edward Johnson,infant defendant in the above entitled cause,so far as the same may be taken to deny or avoid the allegations of the bill of complaint.

Emory L.Coblentz
Solicitor for Plaintiff.

Filed October 30,1911.

PETITION AND COURT'S ORDER TO TAKE TESTIMONY

To the Honorable,the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity;

The answer of Charles Edward Johnson,the infant defendant in the above and intitled cause,by Eli G.Haugh,guardian ad litem,having been filed and the cause being at issue,the Plaintiff prays your Honors to pass an order referring said cause to one of the standing examiners of this Court for the purpose of taking testimony to support the allegations of the bill of complaint.

And as in duty etc.,

Emory L.Coblentz
Solicitor for Plaintiff.

The aforegoing petition having been read and considered,it is thereupon this 30th day of October,in the year Nineteen Hundred and eleven,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the Authority thereof,ordered that the aforegoing cause be and the same is hereby refered to any one of the standing examiners of this Court for the purpose of taking testimony to support the allegations of the bill of complaint. Hammond Urner

Filed October 30th,1911.

TESTIMONY

To the Honorable,the Judges of said Court----

In pursuant of an order of the Court and notice given me by the solicitor for the Plaintiff,I,Albert S.Brown,one of the standing Examiners of your Honorable Court duly commissioned,qualified and sworn,did,at the office of the examiner in the City of Frederok and State of Maryland,on the 6th,day of November A.D.1911,at the hour of two o'clock P.M.Proceeded to take the following depositions of the witnesses in thid cause then and there proceeded before me as follows to wit--

Present--Mr Emory L.Coblentz Solicitor for Plaintiffs Exhibit"A" to the bill and the acknowledgement of purchase also filed with the bill were filed with the examiner as evidence and are so marked.

CHARLES M.SHANK,a witness of lawful age,produced on the part of the plaintiffs,beig duly sworn and examined viva voce,deposes and says as follows:-

My name if Charles M.Shank,I,am 47 years old and reside in Middletown,Frederick County,maryland,I know the parties to this cause and the land mentioned in these proceedings,which is correctly described in the deed marked Exhibit A filed with th the bill of Complaint in this cause.It is a small tract of about a quarter of an acres of land,improved with a little,one-story dwelling house,and is worth about $200.00 all told.It is the same land that was owned by Edward Elliott,who died before I could recollect. I understand that Edward Elliott's daughter Laura,married Henry T.Johnson,and they had one son,whose name was Charles E.T.Johnson,who was married and lived in Philadelphia.Charles E.T.Johnson died about 1902 and left surviving him a child who is now about ten years old and is a defendant in this case.

I understand that henry T.Johnson,Charles Edward Johnson's grandfather,is willing to pay Fifty Dollars for Charles Edward Johnson,his grandson's interest in that quarter of an acre of land and improvements thereon.Under all the circumstances,I regard that as an adequate price for that interest in that property subject as it is to henry Johnson's life estate as the surviving husband of the grandmother of this boy,Charles Edward Johnson,and that it would be to the best interest and advan

tageof the infant that the agreement to purchase filed in this cause be ratified and confirmed by the Court.To the General Interrogatory.

A.Nothing further. Charles M.Shank.

Henry T.Johnson,a witness of lawful age,produced on the part of the Plaintiff,being duly sworn and examined viva voce,deposes and says as follows:-

My name is Henry T.Johnson,I am 66 years of age and reside in Middletown,Frederick County Maryland.I am the grandfather of Charles Edward Johnson,the infant defendant in this cause,His father was my son,Charles E.T.Johnson's mother's name was Laura Ellicott,She was my wife and she died in 1876.She was the daughter of Edward Ellicott,to whom the land mentioned in these proceedings was conveyed by the deed marked Exhibit A filed in this cause.Edward Ellicott and his wife both died before I was married to their daughterpand my wife was their only child.

The land mentioned is a small tract of about a quarter of an acre and has on it an old,one-story, log,weatherboarded house,I am entitled to a life estate in the property.During the lifetime of my son,Charles E.T.Johnson,I contributed liberally to hos support even after he went to Philadelphia to live,and at the time of his death I sent his wodow Forty Dollard ($40.00).I have signed a memorandum of purchase agreeing to pay Fifty Dollars ($50.00)for the interest of Charles Edward Johnson in that property mentioned in Exhibit A,and under all the circumstances of the case,I regard thata as a fair and adequate price for this boy's interest in it,and I will comply promptly with the agreement upon the ratification of the same by the Court.

To the General Interrogatory.

A. Nothigg further. Henry T. his x Johnson mark

Witness:-Claude S.Hahn.

Whereupon there being no other witnesses to wxamine and no further time being required for the production of testimony the said Examiner hereby certifies that the above are the true and original depositions of the witnesses in this cause as the same were taken down in stenographic notes by Claude S.Hahn,the examiners sworn Clerk who subsequently type-wrote the same and the same were read to the witnesses and signed by them respectfully.And the said Examiner herewith returns the same enclosed to your Honorable Court.

Witness my hand and seal this 7th,day of November A.D.1911.

Albert S.Brown (SEAL)
Examiner.

Costs of the foregoing testimony----------

Albert S.Brown,Examiner---One day----------	$4.00
Claude S.Hahn,Examiners clerk One day----------	3.50
Charles M.Shank,Witness one day & milage----------	1.55
Henry T.Johnson,Witness one day & milage----------	1.55
Total--------	$9.60

Certified to

A.S.Brown
Examiner. Filed November 9-1911.

D E C R E E.

The above cause standing ready for a hearing and being submitted,the bill,answer,exhibits, testimony and all other proceedings were by the Court read and considered and it appearing to the satisfaction of the Court that it is for the interest and advantage for the infant defendant in in this cause,as well as all other parties thereto,that the contract of sale of the land mentioned in these proceedings to henry T.Johnson,for the sum of Fifty Dollars (50),as appears by acknowledgment of purchase filed in said cause,should be ratified and confirmed;it is thereupon this 10th, day of March in the yesr nineteen hundred and thirteen,by the Circuit Court for Frederick County, sitting as a Court of equity,and by the authority thereof,adjudged,ordered and decreed that the contract of sale of land mentioned in these proceedings for the sum of fifty dollars (50) to Henry T.Johnson made by Daisy E.Junds,nee daisy E.Johnson,petitioner acting in her own right and on behalf of the infant defendant in this cause be and the same is hereby retified and confirmed;and tha Emory L.Coblentz of Frederick C unty be and he is hereby appointed trustee to convey said land to the purchaser thereof and that the course and manner of his proceedings shall be as follows:He shall first file in the Clerks Office of this Court a bond to the State of Maryland,executed by

him with a surety or suretys to be approved by the Court or the Clerk thereof in the penalty of One Hundred dollars conditioned for the satisfactory performance of the trust reposed in him by this decree or which may by reposed in him by any further or order or decree in the premises;and,on payment of the whole purchase money and not before the said trustee by a good and suffisient deed to be executed and acknowledged agreeably to law,shall convey to the purchaser of the said property,the property to them sold ferr,clear and discharged of all claim of the parties to this cause and any person or persons claiming by,from or underthem;and the said trustee shall bring into this Court the money arising on such sale or sales to be disposed of under the direction of this Court the understanding being that the purchaser Henry T.Johnson, is to be at the expence of these proceedings and it is accordingly so ordered,by the authority aforesaid.

Glenn H.Worthington

Filed March 10,1913.

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THOMAS CLINTON MATENY,ASSIGNEE,	:	No. 7479 EQUITY.
VS.	:	IN THE CIRCUIT COURT FOR
MAUD GADNER AND ELMER E.MATENY.	:	FREDERICK COUNTY,sitting
	:	in Equity.

==========

TO THE HONORABLE THE JUDGES OF THE C RCUIT COURT FOR FREDERICK COUNTY SITTING AS A COURT OF EQUITY:-

The Petition of Thomas Clinton Mateny,Assignee of the Franklin Savings Bank of Frederick,respectfully shows,

1. That on the 28th,day of July,1891,Emiline Gardner and William,her husband,executed a mortgage in favor of the Franklin Savings Bank of Frederick for the consideration of one hundred dollars to secure the payment of a certain promissary note drawn in favor of said Bank,a renual of said note being given for the sum of eighty dollars with interest thereon at 6 per cent per annum payable semiannually,as will appear from said Mortgage and note,filed as exhibits A & B respectfully which with all other exhibits are prayed to be taken as part of this petition,

2.That your Petitioner paid the interest on said note for the years 1898,1899 and 1900,3.That on the 22nd day of August,1900,the said Franklin Savings bank by its Secretary,William H.Wiesdemus,named in the mortgage,duly assigned said mortgage note as will appear by reference thereto,4.That there remained due and demandable the entire principle on said note and the interest thereon from August,1898,and that the mortgage debt therefore becomm due and demandable,5.That said mortgage contained a power of sale in event of default in patment of either peinciple or interest on said note,6.That your Petitioner filed his bond duly approved by the Clerk of the Circuit Court for Frederick County,for the sum of Twelve Hundred ($1,200.00) Dollars,

7. That your Petitioner then proceeded to sell the real estate mentioned in said mortgage,naving first given proper notice of the time,terms,manner and place of sale required by said mortgage,as will appear by reference to the printer's certificate and a copy of the bills filed in this case and marked Exhibits "C" and "D,"

8.That your Petitioner on the 19th,day of mareh,1902,in accordance with said notice sold said real estate at public auction to Lorenzo S.Gardner,he being then and there the highest and best bidder,for the sum of Four Hundred and Seventy-five ($475.00) Dollars,and took his certificate of purchase,filed in the case as Exhibit "E"and made his report of said sale to your Honorabke Court on March 27th,1902,9.That on the 18th of April,1902,the said Lorenzo S.Gardner filed his petition to be released as purchaser of said real estate and asked that Maud Gardner be substituted purchaser in his stead,said Maud Gardner also filed her petition to the same purpose,and your Petitioner assenting thereto,it was by this Court ordered and adjudged that Lorenzo S,

Gardner be released and Maud Gardner be substituted purchaser in hid stead of the above real estate on the same terms and conditions,said order being passed April 18th,1902,

10.That the petition and report of sales made by your Petitioner with Maud Gardner as the substituted purchaser,was finally ratified and confirmed by this Honorable Court and the papers refered to the Auditor to state an account,said ratifiestion taking plaee the 28th,day of June,1902,

11.That no audit has ever been stated in 5his case,and that the said Maud Gardner has paid no part of the aforesaid purchase money,although she has had notice of the ratifieation of said sale,so made as aforesaid,and twelve years have elapsed since said ratifieation,

12.That on July 1st,1902,your Petitioner paid the cost in this case,which amounted to $28.00,and was himself paid the said costs and the sum equal to the principal and interest of the mortgage aforesaid,by his brother Elmer E.Mateny,about $128.00 or $130.00 in all,

13.That the principal and interest on said mortgage to date amounts to One Hundred and Sixty Dollars and Eighty Cents($160.80),with which the costs aforesaid totals One Hundred and Eighty Eight Dollars and eight cents,which is the amount now due Elmer E.Mateny,my brother,

14.That in the last ten or twelve years my said brother Elmer E.Mateny has pept up the taxes,insurance and repairs on the said real estate and for these purposes has expended about $511.30,for which he has not been reimburded,

15.That during the last ten years my said brother Elmer E.Mateny,has been the sold tenant and occupant of said property,without paying rental,the reasonable value of which is about $48.00 per year,or $480.00for the ten years;Your petitioner therefore prays that the said Maud Gardner,who,he is informed is now a resident of Braddock Pennsylvania at 418 Hawkins Avenue,may be compelled by decree or order of this Court,to pay the aforesaid purchase money,with interest thereon,and in default thereof,that the aforesaid parcel of real estate may be decreed to be resold for the purpose of raising the same,or such other or further relief granted unto your Petitioner as his case may require.And may it please your Honor to grant unto your Petitioner a subpoena,commanding the said Elmer E.Mateny to be and appear in this Court on some certain day therein named to answer the premises and abide by and perform such order or decree as therein may be passed.

And as in duty,etc.

Thomas E.Mateny
Assignee of Mortgage.

Solicitor,Edagr H.McBride.

STATE OF MARYLAND,Frederick County,to-wit!-

I hereby certify that on thid 3rd,day of July,in the year 1915,before me,the Subscriber,Clerk of the Circuit Court for Frederick County,Maryland,personally appeared Thomas Clinton Mateny,Assignee of Franklin Savings Bank of Frederick and made oath that the matters and things in the aforegoing petition are true and boni-fide as therein set forth,to the best of his knowledge,information and belief.

Harry W.Bowers Clerk.

On the aforegoing petition it is ordered by the Court this 3rd,day of July,1915,that the said Maud Gardner bring into thid Court the said sum of Four Hundnded and Seventy-Five ($475.00)Dollars with interest thereon,from June 28th,1902,or show good cause to the contrary on or before August 25th,next,peovided a copy of this order,together with a copy of the foregoing petition,be served on the said Maud Gardner on or before the 17th,day of July 1915.

Glenn H.Worthington
Judge.

Filed July 3rd,1915.

THOMAS CLINTON MATENY,ASSIGNEE,	No. 7479 EQUITY.
VS.	IN THE CIRCUIT COURT FOR FREDERICK
MAUD GARDNER AND ELMER E.MATENY.	COUNTY,sitting in E Q U I T Y.

TO THE HONORABLE THE JUDGES OF THE CIRCUIT COURT FOR FREDERICK COUNTY SITTING AS A COURT OF EQUITY:

The Petition of Thomas Clinton Mateny,Assignee of the Franklin savings Bank of Frederick,respectfully shows,

1.That on the 28th,day of July,1891,Emiline gardner and William,her husband,executed a mortgage in favor of the Franklig Savings Bankof Frederick for the consideration of one hundred dollars to secure the payment of a certain promissory note drawn in favor of said bank,a renual of said note beig

given for the sum of eighty dollars with interest thereon at 6 per cent per annum payable semiannually,as will appear from said mortgage and note filed as Exhibits A and B respectfully,which with all others exhibits are prayed to be taken as part of this Petition,

2.That your Petitioner paid the interest on said note for the years 1898,1899 and 1900,

3. That on the 22nd day of August,1900,the said Franklin Savings Bank by its secretary,William H.Niecdemus,named in the mortgage,duly assigned said mortgage and note,as will appear by reference thereto,

4. That their remained due and demandable the entire principal on said note and the interest therefrom from August,1898,and that the mortgage debt therefore beeame due and demandable,

5. That said mortgage contained a power of sale in event of default in payment of either principle or interest on said note,

6. That your Petitioner filed his bond duly approved by the Clerk of the Circuit Court for Frederick County,for the sum of Twelve Hundred (1,200.00) Dollars,

7. That yo r Petitioner then proceeded to sell the real estate mentioned in said mortgage,having first given proper notice of the time,terms,manner and place of sale require by said mortgage,as will appear by reference to the printers certificate and a copy of the bills filed in this case and marked Exhibits "C" and "D",

8. That your Petitioner on the 19th,day of March,1902,in accordance with said notice sold said real estate at public auction to Lorenzo S.Gardner,he being then and their the highest and best bidder,for the sum of Four Hundred and Seventy-five ($475.00) Dollars,and took his certificate of purchase,filed in the case as Exhibit "E",and mad his report of said sale to Your Honorable Court on March 27th,1902,

9. That on the 18th,of April,1902,the said Lorenzo S.Gardner filed his petition to be released as purchaser of said real estate and asked that Maud Gardner be substituted in his stead,said Maud Gardner also filed her petition to the same purpose,and your Petitioner assenting thereto,it was by this Court ordered and adjudged that Lorenzo S.Gardner be released and Maud Gardner be substituted purchaser in his stead of the above real estate on the same terms and conditions,said order being passed April 18th,1902,

10. That the petition and report of sales made by your petitioner,with Maud Gardner as the substituted purchaser,was finally ratified and confirmed by this Honorable Court and the papers refered to the Auditor to state an Account,said ratification taking place the 28th,day of June,1902,

11. That no audit has ever been stated in this case,and that the said Maud Gardner has paid no part of the aforesaid purchase money,although she has had notice of the ratification of said sale,so made as aforesaid,and twelve years have elapsed since said ratification ,

12. That on July 1st,1902,your Petitioner paid the costs in this case,which ammounted to $28.00,and was himself paid the said costs and a sum equal to the principal and interest of the mortgage aforesaid,by his brother Elmer E.Mateny,about $128.00 or $130.00.in all,

13. That the principle and interest on said mortgage to date amounts to One Hundred and Sixty Dollars and Eighty cents ($160.80),which with the costs aforesaid totals One Hundred and Eighty Eight Dollars and eight cents,which is the ammount now due Elmer E.Mateny,my brother,

14.That in the last ten or twelve years my said brother Elmer E.Mateny has kept up the taxes,insurance and repairs on the said real estate and for these purposes has expended about $511.30,for which he has not been reimbursed,

15.That during the last ten years my said brother,Elmer E.Mateny,has been the sole occupant and tenant of said property,without paying rental,the reasonable value of

which is about $48.00 per year,or $480.00 for the ten years;Your petitioner therefore prays that th the said Maud gardner,who.he is informed is now a resident of Braddock,Pennsylvania,at 418 Hawkins Avenue,may be compelled by decree or order of this Court,to pay the afpresaid purchase money,with interest thereon,and in default thereof,that the aforesaid parcel of real estate may be decreed to be re-sold for the purpose of raising the same,or such other or further relief granted unto your Petitioner as his case may require.

And may it please your Honor to grant unto your Petitioner a subpoena,commanding the said Elmer E. Mateny to be and appear in this Court on some certain day therein named to answer the premises and abide by and perform such order or decree as may therein be passed.

And as in duty,etc,

Thomas C.Mateny
Assignee of Mortgage.

Solicitor,Edgar H.McBride.

STATE OF MARYLAND,Frederick County,to-wit:-

I hereby certify,that on thid 3rd,day of July in the year 1915,before me,the Subscriber,Clerk of the Circuit Court for Frederick County,Maryland,personally appeared Thomas Clinton Mateny,Assignee of Franklin Savings Bank of Frederick and made oath that the matters and things stated in the aforegoing petition are true and boni-fide as therein set forth,to the best of his knowledge,information and belief. Harry W.Bowers Clerk

On the aforegoing petition it is ordered by the Court this 3rd,day of July,1915,that the said Maud Gardner bring into this Court the said sum of Four Hundred and Seventy-Five ($475.00) Dollars, with interest thereon,from June 28th,1902,or show good cause to the contrary on or before August 25 next,provided a copy of this order,together with a copy of the aforegoing petition,be served on the said Maud Gardner on or before the 17th,day of July,1915.

Glenn H.Worthington
JUDGE.

SEAL OF Court.

True Copy Test:-
Harry W.Bowers,Clerk

Filed July 3rd,1915.

I herby accept sevice of petition order of Court etc,this 8'1915.

Mrs.Maud Gardner
416 Hawkins Ave.
Braddock Pa.

ATTEST:Jesse M.McGeave
Prothonotanys Office
Pittsburgh Pa.

Filed July 15-1915.

ANSWER OF ELMER E.MATENY TO PETITION OF THAMAS CLINTON MATENY,ASSIGNEE.

THOMAS CLINTON MATENY,ASSIGNEE,	1	NO. 7 4 7 9 E Q U I T Y.
vs.	1	In the Cirouit Court for Frederick
MAUD GARDNER and ELMER E.MATENY.	1	County,sitting in Equity.

TO THE HONORABLE THE CIRCUIT COURT FOR FREDERICK COUNTY SITTING IN EQUITY:-

The answer of Elmer E.Mateny to the petition of Thomas Clinton Mateny,Assignee of the Franklin Savings Bank of Frederick,against Maud Gardner and Elmer E.Mateny,in this Court exhibited,shows, This respondent admits the facts in said petition alleged,submits his rights to the protestion of the Court and consents to the passage of the order prayed. Elmer E.Mateny

Filed July 3-1915.

IN THE CIRCUIT COURT FOR FREDERICK COUNTY:

NO. 7 4 7 9 E Q U I T Y.to July TERM,1915.

Thomas C.Mateny,Assignee	"	To the Sheriff of Alleghney Co,Pa.
ON.	"	for Maud Gardner.# 416 hawkins Avenue
P E T I T I O N.	"	Braddock,Penna.

to show cause Returnable on August 25th,1915.Issued the 3rd,day of July 1915.

TEST:Harry W.Bowers,Clerk

Filed July 14th,1915.I hereby accept servises this 8'day of July 1915.Mrs.Maud Gardner

NOTARIES AFFIDAVIT &c.

State of Pennsylvania Allegheny County,to-wit:City of Pittsburg.

I hereby certify,that on thid 9th,day of July in the year,1915,before the Subscriber,a Notary Public of the State of Pennsylvania,in and for Allegheny,personally appeared Jesse M.McGeary and made oath in due form of law that on the 8 day of July 2915,he served upon Maud Gardner at No.416 Hawkins Ave,North,Braddock,Pennsylvania, the attached and foregoing certified copy of the petition and Court's Order thereon of Thomas Clinton Mateny,Assignee of the Franklin Savings Bank of Frederick,filed in the Circuit Court for Frederick County,Maryland,on July 3rd,1915,in Equity Cause No.7479 in said Court,against said Maud Gardner and Elmer E.Mateny,and that he personallay seved the said copy of the said petition and Court's order on said Maud Gardner in person and made the contents known to her and that he apso left with her a certified copy of said petition and Court's Order. Lucy P.Whitney

My commision expires March 10,1917. Notary Public.

PLACE ....OF.... Notary Seal

ALLEGHENY COUNTY.)
State of Pennsylvania.) S.S. I,Wm.B.Kirker,Prothonotary of the Court of Common Pleas, in and for the County of Allegheny,in the commonwealth of Pennsylvania,the same being a Couty of Law and Record and having a seal,do hereby certify that Lucy P.Whitney Esquire,before whom the foregoing affidavit was taken, and who has thereunto,in his own proper handwrighting,sudscribed his name to the certificate of the proof or acknowle gement of the annexed instrument was atthat time,and is now,a Notary Public in and for the commonwealth of Pennsylvania,resident of said County aforesaid,duly commissioned and sworn and authorized by law to take a certified affidavit and the acknowledgements and proof of deeds to lands,etc,to be recorded,to all whose acts as such due faith and credit are,and of right ought to be,given throughout the United States and elsware,and further,that said instrument is executed in accordance with the laws of this commonwealth,and that I am acquainted with his signature,and believe the same to be genuine.

IN TESTIMONY WHEREOF,I have hereunto set my hand and affixed the seal of the said Court,at Pittsburgh,in said County,this 9th,day of July,in the year of our Lord,one thousand nine hundred and fifteen. Wm.B.Kirker Prothonotary

PLACE ....OF.... COURT. SEAL

Filed July 10-1915.

Thomas Clinton Mateny Assignee.	:	No. 7 4 7 9 E Q U I T Y.
Vs.	:	In the Circuit Court for Frederick
Maud Gardner and Elmer E.Mateny.	:	County,Sitting in E Q U I T Y.

The answer of Evelyn M.Gardner to the petition of Thomas Clinton Mateny,Assignee,et cetera,filed in the above entitled cause on July 3rd,1915,respectfully shows:

1. That this respondent admits the first paragraph of said petition.That she neither admits nor denies the second,third,fourth,fifth,sixth or seventh paragraphs of said petition but leaves the petitioner to his proof.

2. Answering the eighth,nineth and tenth paragraphs of said petition this respondent says,that she was the purchaser of said property and that it was always understood that the amount of the purchase money was due her for said property,and that the sale was consumated,reported and finally ratified to her with the understanding that the money or purchase price of said property was due her for services performed by her in the matter of taking care of a certain William Gardner and that the taxes were paid by the said William Gardner and Lorenzo Gardner on her account,the said tax receipts being filed herewith as a part hereof and marked "Exhibit Taxes" to this answer.

3. This respondent admits the matters and things in paragraphs Nos.Ten and Eleven and neither admits nor denies the matters and things alleged in paragraphs Nos.twelve and Thirteen of daid petition,but alleges that the same does not effect her title or interest in this cause and denies that she owes either Elmer E.Mateny or Thomas Clinton Mateny anything whatsoever in reference to the said property.

4. This respondent denies the matters and things alleged in the fourteenth paragraph of said petition.

5. Answering the fifteenth paragraph of said petition this respondent admits that Elmer E.Mateny has been a tenant and occupant of said property for the least_____years and has not paid any rental whatsoever and alleges that a reasonable value of the said rental would be about Seventy five dollars per year for the time that he has occupied the same.

6. And furthering answering said petition this respondent says,that her husband,William Gardner, who was a resident of the State of Pennsylvania and a non-resident of the State of Maryland,is daed and left surviving him as his heirs at Law William A.Gardner 111 aged 21 years Wilkinsdurg Pa,Mallie L.Gardner,aged nine years,Elizabeth E.Gardner,aged fourteen years,and Lorenzo S.Gardner aged fife years,all residents of 416 Hawkins Avenue,Braddock,Pennsylvania,all minors being under the age of twenty-one years,except Wm.A.Gardner 111 also leaving surviving him a widow,this respondant,Mrs,Evelyn M.Gardner,of the same address.

7. And further answering said petition this respondant says,that the aforesaid purchase money for said property with interest thereon has been fully paid and satisfied by her as aforesaid and that the said parcel of land esate mentioned and described in said petition should not be resled for the purpose of raising the same,as it was fully understood between the said Lorenzo Gardner, deceased,who was the purchaser of said property and her husband that this respondent was fully entitled to have the same for servises rendered and taxes paid as aforesaid.

Wherefore this respondent prays to be hence dismissed with her reasonable costs. And for such other and further relief as the nature of her case may require.

And as in duty bound,etc,

Evelyn M.Gardner
RESPONDENT.

A D.Willard
Sol'r for respondent

State of Maryland,Frederick County,to-wit:-

I hereby certify,that on this 21st,day of July,in the year nineteen hundred and fifteen,befow me,Clerk of the Circuit Court for Frederick County and said State of Maryland,personally appeared Evelyn M.Gardner,and made oath in due form of law that the matters and things contained in the aforegoing answer are true to the best of her knowledge,information and belief,

Filed Aug.2-1915.

Harry W.Bowers,Clerk.

Thomas Clinton Mateny,Assignee of Franklin Savings Bank,
VS.
Maud Gardner and Elmer E.Mateny.

No. 7479 EQUITY.
In the circuit Court for Frederick County, sitting in Equity.

TO THE HONORABLE THE JUDGES OF THE CIRCUIT COURT FOR FREDERICK COUNTY,SITTING IN EQUITY:

The generAlreplication of Thomas Clinton Mateny,Assignee of the Franklin Savings bank of Frederick,to the answer of Evelyn Maud Gardner in the above entitled case respectfully shows,

That the plaintiff joins issue on the mattera alleged in the answer of said Evelyn Maud Gardner,so far as the same may be taken to deny or avoid the allegations of the Petition filed by the plaintiff.

T.C.Mateney
Assignee of Franklin Savings Bank.

Filed August 2-1915.

T E S T I M O N Y

THOMAS CLINTON MATENY,ASSIGNEE, VS. MAUD GARDNER AND ELMER E.MATENY. — No. 7479 EQUITY. In the Circuit Court for Frederick County,sitting as a Court of EQUITY

To the Honorable,the Judges ~~of the Circuit Court~~ for Frederick County,sitting as a Court of Equity!

The answer of the defendants in the above entitled cause having been filed,and the cause being at issue,the complainant prays your Honors to pass an order referring said cause to one of the standing Examiners of this Court for the purpose of taking testimony in support of the allegations in the bill of complaint.

And as in duty bound,etc.

Edgar H.McBride.
Solicitor for Complainant.

The aforegoing petition having been read and considered,it is thereupon this 2nd,day of August,in the year Nineteen Hundred and Fifteen,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,ordered that the aforegoing cause be and the same is hereby refered to any one of the standing Examiners of this Court for the purpose of taking testimony in support of the allegations contained in the bill of complaint. Glenn H.Worthington

THOMAS CLINTON MATENY,ASSIGNEE, VS. MAUD GARDNER AND ELMER E.MATENY. — No. 7479 EQUITY.IN THE CIRCUIT COURT FOR FREDERICK COUNTY, SITTING AS A COURT OF EQUITY.

To the Honorable,the Judges of said Court!

In pursuance of an order of the Court and notice given me by the solicitor for the plaintiff,I,D.Princeton Bucky,one of the standing Examiners of your Honorable Court,duly appointed,qualified and sworn,did,on the 2nd day of August,A.D.1915,at the law office of the Examiner in the City of Frederick,State of Maryland,at the hour of 2.00 o'clock P.M.proceed to take the following depositionns of the witnesses then and there produced before me,that is to say!

Present!Edgar H.McBride,Esquire,Celicitor for the Defendant,Mrs.Maud Gardner.

The plaintiff files with the Examiner as evidence Exhibits Nos,1 and 2,and Exhibits A,B,C,and F,and the same are so marked.

The Defendant,Mrs.Maud Gardner,files with the Examiner as evidence Exhibits X, Y and Z,and the same are so marked.

THOMAS CLINTON MARENY,plaintiff,produced in his own behalf,being duly sworn,deposes and says as follows!-

1.Please give your name,age and residence.

A.Thomas Clinton Mateny;fifty-seven;364 West Patrick Street,Frederick City,Maryland

2,You are the assignee in this case,are you not?

A.Yes sir.

3.Assignee of the Franklin Savings Bank?

A.Yes sir.

4.Did you know Emaline gardner in her lifetimw,and what relation is she to you?

A.Yes sir,I knew her;she is my mother.

5.Is she living or not?

A.No sir,she is dead.

6.About what time did she die?

A.She has been dead now twenty years;she died in 1895.

7.Did she leave a will or not? (Excepted to)

A.No sir.

8.Did she possess any real estate at her death? (Excepted to)

A.Nothing but the property.

9.Will you look at this paper which has been filed as Exhibit No.1,and state what it is.

A.This is a certified copy of a deed from Mary Ann Kinna to Emaline gardner,dated July 30,1860.

10.Look at the paper now shown you marked Exhibit No.2,and state what it is.

A.This is a certified copy of a deed from George Smith to Emaline Mateny,dated July 7th,1961.

(Deeds are herewith filed with the Examiner as evidence and marked Exhibit Nos,1 and 2 respectfully.)

11.Look at the paper now shown you,marled Exhibit A,and state what the same was.

A.This is a certified copy of the mortgage given by Emaline Gardner and William A.Gardner,her husband,to the Franklin Savings Bank of Frederick,dated July 28th,1891,in the amount of One Hundred Dollars.

12.Who was William Gardner;what relation was he to Emaline Mateny?

A.he was her second husband.

13.He was her husband prior to the time this mortgage was given,was he not?

A.Yes sir.

14.Was anything paid off on this mortgage do far as you know?

A.Nothing that I know of.

15.What is that? (Excoped to) (Witness is here handed the paper)

A.That id the note that was in the bank.(Ans,excepted to)

16.That is the mortgage note,is it not? (Excepted to)

A.Yes sir.

17.What is the date of that note?(Excepted to)

A.February 13,1895.

18.The note is for how much? (Excepted to)

A.Eighty Dollars.

19.Is there any assignment on the note on the bank?.(Excepted to)

A.Yes sir.

20.To whom is it assigned?(Excepted to)

A.It is assigned to me.

21.What time was it assigned to you?(Excepted to)

A.August 22nd,1900.

22.This note that you have just looked at is marked what in this case?

A.it is marked Exhibit B.

23.And was filed March 27th,1902,in this case,was it not?

A.Yes sir.

24.That mortgage and assignment was filed as Exhibit A,was it not?

A.Yes sir.

25.And filed March27th,1902,in this case,was it not?

A.Yes sir.

26.To whom was the mortgage assigned by the Franklin Savings bank? (Excepted to)

A.To me. (Mortgage,assignment and note are herewith offered in evidence and filed with the Examiner,marked Exhibit A. and B respectfully.)

(Solicitor for defendant excepts to the filing of the note and mortgage and assignment thereof as evidence)

27.Did you ever pay any interest on this mortgage and note?

A.I think I did.

28.What time;when?

A.When I took the note up.

29.Could you tell for what years you paid the interest?

A.No,not exactly,I Couldn't.

30.You took the note up August 22nd,1900;could you tell how many years you paid the interest befow that time?(Excepted toas leading and generally.)

A.Three years.

51.Could you tell how many years you paid the interest before that time?(Excepted to as leading and generally)

A.No;I think there were three years interest on it.

52.Did you pay any interest on the note before 1900? (Excepted to)

A.No,I don't think so.

(Council for mrs.Gardner objects to the witness refreshing his memory from any notations or entires of interest paid on the note which he did not make himself.)

53.Did you pay any interest on this mortgage?

A.I paid three years,yes sir.

54.Can you tell what years they were?

A.No,I can't,I don't remember.

55.Were they before 1900 or after 1900? (Excepted to as leading and generally)

A.It was before 1900.

56.Are you sure of that?

A.Well,I couldn't say positively about that.

57.Who paid the Bank the principal and interset on this mortgage when it was assigned to you?(Exceptedto)

A.I did.

58.What did you do after the mortgage was assigned to you? (Exc.to)

A.I held the mortgage until the sale.

59.Did you foreclose the mortgage?(Excepted to)

A.Yes sir.

60.About what time didyou foreclose the mortgage& (Excepted to)

61.About 1902,wasn't it?(Excepted to as leadingand generally)

A.In and about that time,I think.

62.What was done under this foreclosure?(Excepted to)

A.The sale.

63.Did it proceed to a sale?

A.The sale was held.

64.Who became the purchaser of the property?(Excepted to)

A.Lorenzo Gardner bought it in.

65.Who became the purchaser in his place?(Excepted to)

A.Mrs.Maud Gardner.

66.You remember what the price was bid on the property?(Excepted to)

A.Four Hundred and Seventy-five Dollars.

67.Has this purchase price ever been paid by Mrs.Maud Gardner?(Ex.to)

A.No sir.

68.Has any part of it been paid?(Excepted to)

A.Nothing on the property at all.

69.Any interest on the purchase price been paid?(Excepted to)

A.No,never a cent been paidon the sale at all.

70.Were the costs in the case paid?(Excepted to)

A.Yes sir.

71.Who paid them?(EXcepted to)

A.Elmer Mateny.

72.Did hepay the Clerk or did you pay the clerk?(Excepted to)

A.John Wood paid the money.

73.But Elmer furnished the money?(Excepted to)

A.Yes sir.

75.How much were the costs?(Excepted to)

A.Twenty-eight dollars;twenty-eight or thirty dollars,I just forgot.

76.What became of the principal and interest on the mortgage?(EX.to)

A.Elmer,my brother,paid them.

57.Who did he pay them to?(Excepted to$

A.Paid them to me.

58.Could you tell how much that ammounted to?(Excepted to)

A.The mortgage and interest ammounted to about One Hundred Dollars.

59.In what year was that?(Excepted to)

A.1902.

60.Who has been occupying the property since 1902?

A.Well,brother Elmer has been occupying it,and of course my sister and brother;Lorenzo gardner,wa was there part of the time.

61.Has Mr.Elmer Mateny been reimbursed for paying the costs in the case and for paying the mortga ge,principal and interest?(Excepted to)

A.No.sir.

62.Do you have any knowledge as to has kept up the interest and taxes?(Excepted to)

A.I suppose Elmer mateny has kept up the repairs and insurance.

63.What would you consider a reasonable rental value of this property in question;that is a reas- onable value since 1902as an average?

A.I would say $4.00 a month.

64.Your brother,Elmer E.mateny,has been occupying it since 1902,is that right?

A.yes sir.

65.This property on which thid mortgage was foreclosed is located where?

A.Petersville,Frederick County,Maryland.

66.What kind of a property is it,about what size is it?

A.Front part is two stories high and back part,kitchen and one story.

67.What is the size of the lot?

A.I don't know how much is in that lot.it is almost an acre.

68.Is William Gardner,the husband of Emeline gardner,living or dead?

A.He is dead.

69.How long has he been dead?

A.I suppose about fifteen or sixteen years.

70.Who are the heirs of Emeline Gardner?

A.I am one,of legal age;my brother,Elmer E.Mateney,Petersville,Maryland,is one.

71.Both of you sons?

A.Yes sir.

72.Who else are heirs?

3x.And the sale was ratified to Mrs.Evelyn m.Gardner,otherwise known as Maud Gardner?

A.Yes sir.

4x.You had a chance to bid on the property at the sale;sold at public sale?(Excepted to)

A.Yes sir.

5x.Di I unDerstand that you,as an heir,are claiming an interest in this property?(Excepted to)

A.yes sir.

6x.Will you please state to the Court what interest you claim?(Ex.to)

A.I claim my portion to it,whatever it would be.

7x.How many heirs of you are they?

A.There are six;was six.

8x.Mrs.Maud Gardner has owned this property for a number of years,has she not?(Excepted to)

A.She hasn't owned it,no sir.

9x.And has paid the taxes on it?(Excepted to)

A.I dont know how much taxes that she paid on it if she paid any.

10x.She cared for Mr.William Gardner,did she not,during the last years of his life?(Excepted to)

A. that I couldn't tell you.He was up at her place at that time.

11x.And he survived Mrs.Emeline Gardner,his wife?

A.Yes sir;my mother died first.

12x.You stated something about Elmer Mateny havong occupied this property since the year 1902,is that right?

A.Yes sir,I think that is correct.

13x.And hehad the controll and management of it absolutely since that time?(Exc.to)

A.Yes sir,he has been living there since that time.

14x.Has occupied it and gotten the proceeds from it?(Excepted to)

A.Well,I suppose he has.

15x.You didn't get any of the proceeds?

A.No.sir.

16x.have you ever made any claim on him fer rent of said property?(Excepted to)

A.I thought he ought to pay some rent,yes sir.

17x.have you ever made any claim on him for any rent?(Excepted to)

A.No,I haven't made any claim.

18x.And he doesen't owe you,according to your idea,anything forrent of this property (Excepted to as leading)

A.No,he doesn't owe me anything,no more than of the balance of them.

19x.he doesn't owe you anything,does he?(Excepted to)

A.No,I dont stppose so.

20x.You dont claim he ows you any rent for this property at all fer havoing occupied it?(Excepted to$
A.No,not me myself.

21x.You are not agent for anybody else but yourself,are you?(Excepted to)

A.No,sir.

22x.Did you ever make any demand on Mrs.gardner to pay any more than she has paid on thid property?

A.Not her,no sir,all the demands I made was on Lorenzo Gardner,he was the one who was to settle up the affairs but he never dne it.

23x.Did you pay for any of the repairs on this property?

A.No sir.

24x.All property has increased in value along that State road since the State road has been Built,hasn't it?

A.I think so,yes sir.

25x.It is a natural increase in value since that road has been built?

A.yes sir.

RE-DIRECT EXAMINATION.

1r.Does that account for the whole increasd in value of this property,the State road being their?

A.Oh,no.

2r.What is the main part of the increase in value due to?

A.Due to the repairs done on it in the last ten or twelve years.

RE-CROSS EXAMINATION.

1rx.Do you know who paid for the repairs on this property?

A.Yes sir,Elmer Mateny.

2rx.Did he pay for all of them?

A.Well,as far as I know.

3rx.And you think that the repairs are worth the rental value of the property during that time?

A.I think they are,yes sir,because before that nobody wouldn't have wanted it at any price.

4rx.it sold for Four hundred and some dollars,didn't it?

A.Yes,of course it did.

5rx.he didn't have to live there?

A.No,he didn't have to live there but through Lorenzo Gardner and him he was to stay there.

6rx.Who got the benefit of those repairs in these thirteen years?

A.I suppose he did;I didn't,I know.

7rx.Mrs.Gardner didn't set them,did she?(Excepted to)

A.I don't know that she did she might have got some of them.

8rx.DiD she authorize these repairs to be madȝ?(Excepted to)

A.I dèn't know that.

RE-RE-DIRECT EXAMINATION.

1rr.Who was suppose to be looking after the mayter of septling up the property after the sale?(
(Excepted to)

A.Mr.Wood was to settle up everything.

2rr.What Wood was that?

A.John R.Wood.

To the General Interrogatory.

A.Nothing further.

ELMER MATENY,a witness of lawful age,produced on the part of the plaintiff,being first duly swern,deposes and says as follows:-

1.State your name,age and residence.

A.Elmer Mateny;53 years of age;Petersville,Frederick County,Maryland.

2.What relation are you to Emeline Gardner,formerly Emeline Mateny?

A.I was her son.

3.What did you do in regard to the mortgage and the costs in this case after the foreclosure?(Ex.to)

A.My brother here had the mortgage;he said he realy needed his money and I was after Lorenzo to come in and settle this affair up.My brother had spoken to him several times,he would like to have h his money but he never gave him any money or came in to pay it,and I sold the last horse I had in the world to pay this mortgage off.

4.Who did you pay it to and how much did you pay?(Excepted to)

A.Paid it to brother Clint hereup in Mr.Wood's office,$128.00 or $130.00;we paid the mortgage and the costs of the sale all up.

5.Do you know how much the costs in the case were?(Excepted to)

A.Somewheres near about $28.00 or $30,00.

6.And the mortgage and interest then amounted to about $100.00,is that right?(Excepted to)

A.Yes sir.

7.When was that?(Excepted to)

A.In 1902,something like that.

8.That was right after the sale,was it?(Excepted to)

A.Yes sir.

9.Have you ever received any payment for that?(Excepted to)

A.Not one cent.

10.Been re-imbursed for it?(Excepted to)

A.No sir.

11.Been paid any interest on it?(Excepted to)

A.No sir,not one cent.

12.then there is due you for that the amount that you paid and interest since that time?(Excepted to

A.Yes sir.

13.have you ever lived in this property in question in this case?

A.I was born there and been living there fifty-three years.

14.In the last thirteen years since the sale under the foreclosure have you been occupying the property during that time?

A.Yes sir,I have been there all my lifetime with the other part of the family.

15.Have the rest of the family lived there since the sale?

A.Yes sir.

16.Regularly?(Excepted to)

A.Yes sir.

17.How long have you occupied that property by yourself?

A.Two years.I have been there alone two years.Mrs.Gardner has been coming there every summer,except the last two years,and spending six and seven weeks every summer.

18.Anybody else ever come there?

A.her children.

19.Any other brothers and sisters?(Excepted to)

A.No.sir.

20.Would Lorenzo come?(Excepted to)

A.Lorenzo would come once and a while.

21.Who has been the principal occupant of it since the sale?

A.I have been there,yes sir,but not been alone until the last two years,always some of them coming and spending the time staying there.

22.Who has paid the taxes on this property since the sale in 1902? (Excepyed to)

A.I have excepting one year,1912,I didn't pay.

23.You mean you paid all the taxes since 1902 with the exception of what year?(Ex.to)

A.1912.I paid the taxes on it for twenty years.

24.The past twenty?(Excepted to)

A.For the last twenty years,since my mother has been dead.

25.How were the tax bills made out?(Excepted to)

A.In Emeline Gardner's name,sent direct to Petersville.

26.Who received those tax bills?(Excepted to)

A.I did,I was the only one there when they came and I received them.

27.Did you pay them by yourself then,or how did you pay them?(Ex,to)

A.Some I paid myself and some I took to Brunswickand gave the money and tax bill to Lorenzo he most always came to Frederick every week for him to come in and pay the taxes;1912 I didn't pay.

28.Do you know who paid them last year?(Excepted to)

A.Brother Will told me that he paid them.

29.At any rate you didn't pay them?(Excepted to)

A.No sir.

30.But you didn't pay them all the other years?(Excepted to)

A.Yes sir.

31.Did you pay them for 1914?(Excepted to)

A.Yes sir,I paid for 1913 and 1914.

(Plaintiff herewith offers in evidence tax receipts for 1913 and 1914 respectfully,and same are filed with the Examiner and marked"Exhibit C")

32.Do have the tax receipts for the years other that 1912?(Ex.to)

A.Yes sir.

33.Do you have them here?(Excepted to)

A.No,I haven't them here.

34.Where are they?(Excepted to)

A.I don't know;whoever got Lorenzo's papers got those tax papers.

35.Then those tax receipts for 1911 and the year prior to 1911 were kept by whom (Excepred to)

A.Lorenzo Gardner.

36.Do know where they are now?(Excepted to)

A.No sir.

37.Did Lorenzo Gardner give them back to you after he received them?(Excepted to)

A.No sir;he would come in to Frederick and pay them,and told me at different times the tax papers were up at Mrs.Spitzer's where he boarded,in his trunk,and told me I should go up and get them but I never went up after them.

38How about the insurance on tis property since 1902?

A.I have been paying that.I brought some papers in here a short time ago I had insured for fire and storm.

39.Have you paid all the insurence on the property since 1902?

A.No,I haven't paid all the insurence,only a part of it.

40.Who paid the other?

A.Lorenzo,I suppose,paid the other.Lorenzo paid the other.Lorenzo kept the insurance up and attended to that business himself,Of course them papers he kept in Brunswick.he was a great business man and I thought he knew how to take care of it better than I did and I put it up to him.

41.have you put any repairs on this property?(Excepted to)

A.Yes sir.

42.Was the property in need of repairs when you made the repairs?(Excepted to)

A.Yes sir;it was nobody wouldn't rent it and stay in it.

43.What condition was it in?(Excepted to)

A.You could see out doors most anywhers from the celler to the garrett,plastering off and floors al worn out,and you couldn't keep snow or rain or nothing out of the doors or windows,roof was bad on the house that was way they all pulled away.

44.When was that?

A.I have done this work now in the last seven or eight years,all of it.

45.Did you improve the property too?

A.I did.

46.Who paid for these pepairs and improvements?

A.I did and I have the receipts to show.

47.Did you pay all of them?

A,Yes sir.

48.Did anybody else pay for any repairs or improvements on the property?

A.No sir,no repairing being put there only what I put there;I paid all carpenters and paid for all materials used there and got receipts here to show for it.

49.How much did you spend on the property,or how much in repairs and improvements and taxes and insurance in the last thirteen years?(Excepted to)

A.Taking the insurance and taxes altogether I couldn't tell you altogether,but improveing the property,house and trees,$511.30,but the taxes and insurance I don't know just what it is.

50.As near as you can get at it,is that the amount?

A.I think so.

51.Look at the paper shown you and state what it is?(Excepted to)

A.That is for the repairing on the property and for the fruit trees.

52.How much does that amount to?(Excepted to)

A.$455.30

53.That is your account of your expenses in regard to repairs and improvements?

A.Yes sir.

54.This amount with the insurance and taxes made the total?

A.I din't know what the insurance and taxes all make;I never made out the tax bill at all.

55.Does it amount to $500.00?

A.I suppose it would and over too.

56.That amount of five hundred and eleven hundred dollars,that included this,didnt?

A.Yes sir.

57.Did it include your taxes and insurance too?

A.Part of the taxes,what I could give account for,what papers I had but not for the papers I havent got.

58 have you paid any rent on this property?

A.No sir,nobody ever demanded none.

59.Did any body ever say anything to you about making repairs?(Ex.to)

A.Only my sister-in law would say,you ought to fix this and ought to fix that or should have this.Understood,I was trying to fix it up,it all costs.

A.never said anything to the contrary.

61 Did Mes.Gardner come to see you during the summer?

A.Yes sir.

62.How often?

A.Once every summer except the last two years.I think she missed three summers in the last twenty years to the best of my recollection.

63.Did she approve of the repairs and improvements you made?

A.Oh,yes sir.

64.Do youknow the rental value of the property in Petersville and around there?

A.Yes sir.

65.What would you consider the reasonable rental value of this property,for the last thirteen years,a month?

A.$4.00 is a big price for it until I got fixed up.

66.You consider $4.00 a good rental value per month for the last thirteen years?

A.Yes sir.It has only been for the last seven or eight years it has been fit to live in.Other property there got as much land as that has and just as good as that is only rents for $4.00 a month.

67.Do you think this property is worth more now than in 1902?

A.Certainly it is worth more.

68.The increase in value in the property is mostly due to the improvements?(Exceptdd

A.I made t a whole heap better.

69.Is the property in better condition ?

A.It is.

70.Have you ever been paid any thing for the expendiatures you have made on this property in the way of taxes and insurance,repairs and improvements?(Excepted to)

A.Not one cent;nobody has ever offered me one cent.

71.Have you been re-imbursed for the costs and the mortgage and interest paid in this case?

A.No sir,haven't received a cent for anything.

72.Do you know of wny money or other thing of value due to Mrs.Maud Gardner in this case as the purchaser price of this property (Excepted to)

A.No sir.

73.What relation was William Gardner to you?

A.Step-father.

74.What relation are you to Mrs.Maude Gardner?

A.Only a half brother-in-law,that is all.

75.That is,her husband was your half beother?

A.Yes sir.

76.To your knowledge,has Mrs.Maude Gardner paid any part of the purchase price of this property?(Excepted to)

A.I don't think so,I never seen any.

(Plaintiff here offers in evidence a copy of the account of Elmer E.Mateny for his expendiatures on the property,and same is filed with the Examiner and marked "Exhibit F" to which the solicitor for the defendants excepts.)

CROSS EXAMINATION

1x.You have kept this property for the last thirteen years without paying any rent to anyone?

A.The other children were there after this place was sold,and Nattie,Alice and Lorenzo made their home there.

2x.Did you make any charge against Lorenzo's estate for staying out there?

A.No sir.

3x.Have you madeany charge against Nattie?

A.No sir,made no charge against anybody.

4x.Please state to the Court what charge you make Mrs.Gardner for staying there?

A.She considered she had a right to come there and spend a while,and she came there and spent just as I say,as long as she wanted,from four to six and seven weeks.

5x.Please what charge you make.if any,for her staying there?A.I never thought of making a charge against any of them.I never expected thing thing to turn up this way;I thought it was their home and I thought I say staying there and taking care of it for them to come back there and make it their home.

6x.Did you make any charge against Mrs.gardner for any time she spent there?

A.No,I haen't made any charge.

7x.Do you make any now?

A.I can't just answer that just now;I don't know how that is goingto go.

8x.if you make any charge,please state the ampunt.

A.Well,I suppose if I have got to pay rent I ought to have the right to charge for her staying thes I have got to come out somehow.

9x.Please state the amount that you charge her?(Excepted to)

A.I couldn't say right straight out now.

10x.Well,we ought to know.(Excepted to) (No answer)

11x.Did you ever tell Mrs.gardner that you would charge her anything for her staying there at any time? (Excepted to)

A.No sir;Mrs.Gardner would write to me and tell me she would like to comw a while,she would be willing to pay me board.

12x.Did you ever charge her any board?

A.No sir,never charged her any board.

13x.Has she been there within the last three or four years?

A.yes sir,she has been there within the last three years but hasn't been there the last two years, wasn't there last summer or this summer.

14x.When was she there the last time?

A.Three summers back.

15x.How long did she stay?

A.I didn't take particular notice,she generally stayed from four to six and seven weeks;whenever she got ready to go home she went.

16x.Will you swear that she stayed over a week that time?

A.Sometimes she didn't stay as much as others.

17x.Will you swear she stayed over a week at that time?(Excepted to)

A.I wouldn't swear to it because I don't just remember how long she stayed there.

18x.Don't you know she only stayed a week the last time?

A.I don't know how long she stayed there,she generally stayed from four to six and seven weeks when she came;I never marked the dates down when she came and the dates she went away.

19x.because you didn't expect to charge her anything?

A.If she would like to come there and spend a while---they all claimed it was there home to come to I never had any notice to get out or pay rent or anything else as long as it was acceptable for me to be there for some of them to come.

20x.Didn't Mrs.gardner buy spoons,dishes,help you to wash and iron and sew for you the same as anybody else?

A.She broke as many dishes as she bought.She bought a set of teaspoons while she was there and they are out there yet.

21x.Knives and forks?

A.I don't know where the knives and forks are;I never seen them.She washed and ironed for themselves but never done any sewing for me,I generally bought all my chosed already made.I believe she did make a few bed sheets where she slept on.When she came I had to go buy some meslin to fix up the beds when she came.

22x.Even to the extent of buying under-clothing for you?

A.I believe she did send me a set of under-clothing.

23x.Only one set?

A.One pair that I know of.

24x.You knew she oened the property,did you not? (Excepted to)

A.No sir,I didn't know it and don't believe yet she owns it.

25x.Did you ever offer to pay her any rent?

A.No sir.

26x.Had she ever authorized you to put any repairs on the propert? (Excepyed to)

A.Well,she would some there and wont to know why I didn't have the parlor all fixed up nice and all like that,ought to have this fixed up and ought to have that,ought to have somebody thereto do the work and all like that.

27x.But you didn't pay any attention to this because you didn't think she owned the property? (Excepted to)

A.I know she don't own it now.

28x.You paid no attention to it then? (Excepted to)

A.No.

29x.Then you fixed the property up for your own convenience about seven years ago? (Excepted to)

A.Of course I was fixing my own property up when I was fixing it up.

30x.When you found the property wasn't fit to live in why did you stay there?

A.because I had a share in it and I thought it my place to stay there and help to put it up;none of the others wasn't able to do it.

31x.Did you buy the property under the mortgage sale? (Excepyed to)

A.No sir.

32x.Did Lorenzo Gardner have a share in it?

A.Well,yes he had a share in it.

33x.Was any portion of this property accounted for in his estate when it was settled? (Excepted to)

A.Well,if it would have been settled he would have got something out of it if there had been anything there for him to get.

34x.Did you tell Mr.Richards,the Executor of Lorenzo Gardner,that he had a share in this estate (Excepted to)

A.No sir,I didn't.

35x.Did Mrs.Gardner ever authorize you to plant any fruit trees on this property? (Excepted to)

A.No sir.

36x.How much did you expend in fruit trees?

A. It is all down there on the paper.

37x.About how much in fruit trees of that amount?

A.The trees and all went in together,I don't know how much it is unless you would count it up.(Wotness looks at paper,Exhibit F,and answers further;)$25.50.

38x.How long ago was that?

A.That comes in under the last seven and eight years.The fruit is beginning to bear now.I didn't buy it all one year.

39x.Will you produce and file the tax receipts for the year that you paid the taxes on this property prior to 1913?

A.They were sent there to Petersville in my mother's name and I was one of the heirs and I took and paid the tax bills up.

40x.Will you say that mrs.gardner or her husband didn't pay any taxes on this property prior to that time?

I don't know if they paid 1912, or not;Will said he did.

41x.Do you know wether they paid any other years?

A.If they did,the County is taking taxes from two different people.

42x.Who did you pay your taxes to?

A.Lorenzo;I would give the bills to Lorenzo--he was always running here to Frederick--and I gave him money to come in here and pay them.

43x.Then you didn't pay them to the County?

A.I didn't pay it to the County,no sir;I gave him the money to pay them,he always came in here to pay them.The tax bills all came to Petersville in my mother's name,all but 1912,came there.

44x.Did Mrs.Gardner ever ask you to pay any taxes on this property?

A.No sir.

45x.Or insurance?

A.No sir.

46x.Who took care of Mr.William Gardner during the last year of his life?(Excepted to)

A.Well,I don't know;he went away from Petersville and I don't know who took care of him;I couldn't swear who.

47x.Your mother died before he did,didn't she?

A.Yes sir.

48x.And he had a dower interest in her property?(Excepted to) (No answer)

49x.And Lorenzo had talked with you all in reference to that Mr.Gardner ought to be taken care of, that he was feble? (Ex.to)

A.Well,wasen't he taken care of?he left on his own account,nobody ordered him away from there,

50x.You knew it was the understanding among the children of Mrs.Gardner that the person taking car care of him was to be paid for it out of her estate?(Excepted to)

A.No sir,my mother never made any such arrangements.

51x.I notice that you stated $4.00 a month as the rental value of this property for thirteen years id that correct?

A.Yes sir.

52x.Then it was worth no more to you after you put the improvements on it then before?

A.it wasn't worth as much before;when I put them on it wasn't worth anything.

53x.Then your first answer was nnt correct?

A.There wouldn't anybody live in it at all before I fixed it up;Couldn't have rented it for nothig

54x.Then please state to the Court why you didn't move out instead of staying there?

A.Because I had an interest in it and had no right to move out until the property was sold and every heir got what belonged to him.

55x.And you had an interest in property that had been sold under a mortgage sale,and you didn't buy it? (Excepted to)

A.Well,no I didn't buy it.

To the general Interrogatory.

A.Nothing further.

(At this point the plaintiff closes.)

(Met,pursuant to adjournment,at the law offices of the Examiner,on Tuesday,August 3rd,A.D.1915, at 2.00 o'clock P.M.)

(DEFENDANT'S TESTIMONY.)

MRS.EVELYN MAUD GARDNER,one of the defendants,produced in her own behalf,being first duly sworn, deposes and says as follows!-

1.State your name,age and residence.

A.Mrs.Evelyn Maud Gardner;forth-two years old;I live in Braddock,Pennsylvania,416 Hawkins Avenue.

2.you Are named sometimes in these proceedings as Maud Gardner,are you not?

A.Yes Sir.

3.Do you own any property here in Frederick County?(Excepted to)

A.Yes sir,in Petersville.

4.Where is it located?

A.Pertersville,frederick County,maryland.

5.State whether or not it is the same property described in theses proceedings under which the sale was ratified to you?(Ex.to)

A.Yes sir.

6.Did you ever rent or lease this propety to anyone?(Ex.to)

A.No sir.

7.How long have you owned it?(Excepted to)

A.Since 1902.

8.Who has been staying there?(Excepted to)

A.Elmer Mateny.

9.Has he had full use of the property?(Excepted to)

A.Yes sir.

10.Has he paid you any rent during these years?(Excepted to)

A.No sir.

11.What did you charge as a fair rental value of this property?(Ex.to)

A.$5.00 a month.

12.During what period of time?(Excepted to)

A.Since 1902.

13.Is this a fair rental value of the property?(Excepted to)

A.Yes sir.

14,have you ever received any rent for said property?(Excepted to)

A.No sir.

15.Is Elmer E.Mateny,who has occupied said property as tenant thereof,married or single?

A.Single.

16.Where is your home?

A.My home is in Braddock,Pennsylvania.

17.DiD he ever come to your home?

A.Yes sir.

18.When?

A.He came out one Christmas,the 25th,of December,and stayed until the 10th,of March, then wanted to come home and I gave him $10.00 to come home.

19.Did you ever stay at this place described in these proceedings since you owned it (Excepted to)

A.Yes sir,I have stayed there,with his invitation.He invited me out to stay as long as I wanted to,and during that time I was there I did for him as I would a brother, kept house just the same;I washed and ironed and baked and cooked for him and would have his meals for him while he went out to work in the fields.And he used to tell the neighbors that I was coming and he would be glad that he would have somebody to keep house and look after his chickens and look after the place while he was gone to work.And I just tended to him like he was my brother while I was there,and cleaned everything up befpre I went away.

20.Did he ever say anything to you about making you any charge for coming down there and staying in your property?

A.No sir,he always invited me to come and stay as long as I wanted to;sometimes I didn't stay long,sometimes I did.

21.Give the Ciurt an idea about how long you stayed at different times,.

A.I stayed four weeks.The longest time I stayed was nine weeks;I was asked to stay by Lorenzo Gardner;his Aunt Betty wqs coming from the West and he asked me if I could clean the house up and make some sheets.pillows slips,towels,tables clothes,and make the house look respectable the best I could,which I did.I also cooked for them,all but one dinner,while they were there.

22.When was that,do you remember?

A.As near as I can figure that would be fifteen years past,as near as I can figure

23.Since you owned the property?

A.No sir,that was before.

24.Have you been there during the last two or three years?

A.I was there three years ago,one week.

25.Is that the last time?

A.Yes sir,I left there and went down to where I am staying now,at Mrs.Kinna's.

26.Tell the Court Whether or bot you expended any labor or money toward the up-keep of yourself and Elmer Mateny while you were there?(Excepted to)

A.Yes sir,I baught butter and I baught ham and I bought flour and I bought coffee and different things too numerous to mention,knives,spoons and dishes.

27.Do you owe Elmer Mateny anything for the time you stayed there during the summer time?(Excepted

A.Not that I know of;if he charges me board,why I will have to charge him board,that is all.

28.Did you charge him anything for your work and labor that you expended while you were there?

A.No sir.

29.Did your husband send you money?(Exceptedto)

A.Yes sir,whenever I needed any money,run out of money,I would send to him for mnney.

30.In these different years that you were there,did Elmer mateny ever say anything to you about charging you for being there?

A. No sir,he invited me to stay as long as I wonted to.

31.On the otherhand,did you do work around the place and furnish supplies for everybody?

A.Yes sir;whatever I got,I got enough for everybody.

32.Who was William Gardner?

A.The old gentleman was Mr.Gardner,my husband's father.

33.What relation was he to the Matenys?

A.Step-father.

34.How long did you care for him?(Excepted to)

A.Eight months and a half,from the 17th,of November,1897,until he died,the 24th,of July,1898.

35.How did you come to buy this property?(Excepted to)

A.Well,the property was put up for sale,and Mr.Gardner came in here and him and Lorenzo Gardner between them fixed it up and bought it in;and Mr.Lorenzo Gardner wrote to Mr.Gardner,my husband,and asked him in whose name it should be deeded,and he write back and said to me.

36.You mean Mr.Lorenzo Gardner,who had bought the property,wanted to deed it to one of you?(Ex.to)

A.Yes sir,and he deeded it to me.

37 Why? (EXcepted to)

A.Because I had taken of his father.His father came out to stay with me because there was no one to take care of him at home.Mr.Elmer Mateny had a half sister that wouldn't do anything for them; she made coffee and wouldn't give them a cup of coffee;she didn't even speak to him in five years that I knew her.And Mr.Lorenzo Gardner sent him out to me to take care of,which I did to the best of my ability for eight months and a half.

38.What was the name of his half sister?

A.Mary Alice Mateny.He stayed with me until July 24th,and he died.I washed him,and lid him out and I paid his funeral expenses on the other end,which his casket cost $65.00,embalming cost $10.00, and his railroad ticket to bring him in,the same as a live person,was,$8.00;and mr.Lorenzo Gardner took care of the expenses on this end,paid the furnal expenses,whatever they were,on this end.

(Answer excepted to)

A.No sir,Mr.Lorenzo Gardner said that thatwas my re-imbursement,this property in Petersville valued at $475.00 (Ans.ex.to)

40.State whether or not the building of the State road down there increased the value of this property any since you have owned it?

A.To my knowledge I don't think so;the house doesn't sem in any better condition , the back poarch is all falling down.

41.I mean whether the building of the State road helped the value property there?

A.It may a little.yes sir.

42.What is the condition of the property now as compaired with when you bought it?

A.I dón't see very much difference;the back poarch is in the same condition as it has always been,never was repaired;I don't see much difference on it.

43.Which Mr.Mateny?

A.Mr.Elmer Mateny,I suppose.

44.Did you authorize these improvements?(Excepted to)

A.No sir.

45.Did anyone ever question your ownership of this property during these last years up until this time?(Excepted to)

A.No sir.not to my knowledge.

46.have you any tax receipts for taxes paid on this property in question?(Ex.to)

A.Yes sir.

47.Please produce and file with the Examiner what receipts you have.

(Witness herewith produces a bundle of tax bills, and same are filed with the Examiner and marked "Exhibit Z"to which the solicitor for the Plaintiff excepts.)

48.Did you ever receive this $10.00 back you mentioned as loaning Elmer Mateny in Pittsburg to pay his way home?(Excepted to)

A.No sir.

49.Did he ever pay you anything for board or lodging during the time he stayed the

A.No sir,if he charges me,I will have to charge him.

50.Did he buy any of the provisions to supply your family while he stayed there the same as you did when you stayed with him?(Excepted to)

A.No sir,it wasen't necessary,I had a grocery store.

51.Did he do any work while he was there as you did while you visited him?

A.No sir,not to my knowledge.

CROSS EXAMINATION.

1x.When you say that you own this property in Petersville,what do you mean?

A.Well,it was deeded to me.

2x.Where is your deed?

A.I haven't got the deed but,from what I understand,it was deeded to me.

3x.Then you don't know?

A.Well,I know beeause I was told so.(Ans.excepted to by solicitor for plaintiff)

4x.As a matter of fact there is no deed ever been made for this properrty,has there? (Excepted to)

A.Not to me;there should be to Lorenzo Gardner.

5x.You don't know whether there wasa deed or not of your own personal knowledge?

A.Not of my own personal knowledge.

6x.Then you don't know of yourown personal knowledge whether ypu own it?(Ex.to)

A. Well,from what Mr.Lorenzo gardner wrote and asked me;I always thought so from what I have been told.

7x.you speak of renting and say that Elmer Mateny has paid you no rent during these years;have you ever made any demand on him for rent?

A.No,beeause I thought he was good for it.

8x.As a mateer of faet you never thought of charging him rent,didyou,before these last three or four months?

A.Well,I didnT bother beeause I thought he was good for it;I never bothered.

9x.You never thought of charging him,say $5.00 a month,rental before the last couple monthe,since this ease was started,did you?

A.I never bothered beeause I thought I would leave him there and leave him have a home as long as he lived;I never thought about rent beeause I thought it was a home for him,and I didn't need the rent just now.

10x.Wasn't that the old home?

A.Their home,yes sir.

11x.Didn't the children come baek there in the summer time,I mean the children of Elmer Mateny?(Exeepted to)

A.No sir,they left there in September,1898,and haven't been back there to stay.

12x.I mean duping the summer time?

A.No sir,they weren't on good terms,that is the reason they didn't come.

13x.Didn't your husband come there?

A.No sir,my husband wqs onlt there to his mother's furneral,his father's furnal,just long enough to come here to see them buried.

14x.You and the children visited at the home place,Didn't you?

A.Yes sir,at Mr.Elmer Mateny's invitation to stay as long as we wanted.

15x.And you stayed from four to seven weeks at a time?

A.The least was four weeks,while the last time I only stayed a week.

16x.that was three years ago,wasn't it?

A.Yes sir.

17x.And prior to that the least was four weeks?

A.Yes sir.

18x.And have stayed as high as eleven weeks?

A.No sir.

19x.How long didyou stay when you had small-pox near your home?

A.I ean't tell you.

20x.Wasn't it eleven weeks that time?

A.No sir,I never stayed longer than nine weeks and that was when their aunt betty and Uncle Jim was here from the West.

21x.Then you have viseted there each summer since 1902,except the last two summers?

A.No sir,not each summer;if I came in every summer was the most I came.I couldn't come in every summer,sometimes I coundn't come,you understand why I coundn't come.I wasn't here every summer for one summer my little boy was born in OctOber and that shows you I couldn't come in here that summer.

22x.Did you ever live in Petersville?

A.No sir,only on a visit,and then while staying at his place I would visit around.

23x.Do you know how pxoperty rents in Petersville?

A.$3.00,$4.00 and $5.00 a month.

24x.Do you know of any properties there about the value of this property,worth about what you say this property is worth,that rents for $5.00 a month?(Exeepted to)

A.I eouldn't answer that heeause I have not lived there;I don't know the value of Property.

25x.Did Mr.Elmer Mateny ever present any bill to you for your visits there and baard, or anything?

A.No sir.

26x.Di, you ever ,resent any bill to him for rent?

A.No sir.he aoknowledged he owed me that.

27x.Owed you what?

A.$480.00 rent.

28x.When?

A.He acknowledged that in his petition.(Answer Excepted to by solicitor for plaintiff)

29x.He invited you there,did he,to come to visit him?

A.Yes sir,and stay as long as I wonted and have what I wanted that was in the garden.

30x.Do you think he would have extended that invitation if you were charging him rent?(Excepted t

A.That I dont know,I am not a mind reader.

31x.What do you mean when you say;"If he charges me board I will have to charge him,"what do you mean,charge him what?

A.Board for the time he was out and stayed with me.

32x.When did he stay with you?

A.he came out on Christmas,the 25th,of december,and stayed until March 5th,

33x.What year was that?

A.That was about ten years ago.

34x.What did he come up there for?

A.Mr.Lorenzo Gardner sent him up to me thinking he would get a job up there and stay up there and get to work up there.

35x.Did you invite him to come there?

A.I told him to come and see us any time he wanted to but this time Mr.Lorenzo Gardner sent him up

36x.Did you tell him you were going to charge him board?

A.No sir.

37x.Was anything said about paying board?

A.No sir.

38x.In fact,did you intend to charge him biard?(Excepted to)

A.No sir.

39x.What were you doing at Port Perry then,keeping store?

A.Yes sir.

40x.DiD Mr.Mateny help up there arounD in the store and doing errands?

A.Not to my knowledge,if he did anything he did it on his own account.

41x.Did you ever make any demand on him for board or for any money from him while he was there?

A.No sir,I didn't.

42x.Have you considered making any demand on him for that prior to the last few months?(Excepted to)

A.No;as I stated before,if he intends charging me board,I will do the same.

43x.Have you paid for any of the repairs that have been put on this property in the past thirteen years?(Excepted to)

A.No sir.

44x.Have you pai d for any of the insurance on this property?

A.Yes sir.

45x.How much?

A.It was one term I paid.

47x.For how long,three years?

A.I don't know what they run.

48x.have you paid any more than the one term?

A.I haven't,no sir;Mr.Lorenzo gardner did.

49x.How do you know he did?

A.he told me so.(Ans.excepted to by council for plaintiff)

50x.Have you paid any of the taxes on this prqperty?

A.Yes sir.

51x.I mean personally?

A.I gave my husband a power of attorney to attend to it for me.

52x.Power of attorney;what kind of power of attorney?

A.To pay taxes or do anything.

53x.Was it written?

A.Yes sir.

54x.What year or years did you pay the taxes for?

A.He paid 1912.

55x.Who?

A.Mr.Willaim A.Gardner,and Mr.Lorenzo Gardner paid the rest,him and Will between them;I couldn't hzute how they paid them but they paid them between them.

56x.You have no personal knowledge of the fact they paid them?

A.I have the tax receipts through Mr.Lorenzo Gardner's admihistrator.

57x.When did you get the tax receipts?

A.I went down to Baltimore three weeks ago last saturday and got them from Mr. Lorenzo gardner's administratár who settled up Mr.gardner's estate.

58x.Who was the administrator?

A.Mr.W.L.Richards.

59x.Then these tax receipts have been in your possession only three weeks?

A.Mr.Richards has had them since mr.Lorenzo Gardner died,and he died three years ago next 4th of November.

60x.So they had been retained by Mr.Lorenzo Gardner?

A.Yes sir;and Mr.William Gardner and Mr.Richards were the administrators---Mr. Gardner was the administrator and he appointed Mr.Richards agent for him because he couldn't stay here,don't you see,and then he kept all his papers the last yhree years.

61x.Outside of 1912,did you give,diretly or indiretly,any money to pay these taxes?(Excepted to)

A.No sir,he wouldn't let me?

62x.Who?

A.MrLorenzo Gardner;he said he would attend to that.

63x.Do yuu mean to say he would not except money from you for the taxes?

A.No;he said it wasn't necessary,he could pay them.

64x.Then,as a matter of fact,outside of 1912,you have not furnished the money to pay the taxes on this property?

A.My husband may have helped;I don't know,he never told me all his business.

65x.But do you not know whether he did or not,I mean of your personal Knowledge?

A.Only 1912,0 do know that but I couldn't answe for the other.

66x.Have you ever paid the $475.00 purchase price,which was the purchase price for this property at the sale made by Mr.Thomas C.Mateny,Assignee of the Franklih Savings Bank,in 1902,in this case;have you ever paid the $475.00 purchase price or any part there?Excepted to)

A.No,I have never paid it only through taking care of his father,and the sale was ratified to me for taking care of his father.

67x.This father you speak of was not the father of Mr.Thomas C.Mateny,Elmer E.Mat-
eny and Mary Alice mateny,was he?

A.No sir,step-father.

68x.And he died when?

A.July 24th,1898.

69x.Have you ever,prior to this year,put in any claim for the expenses you speak of in regard to his illness and burial?(Ex.to)

A.No sir,I never put in a bill because it was understood the way I just toldyou,the sale was ratified for taking care od him.

(Answer excepted to by solicitor for plaintiff.)

70x.Have you ever paid any part of the principal and interest of the mortgage formerly held by the Franklin Savings Bank?(Exc.to)

A.No sir,I never was asked to pay anything or never allowed to pay anything.

71x.Did you have any agreement with Mr.Thomas Clinton mateny or any of.the Mateny heirs that you were to obtain this property for taking of mr.William Gardner?(Excepted to)

A.No sir,they just sent him out to me;Elmer got him ready to come uot.

72x.DiD any of the Mateny heirs ever tell you that this property was to be yours for having takdn care of Mr. William Gardner four years prior to the sale of this property?

A.No sir,it wasn't thought of then;the sale wasn't thought of.

73x.I mean during the sale or any time,did they tell you you were to get this?

A.No sir,Mr.Lorenzo Gardner did it himself what was done.

74x.Did you know about the mortgage that was on this property?

A.No sir.

75x.Didn't you know there was a mortgage on this property,given on the property as early as 1891? (Exeepted to)

A.That is before I knew them.

76x,Have you known at any time there was a mortgage on the property?(Exeepted to)

A.No sir,I didn't know anything about it.

77x.Have you paid any interest on the $475.00,the purchase price of the property,in the last thirteen years?Exeepted to)

A.No sir,I never was notified about it.

RE--DIRECT--EXAMINATION.

1r.In your cross examination you were questioned about how Mr.William Gardner,the father of Mr. Lorenzo Gardner came to come to your home;will you state fully who was concerned in sending him to your home.

A.mr.Lorenzo Gardner knew he was sick and no one to take care of him at home;Miss Alice Mateny wouldn't do anything for him,she wouldn't even talk to him,which I did to the best of my ability.

2r.Did Mr.Elmer Mateny or Mr.Clinton Mateny have anything to do with sending him out there?

A.Mr.Elmer Mateny helped to get him ready to send out there;Mr.Clinton Mateny,as far as I know,he had nothing to do with it.

3r.Did you understand,when you bought this property,that Mr.Lorenzo Gardner,who had bid in the property,was acting as agent for the Mateny heirs who are now making certain claims?(Exeepted to)

A.Oh,yes.

4r.State whether or not you understood that he was authorized by daid heirs to have this property conveyed to you for services sendered,as before stated?(Exeepted to)

A.No sir,he wasn't authorized by them to deed it to me;is that what you mean?

5r.I mean did he have any authority to act from these people?

A.I couldn't tell,Mr Willard,whether he was authorized by them or not.

6r.You don't know?

A.No sir.

7r.You have owned this property since 1902 according to the records;has any calim been made upon you by any of the heirs up to this time for this property?(Exeepted to)

A.No sir.Elmer always claimed he owned it.

(At this point Elmer Mateny,who was sitting in the room,made the following remark;"I never claimed I owned it;all I claimed I had a mortgage on it and an interest in it;and said remark was then taken down and inserted in the record at the request of the solicitor for the defendant.).

8r.In the cross examination you were questioned in reference to what you had paid and done in reference to this property,in reply to which question you stated that you had given a power of attorney in writing to your husband,William A.Gardner;will you produce and file with the Examiner this power of attorney.

(Witness here produced and filed with the Examiner the power of attorney referred to,and same is marked "Exhibit Y,"to the filing of which the solicitor for the plaintiff excepts.)

9r.Is your husband livivg or dead?

A.He is dead.

10r.When did he die?

A.January 24th,1914.

11r.Will you kindly state the names,ages and residences of his children and heirs at law.

A.There are four children;William A.Gardner,711 Kelly Street,Wilkensburg,Pennsylvania,he is twenty-two;Nellie Gardner,19 years of age,living at 416 Hawkins Avenue, Braddock,Pennslvania;Elizabeth E.gardner,14 years of age,same residence;Lorenzo S. Gardner,4 years of age,same residence.these are all the children of my husband.

William A.Gardner.

RE-CROSS EXAMINATION.

1rx.Did I understand you to say that you did not know whether or not Lorenzo Gardne acted as agent for the Mateny heirs?

A.No sir,I don't know.

2rx.You say you understood you were to get the property for having taken care of Mr.Gardner;what do you mean by understood?

A.Well,it was this way;I had been told different times that I didn't pay for it and I didn't pay the taxes etc.I made an offer to pay what I owed but he,Lorenzo Gardner,wouldn't let me do any thing,and I asked him why he wouldn't let me pay what I owed and he said I had done enough and done enough for him,that he owed me and that was the only way that he knew that he could pay me,to give me the value of $475.00 that way for taking care of his father.(Ans.excepted to by solicitor for plaintiff)

3rx.Did Lorenzo Gardner,to your knowledge,ever pay $475.00 for thid property?

A.No sir,I couldn't say for I wasn't here.

4rx.have you seen this property lately?

A.Yes sir,I have ridden past there.

5rx.Have you been in the property recently?

A.No sir,I didn't think it was in my place to go in there.

6rx.How long has it been since you were on the property,inside?

A.Three years.

RE$-RE--DIRECT EXAMINATION.

1rr.During the thirteen years that you owned this property no claim has ever been made against you by anyone in reference to this property prior to these proceedings has there?(Excepted to)

A.No sir.

To the General Interrogatory.

A.Nothing further.

MISS LAURA KINNA, a witness of lawful age,produced on the part of the defendant,having been first been dult sworn,deposes and says as follows:-

1. You live near Petersville,Frederick County,Maryland?

A. Yes sir.

2.Do you know Mrs.Maud Gardner?

A.Yes sir.

3.How long have you known her?

A.I don't know exactly how long she has been married.I have been knowing her every since about a year after she was married;I don't know how long she has been married.

4.I guess it has been twenty years anyway?

A.Yes sir,I have known her twenty years.

5.Do you know what she didwhen she came down there to Elmer Mateny's in the summer time,when she came?

A.When I would go up there she would be doing house work like any other womanwould be doing.

6.Did mr.Elmer Mateny have any one else to do the housework?

A.No sir,no woman there,no one there but Maud and her children .

7.Do you know whether she bought any provisions or silverware or dishes for the house?

A.I took her to Brunswick one time and she got spoons and knives and forks and eatables and such things as that.

8.Did she pay for them?

A.Yes sir,she paid for them but,of course,I don't know who gave her the money;I suppose it was her money,I didn't know.

9.Do you know about what that house would be worth to rent it?

A.Indeed I don't know;I don't know nothing about property.

10,You don't know what the rental value of it would be?

A.No sir.

11.Who did the washing for Mr.Elmer Mateny when Mrs.Gardner was there?

A.I don't know no more than she would be washing when I would go up there and she would be washing his clothes too when I would go up.I lived about a mile and a half from there and I didn't go up there no more than one a week.When she would be washing,she would have Elmer's clothes in the wash.

12.Who did the cooking?

A.She did when I was there.

13.Who did the cleaning?

A.She did when I was there.

14.Did you see any hired woman around there to do this work?

A.No sir.

CROSS EXAMINATION

1x.How do you know they were Elmer's clothes she was washing?

A.They were mwn's clothes and there was no other man about;I wouldn't suppose she would be wearing men's clothes.

2x.You don't know whether they were her husband's clothes or Elmer's clothes?

A.He wasn't anywhere about;he was in Pittsburgh.

3x.But some of his clothes could have been there?

A.He hadn't been there;why should she wont to bring his clothes here?

4x.Do you know they were Elmer's clothes?

A.She said they were Elmer's clothes;that is all I know about it(Answer excepted to by solicitors for plaintiff.)

5x.As a matter of fact you don't know whether they were his or some other man's?

A.No sir,but why should she be taking in some other washing?

6x.You don't know who Mrs.gardner bought these things for in Brunswick,do you?

A.She said she bought them for Elmer at the time.She asked me if I thought they would suit him. She made him a present of them.

7x.How do you know that?

A.She said so.(Answer excepted to by solicitor for plaintiff,)

8x.Do I unDerstand you to say she bought some knives?

A.Knives and forks and spoons,silver spoons.

9x.Are you sure they were knives?

A.You don't suppose I am that dumb.do you?

To the General Interrogatory. A.Nothing further.

(11 miles)

(Met,pursuant to adjournment,on Wednesday, August 4th,A.D.1915,at 10.00 o'clock A.M.,at the law office of the Examiner.)

(The Defendants offer in evidence insurance policy #1208321 in the Girard Fire and Marine Insurance Company of Philadelphia,and the same is filed with the Examiner and marked "Exhibit X",and same is excepted to by the solicitors for the Plaintiff.)

Whereupon,there being no other witnesses to examine and no further time being required for the production of testimont,the said Examiner hereby certifies that the aforegoing are the true and original depositions of the witnesses in this cause. as the same were taken down in stenographic notes and subsequently typewritten by Claude S.Hahn,the Examiner's sworn clerk,the signatures of the witnesses to said depositions having been waived;and the said Examiner herewith returns the same enclosed to your Honorable Court.

Witness my hand and seal this 16th,day of September,A.D.1915.

D.Princeton Buckey (SEAL)
EXAMINER.

Cost of the aforegoing testimony!

D.P.Buckey,2 days,----------	$8.00
Claude S.Hahn,Examiner's Clerk,38 pages of testimony at 25 cts.per page,----------	9.50
Laura Kinna,witness,one day,and milage,----------	1.85
George Hoffman,witness,one day,and milage,----------	2.05
David I.Kinna,witness,one day,and milage,----------	2.05
Edgar H.McBride,for costs paid to Jesse M.McGeary,----------	4.58
Total,----------	$28.03

Certified to!

D.Prineton Buckey
Examiner.

Filed September 13-1915.

EXHIBIT NO. 1

At the request of Emeline Mateny the following Deed was recorded July 30th,1860

This Deed made this thirtieth day of July in the year one thousand eight hundred and sixty,by me mary Ann Kinna of Frederick County State of Maryland,Witnesseth, that in consideration of the sum of one hundred and five dollars,I the said Mary Ann Kinna do grant unto Emeline Mateny,the wife of Henry mateny of said County and State,all that part of a lot lying and situated in the town of Petersville,Frederick County,maryland called the "Town Lot"and designated as lot No.3,the part hereby intended to be conveyed is all that part of said lot No.3 which lies south of a line running paralled with the south end of the town hall,and at the distance of four feet from the south end of the said Town Hall,it being the same part and parcel of the said lot No.3 which is excepted and mentioned in the deed f r part of said lot No.3 granted by me,the date of these presents,to the Trustees of the methodist Episcopal Church as by reference thereto will be more fully understood.

Witness my hand and seal.

TEST! Mary A.Kinna (SEAL)
Wm.H.H.Adams
J.M.Harding

Which is thus endorsed!

State of Maryland,Frederick County,to-wit!

I hereby certify that on this thirtieth day of July Eighteen hundred and sixty before me the subscriber a Justice of the Peace of the State of Maryland,in and for Frederick County,personally appeared Mary Ann Kinna and acknowledged the afore going deed to be her act.

J.M.Harding,J.P.

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State of Maryland,Frederick County,to-wit!

I hereby certify that the foregoung is a true copy of the deed from Mary Ann Kinna to Emeline Mateny,as the same is recorded in Liber B.G.F.No.6,folio 19,one of the land records for Frederick Cpunty,Maryland.

In testimony whereof,I hereunto subscribe my name and affix the seal of the Circuit Coubt for Frederick County,at Frederick Maryland,this 7th,day of August,1913.

(No Seal)

Harry W.Bowers

Filed August 8-1913.

Clerk of the Circuit Coupt for Frederick County,md.

EXHIBIT NO. 2.

At the request of Emeline Mateny the following deed was recorded January 7th.1861

This Deed made this seventh day of january in the year eighteen hundred and sixty one by George Smith of Frederick County in the State of Maryland,Trustee,as hereinafter mentioned,Witnesseth,whereas on application of Francis Thomas of the County and State aforesaid to the Circuit Court for Frederick County for the benefit of the Act of the General Assembly of the State of Maryland passed at Ja uary session eighteen hundred and fifty four,entitled "An Act for the relief of insolvent debtors,"the said George Smith was by the Circuit Court aforesaid appointed Trustee for the benefit of the sreditors of the said Frances Thomas,and whereas by an order of the sad said Circuit Court passed on the twenty nineth day of September eighteen hundred and fifty eight in No.4322 Insolvents in said Court the said George Smith was authorized and directed to sell the real and personal property of said insolvent petitioner at public sale after giving at least thre weeks public notice of the time,place and manner and terms of sale,and whereas in pursuance of said order an after having given the required notice,the said George Smith did on the twentieth day of November eighteen hundred and fifty eight sell at public sale all the right,title,claim, interest and estate whatsoever of the said Francis Thomas,in and to the hereinafter described property and premises (it being part of real estate of the sais insolvent petitioner)at and for the sum of two hundred and fifty five dollars to Emeline Mateny of the County and State aforesaid who has fully paid the purchase money therefor.

Now therefore in consideration of the premises and of one dollar,the said George Smith doth grant unto the said Emeline Mateny all the right,title,claim,interest and estate whatsoever at law and in Equity which the said Francis Thomas had and owned at the time of his application for the benefit of the insolvent law aforesaid,and which the said George Smith hath by virtue of the deed executed to him by the said insolvent petitioner,or otherwise in and to all that lot or parsel of land situate lying and being in the village of Petersville on the road leading from Frederick to Harpers Ferry in the County aforesaid.Beginning for the same at the end of the first line of two roods and thirty perches,conveyed by George Smith Trustee,to Francis McKenzie by deed datd the twelfth of May 1860 and running thence North sixty eight degrees East nine and six tenths perches,South one degree East fourteen and six tenths perches,South fifty six and one half degree West eight perches and thence by a straight line to the beginning,containing three roods & eleven perches of land more or less,and the said George Smith doth further grant unto the said Emeline Mateny her heirs and assigns,the righ t at all time hereafter and forever,free and unterupted ingress,egress and regress to and from the spring of water on the premises,conveyed as aforesaid to Francis McKenzie,and the free and joint full use of the water of said spring in common with the said Francis McKenzie his heirs and assigns.

Witn ss my hand and seal.

TEST! J.M.Harding George Smith,Trustee (SEAL)

Which is thus endorsed!

State of Maryland,Frederick County,to-wit!

I hereby certify that on this seventh day of January eighteen hundred and sixty one,before the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County,personally appeared George Smith,Trustee,and acknowledged the foregoing deed to be his act.

J.M.Harding J.P.

State of Maryland,Frederick County,to-wit!

I hereby certify that the aforegoing is a true copy of the deed from George Smith, Trustee of Francis Thomas to Emeline Mateny,as the same is recorded in Liber B.G.FNo. 6,folio 370 &c.,one of the land records of Frederick County,Maryland.

In testimony whereof,I hereunto sibscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederick,Maryland,this 7th,day of August,1913.

PLACE OF COURT. SEAL

HArry W.Bowers

Clerk of the Circuit Court for Frederick County,Md.

Filed Aug.8-1913.

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No. 7479 Equity.

Thomas C.Mateny,Assignee, on Petition.	In the Circuit Court for Frederick County, sitting as a Court of Equity.

Opinion and Decree.

In the year 1891 Emeline gardner,being the owner in fee of certain real estate at petersville in Frederick County,consisting of a house and lots,and described in these proceedings,jointly with her husband,William A.Gardner,executed a mortgage thereof to the Franklin Savings Bank of Frederick,to secure the payment of a note for $100.00 due that Bank by the mortgagers.

On february 13,1895,the motrtgage indebtedness was redused to $ 80.00 and a new note given the Bank by the mortgagess for that ammount.On August 22nd,1900,this above mentioned mortgage and new note for $80.00 were duly assigned to Thomas C.Mateny,who sold the mortgaged property at mortgagee's sale,on March 19th,1902,to Lorenzo S.Gardner for the purchase price of $475.00.

Subsequently,on April 18th,1902,Maud Gardner was,by order of Court,substituted as purchaser of property in place of Lorenzo S.Gardner,and on June 28th,1902,the sale was finally ratified and confirmed.In the report of sale it is stated that Thomas C. Mateny,the assignee,had paid the interest on the mortgage note for the years 1898, 1899 and 1900,and that the entire principal and the interest thereon from August,1898 were due and demandable.After the final ratification of the sale by the Court on June 28,1902,nothing further seems to have been done in the case until July 3,1915,when a petition was filed by Thomas C.Mateny setting forth that Maud gardner,the substituted purchaser of the property,had paid no part of the purchase money.That the petitioner had paid the costs of the case,($28.00) on Jult 1st,1902,and that his brother Elmer E Mateny,had reimbursed him the costs and had also paid him the principal and interest of the mortgage,in all about $128.00 or $130.00.That during the last ten or twelve years the said Elmer E_Mateny had occupied the property as tenant,that while he paid no rent he had improved and repaired the buildings on the premises,had paid the taxes and insurance,amounting in all to $511.30,and that the reasonable rental value of the property was about $4.00 per month.

To this petition there was the affidavit of the petitioner as to the truth of its averments.On this petition and affidavit the Court passed an order,directing the said Maud Gardner to bring into Court the sum of $475.00 with interest thereon from June 28th,1902,or show cause to the contrary on or before August 25,1915.

On August 2,1915,Maud Gardner,under her full name of Evelyn M.Gardner,filed an answer to the petition denying that she owed the purchase money and setting up the claim that,by an arrangement with Lorenzo S.Gardner,the property was to be hers in return for her care and attention to William A.Gardner,who survived his wife,Emiline,

several years and made his home with respondent.Several other matters were set forth in the answer but we do not deem it necessary to recite them here.Elmer E.Mateny also answered the petition of his brother,admitting the facts alleged therein and submitting his rights to the protection of the Court.Evidence was t en taken and in the main it sustains the allegations of the petition of Thomas C.Mateny filed July 3,1915,as above.it appears from the evidence that Emiline Gardner was twice married.Her first husband being_____Mateny,who was the father of!

1.thomas C.Mateny,
2.Elmer E.Mateny,and
3.Mary Alice Mateny.

After the death of her first husband she married William A.Gardner,by whom she had children!-

1.Nathaniel Gardner,
2.Lorenzo S.Gardner,
3.William A.gardner Jr.who married the above mentioned Maud Gardner.

Emiline Gardner died about the year 1895,intestate,and her last husband,William A.gardner,died in the year 1898.William A.Gardner Jr.and Lorenzo S.Gardner are also boath dead.The latter having died about November 4,1912,intestate,and unmarried,and the former about January 24,1914,leaving his widow,the said Maud Gardner,and several children,surviving him.There may also have been other heirs or descendants of Emiline Gardner,the testimony in this respect being somewhat inconclusive and indefinite.The question thus presented for the Court's determination ought not to be difficult of solution if we observe and apply the rules of law and qquity to the facts of the case.When the sale of the property in question was ratified and confirmed by the Court on June 28,1902,the contract of sale with Maud Gardner as the purchaser was complete,and she became the equitable owner of sale,but the Court,as the vendor of the property,held and still holds an equitable lien thereon fo for the unpaid purchase money. Inglehart vs.Armiger,1 Bl.527,
Andrews vs.Scotton, 2 Bl.629,
Schaeffer vs.O'Brien,49 md.256.

In Anderson vs.Foulke,2 H.& G.,368,Chancellor Bland said!-"It is conceded on all hands that the equitable lien may be enforsed in a summary way."This was in 1826,some years before the Act of 1841 Ch.216 (Code Art.16,Sec.224).Indeed the power to order a resale at the risk of the first purchaser is a common mode of enforcing the collection of the purchase money.But as Maud Gardner,after the retification of the sale,became the equitable owner of the property,she was en itled to the rents asrting therefrom,and she also became liable for taxes,repairs and insurance.

Miller's Equity,Sec.512,
Wagner vs.Cohen,6 Gill,97,
Thurston vs.Minke,32 Md.571,
Bruner vs.ramsburg,43 Md.567,
Lannay vs.Wilson,30 Md.536-550,
Brewer vs,Herbert,30 Md.301-311.

if the property appreciates in value after the sale,it is the purchaser's gain;if it depreciates it is her loss. Miller's Equity,Sec.512,
Tyson vs.Mickle,2 G.,376-384,
farmers'bank vs.Clarke,28 Md.145-156.

Although Elmer Mateny has,for a number of years past,occupied the premises,no rent has ever been paid by him to Maud Gardner,indeed she seems not to have regarded him as her tenant but merely as an occupant or care-taker,or person in possession without either her consent or objection.She usually made him visits every summer from her home in Braddock,Pennsylvania,and seemw to have been satisfied for himto live there through what her own rights were in the property she appearently had nd definite idea.While Elmer Mateny paid no rent as such,he testifies to making certain repairs to the buildings on the premises and to planting trees,and paying taxes and insurence.His claim for these expenditures is $511.30,and he admits the property was worth about $4.00 per month as rent,and that he has been in possession for ten years or longer.So that the outlay by him,according to his figures,would be equal a reasonable rental value for the property,but that feature of h the case is one upon which we do not feel called upon to pass at this time.It is a matter for adjustment between Maud Gardner and Elmer Mateny,or if the aid of the Court is invoked,the question

ean better be disposed of when the issues between the two are more distinctly presented,What we have to deal with first and foremost is the liability of Maud Gardner to the assignee of the mortgage and we hold that she is legally bound to pay the purchase price.$475.00,with interest thereon from June 28th,1902,the date of the ratification of the sale,and if she fails to pay that amount within the time limited by the Court's order to be passed herein,a resale of the property will be prdered at her risk.if it brings more than the amount of the purchase money,she will have the benefit it is brings less,it will be her loss.The claim on her part that Lorenzo Gardner told her she should have the property for eareing for her husband's father,the second husband of Emiline Gardner,eannot be seriously considered.

When the audit is made up,the mortgage debt and interest should be audited to Thomas C.Mateny,Assignee,to the use of Elmer E.mateny,and also the costs paid by him.Any surplus of the proceeds of sale,whether paid by Maud gardner or derived from the resale of the property,would go to the heirs of Emiline Gardner.

A decree will be passed directing maud Gardner to pay the purchase money and interest by a certain time,and if she fails to comply,the property will be decreed to be resold .It is thereupon this 10th,day of November,A.D.1915,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by authority thereof,adjudged ordered and decreed that Maud Gardner,otherwise known in these proceedings as Evelyn M.Gardner,pay to Thomas C.Mateny,Assignee of the mortgage,under the power contained in which the real estate mentoiened in these proceedings was sold,or bring into Court to be paid to him,within thirty days after the date of this decree,the sum of Four Hundred and seventy-five Dollars($475.00$with interest thereon from June 28,1902,and upon her failure to eoply herewith within the time limited as aforesaid,the Court wil upon application,pass a decree for the resale of the property ather risk.

Filed Nov-10-1915. Glenn H.Worthington

CONSENT TO SALE

TO THE HONORABLE THE JUDGES OF THE CIRCUIT COURT FOR FREDERICK COUNTY SITTING AS A COURT OF EQUITY!-

We,the undersigned,being all of the heirs at law and parties (or their proper andlegal representatives)interested in the real estate involved in this case,it being all that lot of ground improved by a dwelling house and situated in Petersville,Frederick County,maryland,and owned and possessed by Emiline Mateny at the time of her decease,and in the proceeds that may result from the sale thereof,do hereby consent to a sale of the said real estate in this case as and on what terms the Court may now or hereafter decree and do hereby consent and ask that the same be not sold at the risk of Evelyn Maud Gardner,that she the said Evelyn Maud Gardner be not held liable for any deficiency in said sale and that she be not entitled to any surpluss or exoess resulting therefrom,as compaired to the proceeds of the sale of the said real esta te on Marsh 19th,1902 and interest thereon.

And as in duty etc.

Ida Mateny
Nellie May Mateny
Mary Lela Havington
Helen Emeline Mateny
Guy Mateny
Ervan H.Mateny
Elmer E.Mateny
Mary Alice Mateny
Nathaniel K.Gardner
William A.Gardner Jr.
Evelyn Maud Gardner
The Colonial trust Co.Guardian of Elizabeth E.Gardner,Lorenzo S. Gardner,Nellie L.Gardner
W.P.Welker,Asst.Treas.

Filed Feby.26.1916.

No. 7479 Equity.

Thomas C.Mateny,Assignee, on Petition. | In the Circuit Court For Frederick County, sitting in Equity.

TO THE HONORABLE THE JUDGES OF THE CIRCUIT COURT FOR FREDERICK COUNTY,SITTING IN EQUITY:-

The Petition of Nellie m.Mateny,of Frederick County_Maryland,humbly shows unto you Honors that since the filing of the Opinionand Decree in this Cause,the Complainant,Thomas C.Mateny,Assignee of Mortgage,in this Cause,has departed this life,intestate,and that administration on his personal estate has been granted unto your petitioner by the Orphans Court of Frederick County,maryland,as by a certificate thereof,filed herewith,appears.

Wherefore your petitioner prays,that she may be admitted as administratrix of the deceased, to prosecute his suit and abide by the decree of the Court in his stead.

And as in duty,etc.

Nellie M.Mateny
Administratrix of Thomas C.Mateny.

ORDERED,this 26th,day of February,1916,by the Circuit for Frederick County,sitting as a Court of Equity,that the said Nellie M.Mateny,as administratrix,be and she is hereby made,a party to this suit in the place and stead of the said Thomas C.Mateny,Assignee of Mortgage in the above-entitle cause.

Glenn H.Worthington

STATE OF MARYLAND,FREDERICK COUNTY_SCT:

I,Albert M.Patterson,Register of Wills for Frederick County,do hereby Certify and Attest,that on the 14,day of feb,1916,Letters of administration were granted by the Judges of the Orphans' Court,of frederick County aforesaid,to Nellie M.Mateny on the Estate of Thomas C.Mateny late of Frederick County,deceased,the said Nellie M.Mateny having given bond with Erven H_Mateny,Guy C. Mateny,Mary L.Harrington,and Helen E.Mateny.Sureties in the sum of ,wo Hundred Dollars,current money for the due performance of her said administration.

PLACE ORPHANS OF COURT. SEAL

In Testimony Whereof,I hereunto set my hand and affix the seal of the Orphans'Court of frederick County,this 21st,day of Feb,1916.
TEST:Albert M.Patterson Register of Wills for Frederick County,Md.

Filed Feby.26,1916.

No. 7479 Equity.

Thomas C.Mateny,Assignee, on Petition. | In the Circuit Court for Frederick County,sitting In Equity.

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT FOR FREDERICK COUNTY,SITTING IN EQUITY:-

the petition of Nellie M.Mateny Administratrix of thomas C.Mateny,Assignee of Mortgage,respectfully shews unto your Honors.-

1. That by the decree of your Honorable Court,dated November 10th 1915,it was "adjudged,ordered and decreed that Maud Gardner,otherwise known in these proceedings as Evelyn M.gardner,pay to Thomas C.Mateny,Assignee of the mortgage,under the power contained in which the real estate mentioned in these proceedings was sold,or bring into Court to be paid to him,within thirty days after the date of this decree,the sum of Four Hundred and Seventy-five Dollars($475.00)with interest thereon from June 28th,1902,and upon her failure to comply herewith within the time limited as aforesaid, the Court will,upon application,pass a decree for the resale of the property at her risk."

2. That all of the heirs at law and parties (or their proper and legal representatives)interested in the raeal estate involved in this cause,have filed in this case their consent to the sale of the said real estate as and on what terms the Court may decree and have asked that the same be not sold at the risk of Evelyn Maud Gardner,that she the said Evelyn Maud Gardner be not held liable for any deficiency in said sale and that she be not entitled to any surpluss oe excess resulting

therefrom ,as compared to the proceeds of the sale of the said real estate on March 19th,1902,and interest thereon.

3. That the said Evelyn M.Gardner has not complied with the above decree of Your Honorable Court and has not paid to Thomas C.Mateny Assignee of the mortgage,under the power contained in which the real estate mentioned in these proceedings was sold,nor has she bought into Court to be paid to him,within thirty days after the date of the aforesaid decree,the sum of Four Hundred and Seventy-five Dollars ($475.00)with interest thereon from June 28th,1902,nor has said sum yet been paid or brought into Court by her although more than three months have elapsed since the date of the said decree.

Wherefore your Petitioner prays that your Honorable Court will pass a decree for the resale of the real estate in this cause.

And as in duty etc.

Nellie M.Mateny.
Administratrix of Thomas C.Mateny,Assigne

Filed Febuary 26,1916.

D E C R E E

The above cause standing ready for a hearing,and being submitted the Bill,Answer,Exhibits petition,consent and all other proceedings were by the Court read and considered and the Court being of opinion that the property heretofore sold in these proceedings should be resold,but not at the risk of the first purchaser,all the parties in interest consenting It is thereupon,this 26th,day of February in the year Nineteen Hundred and Sixteen by the Circuit Court for Frederick County,as a Court of Equity,and by the authority of said Court,adjudged,ordered,and decreed,that the land and premises mentioned in these proceedings be sold,and that Edgar H.McBride and Arthur D.Willard of Frederick County,be,and they hereby appointed Trustees to make the said sales,and that the course and manner of their proceed ings shall be as follows! they shall first file in the Clerk's office of this Court,a Bond to the State of Maryland,executed by them with a surety,or sureties,to be approved by the Court,or the Clerk thereof,in the penalty of Twelve Hundred Dollars,conditioned for the faithful performance of the trust reposed in them by this decree,or which may be reposed in them by any future order,or decree in the premises.They shall then proceed to make sale of the said Real Estate,having first given at least three weeks previous notice,inserted in some newspaper printed in Frederick County,and such other notice as they may think proper of the time,place,manner and terms of sale;which terms shall be as follows!One half of the purchase money to be paid in cash on the day of sale,or on the ratification thereof by the Court,the residue in.Six months the purchaser or purchasers giving his,her or there notes,with approved security and bearing interest from the day of sale,or all cash at the option of the purchaser and as soon as may be convenient after any such sale or sales,the said Trustees shall return to this Court a full and particular account of the same, with an affidavit of the truth thereof,and of the fairness of such sale or sales annexed,and on the ratification of such sale or sales by the Court,and on payment of the whole purchase money,and not before,the said Trustees by a good and sufficient deed to be executed and acknowledged agreeably to law,shall convey to the purchaser or purchasers of the said property,and to his,her or their heirs,the property to him,her or them sold,free,clear,and discharged of all claim of the parties to this cause,and of any person or persons claiming by,from,under them;and the said Trustees shall bring into this Court the money arising on such sale or sales,and the bonds or notes which may be taken for the same,to be disposed of under the direction of this Court,after deducting therefrom the costs of this suit,and such commission to the said Trustees as the Court shall think proper to allow,on consideration of the skill,attention and fidelity where with.they shall appear to have discharged their trust.

Filed February 26,1916. Glenn H.Worthington

Thomas C.Mateny,Assignee
on
Petition.

No. 7479 Equity.
In the Circuit Ciurt for Frederick
County,sitting as a Court of Equity.
_____TERM,1916.

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To the Honorable the Judges of the Circuit Court for Frederick Ciunty!-

The report of Edgar H.McBride and Arthur D.Willard,Trustees,appointed by a decree of this Court,passed in the above-entitled cause,dated February 26th,1916,to make sale of certain real estate therein mentioned,respectfully shows!

1. That after giving bond with security for the faithful performance of their trust,and after having complied with all the other prerequisites,as required by law and the said decree,and giving notice of the time,place,manner and terms of sale by advertisement inserted in the Frederick Post, a daily newspaper published in the City of Frederick,for four successive weeks prior to the day of sale,being more than three weeks previous notice thereof,a certificate of which said publication is annexed hereto as Exhibit "A",and also by sale bills distributed and displayed in the neighborhood of said property,they did,pursuant to said notice,attend at the Court-House door,in Frederick Frederick County,Maryland,on the 23rd,day of March,1916,at 11.30 A.M.,and then and there proceeded to sell said property in manner following,that is to say!

2. Your trustees offered at public sale to the highest bidder the property mentioned in said decree,situated in Petersville,Frederick County,Maryland,consisting of two contigous pieces or parcels of land,containing an acre of land more or less,and improved by a dwelling house and other outbuildings,being the same real estate conveyed to Emiline Mateny by two deeds,one from George Smith Trustee,dated Jan.7th,1861 and recorded in Liber B.G.F.No.6,Folio 370 etc.,one of the Land Records for Frederick County,and the other from mary Ann Kinna by deed dated July 30th,1860,and recorded in Liber B.G.F.No.6,Folio 19 etc.,

3. And your trustees sold the above described property to Calvin E.M.Long for the sum of Eleven Hundred and Seventy-five Dollars,($1175.00)he being at that sum the highest bidder therefor.

Edgar H.McBride
Arthur D.Willard
TRUSTEES.

STATE OF MARYLAND,FREDERICK COUNTY,TO-WIT!-

I hereby certify,,hat on this 24th,day of March in the year 1916,before me,the subscriber, Eli G.Haugh Clerk for Frederick County,State of Maryland,personally appeared Edgar H.McBride and Arthur D.WillarD,Trustees named in the above report of sales,and made oath in due form of law,tha the matters and things stated in the aforegoing repore are true to the best of their knowledge and belief,and that the sales therein reported was fairly made.

Eli G.Haugh,Clerk.

ORDER NISI ON SALES.

Thomas C.Mateny,Assignee
of the Franklin Savings
Bank of Frederick
On.
PETITION.

No. 7479 EQUITY.
In the Circuit Court for Frederick
County sitting in Equity.March Term 1916.
In the Matter of the Report of sales filed
the 24th,day of March 1916.

ORDERED,That on the 17th,day of April 1916,the Court will proceed to act upon the Report of Sals of Real Estate,reported to said Court by Edgar H.McBride and Arthur D.Willard Trustees in the above cause,and filed therein 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$1175.00

Dated this 24th,day of March 1916.

(COURT SEAL)

Eli G.Haugh
Clerk of the Circuit Court for Frederick Co.

"The Post" Filed March 24th,1916.

TRUSTEES' PUBLIC SALE.

By virtue of a decree of the Circuit Court for Frederick County, sitting in Equity, passed February 25th, 1916. in No. 7479 Equity, entitled Thomas C. Mateny assignee on petition, the under signed trustees will offer at public sale, at the Court house door in Frederick city, Md. onThursday, March 23, 1916, at 11.30 o'clock A.M. all that real estate situated in the village of Petersville, Frederick County, Md, consisting of two contiguous parcels of land, namely, First, All that lot of ground described in a deed f from George Smith trustee, to Emeline Gardner, then named Emeline Mateny, dated January 7, 1861, and recorded in liber B.G.F.No. Folio 370, etc, one of the Land Records for Fred erick County, Md. containing more or less, 3 roods and 11 perches of land Second. And also All that lot of ground described in a deed from Mary Ann Kinna, to the said Eme- line Mateny, dated July 30th, 1860, and recorded in Liber B.G.F.No. 6, folio 19, etc, one o of the aforesaid land records. These two parcels of land are adjacent to each other and will be sold as one property, the same being improved by a two-story dwelling house containing about seven rooms; and is also improved by a stable and is an except ionally desirable property, well located with an acre more or less, of ground to it , fertile, and some of it in fruit trees. The property is now in the occupancy, of Mr Elmer E. Mateny and will be shown to any one desiring to inspect the same.

Terms of Sale, One-half of the purchase money to be paid in cash on the day of sale, or on the ratification thereof, by the Court, the residue in six months, the purchaser or purchasers giving his, her or their notes, with aproved security and bearing inter- est from the day of sale, or all cash, at the option of the purchaser. Expences of con- veyancing, including revenue stamps, at the expence of the purchaser.

Wm. E. Darner, Auctioneer

Edgar H. McBride
Arthur D. Willard
TRUSTEES

CERTIFICATE OF PUBLICATION

Frederick, Md. 3/24/1916.

this is to certify, that the annexed Trustees Public sale was published in "THE FREDERICK POST" a newspaper published in Frederick County, once a week for four succe- ssive weeks being three weeks prior to the 23rd, day of March 1916.

THE POST PUBLISHING CO.
per Earnest E. Palmer

Filed March 24, 1916.

Thomas C. Mateny, Assignee,
on
PETITION.

No. 7479 Equity.
In the Circuit for Frederick
County, in Equity.

The aforegoing petition and Report of Sales by Edgar H. McBride and Arthur D. Willard Trustee, in the above entitled cause, having been read and considered ,

It is thereupon this 25th, day of April, in the year 1916, by the Circuit Court for Frederick County, sitting in Equity, and by the authority thereof, ordered that the same be and it is hereby finally ratified and confirmed, no cause to the contrary having been shown, although due notice has been given as required by the annexed ord- er nisi as appears by the printer's certificate herewith filed;

And the papers are hereby refered to the auditor to state an account.

Glenn H. Worthington

CERTIFICATE OF PUBLICATION

Frederick, Md. Apr, 25th, 1916.

This is to certify, That the annexed Order Nisi on Sale was published in "THE FREDER- ICK POST" a newspaper published in Frederick County, once a week for three successive weeks prior to the 17th, day of April 1916.

The Frederick Post.
Per, Palmer.

Filed April 25, 1916.

Hester Walker, an Infant under the age pf21 years, by Edith M.Walker, Her mother and Next Friend, and Edith M.Walker, surviving Widow of John Calvin Walker. deceased.

VS.

Louise[illegible] .Walker.

No.9 3 0 2 E Q U I T Y.

In the Circuit Court for Frederick County Maryland, sitting as a court of Equity.

To the Honorable Judges of the Circuit Court for Frederick County Maryland!-

the Bill of Complaint of Hester Walker, an Infant under the age of 21 years, by Edith M.Walker, her Mother and next friend, and Edith M.Walker, surviving Wodow of John Calvin Walker, late of Frederick County Maryland, deceased, respectfully shows unto your Honors!-

1st. that John Calvin Walker, late of Frederick County, Maryland deceased, was in his lifetime seized and possessed of the following described tracts, pieces and parcels of land situated lying and being in frederick County Maryland.

FIRST!-All that tract of land originally containing 31 acres of land and 20 and 8/10 perches, which was conveyed to the said John Calvin Walker & Melvin P.Wood, by deed from Hammond Urner and Thomas B.Hull, Trustees in No.8079 Equity, bearing date march 14th, 1907 and recorded ih Liber S.T.H.No.278 folio 373, All tha right and title and interest of the said Melvin P.Wood in and to said tract of land having been conveyed to the said John Calvin Walker, by ded d from the said Melvin P.Wood and wife, bearing date April 4th, 1907 and of record in Liber S.T.H.No.278 folio 551 both land records of Frederiuk County maryland. A. certified copy of which said deeds are filed herewith as a parthere of and marked Exhibits "H.U. and T.B.H." and M.P.W.No.1. Excepting however from said tract of land the following conveyances and quantities of land as conveyed by the said John Calvin Walker during his life as follows!-

(a) A deed of conveyance from John Calvin Walker and wife to Edward W.Hughes of date Nov, 25th, 1907 for 14 Acres 3 Roods and 10 21/100 perches of land, and recorded in liber S.T.H.No.282 folio 59, one of the land records of Frederick County maryland.

(b) A deed of conveyance from John Calvin Walker & wife to Edward W.Hughes, of date September 22nd. 1908 for One Acre and 3 Square perches of land, and of record in Liber S.T.H.No.278 folio 373 one of the land records of Frederick County maryland.

(c) A deed from John Calvin Walker & wife to John S.Watkins bearing date Sept.22nd.1908 fre One Acre of land, and of Record in Liber S.T.H.No.284 folio 523 Land Record of Frederick County Md.

(d) A deed of conveyance from the said John Calvin Walker and wife to Edgar L.Grimes bearing date June 24th, 1909 for 1 Acre 1 Rood and 12.4 sq perches of land, and recorded in Liber S.T.H.No.287 folio 370 one of the land records of Frederick County Maryland.

(e) A deed of conveyance fron the said John C.Walker and wife of date november 16th 1912 to Charles W.Cashour, for 64/100 of an Acre of land, and of record in Liber H.W.B.No.302 folio 354, one of theland records of Frederick County Maryland.

(f) A deed of conveyance from the said John C.Walker and wife to Henry H.Boyer bearing date November 16th.1912 for 54/100 and 64/100 acres of land, and of record in Liber H.W.B.No.304 folio 364 one of the land records of Frederick County maryland.

(g) A deed of conveyance from John C.Walker and wife to Chas W.Wilson bearing date March 29th, 1913 and not yet recorded, for One and a Quarter acres of land. thus making the total quantity of land conveyed off of said original tract 21 Acres 1 Rood and 22 81/100 sq.perches of land and leaving a balance remaining of said original tract of 9 acres 3 roods and 7 and 99/100 sq.perches of land. that the said John Calvin Walker after having sold and conveyed the quantities and tracts of land described above, off of said original tract herein described, ourchased the following tracts of land as an addition to the said 9 acres 3 roods and 7 and 99/100 perches of land, as follows!-

(1) All that tract containing 15 Acres 3 Roods and 13 21/100 perches of land which was conveyed to

the said John C.Walker by deed from Edward M.Hughes,bearing date October 2nd.1911 and of record in Liber H.W.B.No.298 folio 238,a certified copy of which said deed is herewith filed as part hereof,marked Exhibit "E.W.H.."

(2) All that tract containing 1Acre 1.Rood and 26 sq.perches of land which was conveyed to the said John C.Walker by deed from Richard b.Murdock & Wife,bearing date April 8th.1910 and of record in Liber H.W.B.No.292 folio 148 one of the land records of frederick County Maryland,a certified copy of which said deed id herewith filed as part hereof and marked Exhibit "R.B.M.."thus making an addition to the said balance of 9 acres 3 roods and 7 and 99/100 perches of 17 acres and 39 21/100perches,and making a total contained in this tract at the time of the death of the said John C. Walker of 27 Acres and 7 20/100 perches of land more or less.

Second Tract:-A part of a tract of land beginning for the same at the B.&.O.Tract at Monrovia Station at a point on the South line of the properties now occupied by Mrs. Weast and Mr.Oden and running North with said division line 60 yards more or less to the main line of the B.&.O.R.R.Co.thence /West along the right of way of said B.&.O. R.R.Co.88 yards more or less to the end of the property described in the deed herein after mentioned and described,thence by and with the west line of said deed South 66 yards more or less to said side tract,thence East 73 yards more or less to the place of beginning,containing about one acre of land,and being a part of the same tract of land which was conveyed to the said John C.Walker for two acres of land,by deed from Melvin P.Wood and wife bearing date Nov 16th.1896 and of record in liber J.L.J.No.14 folio 468,a certified copy of said deed being herewith filed as part hereof marked Exhibit "M.P.W.No.2"

THIRD TRACT:-A tract of land containing 25 acres and 20 1/2 perches of land more or less,which was conveyed to the said John Calvin Walker by deed from Chas.W.Lowery & wife of date October 10th 1912 and of record in Liber H.W.B.No.302 folio 209 one of the land records of Frederick County Maryland,a Certified Copy of which said deed is herewith filed as part hereof and marked Exhibit"C.W.L.

FOURTH TRACT:-A Farm and tract of Land containing 126 Acres more or less,situated at Monrovia Station,which was conveyed to the said John C.Walker by deed from Emory L. Coblentz,assignee of mortgage in No.9144 Equity,bearing date April 9th 1914 and of record in Liber H.W.B.No.308 folio 395,one of the land records for Frederick County maryland,a Certified Copy of which said deed is herewith filed as part hereof,and marked Exhibit"E.L.C."

2nd.That the said JohnCalvin Walker being so seized and possessed,departed this life on or about the8th day of February 1915,intestate and leaving surviving him,a wife, Edith m.Walker who is of full age and resides in Frederick County maryland,and the following children,Hester Walker and Louise I.Walker,both infants under the age of 21 years,who reside with their Mother the said Edith M.Walker in Frederick County Maryland,That the said Hester Walker and Louise I Walker are the only children and heirs at law of the said John Calvin Walker,to whom thereal estate herein described decended subject to the Dower rights of his surviving widow the said Edith m.Walker.

3rd.That the said John Calvin Walker left a substantial personal estate and no debts of any amount save and except his funeral expences and charges,so that the real estate will be free and clear of any debts or claims that might otherwise be filed against the same.

4th.That the said real-estate mentioned and described in the aforegoing Bill of Complaint,is not susceptible of partition without material loss and injury to the parties entitled to interests therein as above stated,and that,in order to make division of said interests,it will necessary that said real-estate be sold,and the proceeds thereof be divided amongst the parties according to their several and respective interests therein.

To the end thereof,

(1) That a decree may be passed by your Honorable Courtfor the Sale of the said Real-estate.

(2) That the proceeds of said real-estate arising from said sale may be distributed between the said Hester Walker,Edith M.Walker and Louise I.Walker,according to their respective rights and interests,therein.

(3) That your Orators may have such other and further relief as the nature of their case may require.May it your Honors to grant unto your Complainants the writ of subpoena,directed to the said Louise I.Walker,an infant under the age of 21 years,a resident of Frederick County Maryland,commanding her to be and appear in this Court at some certain day,to be named therein,and answer the premises and abide by and perform such decree as may be passed therein.

And as in duty bound,&c. George A.Pearce Jr.

Solicitor for Complainants.

Filed April 6,1915.

EXHIBIT "H.U & T.B.H."

At the request of John Calvin Walker & Melvin P.Wood
the following Deed is received for record and recorded
March 21st 1907 at 12.50 O'clock P.m.
Test Samuel T.Haffner Clerk

This Deed made this 14th day of March in the year Nineteen Hundred and Seven by us,Hammond Urner and Thomas Burling Hull ,rustees,WITNESSETH,whereas,by a decree of the Circuit Court for Frederick County Sitting as a Court of Equity,passed on the 17th day of September A.D.1916,in the case of Susannah M.Hough and others vs Charles W.Farquahr and others,being No.8079,Equity on its docket of said Court,we,the said Hammond Urner and Thomas Burling Hull,were appointed Trustees to sell the land decreed to be sold and in pursuance of said decree did,on the 19th day of January A.D.1907, sell the hereinafter described property to John Calvin Walker and Melvin P.Wood at and for the sum of Nineteen Hundred and eleven Dollars and thirty eight cents,and the said sale having been duly reported to and ratified by the said Court,and the said purchasers having fully paid said purchase Money!Now,therefore,in consideration of the premises,we,the said Hammond Urner and Thomas Burling Hull,Trustees as aforesaid,do grant unto the said John Calvin Walker and Melvin P.Wood all the right and title of all the parties to the aforesaid cause in and to all that tract or parcel of land situated in New Market District in FreDerick County in the State of Maryland,Containing thirty one acres and twenty and eight tenth square perches of land more or less,being the same land conveyed to William W.OGborn for thirty three and three fourth acres,and described by courses and distances in a deed from Susannah M.Farquhar and others to the said William W.Ogborn dated the 30th day of January A.D.1868,and recordedin Liber C.M.No.1,folio 208 &c one of the land records of Frederick County,a copy of which deed is filed as Exhibit No.7,in said Cause,excepting therefrom two acres two roods and nineteen and two tenths perches conveyed away by the said William W.Ogborn by two deeds of conveyance,one to the Baltimore & Ohio Railroad Company,dated September 25th,A.D.1900,and recorded in Liber D.H.H.No.7,folio 292,for one and twenty two one hundredths acres,or one acre and thirty five and two tenth perches,and the other to Edgar L.Grimes and Lillian A.Grimes,dated June 5th A.D.1902,and recorded in Liber D.H.H.No.13 folio 713,one of the said land Records,for one acre one rood and twenty four square perches of land;as by reference to all of said deeds will more fully appear.

Witness our hands and seals.

Hammond Urner Trustee (SEAL)

Thomas Burling Hull Trustee (SEAL)

TEST as to Hammond Urner
John Francis Smith as to
Thomas Burling Hull
Milton G.Urner.

STATE OF MARYLAND,FREDERICK COUNTY TO WIT:-

I hereby certify that on the 14th day of March A.D.1907,before me,the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County,personally appeared Hammond Urner Trustee,and acknowledged the aforegoing deed to be his act.

John Francis Smith J.P.

State of Maryland,baltimore City to wit!-

I hereby certify that on this 14th day of March A.D.1907,before me the subscriber,a Notary Public for the State of Maryland in and for Baltimore City personally appeared Thomas Burling Hull Trustee,and acknowledged the aforegoing deed to be his act. PLACE OF NOTARIAL SEAL Witness my hand and Notarial Seal.

Walter G.Olmstead
Notary Public.

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the original Deed from Hammond Urner and Thomas Burling Hull trustee to John Calvin Walker and Melvin P. Wood,as recordedin Liber S.T.H.No.278 Folio 373,one of the land records for Frederick County,Maryland.

PLACE OF COURT. SEAL

In testimony Whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederick Maryland,this first day of April A.D.1914.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County,Md.

Filed April 3-1915.

"M.P.W.No.1"

At the request of John Calvin Walker the following Deed is received for record and recorded April 8th 1907 at 1.35 O'Clock P.M

TEST!Samuel T.Haffner Clerk.

This Deed madethis 4th day of April in the year Nineteen hundred and Seven by us Melvin P.Wood and Annie M.Wood,his wife,of Frederick County in the State of maryland Witnesseth that in Consideration of the sum of Ten Hundred and twenty five dollars we the said Melvin P.Wood and annie m.Wood,his wife,do grant unto John Calvin Walker all of our right,title,interest and estate in and to that tract or parcel of land situatd in New market District in Frederick County,maryland,Containing thirty one acres and twenty and eighth tenths square perches of land more or less,which was conveyed to the said John Calvin Walker and Melvin P.Wood by Hammond Urner and Thomas Burling Hull,Trustee,by deed dated march 14th A.D.1907,and filed for record among the Land Records of Frederick County on March 21st A.D.1907,as by reference thereto will more fully appear.

Witness our hands and seals.

Melvin P.Wood (SEAL)
Annie M.Wood (SEAL)

TEST!Geo.M.Smith,

State of maryland,Frederick County,to-wit!-

I hereby certify that on this 4th day of April A.D.1907,before me,the subscriber,a a Justice of the Peace of the State of Maryland in and for Frederick County,personally appeared melvin P.Wood and Annie M.Wood his wife,and each acknowledged the aforwgoing deed to be their respective act.

Geo.M.Smith J.P.

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the original deed from Melvin P.Wood and Annie M.Wood,his wife to John Calvin Walker,as recorded in Liber S.T.H.No.278,Folio 551,one of the Land Records of Frederick County,Maryland.

PLACE OF Court. SEAL

In Testimony Whereof,I hereunto subscribe my name and affix the Seal of the Circuit Court for Frederick County,at Frederick,Maryland,this 1st.,day of April A.D.,1915.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County,Maryland.

Filed April 3-1915.

EXHIBIT "E.W.H."

At the request of John Calvin Walker the following Deed is received for record and recorded Oct.9-1911 at 11.30 O'Clock A.M.

TEST:Harry W.Bowers Clerk.

This deed made this 2nd day of October,in the year nineteen hundred and eleven,by me,Edward W.Huges of Frederick County,State of Maryland,Witnesseth:That for and in consideration of the sum of Ten Hundred and Sixty Dollars ($1060.00) cash in hand paid,the receipt of which is hereby acknowledged, I,the said Edward W.Hughes,do hereby grant and convey in fee simple unto John Calvin Walker,of said County and State,the following tracts of land.1st.All that tract or parcel of land containing fourteen acres,three roods,and 10 21/100 square perches of land,more or less,situate,lying and being in New market District,Frederick County,Maryland,being the same tract of land conveyed to said Edward W.Hughes by John Calvin Walker and Minnie E.Walker,his wife,by deed dated November 25th.1907,and recorded in Liber S.T.H.No.282 Folio 59 one of the land records for Frederick County Maryland, as reference thereto willmore fully and at large appear.

2nd.All that tract or parcel of land situate,lying and being near the village of Monrovia in Frederick County,Maryland,containing one acre and three square perches of land,more or less;the same land which was conveyed to the said Edward W.Hughes by John Calvin Walker and Minnie E.Walker,his wife,by deed dated September 22nd.1908,and recorded in Liber S.T.H.No.284 Folio 395 one of the land Records of Frederick County,maryland,as reference thereto being had will more fully and at large appear. Witness My Hand and Seal.

Edward W.Hughes (SEAL)

TEST:R.L.Frizzell

State of Maryland,Frederick County,to-wit:-

I hereby certify that on this 2nd day of October,Nineteen Hundred and eleven,before me,a Notary Public of the State of Maryland,in and for Frederick County,personally appeared Edward W.Hughes,the above named grantor,and acknowledged the aforegoing deed to be his act.

Given under my hand and seal on the above named date.

Raymond L.Frizzell
Notary Public.

PLACE OF NOTARIAL SEAL

State of Maryland,Frederick County,to-wit:-

I hereby certify that the aforegoing is atrue copy of the original Deed from Edward W.Hughes to John Calvin Walker,as recorded in Liber H.W.B.No.298,Folio 238,one of the land records for Frederik County,maryland.

PLACE OF COURT. SEAL

In testimony Whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederick,maryland,this 2nd,day of April A.D.1915.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County maryland.

Filed Apr,3-1915.

EXHIBIT "R.B.M."

At the request of John Calvin Walker the following Deed is received for record and recorded April 9-1910 at 1.56 O'Clock P.M.

TES :Harry W.Bowers (CLERK)

This Deed made this 8 day of April,in the year Nineteen Hundred and ten,by us,Richard B.Murdock and Alice C.Murdock,his wife,of Frederick County,State of Maryland.Witnesseth: That for and in Consideration of the sum of five dollars and other good and valuable considerationns,the receipt of which is hereby acknowledged we,the said Richard B.Murdock and Alice C.Murdock,his wife,do hereby grant and convey in fee simple unto John Calvin Walker of said County and State,all the following described lots or parcels of ground situate,lying and being in the village of Monrovia,in said Frederick County,State of Maryland,being part of the same land which was conveyed to Edgar L.Grimes and

wife from WilliamW.Ogborn by deed dated June 5,A.D.1902,and recorded in Liber D.H.H. No.13,folio 713,one of the land records of FRederick County,and part of the same land which was conveyed to the said Edgar L.Grimes from the said John Calvin Walker and wife by deed dated June 24,A.D.1909,and recorded in Liber S.T.H.No.287,folio 370,one of said Land Records,Beginning for the lots or parcels hereby intended to be conveyed at an old gate post onpthe-west side of the State road leading from MOnrovia to New Market,the beginning of the aforesaid deed from Ogborn to Grimes and wife,and running with it one course,(1) N.74° W.9.15 perches to a stake on the east side of a fifteen foot alley or right of way,and running thence across said right of way,(2) N.74°W.15 feet to the end of the first line of the aforesaid deed from John Calvin Walker and wife to Grimes,and running thence with said deed,allowing for variation (3)N.74°W.12 .2 perches to a planted iron pipe,thence (4)S.13 ½°W.13.15 perches to a planted iron pipe,thence by a line of division (5)S.76¼°E.12.17 perches to an iron pipe planted at the end of 4.55 perches on the first line of the aforesaid deed from Walker and wife to Grimes,and with it (6)N.13 ½°E.12.65 perches to the end of the said first line and also the end of the second line of this conveyance,and with it reversed (7)S.74°E.15 feet to the end of the first line of the aforesaid deed from OgbOrn to Grimes and wife and with it (8)S.13½°W.8.35 perches,thence by lines of division made September 24,A.D 1909,(9)S.75¾°E.8.60 perches to the west margin of the State Road aforesaid,and at th the end of 18.85perches on the last line of the deed from Ogborn to Grimes and wife,a and with it,(10)N.18°E.8.15 perches to the place of beginning,Containing one acre one rood,and twenty six square perches of land,more or less,together with all and singular the buildings,improvements,rights,ways privilages and appurtenances thereunto belonging or appertaining,incluging a right of way from the above described lots or parce ls of ground over the aforesaid fifteen foot alley or right of way leading from said lots or parcels of ground to the State Road running from monrovia to New market,for the purposes of ingress and egress over sais alley but not to oultivate or obstruct the same,being the same property which was conveyed unto the said Richard B.Murdock and Alice C.Murdock,his wife,by the said Edgar L.Grimes and Lillian A.Grimes his wife and John Calvin Walker and Minnie E.Walker,his wife,by Deed dated March 15,A.D.1910, and recorded in Liber H.W.B.No.292,folio_____one of said land records,the said John Calvin Walker and wife joining in said deed for the purpose of conveying the aforesaid right of way over said fifteen foot alley,as by reference to said deed will more fully and at large appear.

Witness our Hands and Seals.

TEST!-Raymond L.Frizzell

Richard B.Murdock (SEAL)
Alice C.Murdock (SEAL)

State of Maryland,Frederick County,to-wit!

I hereby certify that on this 8th day of April,in the year nineteen hundred and ten, before me,the subscriber,A Notary Public for the State of Maryland,in and for Frederick County,personally appeared Richard B.Murdock and Alice C.Murdock,his wife,the above named grantors,and each acknowledged the foregoing deed to be their respective act. Give under my hand and Notarial Seal on the day and year first above named.

PLACE OF Notarial SEAL

Raymond L.Frizzell
Notary Public.

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the original Deed from Richard B.Murdock and Alice Murdock his wife,to John Calvin Walker,as recorded in Liber H.W.B.No.292,Folio 148,one of the Land Records of Frederick County,maryland.

In testimony Whereof,I hereunto subscribe my name and affix the Seal of the Circuit Court for Frederick County,maryland,this 2nd day of April A.D.1915.

PLACE OF COURT. SEAL

Harry W.Bowers.
Clerk of the Circuit Court for Frederick County, Maryland.

Filed April 3-1915.

EXHIBIT "M. P. W.NO. 2"

At the request of John Calvin Walker the following Deed is received for record and Recorded November 16th 1896 at 12 O'clOok 30 minutes P.M.

TEST John L.Jordan Clerk

This Deed made this Sixteenth day of November in the year Eighteen hundred and Ninety Six by us Melvin P.Wood and Annie M.Wood his wife of Frederick County State of Maryland Witnesseth that in consideration of Thirty two hundred and fifty dollars,we the said Melvin P.Wood and Annie M.Wood his wife do grant unto John C.Walker of Frederick County State of Maryland in fee simple all our right title olaim and interest,both in law and in equity,in and to all that piece parcel or tsact of land situated lying and being in Frederick County,State of Maryland,and containing within the following metes,bounds and courses and distances,to wit beginning for the same at the end of the fifth line of a tract of land called New market Plains which was conveyed by N.H.Pitts trustee to Caleb Ogborn and from thence South 8 1½ degrees West 5½perches,South 34 ½ gdegrees West 3 perches South 75 degrees West 10½ perches to the North margin of the Balto and Ohio Railroad then bounding on said margin two courses and distances North 89 degrees West 12 perches South 87½ degrees West 8 perches to the 6th line of a tract of land called the "Resurvey"on Sappling Hill then by and with said sixth line reversed allowing 2 degrees for variation North 28 degrees West 16 perches to the end of the sixth line of Caleb Ogborn's land then by and with said line to the place of beginning containing 2.acres of land more or less it being the same land which was conveyed to Jemima A.Griffith by Lebbus H.W.D.Waters and P.H.Griffith trustees of D.P.Griffith by deed dated on the 22nd day of January A.D.1864 and recorded in Liber J.W.L.C.No.1 folio 101 and 102 one of the land records of Frederick County and the same land which was originally conveyed to the said David P.Griffith by Charles L.Roelkey and Rebecca Roelkey his wife by deed dated March 20 A.D.1860 and recorded in Liber B.G.F.No.5 folio 309 one of the Land Records of Frederick County it being the same land which was conveyed to said melvin P.Wood by Joseph Thomas Griffith,and Elizabeth Griffith his wife Howard Griffith H.W.D.Waters and Emily Waters his wife D.P.Griffith and margaret V.Griffith his wife Prudence Griffith and others by deed dated on the 10th day of July in the year 1878 and recorded in Liber T.G.No.10 folio 631 and etc one of the land records of Frederick County all of which will more fully appear by reference to said deeds. Witness our hands and seals.

Melvin P.Wood (SEAL)
Annie M.Wood (SEAL)

TEST Geo.M.Smith J.P.

State of Maryland Frederick County to-wit

I hereby certify thab on this Sixteenth day of November in the year Eighteen hundred and ninety Six before the subscriber a Justice of the Peace in and for the County aforesaid personally appeared Melvin P.Wood and Annie m.Wood his wife and did each acknowledge the aforegoing deed to be their respective act. Acknowledged before

Geo.M.Smith Justice of the Peace.

State of Maryland,Frederick County,to-wit:-

I hereby certify that the aforegoing is a true copy of the original Deed from Melvin P.Wood and Annie M.Wood his wife to John C.Walker as recorded in Liber J.L.J.No.14,Folio 468,one of the Land Records of Frederick County,maryland.

PLACE OF COURT. SEAL

In testimony Whereof,I hereunto subscribe my name and affix the Seal of the Circuit Court for Frederick County at Frederick,Maryland,this 3rd,day of April A.D.1915.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County,Maryland

Filed April 3-1915.

"EXHIBIT E. L. C.

At the request of John C.Walker the following Deed is received for for Record and Recorded April 9-1914 at 11,50 O'Clock A.M.

TEST,Harry W.Bowers,Clerk.

This,Deed ,made this 9th day of Apsil,in the year Nineteen Hundred and Fourteen by me,Emory L.Coblentz,Assignee of mortgage as hereinafter set forth.Whereas at a public sale made on the 14th day of March,in the year 1914,at 11 O'Clock A.M.by the said Emory L.Coblentz in pursuaht of the power and authority vested in him as Assignee by mesne assignments of Abner C.Devilbiss in and by a certain Mortgage from Berthiar O.Frizzell and Mary Cora Frizzell,his wife,to the said Abner C.Devilbiss,bearing date the first day of OctOber,1888 and recorded among the mortgage records of Frederiok County in Liber W.I.P.No.7,folio 491;which sale was made after default had occured under said mostgage and after due public notice and after bond had been duly filed in the Circuit Court for Frederiok County the tract or parcel of land hereinafter described being the property conveyed by the said mortgage was sold unto John C Walker of Frederiok County,Maryland,he being then and there the highest and best bidder therefor,at and for the sum of Eight Thousand and Sixty-four Dollars ($8,064,00) and the sale having been duly reported to and ratified by the Court in No.9144 Equity and the purchase money fully paid as is hereby acknowledged,the said Emory L.Coblentz is in law duly authorized to execute a deed for the property to the purchaser,

NOW THEREFORE,THIS DEED WITNESSETH!-

That for and in consideration of the premises and of the sum of one dollar the receipt is hereby acknowledged,I,the said Emory L.Coblentz,Assignee,by a certain mesne assignments of Abner C.Devilbiss,morthagee,in the aforesaid mortgage in execution of the power and authority vested in me by said mortgage do hereby grant and convey unto John C.Walkerin fee simple all the right,title and interest of the said Berthia O.Frizzell and mary Cora Frizzell,his wife,ot those olaiming by,from or under them, in and to all that farm,situate,lying and being in monrovia,in Frederiok County Maryland,along the main line of the Baltimore & Ohio Railroad,containing 126 acres of land,more or less,and being allland the same land conveyed unto the said Berthiar O. Frizzell by deed executed by Anna W.Hughes,et al.bearing date October 1st.1888,and recorded in Liber W.I.P.No.6,folio 477,one of the Lnnd Records of Frederiok County, as by reference thereto will more fully and at large appear.Save and Except all that tract or parcel of land subseq uently conveyed away to the Baltimore & Ohio Railroad Copany by deed dated the 14th day of September,1900,and recorded in Liber D.H.H.No.7 folio 266,one of the Land Records of Frederiok County,as by reference thereto will more fully and at large appear,Together with all and singular the buildings,improvements,rights,ways,privilages and appurtenances thereunto belonging or appertaining.

Witness my Hand and Seal.

Attest.
Richard Potts.

Emory L.Coblentz (SEAL)
Assignee of Mortgagee.

State of Maryland,Frederick County,to-wit!-

I hereby certify that on this 9th day of April in the year Nineteen Hundred and Fourteen,before me,the subscriber,a Notary Public of the State of maryland,in and for Frederiok County,personally appeared Emory L.Coblentz,Assignee of mostgage,and acknowledged the aforegoing deed to be his act and deed as such Assignee of mortgage

Given under ny hand and Notarial Seal the day and year aforesaid.

PLACE OF Notarial SEAL

Richard Potts
Notary Public.

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is atrue copy of the original Deed from Emory L Coblentz Assignee of mortgagee to John C.Walker,as recorded in Liber H.W.B.No.308, Folio 395,one of the Land Records of Frederiok County,Maryland.

PLACE OF Court. SEAL

In testimony Whereof,I hereunto subscribe my name and affix the Seal of the Circuit Court for Frederiok County,at Frederiok Maryland this 2nd,day of April A.D.1915.

Harry W.Bowers
Clerk of the Circuit Court for Frederiok County,Maryland.

Filed April 3-1915.

Monrovia Md.April6th 1915.

Geo.A.Pearre Jr,Solicitor,

You are hereby authorized and directed to use my name as Next Friend of my infant daughter Hester Walker,for the purpose of filing a Bill in Equity,on the part of said Hester Walker,and myself as surviving widow of John Calvin Walker vs Louise I.Walker, an infant,for the sale of the real-estate of said John Calvin Walker,as mentioned and described,in the Bill of Complaint,herewith filed. Edith M.Walker.

Filed April 6-1915.

E Q U I T Y S U B P O N E A.

STATE OF MARYLAND,FREDERICK COUNTY TO-WIT!

The State of Maryland.

To Louise I.Walker,Infant.by Edith m.Walker,her mother and next friend of Frederick County,GREETINGS

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Coubt for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday in May 1915,to answer the Bill and Complaint of Hester Walker,infant,et al Vs.Louise I.Walker.(Bill for sale of Real Estate of John Calvin Walker,deceased.againdt you in said Court exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

PLACE OF Court. SEAL

Witness the Honorable Hammond Urner,Chief Judge of said Court,the 1st day of March A.D.1915.

Issued the 6th day of April A.D.1915. Harry W.Bowers Clerk

To the Sheriff of Frederick County.

Georgge A.Pearre Jr.Solicitor

Filed April 7-1915.

Hester Walker,an infant,
under the age of 21 years,
By Edith M.Walker,her
Mother and next friend,and
Edith M.Walker,surviving widow.
of John Calvin Walker deceased.

VS.

Louise I.Walker.

No. 9302 E Q U I T Y.
In the Circuit Court for
Frederick County Maryland
in E Q U I T Y.

To the Honorable Judges of said Court!-

The Petition of Hester Walker,and infant,by Edith m.Walker,her Mother and next friend,and Edith M. Walker,surviving widow of John Calvin Walker,deceased respectfully shows unto your Honors!-

1st.That your Petitioners filed their Bill of Complaint in the above entitled cause against the defendant Louise I.Walker,an infant under the age of 21 years,for the sale of the real estate of John Calvin Walker as set forth in said Bill of Complaint,on April 6th 1915.

2nd.That the said Louise I.Walker (Infant under the age of 21 years)was duly summoned in said case, and a copy of said summons left with her Mother and next friend Edith M.Walker.That the said Louise I.Walker Infant,has no legal Guardian to appear and answer said Bill fpr her,and that it will be necessary for your Honorable Court to appoint some suitable person as guardian"Ad Litem"to appear and answer said Bill of Complaint and defend said suit.

your petitioner therefore prays Your Honors to Appoint some suitable person as Guardian Ad Litem for the said Louise I.Walker to Answer said Bill of Complaint and defend said suit.

And your Petitioner prays for suoh other and further relief as the nature of their case may require

As in duiy bound &c.

Geo.A.Pearre Jr.
Soldcitor for the Petitioners.

State of Maryland Frederick County to-wit!-

I hereby certify that on this 21st day of April in the year 1915 before me the subscriber a Notary Public in and for the County and State aforesaid personally appeared Edith M.Walker,one of the Petitioners,in the aforegoing petition,and made oath in due form of law,that the matters and things set forth in the within and aforegoing Petition are true as therein stated to the best of her Knowledge and belief.

Henry H.Boyer Notary Public

(COURT SEAL)

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aforegoing Petition and affidavit, that Isaiah N.Loy be and he is hereby, appointed Guardian "Ad.Litem" of Louise I.Walker, to appear and answer for the said Louise I.Walker, Infant defendant in the above case.

Ordered, this 27th day of April 1915 by the Circuit Court for Frederick County Maryland

Glenn H.Worthington
Judge of the Circuit Court for Frederick County Maryland.

Filed April 28-1915.

Hester Walker, an Infant, under the age of 21 years by Edith M.Walker her Mother and next Friend and Edith M.Walker surviving Widow of John Calvin Walker deceased.

VS.

Louise I.Wlker

No. 9302 EQUITY.

In the Corcuit Court for Frederick County, sitting in Equity.

The Answe of Hester Walker, infant under the age of twenty-one years, by Isaiah N. Loy, Guardian ad Litem, to the Bill of Complaint of Edith M.Walker her mother and Next Friend against Louise I.Walker in the Corcuit Court for Frederick County, sitting as a Court of Equity exhibited.

The Defendant cannot admit any of the matters and things alleged in the Bill, and being infant of tender years, submit her rights to the protection of this Court.

Isaiah N.Loy
Guardian Ad.Litem.

Filed April 29-1915.

Walker vs.Walker

REPLICATION

To the Honorable Judged of said Court:-

The Plaintiffs in the above entitled cause join issue on the matters and things alleged in the answer of Louise I.Walker an Infant by Isaiah N.Loy her Guardian ad Litem, so far as the same may be taken to deny or avoid the allegagtions of the saidBill of Complaint.

George A.Pearre Jr.
Solicitor for Complainants.

Filed May 8-1915.

Herster Walker, an Infant, by Edith M.Walker, her next Friend, et al.,

Vs.

Louise I.Walker.

No. 9302 EQUITY.

In the Circuit Court for Frederick County Maryland.

To the Honorable the Judges of said Court:-

the Petition of Hester Walker, an Infant, by Edith m.Walker, her Mother and next Friend, and Edith M.Walker, surviving widow of John Calvin Walker. plaintiffs in the above entitled cause, respectfully represents that they desire to take testimony in this case, in support of their Bill of Complaint, the said defendent being an infant under the age of 21 years, and answering by Guardian Ad Litem, and tray that leave be granted them to do so before one of the standing Examiners of this Court.

George A.Pearre Jr.
Solicitor for Complainants.

Ordered this 8th day of May in the year 1915 by the Circuit Court for Frederick County that leave he granted to the parties to this cause to take testimony, as prayed, before any one of the standing Examiners of this Court.

Glenn H.Worthington

Filed May 8-1915.

Hester Walker, et al.,

vs.

Louise I.Walker.

No. 9302 EQUITY

In the Circuit Court for Frederick County, sitting as a Court of Equity.

To the Honorable,the Judges Of said Court;-

In pursuant of the Order Of your Honorable Court,filed in this cause on the 8th day of May,1915, and notice given me by the Solicitors for the Petitioner,of a desire to take testimony,I,Guy K. Motter,one of the regular Examiners of your Honorable Court,duly appointed,qualified and sworn, having assigned the fourteenth day of May in the year 1915,at the law offfice of George A.Pearre, Esq,in Frederick City,Maryland,as the time and place for thaking the testimony in this Cause,did, at the appointed time and place,proseed to take the following testimony,to wit;-

Present;-

George A.Pearre,Esq.,Solicitor for Petitioner,

R.Bruce Murdook,Silas K.Utz,and Henry M.Snyder,Witnesses,

John Ed.Sokell Jr.,Stenographer.

The following Exhibits were filed as evidence in this Cause;-"R.B.W.," "E.W.H." "E.L.C." "C.W.L." "M.P.W.NO.1",and "M.P.W." No.2"and "H.U.& T.B.H." R Bruce Murdook,a witness of lawful age,produced upon the part of the Petitioner,having duly affirmed,deposes and says;

(Questions by MrPearre.)

1.State your name,age and residence.

A.Richard Bruce Murdook;age,45 years;residence,Monrovia,Frederick County,Maryland.

2.Do you know Edith m.Walker,Hester Walker and the Defendant,Louise I.Walker?

A.yes,sir.

3.Did you know John Calvin Walker,in his lifetime?

A.Yes,sir.

4.What relations are the said Edith M.,Hester and Louise I.Walker to the said John Calvin Walker?

A.Edith M.Walker is his wife,and Louise and Hester are his two children.

5.Are they the only surviving children of John Calvin Walker?

A.Yes,sir.

6.Edith M.Walker is the surviving wife?

A.Yes,sir.

7.is John Calvin Walker dead or living?

A.He is dead,having died on February 8th,1915.

8.Did Mr.Walker leave a will or did he die intestate?

A.He left no will.

9.Did Mr.Walker die seized of any real estate?

AOYes,sir.

10.What is the age of the surviving children?

A.Hester is about fourteen years of age;Louis is seventtn years of age.

11.Where do the said Hester and Louise I.Walker reside?

A.At prestnt,they are at Blue Ridge Collage.Their actual residence is with their mother at Monrovia,Frederick County,Maryland.

12.Will you state what real estate the said John Calvin Walker owned at the time of his death?

A.He owned at the time of his death,a tract of land situated on the west side of the pike leading from New Market to Monrovia,at the time of his death containing 27 acres 7.21 perches of land,more more or less,This was an original tract conveyed to Melvin P.Wood and J.C.Walker by deed from Hammond Urner and T.B.Trail,,rustees,bearing date of March 14th,1907,a certified copy of which is filed in this case as Exhibit "H.U.& T.B.H." Mr.M.P.Wood and wife have conveyed all their right, title and interest in this said tract to the said John Calvin Walker by deed dated April4,1907,a certified copy of which deed is filed in this case as Exhibit "M.P.W.No.1".

13.Did Mr.Walker sell any lots or portions of land off of this original tract,during his lifetime?

A.He did.

14.Can you name the deeds of conveyances by which the said John Calvin Walker conveyed portions of this property?

A.They were (a)a deed from John Calvin Walker and wife to Edward W.Hughes,dated November 25th,1907

and for 14 acres,3 roods and 10.21 perches of land,recorded in liber S.T.H.282,folio 59,one of the land records for Frederick County;Maryland;(B)a deed from John Calvin Walker and wife to Edward W.Hughes,dated September 22,1908,for 1 acre and 3 perches of land,recorded in Liber S.T.H.278,folio 373,one of the land records for Frederick County, Maryland;(C)a deed from John Calvin Walker and wife to John F.Watkins,dated September 22,1908,for 1 acre of land,recorded in Liber S.T.H.284,folio 523,one of the land recor ds for Frederick County,Maryland;(D)a deed from JohnCalvin Walker and wife to Edgar L. Grimes,dated June 24,1909,for 1 acre,1 rood,and 12.4 perches of land,recorded in Liber S.T.H.287,folio 379,one of the land records for Frederick County,Maryland;(E)a deed from John Calvin Walker and wife,to Chas.W.Cash our,dated November 16,1912,for .64 acre of land,recorded in Liber H.W.B.302,folio 354,one of the land records for Frederi ck County,Maryland;(F)a deed from JohnCalvin Walker and wifeto Henry W.Boyer,dated November 16,1912,for,54 acres and .64 acre of land,recorded in Liber H.W.B.304,folio 364,one of the land records for Frederick County,Maryland;(G)a deed from John Calvin Walker and wife to Chas.W.Wilson,dated March 29,1913,for 1¼ acres of land,and not yet recorded;this,making a total quantity of land conveyed off of said land,of 21 acres,1 rood and 12.81 perches of land,and leaving a balance remaining of said original tract of 9 acres,3 roods,7.99 perches of land,more or less.

15.After Mr.Walker made these deeds of conveyance you have narrated,did he purchase any land as an addition to the original tract or as an addition to the 9 acres,3 roods and 7.99 perches of land?

A.He did.

16.Can you tell what proprties or lots he bought in addition to this 9 acres,3 roods, and 7.99 perches of land?

A.He bought (1) a tract,containing 15 acres,3 roods and 13.21 perches of land,from Edward W.Hughes,by deed,dated October 2,1911,recorded in Liber H.W.B.298,folio 238,one of the land records for Frederick County,Maryland,of which Exhibit "E.W.H."filed with the bill in this case,is a certified copy;(2) a tract,containing 1 acre 26 perches of land,from Richard B.Murdock and wife,by deed,dated April 8,1910,recorded in Liber H.W. B.292,folio 148,one of the land records for Frederick County,Maryland,of which Exhibit "R.B.M."filed with the bill in this case,is a certified copy;this making a addition to the said balance of 9 acres,3 roods,and 7.99 perchess,of 17 acres,39.21 perches of land, and making a total contained in this tract at the time of the death of John Calvin Wal ker of 27 acres and 7.21 perches of land,more or less.

17.Did Mr.Walker,at the time of his death,own any other tracts of real estate?

A.Yes,sir.The second tract,which I refer to,is a part or tract of land,beginning for the same at the B.&.O.side tract at Monrovia Station,at a point on the South line of the property now occupied by Mres.Weast and Mr.Odean,and running northwardly with said division line 60 yards,more or less,to the main line of the Baltimore & Ohio R.R., thence westwardly along the right of way of the said B.& O.R.R.88 yards,more or less,t to the end of the property described in deed hereinafter mentioned,thence by and with the west line of said property southwardly 66 yards more or less,to the said side trak thence eastwardly 73 yards,more or less,to the place of beginning,containing about 1 acre of land.more or less,and being part of the same tract of land which was conveyed to John Calvin Walker for 2 acres of land;more or less,by deed from M.P.Wood and wife, dated November 16th,1896,and recorded in Liber J.L.J.14,folio 468,one of the land records for Frederick County,Maryland,of which Exhibit "M.P.W.No.2",filed with the bill in this case,is a certified copy;the other part of the property described in this deed having already been sold or reserved from the operations of this Bill.Mr.Walker,at the time of his death,also owned a third tract of land,containing 25 acres and 20½ perches of land,more or less,which was conveyed to him by deed from Chas.W.Lowrey and wife, dated October 10,1912,and recorded in Liber H.W.B.302,folio 209,of which Exhibit "C.W. L"filed with the bill in this case,is a certified copy.

Mr.Walker also owned,at the time of his death,a fouth tract of land,consisting of a farm containing 126 acres of land,more or less,situated at Monrovia Station,ehich was conveyed to him by deed from Emory L.Coblentx,Assignee of Mortgage in #9144 Equity,said deed bearing date of April 9,1914,or rec ord in Liber H.W.B.308,folio 295,one of the land records for Frederick County,of which Exhibit"E.L. C."filed with the bill in this case,is a certified copy.

18.mr.murdock,are you well acquainted with the real estate in the four tracts of land you have described?

A.yes,sir.

19.Will you describe to the Court each one of these four tracts where they are located and of what does each consist?

A.The first tract of land,now containing something over 27 acres of land is improved by a two story gwelling house;is situated on the west side of the pike leading from new Market to Monrovia,The land which was purchased in addition to the original tract,after the enumerated conveyances,made of of the same,now forms one tract.The second tract of land,is situated between the main line of the B.&.O.R.R.and the siding at Monrovia Station,containing about 1 acre of ground and two dwelling houses.One house and lot of this has been sold off.The remaining portion of this tract,other than I have named,is reserved and not entitled to be sold under tis proceedings.The third tract of land, containes about 25 acres,and a dwelling house,barn and out-buildings,which is located on the east of the State Pike running from Monrovia in the direction of Kemptown,about one-half miles south of Monrovia.This tract is a fruit farm.The fouth tract is situated at Monrovia,containing about 126 acres of land and is a farm with dwelling house,barn,creamery,and other-outbuildings.

20.Can you give us any idea of the value of these tracts ?

A.The first is worth approximately $3,500;the second tract is worth about $1,800;the third tract, containing 25 acres,is worthabout $4,000;the fourth tract,containing 126 acres,is worth about $9,000

21.Did Mr.Walker own any other tracts real estate at the time of his death,aside from what you have already mentioned and described?

A.He did.He owned a store property situated in Monrovianow occupied by R.B.Murdock,as tenant.He owned another house and lot which is now occupied by Mrs.Weast,a sister of Mr.Walker,which is not desired to be sold in this proceeding.He also owned the home property or mantion house which is situated in Monrovia and which is now occupied by Mrs Edith M.Walker and Louise I.and Hester Walker ad their home,which property is is not intended for the parties to have sold under this bill.This is also another homse and lot adjoining the home property,which is occupied by Mrs.Jemimah Mount, who is a sister of MrWalker,and which property it is not desired under the bill to sell.That is all

22.The four properties that you have mentioned and described,which are desired to be soldunder this Bill;are they susceptible of physical division between the parties under this bill without material loss and injury to the parties?

A.They are not.They are in various and unequal tracts,so that it would be impossible to devide the same among the parties without material loss or injury,nor would it be possible to divide all of the real estate of Mr.Walker so that each one would have a just portion,without material loss and injury.

23.State whether or not it would be for the best interest for the infant parties to this cause and Mrs.Walker to have the properties mentioned and described in this cause,sold,and if to their best interests,why?

A.In my judgment,as these two infant girls and Mrs.Maler have no man to look after the afairs of the property;as the properties are all in good shape now;as I believe the parties would not be able to manage the properties to advantage;it would be to the best interest and advantage of all parties to have the properties sold now when the same are in good marketable condition.

24.Did Mr.Walker leave any personal property at the time of his death?

A.Yes,sir.

25.Did he leave any debts of any consequence?

A.He left some debts which are all adjusted and paid up to date.he left more personal property than

was necessary to pay all of his debts and obligations and left a substantial balance to be devided among the parties to this cause.

26.Are you conected with the personal estate of John Calvin Walker in any way,and if so,in what way?

A.I am one of the administrators of the estate of John Calvin Walker,Mrs.Edith M.Walker being the other administratrix,and I am thus familiar with the personal estate of the lage John Calvin Walker.

27.Mr.Murdock,do you believe that the real estate you have mentioned and described,is not susceptible of partition without material loss and injury to the parties interested therein,and that in order to make a division of said interest it will be nessary that said real estate be sold and the proceeds thereof be divided among the parties to this bill,according to their several and respective interest therein?

A.I do.

To the General Interrogatory.

A.There is nothing further. Richard B.Murdock

Silas K.Utz,a witness of lawful age,produced on the part of the Petitioner,having duly affirmed,deposes and says;

(Question by Mr.Pearre.)

1.State your name,age and residence.

A.Silas K.Utz;age,43 years;reside about two miles and a half northwest of New Market.

2.Did you know John Calvin Walker during his lifetime?

A.yes,sir.

3.Is he dead or living?

A.He is dead.

4.Are you familiar with the real estate owned by Mr.Walker at the time of his death?

A.Yes,sir.

5.Are you familiar with the tracts of land mentioned and described in the Bill of Complaint as the first tract,containing about 27 acres of land?

A.Yes,sir.

6.Are you familiar with the tract of land mentioned as the second tract,lying between the main line of the B.&.O.R.R.and the siding at Monrovia Station?

A.Yes,sir.

7.Are you familiar with the third tract,containing about 25 acres,which is afruit fam on the pike leading from Monrovia towards Kemptown?

A.Yes,sir

8.Are you familiar with the fourth tract,containing about 126 acres of land,known as the Frizzel farm,which is situated at Monravia Station?

A.Yes,sir.

9,Are you acquainted with Edith M.Walker and Hester and Louise I.Walker,parties to this case?

A.I am.

10.Do you know the ages of Hester and Louise I.Walker?

A.They are both under the age of 21 years,and I think Herster is about fourteen and Louise about 17.

11.Will y u state whether or not the four tracts of land which you have testified you are familiar with,are susceptible of partition between the parties to this cause without material loss and injury?

A.I think not.There is nothing about the properties that are equal.One is a large tract ahd the others are small.It would be hard to devide.Then,the main thing is that the parties to this case are not able to handle them.I heard Edith Walker say she didn't know a thing about a farm.

12.Do you believe it would be to the best interest of the said infants and Mrs.Walker to have this real estate sold and the proceeds thereof devided among the parties accoording to their interests therein?

A.I decidedly think that it would be to the best tnterest of the parties interested,for the reason I have already indicated that they are several tracts of real estate and the two girls are infants and Mrs.Walker is a woman with no man to look after her interests and rights in the property.All the purpiesies are now in good shape and in good repair,and I believe that aside from the properties not being susceptible of partition without material loss and injury to the property,it would be to the best interests of the parties to this case to make sale of the property at this time.

13.You have heard the testimony of Mr.R.Bruce Murdock as to the estimated value of these tracts of land;is that estimate about correct?

A.I think that his estimate is conservative.

To the General Interrogatory. 11 miles.

Silas K.Utz.

Henry M.Snyder,a witness of lawful age,produced on the part of the Petitioner, having duly affirmed,deposes ans says ;

(Question by Mr.Pearre.)

1.State your name,age and residence.

A.Henry M.Snyder;age 52 years,reside about a male from Monrovia.

2.Did you know John Calvin Walker during his lifetime?

A.Yes,sir.

3.Is he dead?

A.He is dead.

4.Did he leave any children at the time of his death?

A.Yes,sir.He left Hester and Louise I.Walker,both of whom are under 21 years of age.

5.Did he leave a widow?

A.Yes,sir;Mrs.Edith M.Walker is his widow.

6.Where does the said Edith M.and Louise I.and Hester Walker now reside?

A.At Monrovia,Frederick County,Maryland.

7.Do you personally know all three of the parties to this Bill?

A.Yes,sir.

8.Did Mr.Walker leave any real estate at the time of his death?

A.Yes,sir.

9.Will you describe what real estate he left?

A.1st.twenty-seven acres of land,more or less,located on the west side of the road from New Market to Monrovia,improved by a house and other outbuildings.

2nd.A lot situated between the B.&.O.R.R.and the siding at Monrovia Station,containing about one acre of land,improved by two houses.

3rd.A track containing about twenty-five acres which is located south of Monrovia on the east side of the pike leading to Kemptown,which is a fruit farm.

4th.The farm containing 126 acres of land,situated at Monrovia Station,adjoining the town of Monrovia,improved with a house,barn,and other out-buildings and timber land.

10.Are you familiar with these properties?

A.Yes,sir.

11.State whether or not the four properties you have mentioned and described are susceptible of partition without material loss and injury to the parties to this cause?

A.They couldn't be divided without material loss and injury to the parties,because the properties are unequal in size and value and couldn't be divided without loss and injury.

12.Do you believe it would be to the best interest of the said infants,Louise I.and Hester,and Mrs Edith M.Walker,parties to this cause,to have these properties sold and the proceeds divided among the said parties?

A.Yes,sir,because they have no man to look after their interest and are unable to do so themselves.The properties are all im good shape now and it will be more advantageous to sell at this time than at some future time when the properties may be out of repair and in bad condition.

13.You have heard the testimony in this case of Mr.Murdock and Mr.Utz as to the value of these properties;is their estimate correct,in your judgement?

A.Their value are about fair.

To the General Interrogatory.

A.Nothing further. 10 miles.

Henry M.Snyder.

Whereupon,there being no other witnesses to be examined and no further time being required for the production of testimony,I,the aforesaid Examiner in this Cause hereby certify that the aforegoing are the original depositions in this Cause as the same were read over to the Witnesses,whose signatures to the same were waived,and I herewith return the same enclosed to your Honorable Court.

Witness my hand this 17th day of May,1915.

Guy K.Motter, (SEAL)
Examiner.

Costs of the aforegoing testimony;-

Guy K.Motter,Examiner,one day,	$4.00
John Ed.Sohell Jr.,Stenographer one day	2.50
R.Bruce Murdock,Witness,9 miles	1.65
Silas K.Utz,Witness,11 miles,	1.85
Henry M.Snyder,Witness,10 miles,	1.75
Total Costs,	$11.75

Certified to; Guy K.Motter
Examiner.

Filed May-18-1915.

Hester Walker,by Edith M.Walker, her next friend,et al. Vs. Louise I.Walker. — No.9302 Equity. In the Circuit Court for Frederick County maryland. in Equity.

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To the Honorable Judges of said Court;-

The Petition of Isaiah N.Loy,Guardian Ad Litem of Louise I.Walker the defendant,infah in the above entitled cause,respectfully shows unto your Honors:-

,hat he has examined the testimony taken by the plaintiffs in the above entitled caue and believes it sufficient to properly inform the Court of the facts of the case,and that therefore the defendant representing the said Louise I.Walker does not desire to take any testimony,but submits the matters to the desision of the Court.

Isaiah N.Loy.
Guardian Ad Litem of Louise I.Walker.

We hereby agree to waive the rule of Court requiring the testimony to lay in Court for twn days,and consent to the passage of such decree as the Court may pass in said Cause,without delay.

George A.Pearre Jr.
Solicitor for Plaintiffs.

Isaiah N.Loy
Guardian Ad Litem of Louise I. Walker.

Filed May.19-1915.

Hester Walker et al. VS. Louise Walker — No.9302 E Q U I T Y. In the Circuit Court for Frederick County,sitting as a Court of Equity. May TERM,1915.

The above case standing ready for a hearing,and being submitted,the Bill,Answer, Exhibits and all other proceedings were by the Court read and considered

It is thereupon,this 4th,day of June in the year nineteen hundred and fifteen by the Circuit Court for Frederick County,as a Court of Equity,and by the authority of said Court,adjudged,ordered,and decreed,that the aInd and premises mentioned in these proceedings be sold,and that George A.Pearre Jr,and Richard B.Murdock of Frederick County,be,and they hereby appointed Trustees to make the said Sales,and that the course and manner of their proceedings shall be as follows:thay shall first file in the Clerk's office of this Court,a BOND to the State of Maryland,executed by them with a surety,or sureties,to be approved by the Court.or the Clerk thereof,in the penalty of thirty Thous and Dollars,conditioned for the faithful performance of the trust reposed inthem by this decree,or which may be reposed in them by any future order,or decree in the premisws.They shall then proceed to make sale of the said Real Estate,having first given at least three weeks previous notice,inserted in some news paper printed in Frederick County,and such other notice as they shall think proper of the time,place,manner and terms of sale;which terms shall be as follows;One half of the purchase money to be paid in cash on the day of sale,or on the ratifiacation thereof by the Court, the residue in two equal payments of six and twelve months respectfully the purchaser or purchaseres giving his,her,or their notes,with approved security and bearing interest from the day of sale or all cash at the option of the purchaser and as soon as may be convenient after any such sals or sales,the said Trustees shall return to this Court a full and particular account of the same,with an affidavit of the truth thereof,and of the fairness of such sale or sales annexed,and on the ratification of such sale or sales by the Court,and on payment of the whole purchase money,and not before,the said Trustees by a good and sufficient deed to be executed and acknowledged agreeably to law,shall convey to the purchaser or purchasers of the said property,to do his,her or their heirs,the property to him,her or them,sold,free, clear,and discharged of all claim of the parties to this cause,and of any person or persons claimimg by,from,or under them;and the said Trustees shall bring into this Court the money arising on such sale or sales,and the bonds or notes which may be taken for the same,to be disposed of under the direction of this Court,after deducting therefrom the costs of this suit,and such commission to the said Trustees as the Court shall think proper to allow,on consideration of the skill,attention and fidelity wherewith they shall appear to have discharged their trust. Glenn H.Worthington

Filed June 4-1915.

TRUSTEES REPORT OF SALES

Hester Walker,an Infant,
by Edith M.Walker her
Mother,and next Friend,&
Edith M.Walker.
Vs.
Louise I.Walker.

No. 9302 EQUITY,
In the Circuit Court for Frederick
County,sitting as a Court of Equity.

To the Honorable Judges of said Court:-

The Report of sales of Geo.A.Pearre Jr.and Richard B.Murdock,Trustees appointed by your Honorable Court to sell the real estate described to be in the above entitled cause,respectfully shows unto your Honors.

1st.That after filing their Bond with aproved security,as provided by said decree,and after giving at least three weeks previous notice,as therein provided and described,of the time,place,manner and terms of sale,by advertisement inserted in the Frederick Post,a news-paper published and circulated in Frederick County Maryland,and by various Hand-Bills circulated and posted in Frederick County,at various places near to said real estate.,ou Trustees attended in front of the store of R Bruce Murdock at Monrovia Frederick County Maryland,on saturday September 11th 1915 at 10 Oc10ok A.M.that being the time andplace mentioned and described in said advertisement;and then and there offered ar public sale the Real-estate decreed to be sold in the above entitled cause.That your Trustees first offered property No.1.of tract No.1.Containing 1 acre 1 rood and 26 square perches of land,situated at Monrovia Frederick County Maryland and fully described in the Advertisement of

Sale filed in this cause,as property No.1.of tract No.one,and sold the same to Thoma M.Murphy,he being the best and highest bidder therefor,at and for the sum of ($2000.00),wo Thousand Dollars;and the said purchaser has obligated himself to comply with the terms of sale as prescribed by said decree and as set forth in said advertisement of sale,as will fully appear by the acknowledgement of Purchase herewith filed as part hereof and marked Exhibit "T.M.M."

2nd.That your Trustees then offered the remainder of tract No.1.in two parts one containing 10 Acres 1 rood and 23 square perches with Improvements,the other part containing 17 acres 1 rood and 15 square perches of land adjouning the other tract,a Plat of said two tracts being herewith filed as part hereof and marked Exhibit " Plat".That after offering said tracts separately,they then offered the said two trab as a whole and received the better bid for the same as a whole towit the sum of $3000.oo that your Trustees believing that the price so bid was not a fair and marketable price for the same,and believing that the same could be sold for a much bette price,withdrew the same.

3rd,That your Trustees then offered for sale the Western House of tract No.2.as described in the Advertisement of Sale,with the land attached,and [redacted] sold said real estate to Vernon W.Nicodemus & Emma E.Nicodemus they being the highest and best bidders therefor,at and for the sum of Nine Hundred and Ninety Seven Dollars and Fifty cents ($997.50)and the said purchasers have obligated themselves to comply with the terms of sale as prescribed by said decree and as set forth in said Advertisement,as will fully appear by the Acknowledgement of purchase herewith filed as part hereof and marked Exhibit V.W.N.& E.E.N.

4.Your Trustees then offered the Eastern House of tract No.2.situated at Monrovia and containing 7 rooms and out-Buildings,and receive a Bid on the same of $965.00, which your Trustees believe not to be a good and sufficient price for the same,and believeing that they can secure a better and mre adequate prive for the same,they with drew the sale of the same.

5th.That your trustees then offered for sale the real estate described in the Advertisement of Sale as tract No.3,situated South of Monrovia and containing 25 acres and 20½ perches of land with the improvements thereon and the best bidder that they could receive on the same was the sum of $3100.00,which your Trustees believe to be an insufficient bid and price for the same,and your Trustees believing that they can secure and obtain a larger and better price for the same nearer the real value of said property,withdrew the sale of the same.

6th.That the Trustees then offered for sale Tract No.4.being the farm of 126 of land with the buildings thereon,and as fully described in the advertisement of sale,excepting however from this offer one quarter of an acres of land across the rail road and fenced off from said farm as a chicken yard to one of the houses of John C.Walk not decreed to be sold in this cause,and also receiving and excepting from daid farm the Creamery located on sais farm;and your Trustees sold said farm together with the improvements,subject to the above reservations,to John Clark he being the highest and best bidder therefor at and for about the sum of $72.00 per acre,qnd at and for the total sum of Nine Thousand and Fifty Dollars ($9050.00,) and the said purchaser has obligated himself to comply with the terms of sale as prescribed by said decree, and as set forth in the advertisement,as will fully appear by his acknowledgement of purchase herewith filed as part hereof and marked Exhibit J.C.

7th.That your Trustees then offered for sale the Creamery with the land attached, together with the machenery & Equipment,which was reserved from the farm and as rese rved in the advertisement of sale,and sold the same to John Clark,he being the best and highest bidder therefor,at and for the sum of Two Hundred and Fifty Dollars,and the said purchaser has obligated himself to comply with the terms of sale as presc-

ribed by said decree,and as set forth in the advertisement of sale,as will fully appear by the acknowledgement of purchse herewith filed as hapt hereof and marked Exhibit "J.C.No.2.

8.Your Trustees reported the gross ammount of said sales as made herein,to be the sum of ($12297.50.

All of which is respectfully submitted.

George A.Pearre Jr.

Richard B.Murdock.

Trustees.

State of Maryland Frederick County to-wit!-I hereby certify that on this 23rd day of September in the year 1915,before me the subscriber the Clerk of the Circuit Court for Frederick County Maryland personally appeared Geo.A.Pearre and Richard B.Murdock,Trustees in the above case and made oath in due form of law that the matters and things stated in the aforegoing Report of sales,are true as therein set forth,to the best of their knowledge and belief,and that the said sales therein reported were fairly made.

Harry W.Bowers

Clerk of the Court for Frederick County Maryland

PUBLIC SALE

Of Valuable Real Estate.

by virtue of a decree of the Circuit Court for Frederick County Maryland,sitting as a Court of Equity,passed on the 4th day of June,A.D.1915,in No.9302 Equity,on the docket of said Court,wherein Hester Walker and Edith M.Walker are complainants,and Louise I.Walker is defendant,the undersighed, George A.Pearre,Jr,and Richard B.Murdock,as Trustees named in said decree,will sell at public sale, in front of the store of R.Bruce Murdock,at Monrovia,Frederick County,Maryland,on Saturday September 11,1915,at 10 Oclock A.M.all those valuable tracts of real estate,hereinafter described,of which the late John Calvin Walker died seized.

First Tract.All that valuable real estate situated on the west side of the pike leading from Monrovia to New Market Frederick County,Maryland,containing 27 and 7 and 20-100 perches of land,more or less,being part of the tract of land conveyed to the said John C.Walker,by deed from Hammond Urner and Thomas B.Hull,trustees,bearing date March 14,1907,and of record in Liber S.T.H.No.278,folio 373,and by deed from Melvin P.Wood,bearing date April 4,1907,and of record in Liber S.T.H.No.278 folio 551,one of the land records of Frederick County Maryland.This tract will be offered in three parts.First,all that lot of ground containing one acre 1 rood and 26 square perches of land,and fully described in a deed from R.B.Murdock and wife to John C.Walker of date April 8,1910,and of record in Liber H.W.B.No.292,folio 148,one of the land records for Frederick County Maryland.This tract is improved by a Two-Story Dwelling House,(Nearly New),containing six rooms,porches,celler,and outbuildings,with spring and pump in the yard.The remainder of this tract will be surveyed before the day of sale and offered separately and as a whole and sold to the best advantage,A plat of this tract will be exhibited on day of sale showing the division line from east to west.This tract of land is improved by a Two-Story Dwelling House.containing six rooms,porches,garret and celler,and other outbuildings and containes an excellent young peach orchard of 300 trees,all in fine bearing condition.TRACT No.2.All that valuable real estate containing 1 acre of land,more or less,situated at Monrovia,which was conveyed to the said John C.Walker,by deed,from Melvin P.Wood,of date November 16,1896,and of record in Liber J.L.J.No.14,folio 468,one of the land records of Frederick County Md.This tract is improved by two Two-Story Dwelling Houses,containing six rooms each,with porches andoutbuildings.These two houses,with the land attached will be sold separately.A plat of these two houses will be exhibited on day of sale.THIRD TRACT.All of that valuable tract of land,containing 25 acres and 20½ perches of land,more or less,situated one-half mile south of Monrovia Frederick County Maryland,on the pike leading from Monrovia to Kemptown,and fully described in a deed from Charles W.Lowery to John C.Walker,bearing date October 10,1912,and of record in Liber H.W.B.No.302, folio 209,one of the land records of Frederick County Maryland,This tract is improved by a Two-Story Dwelling House,containing six rooms.papered and newley painted;new barn,corn house,wagon shed and other outbuildings;also tenant house with four rooms,and other outbuildings.This tract contains an

excellent apple and peach orchard of about 1,500 trees,all in good bearing condition. FOURTH TRACT,All that valuable farm situated at Monrovia,Frederick County Maryland,on containing 126acres of land,more or less,and described in a deed from Emory L.Coblentz to John C.Walker,of date April 9,1914,andof record in Liber H.W.B.No.308,folio 395, one of the land records of Frederick County Maryland.This farm is impsoved by a Dwelling House,containing 12 rooms,celler,large bank barn,corn house,wagon shed,ice house carriage house,and other outbuildings.This property is also impeoved by a Creamery and Equipment,which will be offered separately,on day of sale.This farm is in a good state of cultivation,newly limed,and is very prodictive.and offer a rare opoprtunity to any one desiring a fine farm and home.

Terms of Sale,as prescribed by Decree!-One-Third of the purchase money to be paid in cash on day of sale or the ratification thereof by the Court,the residue in two equal payments of six and twelve months,the purchaser or purchasers giving his her or their notes,with approped security,and bearing interest from the day of sale,or all cash at theoption of the purchaser.A deposit of $250 will be required of the purchaser of property No.1.of Tract No.1 on day of sale;a deposit of$250 of each part of the second property of Tract No.2.if sold in two tracts and $500 if sold as one tract;a deposit of $200 each of the purchaser of each house of Tract No.2.a deposit of $500 of the purchaser of Tract No.3,a deposit of $500 of the purchaser of Tract No.4,the purchase to be at all costs of conveyancing,together with revenue stamps.All growing crops and personal property (and rents to giving to deeds)reserved,Possession of property No.1 of Tract No.1 given October 1,1915,Possession of the remainder of Tract No.1,given on day of sale,vendors reserving right to save and remove growing crops and personal pre perty,Possession of Tract No.2 given April 1,1916,Possession of Tract No.3 of the lad given on day of sale,the vendors reserving the right to save the gwowing crops,Possession of the house on this Tract given April 1,1916,Possession Of Tract No.4,given April 1,the growing crops reserved,the purchased to take the place of the landlord after day of sale in other respects.

William E.Darner Auctionner

George A.Pearre Jr.
Richard B.Murdock
Trustees.

EXHIBIT "T.M.M."

I hereby acknowledge on this 11th day of September in the year 1915,I have purchased at public Sale,From Geo.A.Parre Jr.and Richard B.Murdock,Trustees in No.9302 equity In the Circuit Court for Frederick County Maryland,all that tract of land with the improvements thereon,and fully described in the annexed advertisement,as Property no. 1 of tract no.1 known as the Murphy Property at and for the sum of Two thousand Dollars.And I hereby obligate myself to comply with the terms of sale as set forth in said advertisement.

Thomas M.Murphy (SEAL)

TEST! Grant Poole. Filed Sept-23-1915.

EXHIBIT V.W.N.& E.E.N.

I hereby acknowledge that on this 11th day of September in the year 1915,I have purchased at public sale,from Geo.A.Pearre Jr,and Richard B.Murdock,trustees,in No.9302 Equity in the Circuit Court for Frederick County Maryland,all that tract of land,with the improvements,thereon,and fully described in the annexed Advertisement,as The Westerb House of tract No.2,at and for the sum of Nine Hundred & Ninety Seven Dollars & Fifty cents Dollars,And I hereby obligate myself to comply with the terms of sale as setforth in said Advertisement.

Vernon W.Nicodemus (SEAL)
Emma E.Nicodemus (SEAL)

TESt. J.W.Williams
Filed Sept-23-1915.

EXHIBIT "J.C."

I hereby acknowledge that on this 11th day of September in the year 1915,I have purchased at public Sale,from Geo.A.Pearre Jr,and Richard B.Murdock,trustees in No.9302 Equity In the Circuit Court for Frederick County Maryland,all that tract of land with the improvements thereon,and fully described in the annexed Advertisement,as tract No.4,being the farm of 125½ acres being ¼ acre reserved for yard at and for the sum of $72.00 per acre and for the total sum of $9050.00 Dollars. And I hereby obligate myself to comply with the terms of sale as setforth in said Advertisement.

Filed Sept.23-1915. John Clark (SEAL)

EXHIBIT "J.C. No.2"

I hereby acknowledge that on this 11th day of September in the year 1915,I have purchased at Public Sale,From Geo.A.Pearre Jr,and Richard B.Murdock,Trustees,in No.9302 Equity in the Circuit Court for Frederick County Maryland,all that tract of land with the improvements thereon,and fully described in the annexed Advertisement ,as The Creamery and ¼ acre of land attached at and for the sum of Two Hundred and Fifty(250.00)Dollars.And I hereby obligate myself to comply with the terms of sale as setforth in said advertisement.

John Clark (SEAL)

Filed Sept-23-1915.

TRUSTEES REPORT OF SALES.

ORDER NISI ON SALES.

Hester Walker,an infant by Edith M.Walker,her mother,and next friend,and Edith M.Walker.

Vs.

Louise I.Walker.

No. 9302 EQUITY.

In the Circuit Court for Frederick County sitting in Equity.

September Term,1915,In the Matter of the Report of Sales Filed the 23rd,day of Sepember 1915.

ORDERED,that on the 16th day of October 1915,the Court will proceed to act upon the report of Sales of Real Estate,reported to said Court by Geo.A.Pearre,Jr,Richard B.Murdock Trustees in the above cause,and filed therein 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 $12297.50

Dated this 23rd day of September 1915.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County

The Frederick Post.

CERTIFICATE OF PUBLICATION

Frederick,Maryland,Oct,15,1915.

This is to certify,That the annexed Nisi on Sales was published in "THE FREDERICK POST"a news paper published in Frederick County,once a week for three successive weeks prior to the sixteenth day of OctOber 1915.

THE POST PUBLISHING CO.
per R.I.Ford

Filed Oct,16th,1915.

Ordered by the Circuit Court for Frederick County Maryband,sitting as a Court of Equity,this 16th day of October in the year 1915.that the aforegoing report of Sales of Geo.A.Pearre Jr,and Richard B.Murdock trustees,and the Sales therein reported,be and the same are hereby ratified and confirmed no cause to the contrary having been shown,although due notice appears to have been given as required by the proceeding Order Nisi.

Glenn H.Worthington
Judge of the Circuit Court for Frederick County Maryland.

Filed Oct,16th,1915.

EXHIBIT "C.W.L.

At the request of Jihn Calvin Walker the following deed in Received for Record and Recorded Oct. 10-1912 At 1.50 O'Clock P.M.

Test! Harry W.Bowers Clerk.

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This deed made this 10th day of October in the year nineteen hundred and twelve by Charles W.Lowery and Rachael A.Lowery,his wife,of Frederick County,State of Maryland Witnesseth!-that for and in consideration of the sum of Thirty one hundred Dollars to us in hand paid at and before the execution and delivery of these presents,the receipt of which is hereby acknoeledged we the said Charles W.Lowery and Rachael A. Lowery,his wife,do hereby grant and convey unto John Calin Walker all those parcels or tracts of land situate,lying and being in New Market Election District,Frederick County,State of Maryland,adjoining the lands of Mrs.Jennie Griffith,J.E.R.Wood and Charles Lowe,together with all and singular the buildings and improvements,rights, ways,privilages and appurtenances thereunto belonging or appertaining,said parcels & of land being more particularly described as follows!-

FIRST!$All that parcel or tract of land,beginning at the end of fifty nine (59)perches on the Seventh line of the tract of land called "The Two Sisters,"and running thence South Sixty-nine and three-fourths degrees West,Six perches;South nineteen and one-half degrees West,forth-eight perches;South eighty-one and one-half degrees East.eighty and eight tenths perches;thence by a straight line to the beginning. Containing Two Acres and twenty three square perches of land,more or less,Second!- All that parcel or tract of land,beginning for the same at a stone planted at the end of the third line of the first lot above described,and running thence with the fourth line of said lot and bounding on said line,North eighteen and one-half degree West,fifty-one and three-tenth perches;thence South eighty-six degrees East,twenty-one and six tenths perches;thence North eighteen and one-half degrees West,one perch thence South eighty-six degrees East,four and nine-tenth perches;thence South ten and one-half degrees East,fifty-five and two-tenth perches;thence North eighty-one and one-half degrees West,twenty-one perches to the place of beginning,Containing seven acres of lahd,more or less.THIRD!-All that parcel or tract of land,beginning for the same at a stone formerly planted for the end of the fifth line of the aforesaid second described tract of land,said stone supposed to be planted on a certain line between Mrs.Jennie Griffithand the land hereby conveyed;then running and binding on said line,South Seventy five and three-fourths degrees East,twenty nine perch North nine degrees East,sixty-nine and one-quarter Regphes to a stone set;South eighty-seven and one-quarter degrees West,thirty-nine and one-half perches to the corner of mrs.Charles Lowe's land,and with said land,South seventy-one and one-half degrees West,thirteen and six-tenth perches to the end of the fourth line of th aforesaid second described tract of land;then with and bounding on the fifth line of said trat of land to the first place of beginning,Containing Fifteen Acres,three roods and thirty-seven and one-half perches of land,more or less,It being tne same real estate heretofore conveyed unto the said Charles W.Lowery and Rachael A.Lowery,his wife,by John Calvin Walker and Edith M.Walker,his wife,by deed bearing date on the 2nd day of September,1909,and recorded in Liber S.T.H.No.287 Folio 506 &c.,one of the land Records for Frederick County. Witness our hands and seals.

TEST!Henry W.Boyer
Notary Public.

Charles W.Lowery (SEAL)
Rachael A.Lowery (SEAL)

State of Maryland,Frederick County,to-wit!-

I hereby certify that on this 10th day of October in the year nineteen hundred and twelve,before me the subscriber a notary Public of the State of Maryland,in and for the County aforesaid,personally appeared Charles W.Lowery and Rachael A.Lowery, his wife,the grantors above named,and did each acknowledge the aforegoing deed to be their respective act.Witness my hand and Seal Notarial the day and date above written.

PLACE Notarial SEAL

Henry H.Boyer
Notary Public.

State of Maryland,Frederick County,to-wit:-

I hereby certify that the aforegoing is a true copy of the Original Deed from Charles W.Lowery and Rachael A.Lowery his wife to John Calvin Walker,as recorded in Liber H.W.B.No.302,Folio 209,one of the land Records of Frederick County Maryland.

PLACE OF COURT. SEAL

In testimony Whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederick,Maryland,this 31st,day of March A.D.1915

Harry W.Bowers

Clerk of the Circuit Court for frederick County,Maryland.

Filed April 3-1915.

(Exhibit to Original Bill)

ORDER OF COURT TO SELL TRACT NO 3 AT PRIVATE SALE.

Hester Walker,an infant,
by Edith M.Walker her
Mother and Next friend &
Edith M.Walker.
Vs.
Louise I.Walker.

No. 9302 EQUITY.
In the Circuit Court for Frederick
County Maryland,in Equity.

To the Honorable Judges of said Court:-

The Petition and Report of Sale of Geo.A.Pearre Jr.and Richard B.Murdock,Trustee,appointed by your Honorable Court in the above entitled Cause,respectfully shows unto your Honors:-

1st.That your Petitioners were duly appointed Trustees in the above entitled Cause,by your Honorabl Court,and after having given Bond as required by said decree,your Petitioners Advertised all the real-estate of the late John C.Walker at public Sale,and offered the same on September 11th 1915 as will fully appear by reference to the report of Sales of your Petitioners,filed in said Cause.

That among the real estate offered for sale on sais September 11th 1915 and described in the advertisement of Sale as Tract no.3.was the tract situated South of Monrovia on the Pike leading from Monrovia to Browningsville and containing 25 acres and 20½ perches of land more or less and improved by a two-story dwelling house containing six rooms,new barn,corn house,wagon shed,tenant house andother out-buildings,and containing a orchard of some 1500 apple and peach trees.Said tract of land being fully described in a deed from Chas.W.Lowery & Wife to the said John C.Walker bearing date October 10th 1912 and of record in Liber H.W.B.No.302 folio 209 one of the Land Records of Frederick County Md.

2nd.,hat your Petitioners offered said above described Tract No.3.at public Sale on said September 11th 1915 and that the highest and best Bid received for the same was the sum of $3100.00,and your Trustees believing that said bid was an insufficient bid and price for the same,and believing that a better price could be abtained for the same at private sale,withdrew the sale of Tract no.3.All of which will fully appear by reference to the Report of Sales filed by your Trustees in said Cause

3rd.That your Trustees and Petitioners have since received an offer of $4000.00 of said Tract No.3. herein described,and they believe that sais sum of $4000.00 offered by the said John S.Umberger and Ida M.Umberger his wife,a good,fair and marketable price for said Tract No.3.and that your Trustees will not be able to get any better or higher price for the same.That the said property is now unoccupied no rent or income to yo r Trustees,nor will there be any income for the same for several months to come,your Petitioners therefore believe it will be for the best interest and advantage of the parties to this cause,that said property as above described be sold to the said Umbergers at and for the sum of $4000.00.

4th.That your Trustees believing that said offer as above is the highest and best bid that they will be able to obtain for the same,and a fair and marketable price for the same,have entered into a contract of sale with the said John S.Umberger and Ida M.Umberger for the sale of said Tract No. 3.at private sale for the sum of $4000.00,subject to the approval & Ratification of said sale by your Honorable Court,and upon the terms and conditions as fully set forth in said agreement of Sale

herewith filed as part hereof and marked exhibit "J.S.U.

5th.your Trustees report the sum of $4000.00 as the total amount of said Sale.

your Petitioners,Trustees in the above entitled cause,pray your Honors to pass an order authorizing and directing your Trustees to sell at private sale the property mentoned and described herein,to the said John S.Umberger and Ida M.Umberger his wife wife,upon the terms and conditions as contained int the Agreement of Sale filed here in as Exhibit "J.S.U."And your Petitioners pray for such other and further relief as the nature of the case may require.

Geo.A.Pearre Jr.

Richard B.Murdock

Petitioner & Trustees

State of Maryland Frederick County to-wit!-I hereby certify that on this 29th day of December in the year 1915 before the subscriber the Clerk of the Circuit Court for Frederick County Maryland,personally appeared Geo.A.Pearre Jr.,and Richard B.Murdock the Petitioners and Trustees named in the within and aforegoing Petition,and made oath in due form of law that the matters and things stated in the aforegoing Petition and Report of Sale,are true to the best of their knowledge,information and belief, and that said Sale therein reported was fairly made.

Eli G.Haugh

Clerk of the Circuit Court for Frederick County Md.

"E X H I B I T J.S.U."

This Agreement made this 15th day of December in the year 1915 by and between Geo.A. Pearre Jr.,and Richard B.Murdock,Trustees in No.9302 Equity,in the Circuit Ciurt for Frederick County Maryland,parties of the First Part and John S.Umberger & Ida M.Umberger his wife parties of the Second Part!-WITNESSETH that for and in consideration of the sum of $4000.00 to be paid by the said John S.Umbarger & Ida M.Umberger parts of the second Part,to the above named Trustees as herein after set forth,we the said Geo.A.Pearre Jr.,and Richard B.Murdock Trustees as aforesaid do hereby agree to sell unto the said John S.Umbarger & Ida M.Umberger conditioned and subject however to th the approval and ratification of the Circuit Court for Frederick County,sitting as a Court of Equity All that tract,piece,pieces and parcels of land situated about one half mile south of Monrovia Frederick County Maryland,on the pike leading from Monrovia to Kemptown,and containing 25 acres and 20½ perches of land,more or less,togeth er with the buildings and improvements thereon.Said property being fully described in adeed from Charles W.Lowery and wife to the late John C.Walker,bearing date October 10th 1912 and of record in Liber H.W.B.No.302 folio 209 one of the land records of frederick County Maryland.It being also the same real estate and tract of land described in the bill of Complaint in the above mentioned Equity Cause,and the Exhib it C.W.L.as filed with said Bill of Womplaint.And the said John S.Umberger & Ida M. Umberger party of the second part,hereby agrees to purchase the said above described real-estate at and for the above named sumof $4000.00,conditioned and subject however to the approval of the said Court as above described,payments to be made as follows! Three Hundred Dollars upon the execution of this agreement by the partied hereto,the receipt whereof is hereby acknowledged;$200.00 upon the approval of this sale and ratification of the same by the Court,the remainder of said purchase price to be paid to the said trustees on or before April 1st 1916.Upon the payment of the full sum of $4000.00 as herein recited the said parties of the First Part hereby agrees to execute and pass to the said John S.Umberger & Ida M.Umberger a good and sufficient dee for the same,free,clear and discharged of all claims of the parties to this cause,and of any person or persons claimimg by,from,or under them,with the taxes paid thereon to January 1st 1916.The parties of the first part reserve the rents, title and possession of said property,until the full purchase price of $4000.00 is

paid in full the title,possession,ownership,and property to remain in said Trustees until the conditions to be performed by the said JohnS.Umberger & Ida M.Umberger under the terms of this agreement,are performed in full.The parties of the second part hereby agree to pay for and keep insured the buildings on said oroperty to the amount of at least $2250 Dollars until they pay the purchasw price and receive a deed for the same from the said Trustees,/nd to cause said policy to be so marked or indorsed to be payable to said Trustees,in the event of loss by fire,to the extent of the balance due on said ourchase prise.Costs of Conveyancing and revenue stamps to be paid by party of the second part.And it is futher agreed that in the event that the Circuit C urt for Frederick County Maryland,sitting as a Courtof Equity,shall fail or refuse to ratify and confirm the sale hereby intended to be made,the parties of the first part shall return and refund to the said John S.Umberger & Ida M.Umberger said deposit of $300.oo herewith paid.It is further agreed that should said Court accept,ra ify and confirm this sale,and the said John S.Umberger & Ida M.Umberger fail or neglect to pay the balance of said purchase price according to the terms of this agreement,that then and in that event sais sum already paid shall be forfeited as liquidated damages.

Witness our hands and seals the daet first above written.

Witness Grayson H.Staley.

Partie of the First Part.

Geo.A.Pearre Jr. (SEAL)

Richard B.Murdock (SEAL)

John S.Umberger (SEAL)

Ida M.Umberger (SEAL)

Filed December 29-1915.

O R D E R N I S I O N S A L E S

No. 9302 E Q U I T Y.

In the Circuit Court for Frederick County,sitting in Equity.

Hester Walker,an infant under the age of 21 years,by Edith M.Walker her mother and next friend,and Edith M.Walker,surviving widow of John Capvin Walker,deceased,vs,Louisa I.Walker.

In the m tter of the Report of Sales filed the 29th,day of December,1915,November Term,1915,

O R D E R E D,That on the 20th day of January,1916,the Circuit Ciurt will proceed to act upon the Report of Sales of Real Estate,reported to said Court by George A.Pearre Jr,and Richard B.Murdock, Trustees in the above cause,and filed therein as aforesaid to finally ratifi 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 newspa er published in Frederick County for three successive weeks prior to said day.

The report states the amount of sales to be$4,000.00.

DateD this 29th day of December,1915.

Eli G.Haugh,
Clerk of the Circuit Court for Frederick County.

TRUE COPY TEST:Eli G.Haugh,Clerk.

Geo.A.Pearre,Jr.Solicitor.

T H E N E W S

Frederick,Md,Jan 20 1916.

THIS IS TO CERTIFY,That the annexed ORDER NISI ON SALESwas published in "THE DAILY NEWS"A news - paper published in Frederick County,once a week 3 successsive weeks prior to the 20th day of January,1916.

Filed Jan,21,1916.

The News.
Per J.Roger Fisher

The aforegoing Petition and report havong been read and considered,it is thereupon ordered by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,this 29th,day of December in the year 1915,that Geo.A.Pearee Jr,and Richard B_Murdock,Trustees,in the above entitled cause,be and they ate hereby authorized and directed to sell at private sale,the property mentioned and described,in the aforegoing petition and exhibit,to John S.Umberger and Ida M.Umberger,at and for the sum of $4000.00 and upon the terms and conditions as set forth in the Agreement of Sale between said Trustees and the said John S.Umberger and Ida M.Umberger and filed herein as Exhibit " J.S.U."Provided that before said Sale shall be finally ratified and confirmed, that the usual order Nisi on Sales shall be published as required by law.

Glenn H.Worthington
Judge of the Circuit Court for Frederick County Maryland.

ordered by the Circuit Court for Frederick County Maryland, sitting as a Court of Equity, and by the authority thereof, this 21 day of January in the year 1916, that the aforegoing report of Sale of Geo.A.Pearre Jr, and Richard B.Murdock, Trustees in the above entitled cause, and the sale therein reported, and the same is hereby ratified and confirmed, no cause to the contrary having been shown, although due notice appears to have been given as required by the preceding Order Nisi.

Glenn H.Worthington
Judge of the Circuit Court for Frederick County Maryland.

Filed January 21,1916.

COURTS ORDER TO SELL 28 ACRES OF LAND AT PRIVATE SALE.

Hester Walker, an Infant, by Edith M.Walker, her mother and Next Friend, and Edith M. Walker. VS. Louise I.Walker.	No. 9302 EQUITY. In the Circuit Court for Frederick County Maryland, sitting as a Court of Equity.

TO THE HONORABLE JUDGES OF SAID COURT!-

The Petition and Report of Sale of Geo.A.Pearre Jr., and Richard B_Murdock, Trustees, appointed by your Honorable Court in the above entitled Cause, respectfully shows unto your Honors!-

1st. That your Petitioners heretofore towit on the 11th day of September 1915 offered at Public Sale(all of the real-estateof thelate JohnC_Walker as described in this Cause)as provided by the terms of the Decree of your Honorable Court. A full and particular Report of said Sales being filed in this cause bearing date September 23rd 1915, as will fully appear by reference to said report of Sales. That among the properties pffered on said September 11th1915 was a Tract of Land containing 27 or 28 Acre of land more or less and improved by a 6 Room dwelling house ahd other out buildings That the best offer and bid obtained by your Petitioners at said Public Sale was the sum of $3000.00. That your Petitioners believing that said was an insufficient bid and price for the same, and believing that a better price could be obtained for the same at private sale with-drew the same.

2nd. That your Trustees have since received an offer of $3500.00 for said tract as herein described, and they believe that said sum of $3500.00 is a good, fair and marketable price for said Tract as marked on "Exhibit Plat" as filed in this case, and containing 27 Acres 2 Roods and 38 square perches, and that your Trustees will not be able to get any better or higher price for the same. And your Trustees believe it wil for the best interest and advantage of the parties to this cause, that the said property as above described be sold to the said Vernon T.Watkins the party making the offer, at and for the sum of $3500.00.

3rd. That your Trustees believing that said sum of $3500.00 is the highest and best bid and price that they will be able to obtain for the same, have sold the same to the said Vernon T.Watkins at and for the sum of $3500.00, subject to the approval and ratification of your Honorable Court, and the said purchaser Vernon T.Watkins has signed an Acknowledgment of Purchase, which is herewith filed as part hereof and marked Exhibit " V.T.W." 3rd. Your Trustees Report the sum of $3500.00 as the total amount of said Sales. your Petitioners, Trustees in the above entitled cause, pray your Honors to pass an prder authorizing and directing your Trustees to sell at private sale the property mentioned and described herein, to the said Vernon T.Watkins upon the terms and conditions in his Ackowledgment of Purchase filed herein as Exhibit " V.T.W."

And your Petitioners pray for such other and further relief as the nature may require.

Geo.A.Pearre Jr.
Solicitor.

Geo.A.Pearre Jr.
Richard B.Murdock
Trustees in No.9302 Equity.

State of Maryland Frederick County towit!-I hereby certify that on this 12th day of January in the year 1916 before me the subscriber a Notary Public in and for Frederick County Maryland,personally appeared Richard B.Murdock,one of the Trustees in the above entitled wause,and made oath in due form of law,that the matters and things stated in the aforegoing Petition and report of Sale,are true to the best of his knowledge,information and belief,and the the sale therein reported was fair ly made.

Henry W.Boyer
Notary Public.

Notarial SEAL

State of Maryland Frederick County towit!-I hereby certify that on this 14th day of January in the year 1916 before me the subscriber the Clerk of the Circuit Court for Frederick County Maryland, personally appeared Geo.A.Pearre Jr.Petitioner and Trustee named in the aforegoing Petition and Report of Sale,and made oath in due form of l aw,that the matters and things therein stated are true to the best of his knowledge,information and belief,andthat said sale therein reported was fairly made.

Eli G.Haugh
Clerk of the Circuit Court for Frederick County Maryland.

The aforegoing petition and Report of Sale having been read and considered,it is thereupon ordered by the Circuit Court for Frederick County Maryland,sitting as a Court of Equity,and by authority thereof,this 14th day of January in the year 1916,that Geo.A.Pearre Jr.,and Richard B.Murdook,Trustees,in in the above entitled Cause,be ant they are hereby authorixed and directed to sell at private sale,the property mentioned and described in the aforegoing petition and exhibit to Vernon T.Watkins upon the terms and conditions as set forth in his Aoknowledgment of Purchase and filed herein as Exhibit "V.T.W."Provided that before sale shall be ratified and confirmed,that the Usual Order Nisi on Sales shall be published as required by law.

Glenn H.Worthington
Judge of the Circuit Court for Frederick County Maryland.

I hereby acknowledge that on this 7th day of Jan,1916 in the year 1916,I have purchased at Private sale from Geo.A.Pearre Jr.and Richard B.Murdock,Trustees in No.9302 Equity,in the Circuit Court for Frederick County Maryland,all that tract of land containing Twenty Eight more or less acres,situated at Monrovia Frederick County Maryland,and designated as 28 Acres more or less,oj the plat made by E.C.Crum and filed in said Equity cause as Exhibit Plat.And I hereby agree to pay the sum of $3500.0 Thirty Five Huhdred Dpllars for same on or before Feby,15th,1916,sale subject tothe ratification of this Court And I hereby obligate myself to comply with the terms of sale as set forth in said Advertisement of sales as filed in sais Equity Cause.

V.T.Watkins (SEAL)

TEST!-Hiram J.Weast.
Filed Jan.14th,1916.

ORDER NISI ON SALES.

NO. 9302 EQUITY.

In the Circuit Court for Frederick County,sitting in Equity.
Hester Walker,an infant under the age of 21 years,by Edith M.Walker,her mother and next friend,and Edith M.Walker,surviving widow of John Calvin Walker,deceased,Vs.Louise I.Walker.January TERM.1916.
In the matter of the report of sales filed the 14th day of January,1916,ORDERED,That on the 5ty day of February,1916,the Court will proceed to act upon the Report of Sales,of Real Estate,reported to said Court;by Geo.A.Pearre Jr,and Richard B.Murdook,Trustees,in the above cause,and filed as aforesaid to finally ratify and confirm the same,unlesscause 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 $3,500.00.datedthis 14th day of January,1916.

Eli G.Haugh
Clerk of the Circuit Court for Frederick County.

True Copy Test.Eli G.Haugh Clerk.

George A.Pearre,Jr.Solicitor

THE NEWS

Frederick,Md.Feby,8th,1916.
THIS IS TO CERTIFY,That the annexed Order Nisi on Sales was published in " THE DAILY NEWS," a News Paper published in Frederick County,once a week 3 successive weeks prior to the 5th,day of Feby,1916

The News
Per J.R.Fisher

Ordered by the Circuit Court for Frederick County Maryland, sitting as a Court of Equity, and by authority thereof, this 8th day of Febuary 1916, that the aforegoing report of Sale of Geo.A.Pearre Jr, and Richard B.Murdock, Trustees, in the above entitled cause, and the sale therein reported, be and the same is hereby finally ratified and confirmed, no cause to the contrary having been shown, although due notice appears to have been given as required by the proceeding Order Nisi.

Glenn H.Worthington
Judge of the Circuit Court for Frederick County Maryland.

Filed February 8.1916)

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Annie Elliot
VS.
Mary Elliot
Laura Elliot
Maggie Ray,
Estelle Ray
Wm.H.Jordan
Edward Jordan and
Avy Jordah
John Elliott.

No. 5924 EQUITY.
In the Circuit
Court for
Frederick County.
Sitting as a
Court of Equity.

To the Honorable the Judges of the Circuit Court for Frederick County sitting in Equity.

The Bill of Complaint of Annie Elliot of Frederick County Maryland respectfully represents unto your Honors.

1st.That on the year Eighteen Hundred and Susanna Elliot of Frederick County Maryland. died intestate, seized and possessed of a certain tract of land situate and lying in Frederick County Maryland which lands are fully described in a certified copy of the deed conveying the same to the said _____Elliot, filed herewith, marked Exhibit No.1 which exhibit with such other exhibits as the Plaintiffs may file herewith it is prayed may be considered as a part hereof.

2nd.The said Susanna Elliot left surviving her a husband who is now dead and the fol lowing named children and grandchildren who are her heirs at law an adult daughter Annie Elliot resident of Frederick County.An adult daughter Louisa Elliot resident o of Frederick County, an adult daughter mary Elliot resident of Frederick County, an adult Son John Elliot who is a non resident of the State of Maryland, An Adult daughter maggie Ray who was married and the name of whose husband was William Ray both of whom are now dead and left the following children who were her heirs at law, an adult daughter Esteele Ray resident of Frederick County an an infant daughter Maggie Ray resident of Frederick County, A daughter Bertha Jordan who is since dead and left surviving her as her heir at law A Husband William H.Jordan and two Sons Edward Jordan and Avy Jordan both of them are infants and residents of Frederick County .

3rd.Then on the death of the said Susanna Elliot and William Elliot theReal Estate described in the above mentioned Exhibits descended to and vested in the above mentioned children and Grandchildren as tenants in common.

4th.That said Real Estate is not capable of division among the above mentioned parties without gross loss and damage and that it would be to the benefit and advantage when said real estate sold, to the end therefrom that the Plaintiffs may have the following relief.

1st.That a decree may be passed by your Honorable Court, decreeing the sale of the real estate of which the said Susanna Elliot died seized and possessed and described in this proceedings and that the proceeds arizing therefrom be devided among the above mentioned parties according to their respective interests.

2nd. That an order of publication may issue against the said John Elliot non resident warning him to appear in this Court on or before a certain day there to be named to show cause why a decree should not bepassed as prayed, and that a subpoena may be issued to the said Mary Elliot Laura Elliott Maggie Ray Estelle Ray, William H. Jordan Edward Jordan, and Avy Jordan commanding them and each of them to be and appear before your Honorable Court on some certain day to be named therein to answer the Bill and show cause if any they have, why a decree should not be passed as prayed, and to abode by and perform such decree as may be passed therein and for such other relief as the case may require. And as in duty bound will ever pray.

Frank L. Stoner
Solicitor for Complainants

Filed March 16, 1892.

EXHIBIT NO 1.

At the request of Susannah Elliott the following deed was recorded Sept, 6th. (1860

this Deed made this first day of September in the year of our Lord Eighteen hundred and sixty by John Short and Mary A. Short his wife of Frederick County in the State of Maryland, WITNESSETH that in consideration of One Hundred Dollars they the said JOhn Short and Mary A. Short his wife do grant unto Dusannah Elliott of said County and State all that lot or parcel of ground situated in the town of Berlin in Frederick County and State aforesaid and known and distinguished on the plan of said town by No thirty together with all and singular the buildings improvements, thereunto belonging, in fee simple.

Witness our hands and seals

John Short (SEAL)
Mary A. Short (SEAL)

Testes S. Remsburg

Which is thus Endorsed!

State of Maryland Frederick County, to-wit!-

I hereby certify that on this first day of September in the year Eighteen hundred and sixty before the subscriber one of Justices of the peace in and for said County personally appeared John Short and Mary A. Short his wife and did each acknowledge the aforegoing deed to be their respective act.

S. Remsburg

State of Maryland Frederick County, to-wit!

I hereby certify that the following as a true copy of the Original deed as recorded in Liber B.G.F. No. 6 Folio 127 One of the land records of Frederick County.

PLACE OF COURT. SEAL

In testimony whereof I have hereunto subscribed my name and affixed the seal of the Circuit Court for Frederick County this 15th day of March A.D. 1892.

John L. Jordan
Clerk of the Circuit Court for frederick County.

Filed March 16, 1892.

STATE OF MARYLAND FREDERICK COUNTY, TO-WIT!

THE STATE OF MARYLAND,

To Mary Elliott Laura Elliott William H. Jordan Avy Jordan Maggie Ray Estelle Ray Edward Jordan of Frederick County, greeting! YOU ARE HEREBY COMMANDEN, That all excuses set apart, you personally appear before the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity, to be held at the Court house in Frederick, in and for Frederick County, on the first monday of April 1892, to answer the Bill and Complaint of Annie Elliott against you & others in said Court exhibited, and so forth. Hereof f il you hot, as you will answe the contrayy at yoyr peril.

Wiitness the Honorable James McSherry, Chief Judge of said Court, the 7th, day of MArch A.D. 1892.

Issued the 24th day of March A.D. 1892. John L. Jordan Clerk.

To the Sheriff of Frederick County:

Filed April 24th, 1892.

ORDER OF PUBLICATION

Annie Elliott
Vs.
Mary Elliott
Laura Elliott
Maggie Ray et al

No. 5924 Equity
In the Circuit Court for
Frederick County sitting as a
Court of Equity.

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The object of this suit is to procure a decree for the sale of certain real estate situated in Frederick County State of Maryland, of which Susannah Elliott of Frederik County Maryland died seized and possessed, and for distrobution of the proceeds of said sale among the heirs at law, and those entitled thereto according to their proportion. The Bill states that a certain Susannah Elliott of Frederick County, Maryland during the year A.D. at the County aforesaid intestate, seized and possessed of certain real estate consisting of a house and lot situate in the village of Brunswick Frederick County, which land was conveyed to the said Susannah Elliott by deed from John Short and wife, a certified copy of which deed is recorded among the land records of Frederick County is filed with said Bill marked Exhibit No.1 to the said Bill of Complaint, which Exhibit with all other Exhibits by these complaints filed with said Bill they pray may be considered as a part hereof as fully as if herein contained in words and figures. The Bill further charges and represents and charges that the said Susannah Elliott left surviving her a husband William Elliott who is now dead and the following named children and grandchildren who are her heirs at law, to wit:

1st. An adult daughter Annie Elliott resident of Frederick County.

2nd. An adult daughter Mary Elliott resident of Frederick County.

3rd. An adult daughter Laura Elliott resident of Frederick County.

4th. An adult Son John Elliott non resident of Frederick County and.

5th. The following named grandchildren Edward Jordan, an infant under twenty one years of age Avy Jordan an infant Son under twenty one years of age the children of Bettie Jordan and William H. Jordan the said Bettie Jordan being now dead intestate, Maggie Ray and Estelle Ray the children of William Ray and Maggie Ray both of whom are dead intestate. The Bill further represents and charges that the land described in Exhibit No.1 to this Bill of Complaint at the death of the said Susannah Elliott intestate descended to and vested in the above named William Elliott the husband who has since died Annie Elliott Mary Elliott Laura Elliott John Elliott Maggie Ray Estlle Ray William Jordan Edward Jordan and Avy Jordan as tenants in common. The Bill further represents and charges that said lands cannot be devided amongst said parties without graeat loss and injury and that it would be to the interest and advantage of all the parties in interest to have said real estate sold. The Bill then prays for a sle of h the said real estate under a decree of this Court for Subpoena against the resident defendants, and an order of publication against the above named non resident defendant, it is therefor this 16th day of March A.D.1892, adjudged and ordered that the complainant by causing a copy of thisprder to be inserted in some newspaper printed and published in Frederick County, once a week for four successive weeks before the 18th day of April A.D.1892 give notice with non resident defendaht John Elliott, of the object and substaince of the bill and warn him to appear in this Court in person or by Solicitor on or before the 5th day of May 1892 to answer the presence and show cause if any he has why a decree ought not to be passed as prayed.

John L.Jordan
Clerk of the Circuit Court for Frederick County.

Filed March 16,1892.

We the undersigned defendants in the above cause, hereby consent to a sale of the property described in the above cause.

A.R.Jordan.

Wm.H.Jordan Guardian for A.R.Jordan
Edward H.Jordan

Filed April 7,1892.

Annie Elliott
Vs.
Mary Elliott et al.

No.5924 E Q U I T Y, In the Circuit Court for Frederick County in Equity.

The joint and separate answer of Mary Elliott, Laura Elliott and Estelle Ray to the bill filed in the above cause against them and other defendants.

These defendants admit the matters and things alleged in said bill to be true and consent to the passage of a decree as prayed. And as in duty bound &c.

John C.Motter
Sol.for Defendants.

Filed April 29,1892.

Annie Elliott
Vs.
Mary Elliott
Laura Elliott
Maggie Ray et al.

No.5924 Equity.
In the Circuit Court
For Frederick County
in Equity.

To the Honorable the Judges of the Circuit Court for Frederick County sitting as a Court of Equity!-The Petition of Annie Elliott respectfully represents unto your Honors that all the defendants in the above cause have answered but the infant Maggie Ray and John Elliott a non resident against whom an order of publication has been issued,That said has been duly summoned,That it is necessary to appoint a guardian ad Litem to take her answer an answer for her.And your petitioner prays that said guardian ad Litem may be appointed. And as in duty bound.

Frank L.Stoner
Sol.for petitioner.

The above petition having been read and considered it is thereupon on the 3rd day of May in the year A .D.1892,ordered and adjudged by the Circuit Court for Frederick County sitting as a Court of Equity and by the authority thereof that Joseph W.Gaver be and he is hereby appointed guardian ad Litem to answe and take the answer of Maggie Ray to the Bill filed in the above cause.

John A.Lynch
Judge of the Cir-Court.

Filed May3,1892.

Answerof Joseph W.Gaver,Guardian ad Litem.

Annie Elliott
Vs.
Mary Elliott et al.

No.5924 Equity.
In the Circuit Court for
Frederick Countymsitting in Equity.

TO THE HONORABLE,THE JUDGES OF THE CIRCUIT COURT FOR FREDERICK COUNTY,SITTING AS A COURT OF EQUITY!THE ANSWE OF MAGGIE RAY,an infant,under the age of twenty-one yaers,by Joseph W.Gaver,her Guardian ad Litemto the Bill of Complaint of Annie Elliott against her et al in the Circuit Court for Frederick County,sitting as a Court of Equity,exhibited.
This defendant cannot admit any of the matters and things alleged in the Bill,and being an infant of tender years,submits her rights to the prtection of this Court.

Joseph W.Gaver Guardian
ad Litem

Filed May 3,1892.

Annie Elliott
Vs.
Mary Elliott
Laura Elliott et al.

No.5924 Equity
in the Circuit Court for
Frederick county
in Equity.

to the Honorable the Judges of the Circuit Court for Frederick County sitting as a Court of Equity!the petition of Plaintiffs in the abovr cause respectfully shows,that the defendants in the above cause have been duly summoned and all of said defendants have answered with the exception of John Elliott if a non resident of the State of Maryland,and against whom an order of publication has been issued.it is thereupon on this 10th day of May in the year A.D.1892,adjudged ordered and decreed by the Circuit Court for Frederick County,sitting as a Court of Equity that the said bill of Complaint filed in the above mause be taken as against the said non resident Defendant failing to answer pro con fesso;and it is further ordered that the papers be refered to one of the Examiners of this Court to take testimony to sustain the allegations of the Bill of Complaint.

John A.Lynch Judge of the Cir-Court.

Annie Elliott
VS.
Mary Elliott
Laura Elliott et al.

No.5924 Equity
in the Circuit Court
for Frederick
County sitting in Equity.

In pursuance of the annexed order of Court and notice given me by the Solicitor for the Plaintiff in the above entitled cause I William Wilcoxon one of the regular examiners said Court having fixed Saturday the 2nd day of July A.D.1892 at my office in Frederick City Maryland as the time and place for taking the testimony in this cause and having given due notice thereof to the parties conserned did then and there proceed to take the following testimony,to wit!-

the Plaintiff filed with the Examiner as evidence Exhibit No.1 which is herewith returned by said Examiner.Charles M.Wenner a witness of lawful age produced on the par of the plaintiff being duly sworn & Examined Viv.Voci deposes and says as follows to wit!-My name is Charles M.Wenner I am 29 years of age,and reside in Brunswick Frederick County,Maryland and I know all the parties to the suit,their names are Annie Elliott,an adult,a daughter of Wm.Elliott & Susannah his wife,Laura Elliott a daughter Mary Elliott a daughter I knew there was a John Elliott a adult from hearsay who has not been about Brunswick in my recollection a son of Wm.&.Susannah Elliott,there were two others now dead Margaret and Betty,Margaret also married Wm.Ray both of whom are dead leaving heirs at law,namely Stella & Margaret,daughters,Stella is an adult and Margaret an infant;another daughter Betty who married Wm.H.Jordan is now dead leaving two children and a husband surviving,one of the children named Edward an adult and Avy a son an infant all of whom are residents of Frederick County,Maryland I knew Susannah & Wm.Elliott,they are boath dead,they died at Brunswick in Frederick County,Maryland,she has been dead several years and he died about seven years ago.Susannah Elliott I believe died seized and possessed of the Real Estate described in Exhibit No.1,which I have examined it is located in Brunswick Frederick County,Maryland,and it is worth in my opinion $1000.00 This Real Estate is not capable of division among its those entitled thereto without great loss & damage,and in my opinion it is best for all parties conserned to have the said property sold and the proceeds divided.To the General Interogaphy proposed by the Examiner.

Ans. I know nothing further

C.W.Wenner.

Thereupon the taking of said testimony was by consent adjourned to the 11th day of July A.D.1892,at which time and at the place aforesaid I then and their proceeded to take the following testimony towit!-

John L.Jordan a witness of lawful age produced on the part of the Plaintiffs being duly sworn and examined "Viva Voca"deposes and says as follows,towit!-

My name is John L.Jordan my age is 45 years,an I reside in Brunswick Frederick County,Md,I know the parties to this suit,their names are as follows!-Annin Elliott and all resident of Frederick County,Mary Elliott an adult,resides in Frederick County, Laura Elliott an adult resides in Frederick County,John Elliott an adult,non-resident;Maggie Ray the daughter of Maggie Ray & William Ray her husband both dead,leaving surviving two daughters Maggie & Stella Ray,residents of Frederick County,William H. Jordan husband of Bettie Jordan now deceased leaving surviving two children Avy &. Edward Jordan Avy is an infant and Edward an adult.I knew Susannah Elliott late of Frederick County,wife of William Elliott,she is dead,she died in Frederick County several years ago & he died about seven years ago,she Susannah Elliott died seized and possessed some real property situate in Brunswick,Frederick County,Md,containing a house and lot of about1/4 Acre,I look at Exhibit No.1 here shown me,it correctly describes the real estate of which said Susannah died seized and possessed I believe it is worth about $700.00.In my opinion the said Real Estate is not capable of

of division among those entitled without great loss and injury,and it ought to be sold and proceeds divided among those entitled,because the property is too small to be devided so many out it would likely depreciate.To the General Introgaphyproposed by the Examiner.

Ans.I know of nothing further.

John L.Jordan

Whereupon there being no other witnesses to be examined and no further time being required for the production of evidence the said examiner hereby certifies that the aforegoing are the original depositions in this cause as the same were read over to the witnesses and signed by them respectfully and he herewith returns the same enclosed to the Court.Witness my hand this 12th day of July A.D. 1892.

Wm.Wilcoxon
Examiner

Costs of the aforegoing Testimony

Wm.Wilcoxon fee 2 days----------$8.00
C.M.Wenner Witness and milage----------$2.75
J.L.Jordan Witness and milage----------$2.75
Total------ $13.50

Filed May 10,1892.

GUARDIAN CERTIFICATE

STATE OF MARYLAND,FREDERICK COUNTY TO-WIT!

I James K.Waters,Register of Wills of the aforesaid County and State,do hereby certify and attest, that on the 27th day of December A.D.1889 William H.Jordan was by the Orphans'Court of the aforesaid County,appointed Guardian to Edward and Avy Jordan heirs and representative of Bettie Jordan late of Frederick county,deceased,he having given bond and security approved by the aforesaid Orphans'Court of Frederick County for the faithful performance of his duty as Guardian to said Infants.

PLACE ORPHANS COURT OF SEAL

In testimony whereof I hereunto set my name and affix the Seal of the Orphans Court aforesaid,this 26th day of July A.D.1892.

James K.Waters
Register of Wills for Frederick County Md.

Filed July 26th,1892.

"CITIZEN OFFICE"

Frederick,Md.July 26th 1892.

We Hereby certify,,hat the annexed Order of Publication,No.5924 Equity,was published in "The Citizen a Newspaper published in Frederick County,State of Maryland,for four successive weeks prior to the 18th day of April 1892. Filed July 26th,1892. Baughman Bros.

DECREE

Annie Elliott
Vs.
Mary Elliott et al.

No.5924 EQUITY.
In the Circuit Court for Frederick County, sitting as a Court of Equity.

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July TERM,1892.

The above cause standing ready for a hearing,and being submitted,the Bill,Answer,Exhibits and all other proceedings were by the Court read and considered It is thereupon,this 28th day of July in the year eighteen hudred and ninety two by the Circuit Court for Frederick County,as a Court of Equity, and by the authority of said Court,adjudged,ordered,and decreed,that the land and premises mentioned in these proceedings be sold,and that John C.Motter & Frank L.Stoner of Frederick County,be,and they hereby appointed Trustee to make said sales.and that the course and manner of their proceedings shal be as follows;they shall first file in the Clerk's office of this Court a BOND to the State of Maryland,executed by them with a surety,or sureties,to be approved by the Court,or the Clerk thereof,in the penalty thereof,in the penalty thereof two thousand dollars,conditioned for the faithful performance of the trust reposed in them by this decree,or which may be reposed in them by any future order or decrees in the premises they shall them proceed to make sale of the said Real Estate,having first given at least three weeks previous notice,inserted in some newspaper printed in Frederick County, and such other notice as they may think proper of the time,place,manner and terms of sale;which terms shall be as follows;One third of the purchase money to be paid in cash on the day of sale,or on the ratification thereof by the Court,the residue in two annual equal payments the purchaser or

purchasers giving his,her,or their notes,with approved security and bearing interest from the day of sale;and as soon as may be convenient after any such sale or sales, the said Trustees shall return to this Court a full and particular account of the same,with an affidavit of the truththereof,and of the fairness of such sale or sales annexed,and on the ratification of such sale or sales by the Court,and on payment of the whole purchase money,and not before,the said Trustees by a good and sufficient deed to be executed and acknowledged agreeable to law,shall convey to the purchaser or purchasers of the said property,and to his,her or to their heirs,the property to him,her or to them sold,free,slear,and discharged of all claim of the parties to this cause,and of any person or persons claiming by,from,or under them;and the said Trustees shall bring into this Court the money arising on such sale or sales,and the Bondsor notes which may be taken for the same,to be disposed of under the direction of this Court,after deducting therefrom the costs of this suit,and such commission to the said Trustees as the Court shall think proper to allow,on consideration of the skill,attention and fidelity wherewith they shall appear to have discharged their trust.

John A.Lynch
Judge of the Cir-Court.

Filed July 28.1892.

Annie Elliott
Vs.
Mary Elliott
Laura Elliott et al.

No.5924 Equity.
In the Circuit Court for
Frederick County sitting as
a Court of Equity.

To the Honorable the Judges of the Circuit Court for Frederick County sitting in Equity Thereport of sales of John C.Motter and Frank L.Stoner Trustees in th e above cause respectfully shows unto your Honors That your petitioners have given the Bond required by the decree of your Honorable Court for the faithful discharge of their duties as sais Trustees which Bond was duly approved and filed in this office of the clerk of the Circuit Court for Frederick County,That after given notice of the time place manner and terms of sale by advertisement in the Citizen,a newspaper printed and published in Frederick County once a week for three successive weeks prior to day of sale the trustees aforesaid on Saturday the 20th day of August A.D.1892,at 2 O'Clo ok P.M.according to said advertisement attended at Brunswick Md.and then and their offered at public sale to the highest bidder all that real estate described in No.5924 Equity and fully described in said advertisement and sold the same to Mary E.Elliott and Laura V.Elliott at and for the sum of Eleven Hundred and five Dollars they being then and their the highest bidders therefor andtook their certificate of purchase therefore which certificate is herewith filed as an Exhibit to the report of sales which your petitioner prays may be taken and considered as a part hereof The report states the amount of sales to be eleven hundred and five dollars all of which is submitted to the order of your Honorable Court.

And as in duty bound

John C.Motter (SEAL)
Frank L.Stoner (SEAL)
Trustees.

State of Maryland Frederick County Sct.
I hereby certify that on this 23rd,day of August in the year eighteen hundred and ninety two before the subscriber the Clerk of the Circuit Court for Frederick County personally appeared Frank L.Stoner trustee in the above cause and made oath in due form of law that the matters and things in the foregoing report of sales are true and Bona Fide as therein set forth and that said sales were fairly made.

John L.Jordan
Clerk.

PUBLIC SALE

By virtue of a decree of the Circuit Court for Frederick County sitting as a Court of Equity,passed in No.5924 Equity,the undersigned as written,will sell at William L.Gross'store in Brunswick,on Saturday the 20th day of August,1892,at 2o'clock P.M.all the followin described real estate situated in the townof Brunswick.it being the same property described in a certain deed from John Short and Mary Short to Susannah Elliott,bearing date September 1st A.D.1860,and recorded in Liber B.G.F. No.6,folio 127,one of the land records for Frederick County;said property is desirably located in h the town of Brunswick,Frederick County,Maryland,and improved with a good dwelling house and out-bui ldings.

Terms of Sale as prescribed by decree of the Court.-One-third of the purchase money,cash;the remain der in two equal payments the purchaser giving his,her or their notes with security to be approved by the Trustees.

John C.Motterr
Frank L.Stoner
Trustees.

D.K.Cramer,Auct.

I herby acknowledge the purchase of the property described in the annexed notice of advertisement at and for the sum of eleven hundred and five dollars.and do hereby agree to comply with the terms of sale as stated in sais advertisement.Witness my hand and seal on the 20th day of August A.D.1897

Witness.

Mary E.Elliott (SEAL)
Laura V.Elliott (SEAL)

ORDER NISI ON SALES.

No.5924 Equity.

In the Circuit Court for Frederick County Sitting in Equity.

Annie Elliott Vs. Mary Elliott et al.

July TERM.1892.

In the Matter of the Report of Sales filed the 23rd day of August,1892.

ORDERED,That on the 17th day of September,1892,the Court will proceed to act upon the Report of sales of Real Estate,reported to said Court by John C.Motter and Frank L.Stoner Trustees,in the above cause,and filed therein 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 Countyfor three successive weeks prior to said day .

The report states the amount of sales to be $1.105.

Dated this 23rd day of August,1892.

John L.Jordan
Clerk of the Circuit Court for Frederick County.

"CITIZEN" True Copy Test:John L.Jordan Clerk.

Citizen Office

Frederick,Md.Sept,23rd,1892.

WE HEREBY CERTIFY,That the annexed order of publication,No.5924 Equity,was published in "THE CITIZEN"a Newspaper Published in Frederick County,State of Maryland,for three successive weeks prior to the 23rd day of August 1892.

Baughman Bros.

ORDERED on the 23rd day of September in the year eighteen hundred and ninety two by the Circuit Court for Frederick County sitting as a Court of Equity and by the authority thereof that the above report of sales be and the same are hereby ratified and confirmed no cause to the contrary having been shown,although due notice appears to have been given as required by the annexed order Nise on Report of Sales.

John A.Lynch
Judge of the Cir-Court.

Filed August 23rd,1892.

Annie Elliott
VS.
Mary Elliott
Laura Elliott
Maggie Ray et al.

No.5 9 2 4 E Q U I T Y.
In the Circuit Court
for Frederick County
in Equity.

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The Petition of Annie Elliott,Mary Elliott Laura Elliott Maggie Ray,Estelle Ray Edward Jordan and Avy Jordanin the above entitled cause respectfully shows unto your Honors.

1st.That your Petitioners together with John Elliott are the heirs at law of Susannah Elliott late of Frederick County deceased.

2nd.That by virtue of a decree of the Circuit Court for Frederick County passed in the above cause John C.Motter and Frank L.Stoner Trustees sold the property in said proceedings decreed to be sold,and have distributed and paid over the proceeds of sale,to all the parties to said cause according to their respective interests,excepting the said John Elliott,who has been absent and unheard of for a period of about twenty years,and is supposed to be dead,

3rd.That the said John C.Motter and Frank L.Stoner distributed ij the said order filed in sais cause the sum of One Hundred & fifty five 23/100 dOllars to the said JohnElliott,and have been unable to pay sais distribution over to him on account of his absence although your petitioners have made an effort to discover his whereabouts .

4th.That your petitioner Mary Elliott Annie Elliott and Laura Elliott are sisters of the said JohnELiott,Maggie Ray and Estelle Ray are neices of the said John Elliott being the daughters of a deceased sister,That William H.Jordan and Avy Jordan are Nephews of the said John Elliott being the Sons od a deceased sister.

5th.Your petitioner prays your Honors,the following relief Viz.

1st.That an Order may be passed by your Honorable Court instructing John C.Motter and Frank L.Stoner Trustees ih sais cause to distribute pay over to your petitioners the above sum according to their respective interest in said fund,upon satisfactory proff of his death of the said John Elliott.

John C.Motter &
Frank L.Stoner
Attys for Solitors

The above petition having been read and considered,it is thereupon on this 6th day of October in the year eighteen hundred and ninety four by the Circuit Court for Frederik County,sitting as a Court of Equity,and by the authority thereof Ordered and adjudged that the papers in the above cause be and they are hereby referred to Clayton O.Keedy one of the regular Examiners of this Court to give the petitioners solution an opportinity to prove the allegations in said petition charged and to return the testimony to this Court for its further action

John A.Lynch
Judge of tne Cir-Court.

Filed Oct.6th,1894.

T E S T I M O N Y

Annie Elliott	()	No. 5924 E Q U I T Y.
Vs.	()	In the Circuit Court for
	()	
Mary Elliott	()	Frederick County sitting as
and others.	()	a Court of Equity.
	()	

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In pursuance of an order of the Court passed in this cause on the 16th day of October A.D.1894,and notice given me by the Solicitor for the petitioner,I Clayton O. Keedy,one of the regular Examiners of said Court duly appointed,qualified and sworn, having met at my office in Frederick City,Md.on the 20th day of October A.D.1894 and assigned the said time and place as the time and place for taking the testimony herein and having given due notice thereof to the parties conserned,did at the appointed time and place proceed to take the following testimony to-wit:-

John L.Jordan a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined Viva Voce deposes and says:-My name is John L.Jordan,I reside at Brunswick Frederick County,Md.I know all of the parties to this suit,Their names are Mary Elliott Annie Elliott Laura Elliott Maggie Ray Estelle Ray,Edward Jordan,Avy Jordan,and John Elliott.They are all of the children and grand children of Susannah Elliot dec,d who was the owner of the property described in the following.

I know that the property in question was sold by John C.Motter & Frank L.Stoner,Trustees in August 1892 Imbelieve the money has been distributed as will be seen by the

copy of the audit filed in this cause.I knew John Elliott one of the distributors in said audit . I first knew John Elliott along in the fifties and up till about 20 years or more ago when he left Frederick County.I have heard nothing from him myself and the family all of whom I knew,have heard nothing of him since he left and supposed him to be dead.I don't think there is any doubt about his being dead,He left no widow or children when he went away,He had the following sisters Viz!- the above named,Mary Elliott.Annie Elliott and Laura Elliott who are still living and a sister Maggie Ray who has since died leaving two children,the above named Maggie and Estella Ray who are still living,and another sister,Mrs.Jordan who has since died leaving two children,Viz!-The above named Edward and Avy Jordah who are still living.

To the General,Int,by the examiner.

Ans.I know of nothing further, John L.Jordan

Frank L.Stoner a witness f lawful age produced on the part of the Petitioner being duly sworn and examined Viva Voce deposes and says as follows!My name is Frank L.Stoner,I am one of the trustees in this cause who made sale of the property therein reported.Two Audits have been stated in this cause by the first of which there wasaudited to John Elliott the sum of $31.05/100 and by the second $114.18 2/6 making a total of $145.23 2/6 as his distributial share from the property sold in this cause,My Co-trustee Mr.Motter and myself have made every possible effort to find out the whereabouts of said John Elliott and have been unable to do so.The other parties to the cause have alwaady reported to us that he has been absent for a number of years and that he is supposed to be dead.To the Gen.Tnt.by the Examiner,

Ans.I know of nothing further . Frank L.Stoner

Whereupon there being no other witnesses to be examined and no further time being required for the production of evidence the said examiner,hereby certifies that the aforegoing are the original depositions in said cause as the same were read over to the witnesses and signed by them respectfully and I herewith return the same enclosed to the Court .

Witness my hand this 27th day of October A.D.1894. Clayton O.Keedy Examiner.

Costs of the following Testimony

C.O.Keedy Examiner 1 day----------$4.00
Jno.L.Jordan Witness------ ---------- .75
Certified to!Clayton O.Keedy Examiner.

The Testimony in the above cause having been returned and nad by the Court,it is thereupon on this 10th day of November A.D.1894,ordered and decreed by the circuit Court for frederick County,sitting as a Court of Equity and by the authority thereof,that the trustees distribuied among the heirs at law of John Elliottt being the petitioner the said sum of $145.23 therefrom deducted to said John Elliott,and for thesame to them according to their respective interest.

John A.Lynch
Judge of tne Cir-Court.

Filed October 6th 1894.

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Clarence Snyder.Plaintiff,

VS.

Almeda Snyder Sheffer and
D.B.Sheffer her husband,
Oliver Snyder,Jr.
Harry Landis,
Clarence Landis,
Allie Landis Gibbs and
W.R.Gibbs,her husband,
Willard Lease,
Edgar Lease,
Mervin Lease,
Allis Blue and
D.S.Blue,her husband,
Hattie Reese and
Charles Reese,her husband,and
Annie Snyder Shoemaker,
Defendants.

No. 9406 EQUITY.

In the Circuit Court for

Frederick County,sitting as

a Court of Equity.

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To the Honorable the Judges of said Court!

Your Orator, complaining, says!

1st. That Henry M. Snyder, late of Frederick County, died in the year 1866, after having executed his last will and testament which was duly admitted to probate by the Orphans' Court of Frederick County, a certified copy of which is filed herewith marked Exhibit No. 1 and which, with all other Exhibits herewith filed, is prayed to be taken as part of this Bill of Complaint as fuly as if hereinserted in words and figures.

2nd. that sais Henry M. Snyder was at the time of his death seized and possessed of a house and lot on which he resided, situated on the North side of main St in the town of New market in Frederick County, and being lot No. 16 mentioned in the deed from N.H. Pitts, Executor of Elizabeth Pitts, deceased, to said Henry M. Snyder, dated February 19, 1836, and recorded in Liber H.S. No. 13, folio 482, one of the land records for Frederick County, a certified copy of which is filed herewith marked Exhibit No. 2.

3rd. That by said will said house and lot were devised to Harriet Ann Snyder, wife of Henry M. Snyder, during her natural life and after the death of said wife, Harriet Ann Snyder, then to the said Testators children, share and shahre alike, as will futher appe ar by said will.

4th. That said Henry M. Snyder died leaving seven children, to-wit! Oliver P. Snyder, Olivia Jane Lease, wife of Thomas U. Lease, Emma Landis, wife of Isaac Landis, Annie Shoemaker, now a widow, your Orator Clarence Snyder, Henry M. Snyder Jr., and Fannie Snyder, and said Harriet Ann Snyder died on or about the 23rd day of February, 1914.

5th. That sais Oliver P. Snyder died April 15th, A.D. 1874, intestate, leaving two children both of whom are living, viz! Almeda Snyder Sheffer, the wife of D.B. Sheffer, living in Baltimore, Maryland, and Oliver Snyder Jr., living in Carroll County, Maryland. That said Olivia Jane Snyder Lease died July 1913, intestate, leaving five children, all of whom are living, viz! Williard Lease, residing at Toledo, Ohio, -Edgar Lease residing at Fostoria, Ohio, -Marvin Lease residing at Fostoria, Ohio, -Allie Blue, wife of D.S. Blue, residing at Flat Rock, Michigan, and Hattie Reese, wife of Kharles Reese, residing at Kansas, Ohio, -and said Thomas U. Lease is also dead. That said Emma Snyder Landis died about October 10, 1907, intestate, leaving three children, viz! Harry Landis, residing at Troy, Ohio, -Clarence Landis, residing at Calexico, California, and Allie Landis Gibbs, wife of W.R. Gibbs, and residing with her husband at Los Angeles, California, And said Isaac Landis is also dead. That said Annie Snyder Shoemaker is a widow and residing at Pleasant Hall Ohio. That your Orator resides at Toledo, Ohio, and said Henry M. Snyder Jr, died intestate in 1883, and without leaving any lineal heirs, and said Fannie Snyder married H.L. Penn and died intestate in 1903, and without leaving any lineal heirs. -And all of said parties are adults.

6th. That said house and lot is now owned by the said children and heirs at law of Oliver P. Snyder, Olivia Jane Lease, Emma Landis, the said Annie Shoemaker and your Orato as tenant in common, the said Almeda Snyder Shaffer and Oliver Snyder, Jr., children of Oliver P. Snyder, deceased, being each entitled to a one-tenth interest therein.

The said William Lease, Edgar Leade, Marvin Lease, Allie Blue and Hattie Reese, children of Oliva Jane Lease, deceased, being each entitled to a one-twenty-fifth interest there in, the said Harry Landis, Clarence Landis and Allie Gibbs, children of Emma Snyder Land is, deceased, being each entitled to a one-fifteenth interest therein, The said Annie Shoemaker being entitled to a one-fifth interest therein, and your Orator being entitled to a one-fifth interest therein, and the said property is not susceptible of division among them without loss and injury to the parties interested, and it would be to their interest and advatage for said real estate to be sold and theproceeds divided among them according to their respective interests. Wherefore your orator prays your Hohors to pass a decree appointing some suitable person trustee to sell said house and lot and real estate and divide the proceeds among theparties in interest according to their respective interest therein; and that your Orator may have all such other and

further relief to which he may be entitled.And your Orator further prays that the writ of subpoena,in the usual form,may be issued against the said Almeda Snyder Sheffer and D.B.Sheffer,hs her husband,residing at 708 E.23rd Starset,Baltimore,Maryland,and also Oliver Snyder,Jr,Of Wood - bine,Carroll County,Maryland,commanding them and each of them to appear in your Honorable Court on some certain day to be therein named,to answer the premises and abide by and perform such order or decree as may be passed therein;And also that an order of publication may be granted against said Williard Lease of Toledo,in the State of Ohio,Edgar Lease and Mervin Lease of Fostoria in the Stat of Ohio,Allie Blue and D.S.Blue,her husband,of Flat Rock in the State of Michigan,Hattie Rease and Charles Reese,her husband,of Kansas in the State of Ohio,Harry Landis of Troy in the State of Ohio Clarence Landis of Calexico in the State of Califorhia,Allie Landis Gibbs and W.R.Gibbs,her husband of Los Angeles in the State of California,and Annie Shoemaker of Pleasant Hill in the State of Ohio,all of whom are non-residents of the State of Maryland,as aforesaid,given them and each of them notice of the odject and substance of this Bill and warning them to appear in your Honorable Court on some certain day to be therein named,either in person or by solicitor,and show cause,if any they have,why a decree should not be passed as prayed.

And your Orator will ever pray,&c.

Urner & Urner
Solicitors for Plaintiff

Filed January 25,1916.

CERTIFIED COPY OF WILL OF HENRY M.SNYDER,DECEASED,EXHIBIT NO.1 IN THE NAME OF GOD AMEN.

Henry M.Snyder of Frederick County,in the State of Maryland being sick and weak in body,but of sound and disposing mind,memory and understanding,considering the certainty of Death and the certa inty of the time thereof,and being desirous to sttle my worldy affairs,and thereby be the better orepared to leave this world,when i t shall please God,to call me hence,do therefore make and publish this my last will and testament,in manner and form following that is to say;

First and principally I commit my soul into the hands of Almighty God,and my body to the earth to be decently buried,at the desoretin of my executor hereinafter named,and after my debts and funeral charges are paid I devise and bequeath as follows to wit!-

Item 1st.I give and devise to my dear wife Harriet Ann,Snyder during her natural life,my house and lot of ground thereto attached,on which I now reside,being on the North side of the Street in New- Marketmand after the death of my said wife I give and bequeath the said house and Lot of Land to my children share and share alike,I also give and bequeath to my said wife the sum of One Thousand dollars for her support and maintenance.

Item 2. I give and devise to my son Olive P.Snyder my House and lot of land adjouning my store room in New Market to him his heirs and assigns forever in fee simple,I also give and devise to my said Son Oliver P.Snyder my said Stoor Room and the lot of land thereto belonging.To him his heirs and assigns forever,in fee simple,I also give and bequeath to my said son Oliver P.Snyder my half of the store goods now in my said Store,for which goods my said son must_____to my daughters Ann, Snyder and Emma,Snyder,the sum of seven hundred and fourty dollars.-

Item 3. I give and devise to my two sons Henry M.Snyder and Clarence Snyder,and to my daughter Fan nie Snyder,my four acre lot of land situate near the town of New Market to them their heirs and assignns forever in fee simple,

item 4th. I give and devise to all my children (Oliver P.Snyder excepted)my farm containing about two hundred and twenty-two acres more or less,to them their heirs and assigns forever in fee simpl Share and share alike,

Item 5, I give and bequeath to my two sons Henry M.Snyder and Clarence,Snyder the sum of one hund- red dollars each,Item 6,I give and bequeath to my daughter Olevia Jandm Lease,wife of Thomas W. Lease,the sum of Five hundred dollars.Item 7,I give and bequeath to my two daughters Anna Snyder and Sarah Emma,Snyder,the sum of Five hundred dollars each,Item 8th,I give and bequeath all my household and kitchen furniture,to my said wife, and my four daughters share and share alike- Item 9th. I give and bequath to my Family and for my said Families use and benefit mu horse,Cow and spring wagon,Item 10th. I devise and bequeath all the rest and residue of my estate both real and personal to be equally divided among all my children in equal portions share and shahe alike,

And lastly,I do hereby constitute and appoint my son Oliver P.Snyder to be sold Executor of this my last Will and testament,revoking and annulling all former wills by me heretofore made,ratifying and confirming this and none other to be my last Will and Testament.TN testamony Whereof,I heve hereunto set my hand and affixed my seal this tenth day of March in the year eighteen hundred and sixty six,

Henry M. his X. mark. Snyder (SEAL)

Signed,sealed,published and declared by Henry M.Snyder,the above named testator,as and for his last will and testament,in the presents of us,who at his request,in his presence,and in the presents of each other,have subscribed our names as witnesses thereto .

E.W.Mobberly
Joseph Wood
Wm.E.Salmon.

State of Maryland,Frederick County,Sct!

I HEREBY CERTIFY,That the aforegoing is a true copy of the last will and Testament of Henry M.Snyder,late of Frederick County,deceased,as the same was admitted to probate and is now recorded in Liber T.L.McL.No.1,Folio 272,one of the books for Recording Wills in the Office Of the Register of Wills for Frederick County.

PLACE ORPHANS' OF COURT. SEAL

In TESTIMONY WHEREOF,I hereunto subscribe my name and affix the seal of the Orphans'COurt for Frederick County,this 9th day of March,1915

TEST:Samuel D.Thomas Register of Wills for Frederick County,Maryland

Filed January 25,1916.

"EXHIBIT NO. 2"

At the request of Henry M.Snyder,the following Deed is recorded June 26th,1841.vizt.

This indenture,made this Nineteenth day of February,in the year of our Lord,One Thousand Eight hundred and Thirty Six,Between Nicholas H.Pitts of Frederick County,in the State of Maryland.On the one part,and Henry M.Snyder of the County aforesaid on the other part.Witnesseth,that by virtue of the power vested in him by the last Will and Testament of Elizabeth Pitts,late of said County as Executor of said will,to sell,and convey the Real Estate of said Elizabeth Pitts,the said Nicholas H.Pitts,in consideration of the sum of twelve dollars & Twenty five cents,current money,to him in hand paid by the aforesaid Henry M.Snyder,the receipt whereof is hereby acknowledged,and from the payment whereof the said Nicholas H.Pitts doth hereby forever release & discharge the said Henry M.Snyder,hath bargained sold assigned,and set over,and by these presents,doth bargain,sell assign,and set over,to the said Henry M.snyder his heirs and assigns forever,the revision in fee simple of four Lots,situated in the town of New Market in the County aforesaid,& designated on the plat of said Town,as Lots No.16,21,29,&96, which lots were by a Nicholas Hall Senr.leased out for 99 years,renewable forever,subject to the payment of five shillings each,per Annum & the revision whereof descended to the said Elizabeth Pitts,as one of the heirs of the said Nicholas Hall Sr.to have and To hold the fee of said Lotts,& to take and receive the ground rents arising therefrom,to and for the only proper use & behoof of the said Henry M.Snyder,his heirs & assigns forever,in the same manner that the said Elizabeth Pitts was entitled to Hold & take them.In witness whereof the said Nicholas H.Pitts,hath hereunto Set his hand & affixed his seal on the day & in the year above written.

N.H.Pitts (SEAL)

Signed Sealed & delev'd in the presence of J.M.Harding & Geo.Hauer.

State of Maryland,Frederick County Sct!

On this 19th day of Feby in the year of our Lord,One Thousand Eight Hundred & Thirty Six personally appeared before us the subscriber two Justices of the Peace,in and for the County aforesaid Nicholus H.Pitts we being satisfied by our own knowledge That he is the party grantor named in the within Indenture & acknowledged the within Instrumen of writing to be his act and deed,for the purpose therein specified.

J.M.Harding & Geo.Hauer.

State of Maryland,Frederick County,to-wit:-

I hereby certify that the aforegoing is a true copy of the original Deed from N.H.Pitts to Henry M.Snyder,as recorded in Liber H.S.No.13,Folio 482 &c,one of the land records for FrederiokCounty Maryland.

PLACE CIRCUIT COURT. SEAL

In testimony Whereof,I hereunto subscribe my name and affixthe Seal of the Circuit Court for Frederick County,at Frederick Maryland,this 25th day of January A.D.1916.

Eli G.Haugh.
Clerk of the Cirouit Court for Frederick County,Maryland

Filed January 25,1916.

E Q U I T Y S U B P O E N A

STATE OF MARYLAND,FREDERICK COUNTY TO$WIT!

The State of Maryland.

To Almeda Snyder Sheffer and D.B.Sheffer her husband,(Residing at 708 E.23rd,Street,Baltimore,Md.) of Baltimore City,Greetings!YOU ARE HEREBY COMMANDED,.hat all exouses set apart,you personally appear before the Judges of the Cirouit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederiok,in and for Frederick County,on the FIRST Monday ofFebruary 1916,to answer the Bill of Vomplaint of Clarenoe Snyder Vs.Almeda Snyder Sheffer and D.B.Sheffer her husband et al.(For sale of the Real Estate)against you and others in said Court exhibited,and so forth.Hereof fail you not,as you will answe the oontrary at your peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court,the Third day of January A.D.1916.

Issued the 25th day of January A.D.1916.

Eli G.Haugh Clerk

To the Sheriff of Baltimore City,

Urner & Urner
Solicitor's

Summoned Almeda Snyder Sheffer
Non Est as to D.B.Sheffer

Thomas F.Mo.Nulty
Sheriff.

Filed FEby.14,1916.

E Q U I T Y S U B P O E N A

STATE OF MARYLAND,FREDERICK COUNTY TO-WIT!

THE STATE OF MARYLAND.

To Oliver Snyder Jr.of (Woodbine,Carroll County,Md.)of Carroll County,Greetings!

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederiuk County,on the FIRST Monday of February 1916,to answe the Bill and Complaint of Clarence Snyder Vs,Almeda Snyder Sheffer and D.B.Sheffer her husband,et al,(For Sale of Real Estate)against you and others in said Court exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court,the third day of January A.D.1916.Issued the 25th day of January A.D.1916.

Eli G.Haugh Clerk

To the Sheriff of Carroll County,

Urner & Urner
Solicitors'

Filed February 3,1916.

E Q I T Y S U B P O E N A

STATE ON MARYLAND,FREDERICK COUNTY TO-WIT!

THE STATE OF MARYLAND.

To Oliver Snyder Jr.(said to be living near Woodbine in Montgomery County)of Montgomery County, Greetings!YOU ARE HEREBY COMMANDED,ThAt all excuses set apart,you personally appear before the Judges of the Cirouit Court of Frederick County,sitting as a Court of Equity,to be held at the Coub House in Frederiok,in and for Frederick County,on the FIRST monday of February 1916,to answer the Bill and Complaint of Clarence Snyder (For Sale of Real Estate)against you and others in said Court exhibited,and so forth.Hereof fail you not,as you will answer the contrary at your peril.

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CIRCUIT COURT. SEAL

Witness the Honorablre Hammond Urner, Chief Judge of said Court,
the Third day of January A.D. 1916
Issued the 3rd day of Fabruayy A.D. 1916.

Eli G. Haugh Clerk

To the Sheriff of MOntgomery County.

Urner & Urner
Soliotior's

Non Est
W. Frank Gaither Sheriff

Filed Feby. 5, 1916.

Clarence Snyder Plaintiff,

VS.

Almeda Snyder Sheffer and
D.B. Sheffer, her husband,
Oliver Snyder, Jr.
Harry Landis,
Clarence Landis,
Allie Landis Gibbs and
W.R. Gibbs her husband,
Williard Lease,
Edgar Lease,
Mervin Lease,
Allie Blue and
D.S. Bleum her husband,
Hattie Rease and
Charles Reese, her husband, and
Annie Snyder Shoemaker,
Defendants.

No. 9406 EQUITY.
In the Circuit Court for
Frederick County, sitting
as a Court of Equity.

To the Honorable, the Judges of said Court!

The joint and separate Answer of Amelia Snyder Sheffer and D.B. Sheffer, her husband, to the Bill of Complaint of Clarence Snyder, filed against these Respondents and others in the above-entitled case.

These Respondents say answer say!

That they admit that Henry M. Snyder, late of Frederick County, Maryland, died seized and possessed of the house and lot in New Market, Frederick County, Maryland, which by his will be divised to his wife, Harriet Ann Snyder, for life and after her death to his children, share and share alike; that the said Harret Ann Snyder is deceased and the said Real Estate is now owned by the decendants of the said Henry M. Snyder, as tenants in common, and cannot be divided among them without loss and injury to the parties interested, as stated in the said Bill; and these respondents do hereby consent and agree that you Honorable Court shall pass an decree appointing some suitable person Trustee to sell said house and lot and real estate and divide the proceeds among the parties in interest, according to their respective interest therein, -as therein prayed

Witness!
John T. Shryock

Almeda Snyder Sheffer
Daniel B. Sheffer

Filed Feby 1, 1916.

Clarence Snyder Plaintiff,

VS.

Almeda Snyder Sheffer and
D.B. Sheffer, her husband,
Oliver Snyder, Jr.
Harry Landis,
Clarence Landis,
Allie Landis Gibbs and
W.R. Gibbs, her husband,
Willard Lease,
Edgar Lease,
Mervin Lease,
Allie Blue and
D.S. Blue, her husband,
Hattie Reese and
Charles Reese, her husband, and
Annie Snyder Shoemaker,
Defendants.

No. 9406 EQUITY.
In the Circuit Court for
Frederick County, sitting
as a Court of Equity.

To the Honorable,the Judges of said Court!

The answer of Oliver Snyder Jr.,tO the Bill of Complaint of Clarence Snyder,filed against this Respondant and others in the above entitled cause.

This Respondandt says !

That he admits that Henry M.Snyder,late of Frederick County,Maryland,deceased,died seized and possessed of the house and lot in New Market,Frederick County,Maryland,which by his will he devised to his wife,Harriet Ann Snyder,for life and after her death to his children,share and share alike;that the said Harriet Ann Snyder is deceased and the said real estate is now owned by the descendants of the said Henry M.Snyder,as tenants in common,and cannot be divided among them without loss and injury to the parties interested,as stated in said Bill;and this Respondent does hereby consent and agree that your Honorable Court shall pass a decree appointing some suitable person Trustee to sell said house and lot and real estate and divide the proceeds among the parties in interest,according to their respective interest therein,as therein prayed. Oliver P.Snyder Jr.

Witness! I.N.Loy Filed Feby.7,1916.

Clarence Snyder,Plaintiff.
Vs.
Almeda Snyder Sheffer and
D.B.Sheffer,her husband,
Oliver Snyder Jr.
Harry Landis,
Clarence Landis,
Allie Landis Gibbs and
W.R.Gibbs her husband,
Willard Lease,
Edgar Lease,
Mervin Lease,
Allie Blue and
D.S.Blue,her husband,
Hattie Reese and
Charles Reese,her husband,and
Annie Snyder ShOemaker,
Defendants.

No. 9 4 0 6 E Q U I T Y.
In the Circuit Court for
Frederick County,sitting
as a Court of Equity.

To the Honorable,the Judges of said Court!

The answer of Mervin Lease to the Bill of Complaint of Clarence /Snyder,filed against this Respondent and others in the above entitled case.This Respondent for answe says!

,hat he admits that Henry M.Snyder,late of Frederick County,Maryland,died seized and possessed of the house and lot in New Market,Frederick County,Marylaid,which his will he divised to his wife, Harriet Ann Snyder,for life and after her death to his children,share and share alike;that the said Harriet Ann Snyder is deceased and the said real estate is now owned by the decendants of the said Henyy M.Snyder,as tenants in common,and cannot be divided among them without loss and injury to the parties interestes,as stated in the said Bill;and this Respondant does hereby consent and agree that your Honorable Court shall pass a decree appointing some suitable person Trustee to sell said house and lot and real estate and divide the proceeds among the parties in interest,according to their respective interests therein,as therein prayed.

Mervin Lease.

Witness!John R.Bradurn Filed Feby 11,1916.

Clarence Snyder Plaintiff.
Vs.
Almeda Snyder Sheffer and D.B.Sheffer,her husband,
Oliver Snyder Jr,Harry Landis,Clarence Landis,
Allie Landis Gibbs and W.R.Gibbs.her husband,
Willard Lease,Edgar Lease,Mervin Lease,Allie Blue
and D.S.Blue her husband,Hattie Reese,and Charles
Reese,her husband,and Annie Snyder Shoemaker,
Defendants.

No.9 4 0 6 E Q U I T Y.
In the circuit Court for
Frederick county,sitting
as a Court of Equity.

To the Honorable,the Judges of said Court!

The answe of Edgar Lease to the bill pf Complaint of Clarence Snyder,filed against this Respondent and others in the above entitled cause. This Respondent for answer says!

That he admits that Henry M.Snyder,lateof Frederick County,Maryland,died seized and possessed of the house and lot in New MArket,Frederick County,Maryland,which by his will he divised to his wife,Harriet Ann Snyder,for life and after her death to his chil dren,share and share alike;that the said Harret Ann Snyder is deceased and the real esta ate is now owned by the descendants of the said Henry M.Snyder,as tenants in commomn, and cannot be devided among them without loss and injury to the parties interested,as stated in the said Bill;and this Respondent does hereby consent and agree that your Hon orable Court shall pass a decree appointing some suitable person Trustee to sell said house and lot and real estate and divide the proceeds among the parties in interest, according to their respective interest therein,-as therein prayed.

Witness!John R.Broduen

Edgar Lease.

Filed Feby.11,1916.

ANSWE OF ANNIE SNYDER SHOEMAKER,IN ABOVE CASE.

Clarence Snyder,Plaintiff,
VS.
Almeda Snyder Sheffer and D.B.Sheffer her husband,Oliver Snyder,Jr:,Harry Landis,Clarence Landis,Allie Landis Gibbs and W.R.Gibbs,her husband, Willard Lease,Edgar Lease,Mervin Lease,Allie Blue,and D.S.Blue,her husband, Hattie Reese,and Charles Reese,her husbabd, and Annie Snyder Shoemaker, Defendants.

No. 9406 EQUITY.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

To the Honorable,the Judges of said Court!

The answer of Annie Snyder Shoemaker to the Bill of Complaint of Clarence Snyder,filed against this Respondent and others in the above entitled cause.This Respondent for answer says!

That she admits that Henry M.Snyder,late of Frederick County,Maryland,deceased, died seized and possessed,of the house and lot in New Market,Frederick County,Maryland which by his will he devised to his wife,Harret Ann Snyder,for life and after her death to his children,share and share alike;that the said Harriet Ann Snyder is deceased and the said real estate is now owned by the descendants of the said Henry M.Snyder,as tenants in common,and cannot be divided among them without loss and injury to the parties interested,as stated in the said Bill;and this Respondent does hereby consent and agree that your Honorable Court shall pass a decree appointing some suitable person ,rustee to sell said house and lot and real estate and divide the proceeds among the parties in interest,according to their respective interest therein,as therein prayed.

Witness!A.Isenbarger

Annie Snyder Shoemaker.

Filed Feby.11,1916.

Clarence Snyder,Plaintiff,
VS.
Almeda Snyder Sheffer and D.B.Sheffer her husband,Oliver Snyder,Jr,Harry Landis,Clarence Landis,Allie Landis Gibbs and W.R.Gibbs,her husband,Willard Lease,Edgar Lease,Mervin Lease,Allie Blue and D.S.Blue,her husband, Hattie Reese and Charles Reese,her husband, and Annie Snyder Shoemaker,Defendants,

No. 9406 EQUITY.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

To the Honorable,the Judges of said Court!

The answe of Harry Landis to the Bill of Complaint of Clarence Snyder,filed against this Respondent and others in the above entitled case. This Respondent for answer says!-

That he admits that henry M.Snyder,lateof frederick County,Maryland,deceased,died seized and possesed of the house and lot in new Market,Frederick County,Maryland,which by his will he devised to his wife,harriet Ann Snyder,for life and after her death to his children,share and share alike;that the said harriet Ann Snyder is deceased,and the said real estate is now owned by the descendants of the said henry M.Snyder,as tenants in common,and cannot be divided among them without loss and injury to the parties interested,as stated in the said Bill;and this Respondent does hereby consent and agree that your honorable Court shall pass a decree appointing some suitable person trustee to sell said house and lot and real estate and divide the proceeds among the partie in interest,according to theirrespective interest therein,as therein prayed.

Harry Landis
Feby,3rd,1916.

Witness!B.J.Johnson
Joe,Barnett Filed Feby,11th,1916.

Clarence Snyder,Plaintiff.
Vs.
Almeda SnyderSheffer and D.B.Sheffer,her husband,Oliver Snyder Jr.,Harry Landis, Clarence Landis,Allie Landis Gibbs and W.R.Gibbs her husband,Willard Lease, Edgagr Lease, Mervin Lease,Allie Blue and D.S.Blue,her husband,Hattie Reese, and Charles Reese,her husband,and Annie Snyder Shoemaker,Defendants.

No. 9406 EQUIty.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

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to the honorable,the Judges of said Court!

THE JOINT AND SEPARATE ANSWER Of Hattie Reese.and Charles Reese,her husband,to the Bill of Complaint of Clarence Snyder,filed against these Respondents and others in the above entitled case.These Respondents for answer say!

That they admit that Henry M.Snyder,late of Frederick county,Maryland,deceased,died seised and possessed of the house and lot in New Market,Frederimk County,Maryland,which by his will he devised to his wife,Harriet Ann Snyder,for life and after her death to his children,share and share alike; that the said Harriet Ann Snyder is deceased,and the said real estate is now owned by the descendants of the said Henry M.Snyder,as tenants in Common,and cannot be divided among them without loss and injury to the parties interested,as stated in said Bill;and these Respondants do hereby consent and agree that your Honorable Court shall pass a decree appointing some suitable person Trustee to sell said house and lot and real estate and divided the proceeds among the parties in interest,according to their respective interests therein,as therein prayed.

Hattie Reese
Chas Reese.

Witness!I.W.Cookson. Filed Feby,11.1916.

Clarence Snyder,Plaintiff,
Vs.
Almeda Snyder Sheffer and D.B.Sheffer, her husband,Oliver Snyder,Jr.,Harry Landis,Clarence Landis,Allie Landis Gibbs and W.R.Gibbs,her husband, Willard Lease,Edgar Lease,Mervin Lease,Allie Blue and D.S.Blue, her husband,Hattie Reese, and Charles Reese, her husband,and Annie Snyder Shoemaker, Defendants.

No. 9406 EQUITy.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

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To the Honorable,the Judges of said Court!

The answer of Willard Lease to the Bill of Complaint of Clarence Snyder,filed against this Respondent and others in the above entitled case.This Respondent says!

That he admits that Henry M.Snyder,late of Frederick County,Maryland,deceased,died seized and possessed of the house and lot in New Market,Frederick County,Maryland,which by his will he devised to his wife,Harriet Ann Snyder,for life and after her death to his children,share and share alike;that the said Harriet Ann Snyder is deceased,and the said real estate is now owned by the descendents of the said Henry M.Snyder,as tenants in common,and cannot be divided among them without loss or injury to the parties interested,as stated in the said Bill;and this Respondant does hereby consent and

agree that your Honorable Court shall pass a decree appointing some suitable person Trustee to sell said house and lot and real estate and devide the proceeds among the parties in interest,according to their respective interests therein,as therein prayed

Witness:Charles F.Ringelman. Williard Lease.

Filed Feby.11.1916.

Clarence Snyder,Plaintiff,
VS.
Almeda Snyder Sheffer and D.B.Sheffer,her husband,Oliver Snyder Jr.,Harry Landis,Clarence Landis,Allie Landis Gibbs and W.R.Gibbs her husband,Williard Lease,Edgar Lease,Mervin Lease, Allie Blue and D.S.Blue,her husband,Hattir Reese,and Charles Reese,her husband,and Annie Snyder Shoemaker,Defendants.

No. 9406 EQUITY.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

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To the Honorable,the Judges of said Court!

The joint and separat answer of Allie Blue and D.S.Blue,her husband,to the Bill of Complaint of Clarence Snyder,filed against these respondents and others in the above entitled case. These Respondants foe answer say!

That they admit that Henry M.Snyder,late of Frederick County,Maryland,deceased,died seized and possessed of the house and lot in New Market,Frederick County,Maryland, which by his will he devised to his wife,Harriet Ann Snyder,for life and after her death to his children,share and share alike;that the said Harriet Ann Snyder,is deceased and the said real estate is now owned by the descendants of the said Henry M. Snyder,as tenants in common,and cannot be divided among them without loss and injury to the parties interested,as stated in the said Bill;and these Respondents do hereby consent and agree that your Honorable Court shall pass a decree appointing some suitable person Trustee to sell said house and lot and real estate and divide the proceed among the parties in interest,according to their respective interests therein,as therein prayed.

Witness!Fannie Nevr
W.S.Walker

Allie Blue
D.S.Blue

Acknowledged before me A Notary Public in and for Wayne County,Michigan this fifth day of February 1916.

PLACE OF NOTARY SEAL

Maurice S.Walker Notary
My Commission Expires Oct,20 1917.

Filed Feby.11.1916.

Clarence Snyder,Plaintiff.
Vs.
Almeda Snyder Sherffer and D.B.Sheffer,her husband, Olive Snyder,Jr.,Harry Landis, Clarence Landis,Allie Landis Gibbs and W.R.Gibbs,her husband, Williard Lease,Edgar Lease, Mervin Lease,Allie blue and D.S.Blue,her husband,Hattie Reese,and Charles Reese,her husband,and Annie Snyder Shoemaker,Defendants.

No. 9406 EQUITY.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

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To the Honerable,the Judges of said Court!

The answer of Clarence Landis to the Bill of Complaint of Clarence Snyder,filed against this Respondent and others in the above entitled case,This Respondent for answer says!That he admits that Henry M.Snyder,late of Frederick County,Maryland,deceased,

died seized and possessed of the house and lot in New Market,Frederick County,Maryland,which by his will he devised to his wife,Harriet Ann Snyder,for life and after her death to his children, share and share alike;that the said Harriet Ann Snyder is deceased and the said real estate is now owned by the descendants of the said Henry M.Snyder,as tenants in common,and cannot be divided among them without loss and injury to the parties interested,as stated in the said Bill;and this Respondent does hereby consent and agree that your Honorable Court shall pass a decree appointing some suitable person Trustee to sell said house and lot and real estate and divide the proceeds among the parties in interest,according to theirr espective interest therein,as therein prayed.

Witness:H.H.Pisiow
William P.Grimes.

Clarence Landis.

Filed Feby.19th.1916.

Clarence Snyder.Plaintiff,

VS.

Almeda Snyder Sheffer and D.B.Sheffer, her husband,Oliver Snyder,Jr.,Harry Landis, Clarence Landis,Allie Landis Gibbs and W.R.Gibbs,her husband,Willard Lease,Edgar Lease,Mervin Lease,Allie Blue and D.S.Blue, her husband,Hattie Reese,and Charles Reese, her husband,and Annie Snyder ShOemaker, Defendants.

No. 9406 EQUITY.
In the Circuit Court for
Frederick County,sitting
as a Court of Equity.

To the Honorable,the Judges of said Court!

The joint and separate answer of Allie Landis Gibbs and W.R.Gibbs,her husband,to the Bill of Complaint of Clarence Snyder,filed against these Respondents and others in the above-entitled case.

These Respondents for answer say:That they admit that Henry M.Snyder,late of Frederick County,Maryland,deceased,died seized and possessed,of the house and lot in New Market,Frederick County,Maryland,which by his will he devised to his wife,Harriet Ann Snyder,for life and after her death to his children,share and share alike;that the said Harriet Ann Snyder is deceased and the said real estate is now owned by the descendants of the said Henry M.Snyder,as tenants in common,and cannot be divided among them without loss and injury to the parties interested,as stated in the said Bill;and these Respondents do hereby consent and agree that your Honorable Court shall pass a decree appointing some suitable person Trustee to sell said house and lot and real estate and divided the proceeds among the parties in interest,according to their respective interests therein,as prayed therein.

Witness:
Ruby Painter
Alice A.Painter.

Filed Feby.19.1916.

Allie Landis Gibbs
W.R.Gibbs
Loss Angeles Cal.Feby,8.1916.

Clarence Snyder
VS.
Almeda Snyder Sheffer et al.

No. 9406 EQUITY.
In the Circuit Court for Frederick County,
sitting as a Court of Equity.
January TERM,1916.

The above cause standing ready for a hearing,and being submitted,the Bill,Answers,Exhibits and all other proceedings were by the Court read and considered .

It is thereupon,this 22nd day of February in the year Nineteen Hundred and sixteen by the Circuit Court for Frederick County,as a Court of Equity,and by the authority of said Court,adjudged,ordered and decreed,that the land and premises mentioned in these proceedings be sold,and that Milton G. Urner and Milton G.Urner Jr,.Esquires,of Frederick County,be,and they are hereby appointed Trustees to make the said sales,and that the course and manner of their proceedings shall be as follows:they shall first file in the Clerk's office of this Court,a BOND to the State of Maryland,executed by them with a surety,or sureties,to be approved by the Court,or the Clerk thereof,in the penalty of Two Thousand Dollars,conditioned for the faithful performance of the trust reposed in them by this decree,or which may be reposed in them by any future order,or decree in the premises.They shall then proceed to make sale of the said real estate,having first given at least three weeks previous notice,inserted in some newspaper printed in Frederick County,and such other notice as they may think proper of the time,place,manner and terms of sale;whic h term shall be as follows:One half of

the purchase money to be paid in cash on the day of sale,or on the ratification there of by the Court,the residue in six months from the day of sale,the purchaser or purchasers giving his,her,or their notes,with approved security and bearing interest from the day of sale,or all cash at the option of the purhgser,and as soon as may be convenient after any such sale pr sales,the said Trustees shall return to this Court a full and particular account of the same,with an affidavit of the truth thereof,and of the fairness of such sale or sales annexed,and on the ratification of such sale or sales by the Court,and on the payment of the whole purchase money,and not before,the said Trustee,by a good and sufficient Deed to be executed and acknowledged agreeably to law,shall convey to the purchaser or purchasers of the said Property,and to his, her or their heirs,the property to him,her or them sold,free,clear,and discharged of all claim of the parties to this cause,and of any person or persons claiming by,from, or under them,and the said Trusteesshall bring into this Court the money arising on such sale or sales,and the bonds or notes which may be taken for the same,to be disposed of under the direction of this Court,after deducting therefrom the costs of this suit,and such commission to the said Trustees as the Court dhall think proper to allow,on consideration of the skill,attention and fidelity wherewith they shall appear to have discharged their trust.

Hammond Urner,

Filed Feby.23.1916.

FINAL RATIFICATION OF SALES.

Clarence Snyder,Plaintiff.	No.9406 EQUITY.
VS.	In the Circuit Court for
Almeda Snyder Sheffer and	Frederick County,sitting
D.B.Sheffer,her husband,	as a Court of Equity.
and others,Defendants.	

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To the Honorable,the Judges of said Court!

The report of Sales of Milton G.Urner and Milton G.Urner Jr.,Trustees,appointed by decree of your Honorablr Court,in the above case,respectfully shows!

That after having filed their duly approved bond as Trustees,in the form and penalty prescribed by the said decree,and after having given previous notice of the time phace,manner and terms of sale as prescribed by the said decree,by advertisement in the DAILY NEWS,a newspaper published in Frederick County,Maryland,once a week for three successive weeks prior to the day of sale,and also after having given previous notice of said sale by handbills extensively circulated and posted,said Trustee did attend in front of the store of Mr.Bayard C.Burgess in the town of New Market,in Frederick County,in the State of Maryland,on Wednesday,the 29th day of March,A.D.1916,at 2 o'clock P.M.being the time and place mentioned in said advertisement,and then and there offered for sale at public auction the real estate described to be sold in this case,being the lot of land improved with a double two-story frame dwelling house and outbuildings,situated in the said Town of New Market,Frederick County,Maryland,on the North side of Main Street and adjouning the property of the Methodist Protestant Church on the West and the property of Edward Orem on the East and extending back to a public alley on the North(the said lot having a frontage on Main Street of 110 feet, more or less,and extending Northwardly,for depth,335 feet,more or less),and the said Trustees did then and there sell the said real estate to MacClelland Mealey and Nettd Bell Mealey,his wife,they being the highest and best bidders therefor,at and for the sum of Seven Hundred Dollars.And your Trustees filed herewith,as part of this Report of Sale,the Acknowledgement of Purchase of the said MacClelland Mealey and Nettie Bell Mealey,his wife,marked Exhibit "Acknowledgement,"That the Gross amount of said sale is $700.00. And as in duty,&c. Milton G.Urner Milton G.Urner Jr.Trustees.

O R D E R N I S I O N S A L E S

Clarence Snyder Plaintiff

VS.

Almeda Snyder Sheffer and
D.B.Sheffer,her husband
Defenda nts et al.

No. 9 4 0 6 E Q U I T Y.
In the Circuit Court for Frederick County
sitting in Equity March TERM,1916.
In the Matter of the Report of Sales fild
the 29th day of March 1916.

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ORDERED,That on the 21st day of April 1916,the Court will proceed to act upon the Report od Sales of Real Estate,reported to said Court by Milton G.Urner and Milton G.Urner Jr.,Trustees in the above cause,and filed therein 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 $700.00

Dated this 30th day of March 1916.

Eli G.Haugh,
Clerk of the Circuit Court for Frederick County,

"Daily News"

T H E N E W S

Frederick,Md,April 21st,1916.

This is to certify,That the annexed Order Nisi on Sales was published in "THE DAILY NEWS",a news paper published in Frederick County,once a week 3 successive weeks prior to the 21st day of April 1916.

THE NEWS
Per,J.Roger Fisher.

P U B L I C S A L E

By virtue of a decree of the Circuit Court for Frederick County,sitting as a Court of Equity,passed in No.9406 Equity,the undersigned as trustees,will sell at public sale on WEDNESDAY,The 29th dao of March,A.D.1916,at 2o'clock P.M.in front of the store of Bayard C.Burgess,on the corner of Main and Federal Streets,in the town of New Market,all that valuable house and lot situated in said Town of New Market,in Frederick County,on the north side of Main street,and adjoining the property of the Methodist Protestant Church on the west and the property of Edward Orem on the east and extending back to a public alley on the North.Improved with a Double Two-Story Frame Dwelling House,large anD commodious,with a new mwtal roof,and all necessary out-buildings.This is a most desirable property and splendidly located.It is now in possessio of Mr.M.C.Mealey,who was the tenant of Mrs.Harriet Ann.Snyder,now deceased,and who had a life estate herein under the will of Henry M.Snyder,deceased,

TERMS OF SALE,as Prescribed by the decree.-One.half on the day of sale or ratification thereof by the Court,and the balance in six months from the_of sale,with interest from the day of sale,or all cash,at the option of the purchaser.A deposit of $50.00 will be required of the purchaser at the time of sale.The purchaser to be at all expense of conveyancing,including Revenue Stamps,on the Deed

Irving A.Burall,Auctioneer.

Milton G.Urner
Milton G.Urner Jr.,
Trustees.

I hereby acknowledge that I have this 29th,day of March,A.D.1916,bought at public sale of Milton G. Urner and Milton G.Urner Jr,Trustees,the real estate described in the annexed advertisement situated in the town of New Market,Frederick County,at and for the sum of Seven Hundred Dollars;and I Obligate myself to comply with the terms of sale specified in said advertisement.

MacClelland Mealey

Nettie Bell Mealey

TEST:Emma Brashear Filed March 29.1916.

ORDERED by the Circuit Court for Frederick Countysitting as a Court of Equity this 21st day of April A.D.1916,that the foregoing report of sale and the sale thereby reported be and they are finally ratified and confirmed,no cause to the contrary being shown,although due notice appears to have been given as required by the annexed order Nisi;as shown by the printers certificate filed herewith.

Filed April 21.1916

Hammond Urner

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R E C O R D O F P R O C E E D I N G S
F R O M C I R C U I T C O U R T F O R
C A R R O L L C O U N T Y,

Edward D.Furry and Amy V.Furry, his wife,Myrtle L.Ramsburg and Vernon V.Ramsburg,her husband, Mina E.Otto and I Forrest Otto her husband Plaintiffs,

VS.

Mollie M.Furry,widow,Mollie C. Stoner and Jesse t.Stoner,her husband and Reta C.Furry,infant.Defendants.

No.4705 E Q U I T Y.
In the Circuit Court for Carroll County In Equity.

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Be it rembered that heretofore,to wit!-on the 2nd day of January,1913,in the Circuit Court for Carroll County,sitting as a Court of Equity,was filed the Bill of Complaint with Exhibits "A"and "B" thereto as follows!-

B I L L O F C O M P L A I N T.

To the Honorable the Judges of said Court!-

Your Orators Complaining Say!-

FIRST!-,hat heretofore towit on the first day of December A.D.1912,a certain Samuel B. Furry,departed this life,intestate,in Carroll County,State of Maryland.

SECOND!-That the said Samuel B.Furry left surviving him a widow,Mollie M.Furry,one of the defendants in this cause,and the following children and grand-children,as his only heirs of law and next of kin,towit!-

(a)-A son Edward D.Furry,whose wife's name is Amy V.Furry.

(b)-a daughter Myrtle L.Ramsburg,who is intermarried with Vernon A.Ramsburg,

(c)-a daughter Mina E.Otto,who is intermarried with I.Forrest Otto,

(d)-a daughter Mollie C.Stoner who id intermarried with Jesse T.Stoner,

(e)-a grand-daughter Retta C.Furry,theonly child of William A.Furry,a deceased son of said Samuel B.Furry.

THIRD!-That all of the aforesaid chidren and grandchild,live in Frederick County,State of Maryland,except Mina E.Otto and I Forrest Otto,her husband,who reside in Carroll County,Maryland,and all of whom are adults above the age of twenty-one years,except the said Retta C.Furry,who is an infant under the ageof twenty-one years and resides with her grand mother in Frederick County.

FOURTH!-That the said Samuel B.Furry,who departed this life intestate aforesaid was seized andpossessed,at the time of his death,ofthe following two tracts or parcelsof land!-

(1) All that tract or parcel of land situate in Taneytown,Carroll County,Maryland,on the Main Street of said Town,containing 5310 square feet of land more or less,and is the same tract or parcel of land which was conveyed to the said Samuel B.Furry by H. Scott Roop,Trustee,and Eudora Reindollar,by deed dated December 8th,1911,and recorded among the Land Records of Carroll County,in Liber O_D_G_No.118,folio 325 etc.as will appear by reference to a certified copy of said deed herewith filed,marked Exhibit "A" and prayed to be taken,together with all other Exhibits filed herewith,as part hereof; and the said tract of land is improved by a new concrete Dwelling house and the buildings and is worth in the aggregate about $5500.00;

(2) All that tract or parcel of land situate in JohnsvilleFrederick County,Maryland, containing Two acres of land more or less,improved by a two-story Dwelling house,store rooms and outbuildings,and is the same land conveyed to the said Samuel B.Furry by Charles T.Fagan Sheriff,by Deed dated August 12,1912,and recorded among the land Records of Frederick County in Liber 302,folio 64 etc.,as will appear by reference to a certified copy of said Deed herewith filed,marked Exhibit "B" and that said property

is worth about $4000.00.

FIFTH:-That the said Real Estate of which the said Samuel B.Furry died seized and possessed,descended to and vested in the aforesaid children and grandchild as the only heirs at law and next of kin of the said Samuel B.Furry,subject to the dower interest therein of the said Molly M.Furry,Widow

SIXTH:-That the aforesaid several tracts or parcels of land cannot be divided without loss and injury to the parties interested therein as shown stated and that in order to make division of said interests it will be necessary that said real estate be sold and the proceeds thereof divided among the parties entitled thereto according to their respective interests therein.To the end therefore.

1-that a decree may be passed for the sale of said real estate.

2-that the proceeds of sale may be distributed among your Orators and the Defendants,according to their respective interests and rights-

3-That your Orators may have such other and further relief as their case may require.

May it please your Honors to grant unto your Orators the Writ of subpoena of the State of Maryland directed to the Molly M.Furry,widow,Mollie C.Stner and Jesse T.Stoner,her husband,and Retta C.Furry infant,residents of Frederick County,Maryland,warning them to appear in this Court,in person or by solicitor on or before a certain day to be named therein,to show cause if any he or she has why a decree ought not to pass as prayed,And as in duty bound &c.,

Edward O.Weant,
Solicitor for Plaintiffs.

EXHIBIT "A."

thais Deed made this eighth day of December in the year Nineteen Hundred and Eleven,by H.Scott Roop.of Carroll County,in the State of Maryland,Trustees as hereinafter set forth;and Eudora Reindollar of said County and State.Ehereas by virtie od a Deed of Trust from Charles T.Roop and wife to the said H.Scott Roop,for the benefit of his ereditors,bearing date on the 11th day of May,A.D. 1911,and duly recorded among the Land Records of Carroll County in Liber O.D.G.No.117,folio 292,etc the said H.Scott Roop,after having accepted said Trust,and filed his Bond in the Circuit Court for Carroll County,which said Bond was duly approved by the Clerk of said Court,did,on the 14th day of October 1911,sell at private sale,after having duly advertised and ofered the same at public sale, the Real Estate of the said Charles E.Roop,situated in Carroll county aforesaid,and hereinafter particuarly described unto Samuel B.Furry,of Frederick County,in the State of Maryland,at and <u>at and</u> for the sum of Forty-four hundred dollars ($4400.00) which said sale was duly reported to,and finall ratified and confirmed by the Circuit Court for Carroll County,as appears by the proceedings had in Cause No.4599 on the Equity Docket of said Court,and the whole of said purchase money having been duly paid by the said purchaser to the said Trustee,this Deed is executed.

And whereas,the said Eudora Rinedollar appears to be entitled to receive the sum of Three (3) Shillings and one and one half (1 ½)pence on Lot No.8,and a like amount on Lot No.4 on the Plat of Taney town,which is duly recorded among the Land Records of Carroll County in Liber W.W.No.4,folio 527etc by wirtue of the deed from Lewis Rinedollar and wife,bearing date on the 24th day of June,1896,and recorded among the Land Records of Carroll County in Liber B.F.C.No.82,folio 283 etc.,of which said lots the parcel of land hereinafter described in a part.And whereas the said Eudor Reindollar,being willing,and for the purpose of conveying and confirming the hereinafter described parcel of land unto the said Samuel B.Furry,his heirs and assigns,released and discharged from the payments of the aforesaid rents,and every part thereof,she unites in this deed.Now,therefore,this deed <u>WITNESSETH,</u> that in consideratiā of the premises and the further sum of One DOllar ($1.00) the receipt of which id hereby acknowledged,the said H.Scott Roop,Trustee,as aforesaid,and the said Eudora Reindollar do hereby grant and convey unto the said Samuel B.Furry,his heirs and assigns,discharged and released of the rents afosesaid,and every part thereof,All the following described lot or parcel of land,situat in Taneytown,in Carroll County in the State of Maryland,on the Main street of said town,leading to Emmitsburg,being a part of lots of ground,distinguished on the Plat of said town by their number 4 & 8;Beginning for said lot or parcel of land hereby conveyed at the Northwest corner of said Lot No.4,on the South edge of an Alley,and running thence Southwardly,along the edge of said alley 118 feet;thence Southeasterly at right angles to said alley,45 feet;thence Northeasterly parellel to th

the first line thereof 118 feet;thence Northwesterly parellel to the second line ther eof 45 feet to the place of beginning,containing fifty-three hundred and ten (5310) square feet of land more or less,together with the use of an alley,16 feet wide,lying on the Southwest side of the lot of ground hereby conveyed;being part of the same land that was devised and bequeathed to a certain Tobias H.Eckenrode by his wife,Mary A.Eckenrede by her last will and testament bearing date July 13,1905,and recorded among the Records of Wills,in the office of the register of Wills of Carroll County in Liber J.D.B.No.9,folio 524 etc.,and being also a part of the same lot of ground that was conveyed to the said Tobias H.Eckenrede by Sarah A.Hagan and others,by deed dated August 29th,1906,and recorded among the land records of Carroll County aforesaid in Liber D.P.S.No.105,folio 214etc.,and being also the same lot or parcel of land tha was conveyed to the said Charles E.Roop,by Tobias H.Eckenrode and the Birnie Trust Company,Mortgagee,by Deed bearing date on the 11th day of March 1907,and recorded among said Land Records in Liber D.P.S.No.106,folio 1 etc,as by reference thereto will appear.To have and to hold the above granted property unto the said Samuel B.Furry, his heirs and assigns,forever in fee simple;discharged and released fromthe rents afo resaid,and every part thereof.And the said H.Scott Roop,Trustee as aforesaid,and Eudora Reindollar do hereby covenant that they will warrent specially the property hereby conveyed and that they will execute such other and further assurances of said land as may be requisite or necessary.Witness the hands and seals of said grantors.

TEST!-Edwin W.Shriver — H.Scott Roop,(SEAL) Trustee.

TEST!-John H.Diffendal. — Eudora REindollar (SEAL)

State of Maryland,Carroll County,towit!-

I hereby certify that on this eighth day of December,in the year Nineteen Hundred and Eleven,before me the subscriber,a Justice of the Peace of the State of Maryland, in and for Carroll County aforesaid,personally appeared H.Scott Roop,and in the capac ity of Trustee,as in the Deed aforesaid set forth,acknowledged the said Deed to be his act.Acknowledged before Edwin W.Shriver,Justice of the Peace.

State of Maryland,Carroll County,towit!-

I hereby certify that on this eleventh day of December in the year Nineteen hundred and eleven before me the subscriber,a Justice of the Peace of the State of Maryland and in and for Carroll County aforesaid personally appeared Eudora Reindollar,and acknowledged the aforegoing Deed to be her act.Acknowledged before

John H.Diffendal,
Justice of the Peace.

Rec'd 11th Dec.1911 at 12 M.Same day recorded and examinedd.

State of Maryland,Carroll County,towit!-

I hereby certify that the aforegoing is a true copy of a Deed taken from Liber O. D.G.No.118,folio 325,one of the Land Records of Carroll County,Maryland.

In witness Whereof I hereunte set my hand and affixthe seal of the Circuit Court for Carroll County,this 11th day of December,1912.

(Seal's Place)

Oscar D.Gilbert
Clerk of the Circuit Court for Carroll County.

EXHIBIT "B"

At the request of Samuel B.Furry the following Deed is received for record and recorded August 12th,1912. at 11.50 o'clock A.M.

TEST! Harry W.Bowers,Clerk.

THIS DEED,Made this 12th day of August 1912,by Charles T.Fagan Sheriff of Frederick County,Maryland,by virtue of an execution issued out of the Circuit Court for Frederick County in the case of Samuel B.Furry against David R.Grove and Annie Grove,

his wife,being No.4 Judicials,May Term 1912,on the Docket of said Court,I the said Charles T.Fagan Sheriff of said County,have sold to Samuel B.Furry all the hereinafter described real estate,situat ed in Frederick County,Maryland,at and for the sum of Thirty-Eight Hundred and Fifty dollars ($3850) said sale having been made at public auction on Saturday August 10,1912,at 10 A.M.on the premises in Johnsville,Frederick County,Maryland,after due public notice and advertisement thereof had been previously givenas required by law,and which said sales was personally attended by me,the said Shar les T.Fagan,Sheriff of Frederick County aforesaid;and whereas I,Charles T.Fagan,Sheriff,of said County,aforesaid,have made due report and return of my proceedings in said case,and the said Samuel B.Furry has fully paid the purchase price for said property which said purchase price was the high- est and best bid for the property.Now therefore this Deed Witnesseth: That for and in consideration of the premisses and the sum of Thirty Eight Hundred and Fifty ($3850)Dollars,the purchase price aforesaid,I the said Charles T.Fagan,Sheriff of Frederick County,Maryland,in pusuance of the power and authority in me vested by the laws of Maryland,and under the writ of fi.fa.to me directed and by me executed in the aforesaid case,do hereby grant and convey unto the said Samuel B.Furry all of the right,title and interest of the said David R.Grove and Annie Grove,his wife,in and to all that lot of ground,situate in Jihnsville,Frederick County,Maryland,on the East side of the turnpike lead ing from Liberty to Union Bridge,in said County consisting of two Acres of Land,more or less,and improved with a two-story dwelling house and store-room and out-buildings.Being the same land and property which was acquired by the said David R.Grove from Samuel B.Furry by deed dated February 29,1912,and recorded in Liber H.W.B.No.300 folio 65 one of the land records of Frederick County,as by reference to aid deed a full description of the property hereby intended to be conveyed will be found Together with the improvements thereon and the easements and appurtenances thereto belonging or in any wise appertaining. Witness my hand and seal

Charles T.Fagan (SEAL)

TEST:Aaron R.Anders. Sheriff of Frederick County,Md.

State of Maryland,Frederick County,towit:-

I hereby certify that on this 12th day of August,1912,before the subscriber,a Just ce of the Peace of the State of Maryland in and for Frederick County,personally appeared Charles T.Fagan,Sheriff of Frederick County Maryland,and acknowledged the aforegoing deed to be his act.

Aaron R.Anders,J.P.

State of Maryland,Frederick County,towit:-

I hereby certify that the aforegoing is a true copy of the original deed from Charles T.Fagan,Sh Sheriff of Frederick County,Md.to Samuel B.Furry as recorded in Liber 302 folio 64,one of the Land Records of Frederick County,Maryland.

Seal's Place. in testimony Whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederock County,Md.at Frederick,this 16th day of December A.D.1922.

Harry W.Bowers

Clerk of the Circuit Court for Frederick County Maryland.

Filed January 2,1913.

Edward D.Furry et al. vs. Mollie M.Furry

In the Circuit Court for Carroll County, sitting as a Court of Equity. No.4705 Equity.

D E C R E E.

The above cause standing ready for hearing and being submitted upon the Bill,answers,testimony & the bill answers &c.and all other proceedings were,by the Court,read and considered.It is thereupon this 10th day of January in the year Nineteen hundred and thirteen by the Circuit Court for Carroll County,sitting as a Court of equity,Adjudged,Ordered,and decreed,That theReal Estate mentioned in the Bill of Complaint and Exhibits Filed in this cause and of which Samuel B.Furry died seized abnd possessed,be sold,and that Edward O.Weant,of Westminster,Carroll County,Marylandbe and he is hereby appointed Trustee to make said sale,and that the course and manner of his proceedings shall be as

follows he shall first file with the Clerk of this Court a Bond to the Stateof Maryland executed by him self and a surety or sureties,to be approved by this Court,or by the Clerk thereof,ij the penalty of Fifteen thousand Dollars,conditioned for the faithful performance of the trust reposed in him by this ddcree,or to be reposed in him by any future decree or Order in the premises;he shall then proceed to make the said sale,hav ing given at least three weeks notice by advertisement,inserted in some newspaper published in Carrell County,and by such other mode as he shall think proper,of the time, place,and terms of sale,which shall be as follows,to wit: One-third part Of the purchase money shall be paid by the purchaser or purchasers to the trustees on the day of sake,or upon the ratification thereof by this Court;and the residue shall be paid in two equal payments,the one to be paid in one year,and the other in two years from the day of sale,with interest,and to be secured by notes of the purchaser or purchasers, with security to be approved of by the Trustee or all cash at the time of the purchase and as soon as may be convenient after any such sale or sales,the said Trustee shall return to this Court a full and particylar account of his proceedings relative to such sale;with an affidavit annexed of the truth thereof and the fairness of said sale;ando on obtaining the Court's ratification of the sale,and on the payment of the whole purchase money (and not before) the said Trustee shall,by a good and sufficient deed,to be executed,acknowledged,and recorded according to law,conveyed to the purchaser or purchasers his,her or their heirs,the property and estate to him,her or them sold,free clear and discharged from all claim of the parties hereto,Complaintand Defendant and those claiming by,from.under them.or either of them;And the said Trustee shall bring into this Court the money arising from said sale,to be distributed under the direction of this Court,after deducting the costs of this suit,the expenses of said sale,and suh commission to the said Trustee as this Court shall think proper to allow,in consideration of the skill,attention and fidelity wherewith he shall appear to have discharged his trust,

Filed Jan.10 1913.

Henry Forsythe Jr.

TRUSTEES REPORT OF SALE.

Edward D.Furry et al.
Plaintiffs
VS.
Mollie M.Furry,widow
et al Defendants.

No. 4705 Equity.
In the Circuit Court for
Carroll County.

To the Honorable the Judges of the Circuit Court for Carroll County.

1-This the Report of Edward O.Weant,,rustee,appointed by dheree of your Honorable Coub passed in the above entitled cause on the 10th day of January A.D.1913 to make sale of the Real Estate mentioned and described in the Bill of Complaint and proceedings filed in this cause.

2-that after giving bond in the above entitled case with security for the faithful performance of his duties as Trustee as aforesaid,as required by said Trustee,and after having complied with all the other requesites of said decree,your Trustee,before advertising said real estate at public sale was offered at private sale the sum of $3850 for all that tract or parcel of land situate lying and being in Johnsville,Frederick County State of Maryland,improved by a dwelling and store-house combined,situate on the East side of the Turnpike Road Leading from Liberty to Johnsville,containing two acres,more or less,and is the same tract or parcel of land which was conveyed to Samuel B.Furry by Charles T.Fagan,Sheriff of Frederick County by deed,dated August12,1912,and recordd among the land Records of Frederick County in Liber H.W.B.No.302,folio 64,and after consultation with a number of the best citizens of Johnsville,Frederick County,Maryland and persons who were familiar with the location of said tract or parcel of land and ikprovements thereon and who are also familiar with the price of the same character of

lands and property in said town,and who thought in their opinion that said sum of $3850 was a fair, adeqate and sufficient bid for said property in said cause mentioned and was as much,if not more than could have been obtained therefor,if sold at public sale after thourghly advertising the same, as wil appear by reference to exhibit F.S.herewith filed,that your Trustee on the 18th day of Janua ry A.D.1913 sold at private sale the said tract or parcel of land with the improvements thereon, being the tract or parcel of land described in Exhibit "B"filed in daid Equity Cause,unto Jesse T. Stoner and MOLLie C.Stoner,his wife of said Frederick County,at and for the sum of $3850 to be paid in cash upon the ratification of the sale by this Court.

3-Your Trustee further reports that the aforesaid price $3850 for said tract or parcel of land is a fair,adequate and sufficient bid for the same and was and is the highest price that was bid for the same,and is my opinion is more than could have been obtained therefor had it been thouroughly advertised for sale at public sale.

4- Your Trustee further reports that the said Jesse T.Stoner and Mollie C.Stoner,his wife,have paid the cash,towit $3850 to your Trustee as they elected to pay cash for the same.All of which is respectfully submitted.

Edward O.Weant
Trustee

State of Maryland,Carroll County,towit:-

I hereby certify that on this 24th day of January,A.D.1913,before me the subscriber a Justice of the Peace of the State of Maryland in and for Carroll County aforesaid,personally appeared Edward O.Weant,Trustee,and made oath in due form of law,that the matters and things set forth in the afore going report of sale are true as therein set forth to the best of his knowledge and belief and that the private sale therein reported was bona fide and fairly made

Theo.F.Brown,
Justice of the Peace.

Edward D.Furry et al
Plaintiffs.
VS.
Mollie M.Furry et al
Defendants.

No. 4 7 0 5 E Q U I T y.

In the Circuit Court for Carroll County.

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Ordered by the Circuit Court for Carroll County,sitting as a Court of Equity this 24th day of January A.D.1913,that the report of private sale made of the real estate and property mentioned in thes proceedings to Jesse T.Stoner and Mollie C.Stoner his wife,by Edward O.Weant,Trustee,be ratified and confirmed unless cause to the contrary thereof be shown on or before the 24th day of February next,provided a copy of this order be inserted in some newspaper printed and published in Carroll County,Maryland,once in each of three successive weeks before the 17th day of February A.D.1913. The report states the amount of private sale as Trustee to be $3850.00.

Oscar D.Gilbert,Clerk

Ordered this 11th dao of March,A.D.1913,by the Circuit Court for Carroll County,sitting as a Court of Equity that the private sale made and reported in this case be abd the same is finally ratified and confirmed,no cause to the contrary thereof having been shown,although due notice appears to be given as required by the proceeding order Nisi.

Jas.R.Brashears.

Exhibit F.S.to Trustee's Report of Sale.

Edward D.Furry et al
Plaintiffs
Vs.
Mollie M.Furry et al
Defendants

No. 4 7 0 5 E Q U I T y.

In the Circuit Court

for Carroll Couhty.

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State of Maryland,Frederick County,towit:-

Be it rembered that on this 23rd day of January,A.D.1913 before me the subscriber,a Justice of the Peace of the State of Maryland,in and for Frederick County aforesaid,personally appeared Samuel Repp and Reuben E.Graybill and made oath in due form of law that they and each of them reside in Johnsvil

Frederick County,State of Maryland,and that they are familliar with the price and value of real estate located in and about Johnsville aforesaid,and that they are familiar with the location and character of the store-house and dwelling and lot of land, upon which the same are located,in said Johnsville,being the residence and bestness formerly occupied by Samuel B.Furry,late of Carrell County,Maryland,deceased and which he died;sieed and possessed,being the same land that was conveyed to the said Samuel B.Furry by Charles T.Fagan,Sheriff of Frederick County by deed dated August 12,1912. And they further made oath in due form of law that $3850 cash is a fair and adequate offer,bid and price for the said real estate,store and dwelling,and in their opinion the said sum of $3850 id as much,if not more,than could be obtained for said tract or parcel of land,with said stpre and dwelling combined id put up and offered at public sale,after thoroughly advertising;as the same property was advertised and sold at public sale by the Sheriff of Frederick County on August 10th 1912,at public sale,for the same price,and since which date there has been nothing to increase the value ther eof.

D.M.Devilbiss
Justice of the Peace.

State of Maryland,Carroll County,towit:-

I,Oscar D.Gilbert,Clerk of the Circuit Court for Carrell County,Maryland,do hereby certify that the aforegoing is a full and true copy of the Bill of Complaint and Exhibits thereto,Decree,Trustee's Report of Sale and Exhibit thereto and Orders thereon in Cause No.4705 Equity,in the Circuit Couty for Carroll County,sitting as a Court of Equoty,taken from the Reoprd of Proceedings in said Cause.

PLACE CIRCUIT COURT OF SEAL

In testimony whereof I hereunto subscribe my name and affix the seal of the said Court,at the Court House,in the City of Westminster,Md.,this 29th day of April,A.D.1913.

Oscar D.Gilbert.
Clerk of the Circuit Court for Carroll County.

Filed May 5,1913.

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Wilson Lee Camden and John Francis Smith, Trustees of Dora C. Ramsburgh-

ON.

P E T I T I O N:-

No. 8 1 1 0 E Q U I T Y.

In the Circuit Court for Frederick County,sitting as a Court of Equity.

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To the Honorable the Judges of the Circuit Court for Frederick County sitting in Equity

The Petition of Wilson Lee Camden and John Francis Smith,in the above entitled cause respectfully represents unto your Honors;-

First;-That on the 14th.day of December A.D.1906,Dora C.Ramsburgh,executed her deed of trust conveying all of her property and estate of every kind and description,real personal and mixed,unto Wilson Lee Camden and John Francis Smith,in trust for certain and definite purposes and uses in said deed set forth,which will appear by reference to a certain copy of said deed of trust herewith filed and marked "Exhibit No.1" to this petition;-Second;-That your petitioners have agreed to accept the aforesaid trust,and desire your Honorable Court to assume jurisdiction of the said trust,as created by the aforesaid deed of trust.Wherefore your petitioners pray your Honors that your Honorable Court will assume jurisdiction of said trust,that the same may be administered under the jurisdiction and direction of your Honorable Court;-That your Honorable Court may fix the bond to be given and entered into by your petitioners;-And for such other and further relief as the nature of this cause may require.

And as in duty bound,etc.

Wilson Lee Camden &
John Francis Smith
Trustees;-

The aforegoing petition having been read and considered by the Court, it is thereupon this 19th day of December, A.D. Nineteen Hundred and six, ordered, adjudged and decreed by the Circuit Court for Frederick County, sitting as a Courtof Equity, that the Circuit Court for Frederick County assume jurisdiction of the trust mentioned in the aforegoing petition;-

And it is further ordered that the said Wilson Lee Camden and John Francis Smith, trustee, executed their bond to the State of Maryland, in the penalty of Twenty Five Thousand Dollars conditioned upon the faithful discharge of their duties in the premises said bond to be approved by the Clerk of the Circuit Court, and it is further ordered that the Clerk of this Court docket a case in the usua form.

Filed December 20, 1906. John C. Motter

EXHIBIT NO. 1.

This Deed made this 14th day of December, A.D. Nineteen Hundred and six, by me, Dora Ramsbuggh, of Frederick Cpunty, Maryland, Witnesseth:-That whereas I am indebted to various persons in various sums of money and I wish and desire to be relieved of the responsibility and annoyance incident to the management of my estate and propety, and believing that the revenues and income arising therefrom after the payment of all my just debts andexpenses will be adequate for my support and maintenance and whereas it is my purpose wish and desire to create a trust vested in the title to the whole of my estate and property in the charge of two trustees, who may administer the same under the jurisdiction of the Circuit Court for Frederick County, subject to the limitations and conditions hereinafter provided. Now therefor in consideration of the premises and of the fact that I wish my property applied to the payment of my debts & the further consideration of the sum of Five dollars in hand paid, the receipt of which is hereby acknowledged, I, the said Dora C. Ramsburgh, do hereby grant and convey unto, Wilson Lee Camden of Baltimore, Maryland, and John Francis Smith, of Frederick County Maryland, all my property of every kind and description, and wherever the same may be situated, and whether consisting of real, personal or mixed property, including such property that has already been reduced to possession, as also & well as the property to which I may be entitled from my father's Robert M. Ramsburgh's estate, he having died intestate, and any and all other properties in which I may have vested or continguint interest, or an interest by the way of reversion or remainder.

to hold said estate in trust and confidence, neverless after having paid in full all of my just debts and obligations for the following uses and purposes, to wit:-To invest and keep invested the funds, monies and proceeds arising from the aforesaid properties and investments or any part thereof, with power to them, the said trustees, when in their discretion it may be necessary for the payment of my debts, etc., or best promote the interest of the trust hereby created, to sell the whole or any part of the trust property or estate, and invest the proceeds arising therefrom, in such other properties, or securities as my sais trustees may, in their judgment, deem best. And I hereby direct that my trustees, herein named, after the payment of all my debts and necessary expenses, incident to the administration of the trust estate hereby created, including the expence of giving a good and sufficient bond, for the faithful performance of their duties, and after all of my aforesaid debts are paid, shall pay over the funds, monies and proceeds, arising from the said onvestment or properties or from any conversion or re-investment of the same, when and as the same shall become due and payable, unto me, the said Dora C. Ramsburgh, for and during the term of my natural life, for my personal uses, with power to dispose of the property hereby conveyed, by last will and testament. I direct that my receipt alone shall be a sufficient discharge to my said trustees, for all payments of income and inrerest to me, under the provisions of this deed of trust. I hereby confer upon my said trustees, full power and authority to do every act which may be necessary to carry out and effectua te the odject, purpose and design of this trust, according to its true meaning, spirit, and intent. A detailed statement of a portion of the properties and securities hereby conveyed is hereto attached, showing as far as at present possible, the nature and value of the same, although said scahedule does not include all of my property which I wish to convey here under to my said trustees. And for the consideration and purposes aforesaid, I the said Dora C. Ramsburgh, do appoint the said Wilson Lee Camden and John Francis Smith, as my attorneys in my name, or otherwise, to liquidate all accounts

relating to the premises and to collect all the debts and sums of money hereby assigned and discharged for the same to give,and to compound for any debious debts and one or more attorney or attorneys under them,to appoint and again at their pleasure to displace,and further to do all other acts requisite to be done in the premises,as fully as I might or could have done,and I,the said Dora C.Ramsburgh,do hereby covenant that I,my personal representatives and heirs shall and will at all times hereafter ratify and confirm whatsoever my said trustees shall lawfully do in the premisesand shall not revoke any of the powers hereby given,nor release nor compound for any of the debts, nor sums of money hereby assigned nos intermeddle with the same,nor do anything whereby the recovery thereof shall be hindered;nor otherwise act or interfere in the premises,and also that they the said trustees,shall be charged with their receipts,paymeny acts,and wilful defaults,and not otherwise!-and shall not be charged for any sums of money other than such as shall respectively come to their hands nor with any loss whic may happen in the execution of the trust aforesaid,without their willful default.

As witness my hand and seal,

TEST:J.Travers Thomas. Dora C.Ramsburgh (SEAL)

State of Maryland,County of Frederick,To-wit!-

I hereby certify that on this 14th day of December,A.D.1906before me the subscriber a Notary Public of the Stateof Maryland,in and for Frederick County,personally appeared Dora C.Ramsburgh,and did acknowledge the aforegoing deed of trust to be her act.

Witness my hand and seal notarial,

J.Travers Thomas
Notary Public.

PLACE OF Notarial SEAL

We hereby accept the within and above trust!-

Wilson Lee Camden
John Francis Smith.

A Partial Schedule of the Real and Personal Property of Dora C.Ramsburgh The Camp Schley Inn,at Braddock,Marylanf,andthree acres of land!One Cottage at Braddock Md, purchased of G.Waring Tyson!-One Lot adjoining the same,unimproved!-Three Cottages at Braddock,adjoining the property of Hammond Urner One lot,unimproved,adjoining the adjonong above properties!-A lot and dwelling in Philadelphia,Penna.,Note of Charles Zimmerman & Ida Zimmerman,dated October 1,1906 for the sum of Nineteen Hundred dollars with interest from date,due October 1906,$1900.

PLACE Circuit OF Court. SEAL

True COpy Test!

Filed Dec.20,1906.

Samuel T.Haffner
Clerk of the Circuit Court for Frederick County,Md.

Wilson Lee Camden and
John Francis Smith,trustees
of Dora C.Ramsburgh,
on
P E T I T I O N.

No. 8 1 1 0. E Q U I T Y;-
In the Circuit Court for
Frederick County,sitting
in Equity;-

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To the Honorable the Judges of the Circuit Court for Frederick County,sitting in Equity-
The Petition of Wilson Lee Camden and John Frannis Smith Trustees of Dora C.Ramsburgh respectfully represents unto your Honors;-

First;-That the said Dora C.Ramsburgh her deed of trust dated December 14th,A.D.1906, conveyed all of her property of every kind and description,and wherever located unto the said Wilson lee Camden and John Francis Smith,in trust,for certain definite purposes in sais deed set forth,and to manage and dispose of all of her said estate for thr purpose of paying all of her debts,for the best advantage of her creditors and herself;-Second;-That your said Petitioners having given bond,after duly accepting said trust,and the Circuit Court for Frederick County,having assumed jurisdiction of

said trust,have entered upon the discharge of their duties as such trustees,and as such have placed to their credit as said trustees,the sum of One Thousand Dollars in cash,which said sum is deposited in the Citizens Bank,of Frederick,Md.Third;-That among other properties conveyed to your said Trustees by said deed of trust of December 14th,is a certain piece of Valuable real estate,to wit, The Camp Schley Inn,the same being a summer Hotel and three acres of land belonging thereto.That the said Dora C.Ramsburgh purchased said property on the third day of March A.D.1906,she assumed a certain Mortgage thereon,which was originally given by one John H.Cuishall,to the Domestic Building Association,of Frederick,and was for the sum of Four Thousand Dollars,but which at the time of the purchase of said property amounted to_____dollars.That the said Dora C.Ramsburgh also gave in part payment of purchase price of said Camp Schley Inn property,to the grantors,the Camp Schley Inn Association,a mortgage of Four Thousand,three hundred snd sixty seven dollars,with interest from dateat five per cent,which said mortgage note was payable six months from its date,the said mortgage bearing date of March 3rd,A.D.1906,and was recorded in Liber S.T.H.No.273,folio 497,one of the land records for Frederick County.Fourth;-That their is now due and owing upon the said first mentioned mortgage to the Domestic Building Association,the sum of One hundred & forty six & 70/100 dollars,the same being the interest and fines & amount of weekly dues unpaid and in arrear to said Association and it is necessary that sais sum of One hundred and forty six,70 dollars should be paid to said Association to avoid foreclosure of the said mortgage.

Fifth;-That the said mortgage to the Camp Schley Association is now overdue and unpaid,since the 3rd day of September,A.D.1906,and that the said mortgagees the Camp Schley Association is about to foreclose said mortgage,in accordance with a power therein contained,Sixth;-That the property is worth more than the mortgage debts and interest due thereon and that it would be to the decided detriment of the trust estate,to have the same throughn upon the market by a forced sale at this season of the year,and that your trustees will be able,by paying off until the said Building Associatin the first mortgage,all of the weekly dues owing to it,and by keeping the dues payable hereafter paid promptly,to avoid a foreclosure by the said Domestic Building association.

Seventh;-that by paying the sum of Five Hundred Dollars and interest due to date on the mortgage of the said Camp Schley Association,your trustees can gain a postponment of the sale of the said property by the second mortgagee,the said Association,for the least three weeks,within which time your trustees believe they will have a considerable sum of money belinging to the said trust estate,with which to pay off a part or the whole of the said incumbrance first mentioned.Wherefore your Petitions pray your Honors to pass an order of your Honorable Court,directing the said Trustees,to pay ou of the funds now in their hands the sum of One Hundred and forty six 7 70/100 dollars,weekly dues, interest and fines unpaid and in arrear to the Domestic building Association,and to continue paying the same dues as they become payable wekly,and also directing the said trustees to pay the said Camp Schley Association the sum of Five Hundred Dollars,on the principal of said mortgage,and all of the interest due on January 1st,A.D.1907.upon the terms hereinbefore set forth,to-wit;that the said mortgagee the Camp Schley Association will not foreclose the aforesaid mortgageuntil the first of February,A.D.1907.And as in duty bound,etc.,

Wilson Lee Camden
John Francis Smith.
Trustees of Dora C.Ramsburgh.

The aforegoing Petition having been read and fully considered,it is thereupon this 7th day of January,A.D.1907,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,adjudged,ordered,and decreed that the said Trustees Wilson Lee Camden and John Francis Smith,pay the sum of One Hundred ' forty six 7 70/100 dollars,weekly dues interest and fines unpaid and in arrear to the domestic building Association,and that they further continue to pay the weekly dues payable to said building Association,as the same shall become due and payable,and it is further ordered that the said trustees pay to the said second mortgagee,the Camp Schley Association,the sum of Five Dollars,upon the mortgage principal interest due on said mortgage to January 1st,1907, provided the said Association,second mortgagee,will agree not to institute foreclosure proceedings upon said mortgage until February 1st,1907.

Filed Jan,11,1907. John C.Motter.

Wilson Lee Camden, and
John Francis Smith,
Trustees of Dora C. Ramsburgh,
on.
P E T I T I O N.

No. 8 1 1 0. E Q U I T Y.
In the Circuit Court for
Frederick County, sitting
in Equity.

To the Honorable the Judges of the Circuit Court for Frederick County, sitting in Equity:-

The petition of Wilson Lee Camden and John Francis Smith, trustees of Dora C. Ramsburgh respectfully represents unto your Honors;-

FIRSt;-

That on or about the 14th day of December, A.D. 1906 the said Dora C_Ramsburgh executed her deed of trust, by which she conveyed unto the said Wilson Lee Camden and John Francis Smith, all of her estate, real and personal, for the purpose of paying all of her debts, and after her debts were paid, said property was to be held in trust for the benefit of the said Dora C. Ramsburgh, and for other purposes set forth in said deed of trust, a certified copy of which said deed of trust is filed in this cause;-

SECOND;-

That among the properties conveyed unto your said trustees by the aforesaid deed of trust were a cottage and lot adjoining it, which had been conveyed unto the said Dora C. Ramsburgh by G. Warring Tyson and wife, by deed dated January A.D. 1906, and recorded in Liber S.t.H. No. 274 folio 1 & 2 ;-And that among the properties conveyed unto the said trustees were four lots, which were conveyed unto the said Dora C. Ramsburgh, by the Braddock Heights Improvement Company, by deeds dated July 7th, A.D. 1906, and recorded in Liber S.t.H. No. 276, folio 19, etc, one of the land records for Frederick County;-

THIRD;-

That prior to the execution of the aforesaid deed of trust, the said Dora C. Ramsburgh had caused to be furnished to her by the Bowers Lumber Company of Frederick City, Maryland, a quantity of material and lumber for the erection of a stable, amounting to the value of Two Hundred and ninety dollars and forth three cents, which said sum is still due and unpaid, the said material having been used for the purpose of building a stable upon the property purchased by her of the said G. Waring Tyson;-That the said Dora C. Ramsburgh, prior to the execution of said deed of trust had made a contract with a certain contractor, Lloyd C. Culler of said County and State, to erect a number of cottages for her, upon the lots purchased of the said Braddock Heights Improvement Co., and that the said Lloyd C. Culler did eredt the same, but has not been paid in full for the same, and that there still remains due and owing to him the sum of Thirty two hundred Dollars;-($3200.) That the said Dora C. Ramsburgh prior to the execution of said deed of trust had made a contract with a certain other contractor, Martin C. Kemp, of said County and State to erect a number of cottages for her upon the aforesaid lots, and that the said Martin C. Kemp did erect the same, but has not been paid in full, and that there still remains due and owing to him the sum of Twelve Hundred and fifty one dollars and fifty cents;-($1251,50)

FOURTH;-

That all of the aforesaid parties, to-wit, the Bowers Lumber Co., Lloyd C. Culler and Martin C. Kemp threaten to file Mechanics Liens upon the aforesaid buildings and properties unless they are paid in full for their claims, and that if the said liens are laid, annd the properties are placed upon the market at this season, the estate of the said Dora C. Ramsburgh would suffer a severe financial loss, and that it is to the benefit, interest and advantage of the general creditors, and to the best interest of the estate that said claims should be paid;-

Fifth;-

That the Woodsboro Savings Bank, a body corporate of Frederick County, Md., has a Judgment lien upon the properties of the said Dora C. Ramsburgh, for the sum of Thirty two hundred dollars, which judgement is dated _____ A.D. 1906, and is No. _____

and that the said debt is also secured by a mortgage given by the said Dora C.Ramsburgh,to the Woodsboro Bank,dated July 9th,1906,and recorded in liber S.T.H.No.275,folio_____one of the land records for Frederick County;-

Sixth;-

That there is now due the said Woodsboro Savings Bank,as interest payable in advance on said mortgage of $3200,the sum of Ninety six Dollars.That there is due the said Lloyd Culler the sum of $3200,That there is due the said Martin Kemp the sum of $1251.50.That there is due the Bowers Lumber Co,the sum of 290.43.Making a total indebtedness now standing upon the aforesaid properties (exoluding the said mortgage of $3200) of $4837.93,

SEVENTH;-

That your Trustees have in hand a sum of money belonging to the estate of the said Dora C.Ramsburgh not exceding Eight hundred dollars,and it will be necessary to execute a mortgage to the Woodsboro Savings Bank of Thirty Eight Hundred dollars,upon the said properties,and in order to allow all liens to be removed in order that said mortgage may be executed and accepted by said bank,the said Culler has agreed to for the present accept as payment of his claim the sum of $2950.,and take the note of the said Trustees for the remainder of $250,provided they be authorized to pay said note of $250,out of the first moneys coming into their hands as Trustees of said estate.The said Kemp has agreed to for the present,accept as payment of his claim,the sum of $1101.50,and take the note of the said Trustees for the remainder of $150,payable out of the first moneys coming into their hands as trustees;and the Bowers Lumber Co.,has agreed to accept in payment of its claim,$140.43,and take the note of the said Trustees for the remainder of $150.payable out of the first monies coming into the hands of your trustees.,our Petitioners therefore pray your Honors to pass an order of your Honorable Court,authorizing,and empowering the said Wilson Lee Camden and John Francis Smith,as Trustees,aforesaid,to execute a mortgage for Thirty eight Hundred Dollars,in favor of the Woodsboro Savings Bank,payable six months after date,upon the aforesaid propertes of the said Dora C.Ramsburgh's Trust estate;and with the money thereby secured,together with the balance they may have on hand,pay the said Lloed C.Culler the sum of $2950.00,in cash,and give the said Lloyd Culler a note signed by them as trustees of Dora C.Ramsburgh,for the balance of his claim of $250,which said note shall be payable by the said Trustees not later than Two months after date,or sooner,in event they receive any monies in nand belonging to said Estate.And with the money so secured pay the said Martin C. Kemp,the sum of $1101,50,and give him a note signed by them as Trustees for the halance of his clam of $150;payable by the said Trustees not later than Twa months after date,or sooner in event they receive any money in hand of said Estate.And with the money so secured together with the balance they may have on hand,pay the said Bowers Lumber Co.,the sum of $140.43,in cash,and give the said Company a note signed by them as Trustees,for the balance of its claim of $150.,payable not later than two months after date,or sooner,in event they receive any monies in hand of said Estate.
And for such other and further relief as their case may require;-

And as in duty bound,etc.,

Wilson Lee Camden
John Francis Smith
Trustees of Dora C.Ramsburgh.

The aforegoing Petition having been by the Court read and duly considered it is thereupon this 29th day of January,A.D.1907,ordered by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,that the said Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburgh,execute a mortgage as such Trustees upon the properties mentioned in the aforegoing petition,in favorof the Woodsboro Savings bank,payable six months after date,for the sum of Thirty eight Hundred Dlocars,and with the proceeds arising therefrom,pay the said Lloyd C.Culler the sum sum of $2950.00,in cash and give him their note as said Trustees,payable in two months after date, or sooner if they receive any monies belonging to said estate,for the balance due him of $250.
And all the proceeds arising therefrom,pay the said Martin C.Kempthe sum of $1101.50,in cash and give him their note as said Trustees payable two months after date,or sooner if they receive any monies belinging to said Estate,for the balance due him of $150.And with the proceeds arising there from pay the said Bowers Lumber Co,the sum of $140.53,in cash,and give it their note as Trustee

payable in two months after date,or sooner,if they receive any monies belonging to said Estate,for the balance due it of $150.And the said Trustees are hereby authorized to pay the aforesaid notes so given by them to the said Culler,Kemp,and Bowers Lumber Co.,before paying the common creditors of the said Dora C.Ramsburgh.

Filed January 31,1907. John C.Motter

Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburgh, on. PETITION. | No. 8110 EQUITY. In the Circuit Court for Frederick County,sitting as a Court of Equity.

The petition of Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburgh, respectfully represents unto your Honors.

That they wish to give notice to the Creditors of the said Dora C.Ramsburgh to file their claim with the Clerk of the Circuit COurt for Frederick County,as provided by law,and they therefore pray your Honors to pass an order of your Honorable Court authorizing them,the said Trustees to give the usual notice,required by law to the Creditors of the said Dora C.Ramsburg.And as in duty bound,etc.,

Wilson Lee Camden and
John Francis Smith,
Trustees of Dora C. Ramsburg.

The aforegoing Petition having been read and considered,it is thereupon ordered this 19th day of March,A.D.1907,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,that the Creditors of the said Dora C.Ramsburg file their claims with the Clerk of the Circuit Court for Frederick County,Maryland,on or before theFirst day of May,A.D.1907,otherwise they may be debarred from participation in the trust funds of said Estate.

John C.Motter

Filed March 30,1907.

Wilson Lee Camden and John Francis Smith, Trustee of Dora C.Ramsburg, on. Petition. | No. 8110. Equity. In the Circuit Court For Frederick County, sitting in Equity.

To the Honorable,the Judges of the Circuit Court for Frederick County;-

The Petition of Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburg, respectfully represents unto your Honors;-

That under and by virtue of a certified deed of trust a certified copy of which is filed in this cause,they are appointed Trustees of said Dora C.Ramsburg,and thatafter giving bond as prescribed by Your Honorable Court,in an order assuming jurisdiction of this Trust,Your petitioners entered upon their duties as said Trustees,under the guidance and direction of your Honorable Court;-That under the conditionns and terms of said deed of Trust your Trustees were empowered to make sale of the real and personal property therein conveyed,and by virtue of said power your petitioners are about to make public sale of said real estate mentioned in said deed of trust,having well and fully advertised the same in the Daily News of Frederick Maryland,the Baltimore Sun and the Evening Star of Washington D.C.and by large sale Bills printed for that purpose,and they pray your Honors to pass an order of your Honorable Court authorizing and empowering them to dispose of said real estate at Public Sale at the Court House Door in Frederick Maryland,for cash,on January 4th,A.D.1908.

And as in duty bound,etc., John Francis Smith
Wilson Lee Camden,
Trustees Dora C.Ramsburg.

The aforegoing petition having been read,and the annexed consent of the Mortgagee,the Woodsboro Savings Bank,having been read and duly considered,it is thereupon ordered and adjudged by the Circuit Court for Frederick County,sitting as a Court of Equity,that Wilson Lee Camden and John Franci Smith,Trustees of Dora C.Ramsburg having given sufficient and proper notice of the said sale,be and they are hereby empowered to make the sale of real estate in said petition described for cash to the highest bidder,at the Court House Door in Frederick Maryland,on January 4th,1908.

Glenn H.Worthington

The Woodsboro Savings Bank of Frederick County,Maryland,a body corporate,hereby consents to the sale of the real estate of Dora C.Ramsburg,For Twenty Four Hundred Dollars for one cottage and to the ratification of said sale,which said sale was made by Wilson Lee Camden and John Francis Smith Trustees of Dora C.Ramsburg,on January 4th,1908,free and clear of any lein or qeuity we may have upon said real esta e,reserving however our right in and to the proceeds of the sale of the said Real Estate .

Woodsboro Savings Bank
By Frank L.Stoner
Its Attorney.

Filed January 6,1908.

Wilson Lee Camden and John Francis Smith, Trustees of Dora C. Ramsburg, on. Petition.

No. 8110. Equity.
In the Circuit Court for Frederick County,sitting as a Court of Equity;-

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To the Honorable,the Judges of the Circuit Court for Frederick County,The report of Sales of Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburg,under the deed of trust filed in these proceedings,and by virtue of an order of your Honorable Court herein filed,authorizing said Trustees to sell sais property,respectfully represents unto your Honors;-

1st;-That after filing bond with approved security,as provided by said Courts Order and decree,and after given due nOtice Of the time,place,manner and terms of sale,by advertisement inserted in the Daily News of FreDerick Maryland,the Baltimore,Sun and the Evening Star of Washington D.C.and by numerous Bills circulated throughout the State of Maryland,your Trustees attended at the Court House Door in Frederisk,Maryland,on Saturday,January 4th,1908,at the hour of 11 A.M.that being the time and place mentioned in sais advertisements,and then and there offered for sale at public sale the Real Estate of the said Dora C.Ramsburg,to wit,Camp Schley Inn,and three two story frame cottages,at Braddock Heights,in Frederick County,Maryland.That all of said property was withdrawn,there being no satisfactory bid for the same,save and except the Nothern two story fram cottage at Braddock Heights,with the lot of ground thereto belonging,it being a portion of the property which was conveyed to the said Dora C.Ramsburg by the Braddock Heights Improvements Company of Frederick of Frederick County,Maryland,but which said Cottage was then and there sold,together with the lot of ground thereto belonging,into a certain Alexander Pearre,he being then and there the highest bidder therefor,at and for the sum of Twenty four hundred dollars,and the said purchaser has obligated himself to comply with the terms of sale as set forth in said advertisement,as will fully appear by his acknowledge of purchasehefewith filed and marked "Exhibit A.P.",Your Twustees report thr gross amount of sales to be the sum of Twenty four hundred dollars.Your Trustees theredore pray your Hohors that said sales may be reaified and confirmed.

All of which is respectfully submitted,

Wilson Lee Camden
John Francis Smith
Trustees.

State of Maryland,County of Frederick to-wit!-

I hereby certify that on this 4th day of January,A.D.1908,before the subscriber the Clerk of the Circuit Court for Frederick County,personally appeared Wilson Lee Camden and John Francis Smith, Trustees of Dora C.Ramsburg,and made oath in due form of law that the matters andthings set forth

in the aforegoung report of sales are true to the best of there knowledge and belief, and that the sales therein reported was fairly made.

Samuel T.Haffner
Clerk of the Circuit Court for Frederick County,Maryland.

PUBLIC SALE TRUSTEES SALE

Of Braddock Heights Property.

The undersigned trustees will offer at Public Sale at the Court House door,in Frederick,Maryland,on SATURDAY,JANUARY 4th,1908,at 11 o'clock A.M.the following valuable real estate.FIRSt!-Camp Schley Inn-This is a splendid Summer Hotel,with wide pearches containing 19 attractive rooms,magnificent dining room seating one hundred people,receipting hall bathrooms,fully furnished throughout,with the fixtures,furnature,equipment and other personal property contained therein.The personal property consists of many chairs,tables,beds,bureaus,washstands,table and bed linen and blankets,necessary for first class hotel purposes.Acetylene gas plant laundry attached.There is over three acres of land surounding the Hotel,which can be laid off in valuable building lots.SECOND-Three attractive two-story frame cottages,with eight rooms and bath,and large mansard roofs,suitable for two rooms,spacious porches around the entire buildings,and good lawn.These cottages are splendidly built,of best material throughout,and were designed and constructed by two of the best builders in Frederick County,They are in best of condition,not having been constructed over eighteen months,and are ready to be occupied immediately.All the above property is located at the famous Braddock Heights,25 minutes by trolly from Frederick,Maryland,special R.R.Station on property.This sale offers an excellent oppurtunity for investment,as the Inter-Urban Rail road is making lasting and costly improvements at Braddock Heights,and it is fast becoming one of the most popular Summer Resorts in the State.The Inn will be sold first to the highest bidder.The Cottages will be offered separately,and then together,the Trustees reserving the right therein to sell at best advantages,in either manner.

Terms of Sale.-Cash on ratification of Sale.10 per cent,deposit on day of sale.All conveyancing at expence of purchaser.Inn and Cottages will be cheerfully shown to intending purogasers.

Wilson Lee Camden
Law Building,Baltimore,Maryland.
John Francis Smith
Frederick Maryland.
Trustees.

Harvey R.Lease,Auctioneer.

I Alexander Pearre of Union Bridge Md.hereby certify that I have this day January 4th 1908,purchased of Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburg,the following real estate.to-wit;-The Northern frame two story cottage at Braddock Heights,Frederick County,maryland,it beibg a portion of the property which was conveyed to the said Dora C.Ramsburg by the Braddock Heights Improvement Company of Frederick County,Maryland,a body corporate,by deed dated July 7th,1906,and recorded in Libs S.T.H.No.276,folio 19,etc.,at and for the sum of Twenty four hundred dollars,10 per cent of which I have this day paid to wit,$240.and $2.83 and the balance of which I agree to pay upon ratification of sale by the Circuit Court for Frederick County,and the delivery of a clear,marketable title thereto,free from all liens and incumbsances

Harvey R.Lease. Alexander Pearre.

Filed Jan.6,1908.

ORDER NISI ON SALES.

Wilson Lee Canden and
John Francis Smith Trustees,
of Dora C.Ramsburgh.

on.

PETITION.

No.8110 Equity.
In the Circuit Court for Frederick County,sitting in Equity,January TERM1908.In the Matter of the Repot of Sales feled the 6th day of January 1908

ORDERED,That on the 29th day of January 1908,the Court will proceed to act upon the report,of sales of Real Estate,reported to said Court by Wilson Lee Camden and John Francis Smith trustees in the above cause,and file therein 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 successibe weeks prior to said day.

The report states the amount of sales to be $2400.00

Dated this 6th,day of January 1908.

Samuer T.Haffner
Clerk of the Curcuit Court for Frederick County.

"Daily News"

THE NEWS

Frederick,Md.,Feb,4th,1908.

THIS IS TO CERTIFY,That the annexed "Order Nisi on Sales"was published in "The Daily News",a news paper publisheD in frederick County,once a week 3 successive weeks prior to the 29th,day of January,1908.

THE NEWS,per Thomas

Ordered by the Circuit Court for Frederick County,Maryland,sitting in Equity,this 7th day of Febr-uary 1908,that the aforegoing report of sales be and the same is hereby finally ratified and confirmed,no cause to the contrary having been shown,although due notice appears to have been given,as will appear by the annexed order nisi on sales,and Printers Certificate.

John C.Motter
Judge of the Circuit Court for Frederick County,Maryland.

Filed Feby.7.1908

Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburg,

on.

Petition.

No. 8110. E Q U I T y.

In the Circuit Court for Frederick County,sitting in Equity.

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To the Honorable,the Judges of the Circuit Court for Fredsick County.

The petition of Wilson Lee Camden and John Francis Smith,Trustees of Dora C.ramsburg,respectfully represents unto your Honors. FIRST.

That under and by virtue of a certain deed of Trust a certified copy of which is filed in this cause your Petitioners were appointed ,rustees of said Dora C.Ramsburg,and gave bond as prescribed by your honorable Court,and the Circuit Court for Frederick County,sitting in Equity,assumed jurisdiction of said trudt estate. SECOND.

That under the terms and powes contained in said deed of trust,your petitioners were empowered to make sale of the real and personal property of said Dora C.Ramsburg,and they have sold,under and by virtue of said deed,and by an order of your Honorable Court, a portion of the real estate of the said Dora C.Ramsburg,to wit a cottage at Braddock,which said sale has been duly reported to your Honorable Court. THIRD.

That one of the parcels or tracts of real estate conveyed to your said trustees by said deed of t trust,is known as Camp Sohley Inn,situate at braddock Heights,in Frederick County Maryland,said tract containing Three acres thirty one and 57/100 perches of land,and is improved with a large summer hotel,containing nineteen rooms,Dining room,bath room,laundry,etc,etc,and said hotel is also equipped with all necessary beds,table linen,cutlery,chairs and furniture,and that the said Dora C. Ramsburg obtained said Inn and equipment by deed dated March 3rd,A.D.1906,recorded in Liber S.T.H. 274,folio 94,one of the land records for Frederock county,from The Camp Sohley Association,of Frederick County,Maryland,andthat at the time of the purchase of said Inn by the said Dora C.Ramsburg, she assumed as part of the consideration for the purchase thereof,a certain mortgage upon said property then existing which has been given by a certain John H.Cutshall a prior owner of said Inn,to the Domestic Building Association of Frederick County,Md.and the said Dora C.Ramsburg also executed to the said The Camp Sohley Association a mortgage for the sum of Four thousand three hundred and sixty seven and 70/100 dollars,as part of said purchase price.

FOURTH.

That there is also on record in the office of the Clserk of the Circuit Court for Frederick County,a certain Judgment which bears date of Sept 9th,1906,given by the said Dora C.Ramdburg to the Woodsboro Savings bank.of Frederick County,which said judgment id also a lien on said Inn,but the said Judgment Creditors,the said Woodsboro Savings Bank,has other and additional security,for said amount,and is willing to release said Inn from the operation of said Judgment.

FIFTH.

That your Petitioners have endeavered by the use of every effort,and all diligence,to sell and dispose of said Inn and adjoining Lot of ground,and have offered the same at Public Sale,on January 4th,1908,at the Court House Door in Frederick,Maryland,which sad sal was widley and thourghly advertised,by advertisements inserted inthr Baltimore Sun, the Frederick News,and by large displayed Bills,circulated extensively throughout this and adjoining Cities,but that notwithstanding said advertisements no offer was received for said Inn at said public sale,and the property was withdrawn.

SIXTH.

That the total amount due and owing upon said Inn is as follows;-Debt,interest and dues to the Domestic Building Assn,Feb 1st,1908,$1045.62 Camp Sohley Assn,mortgage to Jan 4h 1908,interest,etc,4293.00.State and County Taxes,1906,1907,111.61.$5450.23.That the Camp Sohley Association has agreed to take a deed for said Inn and contents,and the surounding land thereto belonging in order to avoid an extra expence and loss to the estate of the said Dora C.Ramsburg,which would be incirred by foreclosure of the mortgage due said Association,and your Petitioners believe that it would be to the best interest of the estate of the said Dora C.Ramsburg for said deed to be made,the said Camp Sohley Association having agreed as one of the conditions of said deed,to assume the mortgage now due on said property to the Domestic Building Association,provided your Petitioners pay the taxes for the years 1906 and 1907,and all dues to said Domestic Building Association to date.of February 1st,1908.,our Petitioners therefore pray your Honors to pass an order of your Honorable Court authorizing and empowering them,to grant and convey unto the said Camp Sohley Association,the property aforesaid,at and upon the terms and conditions hereinbefore mentioned.

And as in duty bound,etc,

Wilson Lee Camden and
John Francis Smith.
Trustees of Dora C.Ramsburg,

The aforegoing petition having been read and duly considered,it is thereupon ordered and decreed by the Circuit Court for Frederick County,sitting in Equity,and by the authority thereof,that Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburg,convey and grant unto the said Camp Sohley Association,all the property described in the above petition,known as the Camp Sohlet Inn,and the land belonging thereto to wit,Three acres,and thity one and 57/100 perches of land,and that all the personal property now in sais Inn shall be included in said deed,and it is further ordered that the said Camp Sohley Association release and discharge the said Dora C.Ramsburg,and Wilson Lee Camden and John Francis Smith,her trustees,from all liability and indebtedness to said Association,upon payment by said Trustees of taxes for State and County for 1906 and 1907,and payment of interest and dues to the Domestic Building Association,of dues and interest to February 1st,1908.

John C.Motter

Filed February 5,1908.

Wilson Lee Camden and
John Francis Smith,Trustees of
Dora C.Ramsburg,
On.
Petition.

No. 8 1 1 0. E Q U I T y.
In the Circuit Court for Frederick
County,sitting in Equity.

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To the Honorable,the Judges of the Circuit Court for Frederick County;

The Report of sales of Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburg,under a deed of Trust filed in these proceedings,and by virtue of an order of your Honorably Court passed a and filed on the 5th,day of January,A.D.1908,respectfully represents unto your Honors;-

That in accordance with the provisions of said deed of trust,and in complainance with the direction of your Honorable Courtas set forth in the Order above refered to,your Trustees,petitioners,did grant and convey unto the Camp Schley Assicition,the second mortgage,the Premises and buildings and contents known as Camp Schley Inn,at Braddock Heights,Maryland,upon the following terms and conditions,which have all been complied with by the said Trustees and accepted by the said Grantee,the said Camp Schley Assdciation.

Your petitioner executed and duly delivered a deed to the said camp Schley Association forthe property known as Camp Schley Inn,upon the condition receited in sais deed that said Camp Schley Associ ation would assume a mortgage amounting to about One thousahd dollars of February 1st,A.D.1908,and which said mortgage was due to the Domestic Building Association of Frederick Maryland,and that thy would release a certain mortgage held by it,the said Grantee,the Camp Schley Association,amounting to Four thousand two hundred and ninety three dollars,and your Petitioners in accordance with the terms of said decree have paid the State and County taxes due on said Camp Schley Inn property up to January 1st,1908.your Trustees report the consideration for said sale to be as aforesaid,and pray your Honors that said sale may be ratified and confirmed.

And as in duty bound,etc., Wilson Lee Camden and John Francis Smith
Trustees.

State of maryland County of Frederick,to-wit;-

I hereby certify that on this 22 day of February,1908,before the subscriber the Clerk of the Circuit Court for Frederick County,personally appeared John Francis Smith,one of the Trustees aforesaid and he made a oath in due form of law that the matters and things set forth in the aforegoing report of sales are just and true and that the sale therein reported were fairly made.

Samuel T.Haffner
Clerk of the Circuit Court.

O R D E R N I S I O N S A L E S

Wilson Lee Camden and
John Francis Smith,trustees of
Dora C.Ramsburgh
on.
P E T I T I O N.

No. 8 1 1 0 E Q U I T y.
In the Circuit Court for Frederick County
sitting in Equity.January TERM_1908.
In the Matter of the Report of Sales fild
the 22nd day of February 1908.

ORDERED,That on the 21st day of March 1908,the Court will proceed to act upon the Report of Sales of Real Estate,reported to said Court by Wilson Lee Camden and John Francis Smith Trustees in the above caude,and filed therein 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 $5450.23.

Dated this 22nd day of February 1908.

Samuel T.Haffner
Clerk of the Circuit Court for Frederick County.

"CITIZEN"

Office of the Citizen

Frederick,Md.,June 6,1908.

We hereby certify that the attached Order Nisi on Sales.No.8110 Equity, was published in "The Citzen"a Newspaper published in Frederick County,S State of Maryland,for three successive weeks prior to the 21st day of March 1908.

C.H.Baughman & Son Per E.

Ordered by the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity,this 21st, day of March,A.D.1908,that the aforegoing report of sales,be,and the same is hereby finally ratified and confirmed,no cause to the contrary having been shown,although due notice appears to have been given,as will appear by the annexed order Nisi on sales and the printers Certificate.

Filed February 22,1908.

Glenn H.Worthington.

Wilson Lee Camden and John Francis Smith, Trustees of Dora C.Ramsburg ON. PETITION. | No.8110. EQUITY. In the Circuit Court for Frederick County in Equity.

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To the Honorable the Judges of the Circuit Court for Frederick County sitting in Equity.

The petition of Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburg,respectfully represents unto Your Honors;-

FIRST;-

That and by virtue of a certain deed of trust a certified copy of which is filed in this cause,your petitioners were appointed the Trustees of said Dora C.Ramsburg,and after givng bond as prescribed by a decree of your Honorable Court,Your Petitionres entered upon the discharge of their duties under the direction of your Honorable Court

SECOND;-

That your Trustees have sold certain of the real estate described in said deed of trust, under the orders of your Honorable Court,but that there are two more cottages at Braddock heights,Frederick County,Maryland,which your Petitioners have endeavored to sell and dispose of without avail,for a period of over a year,and although your Petitioners have repeadely offered said property at public and private sale,they are unable to dispose of the same,The two cottages are adjoining the properties of the estate of Dr. Chas.Zimmerman,and Mr.Alexander Pearre,and each is surrounded by a lawn,183 x 102 feet.

THIRD;-

your Petitioners are desirous to offer said properties and make sale of them on the 13th day of June,at Public sale at the Court House Door,in Frederick Maryland,at 12 O'Clock,Noonsince it is unwise and unprofitable to contnue holding said properties longer,because of the interest andtaxes and insurence annually due on same,and Your petitioners therefore pray your Honors to pass an order of your Honorable Court,authorizing and empowering them to make the said sale at the time and place stated,provided they advertise said sale in the Daily news one a day for six successive days prior to the day of sale. And as in duty bound etc.

Wilson Lee Camden
John Francis Smith
Trustees of Dora C.Ramsburg.

The Woodsboro Savings bank of Frederick County,Maryland,the mortgagee of the property described in the aforegoing petition hereby consents to the sale of the real estate of the said Dora C.Ramsburg,by the said Trustees,free clear of any and all liens and encumbrances said Bank may have thereon,provided however the said Trustees pay over to said Bank,the proceeds derived from said sale.

Woodsboro Savings Bank.
By Frank L.Stoner
Attorney.

The aforegoing Petition and the consent of of the Woodsboro Savings Bank,mortgagee having been read and duly considered,it is thereupon this 6th day of June,Ordered and adjudged and decreed by the Circuit Ciurt for Frederick County,sitting in Equity,that Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburg make the sale aforesaid,at the time and place mentioned,for cash,after having given six consecutive days ad-vertisement of said sale by publication of same in the Daily news of Frederick Md. Filed June 13th,1908.

John C.Motter

Wilson Lee Camden and John Francis Smith Trustees of Dora C.Ramsburg, on. PETITION. | No.8 1 1 0 EQUITY. In the Circuit Court for FRederick County,Sitting in Equity.

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Tothe Honerable,the Jodges of the Circuit Court for Frederick County,sitting in Equity.

The Petition of Wilson Lee camden and John Francis Smith,Trustees in said cause,respectfully represents unto your Honers;- FIRST;-

That and by virtue of a certain deed of trust filed in the above cause,you Petitioners were appointed Trustees of said Dora C.Ramsburg,for the purpose set forth at length in said deed,and that they have given bond as required by the decree filed in said cause,and entered upon the discharge of their duties as said Trustees. SECOND;-

That your Trustees have sold certain real estate belonging to the estate of the said Dora C.Ramsburg,but that they have been unable to sell or dispose of two frame cottages belonging to said estate which are situated on parts of lots nos 49;-50;-51;-and 52;-which lots were conveyed to said Dora C.Ramsburg by the Braddock Heights Improvements Co,although they have offered the said cottages at public sale a number of times,and have spent considerable money in advertising and offering them,for sale,and that in the opinion of your Trustees and a number of the creditors of the said Dora C. Ramsburg,it is unwise and unprofitable to continue holding said cottages any longer,since the taxes and insurance are a great drain upon the said estate.

THIRD.

That your Petitioners have receeived an offer for both of said cottages from a certain Joseph Irvin Payne,who has agreed to pay the sum of Four Thousand Dollars therefor,or two Thousand Dollars for each cottage with a lot of 18X,X 102 feet,surrounding the same,and the said Payne has paid the sum of One hundred dollars as a deposit for the purchase price and has agreed to pay the balance of $3900 upon the ratification of the said sale,provided said sale meets the approval of your Honorable Court,Wherefore your Petitioners pray ypur Honors to pass an order of your honorable Court authorizing and empowering them to make the said sale at and for the said price of Four Thousand dollars, and authorizing the execution of the said contract of sale,upon the terms and conditions above set forth.Andfor such other and further relief as their case may require;-

And as in duty bound,etc,

Wilson Lee Camden
John Francis Smith.
Trustees of Dora C.Ramsburg

The aforegoing Petition having been read and duly considered by the Court,it is thereupon this 26th day of October A.D.1908,ordered and decreed by the Circuit Court for Frederick County,sitting as a Court of Equity,that the said Trustees of Dora C.Ramsburg be and they are hereby authorized and empowered to make the sale aforesaid at and for the price aforesaid,upen the terms and conditions set forth in said Petition,and to execute a deed for the same upen the ratification by the Court of this sale,and the payment in full of the purchase price therefor. John C.Motter.

Filed October 26,1908.

Wilson Lee Camden and John Francis Smith
Trustees of Dora C.Ramsburg,
on Petition.
To the Honorable,the Judges of the Circuit
Court for Frederick County,sitting in Equity.

No. 8 1 1 0. E Q U I T Y.
In the Circuit Court for
Frederick County,sitting
in Equity.

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The report of sales of Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburg under a deed of trust filed in these proceedings,and by virtue of an order of Your Honorable Court,passed on this 26th day of October,1908,respectfully represents unto your Honors;-

FIRST;-

That after having filed their bond with approved security,as provided by the order of the Court filed in this cause,and after having repeated ly offered the property hereinafter described,at both Public and Private sale,without success,although at considerable expence,your Trustees have sold th the following real estate together with the improvements thereon unto a certain Joseph Irving Payne at and for the sum of Four Thousand dollars cash,upon the ratification of this sale by Your Honorable Court;-said real estate being more fully described as follows;All that real estate situate at Braddock Heights in Frederick County,Maryland,beginning at a point on the South East corner of the Lot of ground now owned by Alexander Pearre,and running thence,in a Southwesterly direction,Two

hundred and four feet,more or less,to the North east corner of the lot of ground owned by Dr.Charles Zimmerman,thence in a Westerly direction,One hundred and eighty three fee more or less,to the North West corner of the lot of said Zimmerman,thence in a Northwardly direction,two hundred and four feet more or less,to the South West corner of said lot of Alexander Peabre,thence in an Easterly direction,One Hundred and eighty three feet more or less,to the beginning,together with the improvements thereon,and being a portion of Lots Nos 49,50,51,and 52,which were conveyed to a certain Dora C.Ramsburg,by the Braddock Heights Improvement Company by two deed s dated July 7th,A.D.1906,and recorded in Liber S.T.H.No.276,folios 19 and 20.That the said Purchaser has obligated himself to comply with the terms of said contract of sale,and has paid upon said purchase price $100 as will more fully appear by his acknowledgment of puchase herewith filed, and marked "Exhibit Purchase Joseph Irving Payne."your Trustees report the gross amount of said sale to be the sum of Four Thousand Dollars;-Your Trustees therefore,pray your Honors that said sale may be finally ratified and confirmed.

All of which is respectfully submitted.

Wilson Lee Camden,John Francis Smith.
Trustees of Dora C.Ramsburg.

State of Maryland County of Frederick to-wit;-

I hereby certify that on this 26th day of October A.D.1908 before the subscriber Clerk of the Circuit Court for Frederick County,Maryland,personally appeared John Francis Smi th,one of the ,rustees of Dora C.Ramsburg and he made oath in due form of law that the matters and things set forth ij the foregoing report are true to the best of his knowledge and belief and that the sale therein reported was fairly made.

Samuel T.Haffner
Clerk of the Circuit Court for frederick County

I Joseph Irving Payne of frederick County,Maryland do here by certify that I have this 23rd day of October A.D.1908,purchased of Wilson Lee Camden and John ,rancis Smith,Trustees,of Dora C.Ramsburg,the following real estate to-wit;-

All that real estate situate at Braddock Heights in Frederick County,Maryland,beginning at a point on the South East corner of the lot of Ground now owned b y Alexander Pearre and running thence,in a South Westerly direction,Two Hundred and four feet,more or less to the North East corner of the lot of ground owned by Dr.Sharles Zimmerman,thence,in a Westerly direction,One hundred and eighty three feet,more or less,to the North west corner of the lot of said Zimmerman;thence in a Northerly direction,two hundred and four feet,more or less to the South West corner of said Lot of Alexander Pearre,thence in an Easterly direction One hundred and eighty three feet more or less to the beginning, together with the improvements thereon and all of the rights,ways privilages thereto belonging,and being a portion of of Lots Nos 49;-50;-51;and 52,which was conveyed to a certain Dora C.Ramsburg,by the Braddock Heights Improvement Company,by two deeds dated July 7th,1906 and recorded in liber S.T.H.No.276,folio 19 and 20,respectfully,;-at and for the sum of Four Thousand dollars which I agree to pay upon the execution of these presents,and the balance of $3900.to be paid upon the ratification of this sale by the Circuit Court for Frederick County.This real estate is improved with two frame cottages each two stories and an attick.

Joseph Irving Payne

October 23rd 1908 Received of Joseph Irving Payne Esq the sum of $100.as per above report,which I agree to repay him in event said sale is not ratified.Sale to be made as soon as possible and taxes for 1908 paid by Trustees.

John Francis Smith
Trustee.

Filed October 26.1908.

Wilson Lee Camden and John Francis Smith
Trustees of Dora C.Ramsburgh

on.

P E T I T I O N.

No.8110.Equity.In the Circuit Court for Frederick County sitting in Eqity September TERM,1908.In the matter of the Report of Sales filed the 26th day of October 1908.

ORDERED,that on the 17th day of november 1908,the Court will proceed to act upon the Report of Sale of Real estate,reported to said Court by Wilson Lee Camden and John francis Smith trustees in the above cause,and filed therein as aforesaid,to finally ratify and confirm the same,unless cause to the contrary thereof be shown before said day;provided a copy of 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 $4000.00

Dated this 26th day of October 1908.

Samuel T.Haffner
Clerk of the Circuit Cpurt for FreDerick County.

Daily News

THE NEWS

Frederick,Md.Nov.23"1908.

THIS IS TO CERTIFY,That the annexed"Order Nisi on Sales"was published in "THE DAILY NEWS",a newspaper published in Frederick County,once a week 3 successive weeks prior to the 27 day of November,1908.

The News Per Thos.

Ordered by the Circuit Court for Frederick County,Maryland,sitting in Equity,this 21st day of November,A.D.1908,that the aforegoing report of sales be and the same id hereby finally ratified and confirmed,no cause to the contrary having been shown,although due notice appears to have been given as will appear by the annexed order Nisi on sale and the Printers Certificate.

Filed Nov.24,1908.

Glenn H.Worthington.

Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburg on. Petition.	()	No. 8110 EQUITY. In the Circuit Court for Frederick County, in Equity.

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To the Honorable,the Judges of said Court;-

The Petition of Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburg respectfully represents shows unto your Honors;-

1. That as said Trustees they have sold and disposed of all of the real estate which has come into their hands as said Trustees save and except a certain Cottage and lot of ground thereto belonging, which is now occupied by the said Dora C.Ramsburg and her mother,Dora E.Ramsburg,said cottage is located at Braddock Heights in Frederick county,Maryland,and is the same real estate which was conveyed to the said Dora C.Ramsburg by G Waring Tyson and wife by deeds dated January 25th,A.D.1906 and recorded in Liber S.T.H.No.274,folios 1 and 2,one of the land records for Frederick County,Maryland.That your Petitioners believe that it is to the best interest andadvantage of said Trust estate that saidreal estate shall be sold and they therefore pray your Honors to pass an order of your Honorable Court authorizing them to sell said real estate at either Public or Private sale as in theopinion of said Trustees may be for the interest and advantage of said Trust estate provided an adequate and advantageous price may be obtained therefor. And as in duty etc;-

Wilson Lee Camden
John Francis Smith
Trustees.

The aforegoung Petition having been read and duly considered it is thereupon this 16th day of May A.D.1911,ordered adjudged and decreed by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,that Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburg,be and they are hereby authorized and empowered to make sale of the real estate mentioned in the aforegoing Petition at either public or private sale,as they may think best for the interest and advantage of said trust estate,and they are hereby authorized to execute a deed or deeds for the same upon the receipt of a fair and reasonable price therefor.

Filed May 16,1911.

John C.Motter.

Wilson Lee Camden and John Francis Smith, Trustees of Dora C. Ramsburg, on Petition.

No. 8910. EQUITY.
In the Circuit Court for Frederick County, in Equity.

To the Honorable the Judges of the Circuit Court for Frederick County, sitting in Equity. The Petition and Report of Sales of said Trustees respectfully shows;-

1. That as Trustees in the said Dora C. Ramsburg your Petitioners received from the said Dora C. Ramsburg by her deed of Trust which is dated October 14th A.D. 1906, and duly recorded among the land records for Frederick County, Maryland, and of which deed a certified copy is filed in this cause, certain real and personal property, and that they have given bond as required by an order of your Honorable Court and entered upon the discharge of their duties as said Trustees.

2. That on the 16th day of May A.D. 1911, by virtue of an order of your Honorable Court your Petitioners, Trustees as aforesaid, were authorized and empowered to make sale of a portion of the real estate of the said Dora C. Ramsbueg at either public or private sale as they, (said Trustees) think it to the best interest of said trust estate and, in accordance with the power and authority contained in said Order of your Honorable Court, your Petitioners have received an offer of the sum of three Thousand five hundred dollars ($3500.00) from Dora E. Ramsburg the mother of the said Dora C. Ramsburg, for the cottage and lot adjoining it, situate at Braddock Heights, Frederick County, Maryland, it being the present dwelling place of the said Dora C. Ramsburg and being the same real estate which was conveyed to the said Dora C. Ramsburg by G. Waring Tyson and wife by deeds dated January 25th, A.D. 1906, and duly recorded in Liber S.T.H. No. 274, at folios 1 and 2, one of the land records for Frederick County, and that said price being the highest amount your Petitioners had hoped to obtain for said property at either publi or private sale, and being in the opinion of your Petitioners an adequate and advantageous price for said real estate, your Petitioners have accepted said offer and have sold the said real estate unto the said Dora E. Ramsburg, at and for said sum of Thirty five hundred dollars and that the terms of said sale are cash upon ratification of the same by your Honorable Court.

3. That the said Dora E. Ramsburg has executed a written agreement to purchase the aforesaid property, at and for said price and said agreement is herewith filed and marked "Exhibit Dora E. Ramsburg."

4. That your Petitioners report the total amount of said sales to be $3500.00.

Wherefore your Petitioners pray that said <u>said</u> sales may be ratified and confirmed by your Honorable Court;- And as in duty bound etc,

<u>Wilson Lee Camden</u>
<u>John Francis Smith,</u>
Trustees.

State of Maryland Frederick County, Sct;-

I hereby certify that on this 17th day of May A.D. 1911 before the subscriber Clerk of the Circuit Court for Frederick County, personally appeared John Francis Smith, one of the Trustees of Dora C. Ramsburg and he made oath in due form of law that the matters and things stated in the aforegoing report of sales are just and true to the best of his knowledge and belief and that the sale therein reported was fairly made.

<u>Harry W. Bowers, Clerk.</u>

May 9th, 1911.

Wilson Lee Camden and John Francis Smith, Trustees of Dora C. Ramsburg.

Dear Sirs;-I wish to inform you that i will pay the sum of Thirty five hundred dollars ($3500.00), for the cottage at Braddock Heights Maryland and the lot adjoining the same, provided you can except that sum, and I hereby authorize you as the Trustees of Dora E. Ramsburg to puchase the aforesaid Property, and pay for the same from the funds

belonging to my estate.

Witness.Dora C.Fowler Filed May 17,1911.

Dora E.Ramsburg

ORDER NISI ON SALES

Wilson Lee Camden and John Francis Smith trustees of Dora C.Ramsburg

on.

PETITION.

NO. 8110 Equity .In the circuit Court for Frederick County,sitting in Equity. May term 1911.In the Matter of the Report of sales filed the 17th day of May 1911.

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ORDERED,That on the 10th day of June 1911,the Court will proceed to act upon the Report of Sales of Real Estate,reported to said Court by Wilson Lee Camden and John Francis Smith trustees in the abov causeand filed therein 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 $3500.oo

Dated this 17th day of May 1911.

Harry W.Bowers
Clerk pf the Circuit Court for Frederick County.

"CITIZEN"

Frederick,Md.June 10th,1911.

We hereby certify that the attached Order Nisi on Sales No.8110 Equity,was published in "The Citizen",a newspaper published in Frederick County,Maryland,for four successive weeks prior to the 10th day of June 1911.

C.H.Baughman & Son
Eisenhauer.

State of Maryland Frederick County,Sct;-

I hereby certify that on this 17th day of May A.D.1911 before the subscriber Clerk of the Circuit Court for Frederick County,personally appeared John Francis Smith,one of the Trustees of Dora C. Ramsburg and he made oath in due form of law that the matters and things stated in the aforegoing report of sales are just and true to the best of his knowledge and belief and that the sales therein reported was fairly made.

Harry W.Bowers Clerk

Ordered this 10th day of June A.D.1911,by the Circuit Court for Frederick County,that the aforegoing Report of Sales be and the same is hereby ratified and confirmed,notice have been duly given as required by the annexed order nisi,and no cause to the contrary having been shown,although due notice appears to have been given as appears from the annexed certificate of publication,and the cause is hereby refered to the Auditor to state an account with instructions to allow the Trustees reasonable commissions,the taxed costs and their vouched expenses.

John C.Motter

Filed June 10,1911.

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Wilson Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburgh;on Petition.

No. 8110 Equity.
In the Circuit Court for Frederick County, sitting as a Court of Equity.

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To the Honorable,the Judges of said Court;-

The Petition of Wilson Lee Camden and John Francis Smith,Trustees in the above entitled cause,respectfully shows;-That on the 14th day of December,1906,Dora C.Ramsburghn executed a Deed of Trust conveying all her property and estate,of every kind,wherever samewas situated,unto your Petitioners for the purpose set forth in said Deed of Trust,and for the benefit of all her creditors,and in accordance with the terms and conditions of said Deed,your Petitioners sold and disposed of the property and estate of the said Dora C.Ramsburgh,which was situated in Frederick County,Marylamd,under th the order of your Honorable Court,and applied the proceeds thereof to the payment in full of all th the debts of the said Dora C.Ramsburgh,all of which will more fully appear by reference to the Audit filed in the above cause,dated June 21st,1911;That among the other property conveyed to your Pe-

tioners,under and by virtue of said deed was a piece of property mentioned and descr-
ibed in the Schedule annexed to said Deed of Trust as follows;-
"A lot and dwelling in Philadelphia,Pennsylvania",and your Petitioners further state
that they have never assumed controlll of said real estate because the proceeds of
sale of her other property was sufficient for the purpose of said Deed of trust,and
the said Dora C.Ramsburgh has been permitted to collect the income arising from said
property and to apply the same to her own personal uses.
That the said Dora C.Ramsburgh has recently sold the real estate above refered to,
which consists of a house and lot on the West side of Thompson Street,fronting on
said Street,16 feet,and having a depth of one hundred feet,(100)on said property,being
known as No.5139 Thompson Street,unto a certain William T.Spelman,and your Petitioner
have united in the execution of said deed,although they are now merely nominal partis
for the purpose of perfecting the title to said purchaser,and your petitioners have
agreed to permit the said Dora C_Ramsburgh to receive the whole of the purchase money
therefore,which,your Petitioners have advised,is the sum of twenty one hundred dollar
($2100.),That sais sale is made subject to a Deed of Trust or a mortgage on said real
estate,amounting to fifteen huhdred dollars.($1500.),
That your Petitioners have completed all their duties required of them as said Trust-
ees,and have complied with the terms and conditions imposed by said Deed of Trust,and
their duties being at an end,it is right and proper that they should be discharged as
said Trustees.Wherefore,your Petitioners respectfully request your Honors to pass an
order of your Honorable Court authorizing and directing that they be discharged of th
eir duties as said Trustees,and that said Trust estate shall be at an end.

And as in duty bound,etc.,

Wilson Lee Camden
John Francis Smith
Trustees in No.8110 Equity.

State of Maryland,Frederick County,to-wit;-

I hereby certify that on the 17th.day of April,A.D.1916,before the subscriber,
the Clerk of the Circuit Court for Frederick County,Maryland,personall y appeared
John Francis Smith,one of the Trustees of Dora C.Ramsburgh,and he made oath in due
form of law for himself and on behalf of his co-Trustee that the matters and things
set forth in the aforegoing Petition are true and bona fide to the best of his knowl-
edge and belief.

Eli G.Haugh
Clerk of the Circuit Court for Frederick
County.

The aforegoing Petition having been read and duly considered,and it appearing to the
Court that the Trustees as aforesaid,have fully completed and discharged their duites
as such Trustees,under the Deed of Trust mentioned in the aforegoing Petition it is
thereupon this 17th day of April,1916,ordered,adjudged,and decreed by the Circuit Cou
rt for Frederick County ,sitting in Equity,and by the authority thereof,that Wilson
Lee Camden and John Francis Smith,Trustees of Dora C.Ramsburgh,be and they are hereby
discharged from the further action of their duties as said Trustees,and it is further
ordered and decreed that they shall transfer and assign by proper mode of transfer
unto the said Dora C.Ramsburgh,any and all property,real,personal or mixed,remaining
in their hands which may belong to her,to which she shall be entitled;the purpose of
the Trust created by said deed of Trust having been accomplished and completed by the
payment in full of all the debts of said Dora C.Ramsburg as shown by the final audit
of June 21,1911.

Gleenn H.Worthington

BILL OF COMPLAINT

Josiah Buhrman and Mamie Buhrman his wife,
Lewis A.Buhrman and _____Buhrman his wife;
Carmile C.Smith,widow;Martha E.Fultz and Lewis
Fultz her husband;Cora M.Berklite Kunkle and
Lloyd C.Kunkle her husband;Maurice F.Berglite;
Harry D.Berglite;Robert H.Berglite,Lottie M.Berglite
Stauffer and Jasper Stouffer,her husband,
Complainants.

VS.

Irvin L.Berglite.Infant.Defendant.

No. 9319 EQUITY.
In the Circuit
Court for Frederick
County sitting as a
Court of Equity.

To the Honorable the Judges of the Circtit Court for Frederick County,sitting as a Court of Equity.The Bill of Complaint of Josiah Buhrman and MaMie Buhrman his wife;Lewis A.Buhrman and _____ Buhrman his wife;Carmile C.Smith,widow;Matha E.Fultz and Lewis Fults her husband;Cora M.Berglite Kunkle and Lloyd C.Kunkle her husband;Maurice E.Berglite;Harry D.Berglite,Robert H.Berglite,Lottie M.Berglite Stouffer and Jasper Steuffer her husband,respectfully represents unto your Honors;-

1. That a certain Isaiah Buhrman late of Frederick County but now deceased,departed this life on May 7th 1915,in Frederick County State of Maryland.

2. That the said Isaiah H.Buhrman was in his lifetime and at the time of his death seized and possessed of certain tracts or parcels of land situate,lying and being in Frederick COunty,State of Maryland,the said Isaiah H.Buhrman have obtained said tracts of land as follows!-

(a) By deed from C.N.Stem or al Executors,to Isaiah H.Buhrman,which said deed is duly recorded among the land records for Frederick County,in Liber D.H.H.No.17 Folio 375,one of said land records.

(b) By deed from Charles H.Brown and wife to said Isaiah H.Buhrmanywhich said deed is duly recorded among the land records for Frederick County in Liber H.W.B.No.302,Folio 452,one of said land records

(c) By deed from Henry Buhrman to said Isaih H.Buhrman,said deed being duly recorded among the land records for Frederick County in Liber D.H.H.No.11 Folio 204,one of said land records,all of which will morefully appear by reference to certified copies of said deed filed herewith marked Exhibits "A","B" and "C"respectfully,which said exhibits,together with all other exhibits hereinafter filed it is prayed may be taken and considered as a part of this Bill of Complaint.

3. That the said Isaiah H.Buhrman,being seized as aforesaid departed this life intestate,leaxing as his heirs at law and next of kin.the following,yiz!-a brother whose name is Josiah buhrman and whose wifes name is Mamie Buhrman;Lewis A.buhrman a brother,whose wifes name is_____Buhrman;Caroline C.Smith a sister,who is a widow;Martin E.Fultz a sister whose husbands name is Lewis Fultz;and the children of _____Berglite a deceased sister as follows!-Core M.Berglite Kunkle whose husbands name is Lloyd C.Berglite;Maurice F.Berglite;Harry D.berglite,Robert H.Berglite;Lottie M.Berglite Stouffer and Jasper Stouffer her husband,and Irvin L.Berglite,an Infant under the age of twenty one years,all of whom reside in the State of Maryland.

4. That the real estate mentioned in Exhibits "A","B" and "C" are not susceptible of division among the parties in interest without loss and injury and that it would be to the interest benefit and advantage of all the parties to this cause,especially to the infant,that said real estate be sold and the proceeds of sale after the payment of the expences of said sale,be divided among the parties hereto according to their respective interests.

5. That all the parties to this cause are aduats,except the said Irvin L.berglite,who is an infant under the age of twenty one years. To the end therefore,

1. That a Decree may be passed directing that the real estate hereinbefore mentioned may be sold after the payment of the expenses attending said sale,that the same may be divided among the parties to this cause according to their respective rights and interests.

2. That your Complainants may have such other and further relief as the nature and quilty of their case may require.May Your Honors grant unto your Complainants the writ of subpoena in the usual form,

directed against the said Irvin L.Berglite,Infant,commanding him to be and appear in your Honorable Court on som e day certain to be named therein,to answer the premises and to abide by and perform such decree as may be passed therein.

And as in duty &c.,

Charles C.Waters
Solicitor for Complainants.

Filed May 15.1915.

EXHIBIT "A"

At the request of Isaiah H.Buhrman the following deed is received for record & recorded June 12-1903,at 8.45 O'Clock A.M.

TEST! Douglass H.Hargett,Clerk.

This deed made this 24th day of OctOber,nineteen hundred and one,Witnesseth that Jeremiah Fisher and C.N.Stem,executors of the last will and testament of Henry Buhrman (deceased) under a power of said will contained,and by an order of the Orphand Court, for Frederick County,passed June 24th,1901 sold at public sale August 22-1901 the undivided one half of the interest of the sai Henry Buhrman's estate in and to all the following described parcels or tracts of land,to Isaiah H.Buhrman,for the sum of Six teen hundred and thirty nine dollars,and seventy eight cents ($1639.78)said sale was duly reported to and ratified by the Orphan's Court for Frederick county,October 7th, 1901.Lot 1 known as the home place with improvements thereon containing one hundred and seventtn acresand fifty eight perches of land more or less,And beingsame tract conveyed by Geo.Burhman et al.to Henry and David Buhrman,by deed dated August 22-1857 and recorded in Liber B.G.F.No.1,folio 195 & 196 sot,one of the land records for Frederick County,Md.Lot No.8,Containing Six acres and ten pershes of land,more or less, and being same tract conveyed by Jacob Williar to Henry and David Buhrman by deed dad dated October 30,1857 and recorded in Liber B.G.F.No.1,folio 193 sot,ohe of the land records for Frederick County.Lot NO.7,containing thirty two and one half acres of lad more or less,and being same tract of land conveyed by John A.Williar to Henry and David Buhrman,by deed dated March 13-1863,and recorded in liber B.G.F.No.9,folio 29 &c. one of the land records for Frederick County.Lot No.2,containing thirty four and one half acres more or less,and being same tract conveyed by Joseph Prior to Henry and David Buhrman,by deed dated Nov.24-1874,And recorded in Liber T.G.No.2,folio 645 etc. one of the land records for Frederick County.Now therefore,in consideration of the purchase money $ 1639.78 paid infull we Jermiah Fisher and C.N.Stem,executors of the said Henry Buhrman (deceased)do grant and convey the undivided one half interest of all the above described tracts or parcels of land in fee simple.The said Jermiah Fisher and C.N.Stem Exs.covenant that they will warrent generally an specially the property hereby conveyed from all persons whomsoever.

Witness our hands and seals of said grantors.

TEST! Calvin T. Fox.

Jermiah Fisher (SEAL)
Calvin N.Stem (SEAL)

State of Maryland,Frederick County.to-wit!-

I hereby certify that on this 24th day of OctOber 1901,before me a Justice of the Peace of the State of Maryland,in and for Frederick County,personally appearedJeremih Fisher and C.N.Stem Exs.and did acknowledge the aforegoing deed to be their respectiv act.

Calvin T.Fox J.P.

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the original Deed from Jeremiah Fisher and Calvin N.Stem Executors to Isaiah H.Buhrman,as recorded in Liber D.H.H. No.17,Folio 375,one of the land records for Frederick County,Maryland.

PLACE SEAL OF COURT.

In testimony Whereof,I hereunto subscribe my Name and affix the Seal of the Circuit Court for Frederick County,at Frederick,Maryland,this 15th day of May A.D.1915.

Harry W.Bowers.
Clerk of the Circuit Court for Frederick County,Maryland.

Filed May 15,1915.

EXHIBIT "B"

At the request of Isaiah H.Buhrman the following Deed is received for record And Recorded Jany.3-1913 at 9.20 O'Clock A.M.

TEST! Harry W.Bowers Clerk.

This Deed mde this 20th day of July in the year Nineteen hundred and ten,by Charles H.Brown and Jane N.Brown his wife,both of Frederick County,State of Maryland,Witnesseth,that for and in consideration of the sum of one thousahd dollars,the receipt of which is hereby acknowledged the said Charles H.Brown and Jane N.Brown do hereby grant and convey unto Isaiah H.Burhman of Frederick County,State of Maryland,all the one half interest in and to all that tract of land containing One hundred and Ninety Acres and Sixty eight perches of land more or less which was conveyed to the sad Xharles H.Brown by Charles D.Buheman and Cornelius H.Buhrman by deed dated Fsbruary 4th,Nineteeen and five and particularly described in a deed from John G.Jones to Charles D.Buhrman and Cornelius H.Buheman,said deed bearing date April 24th.1903,and recorded in Liber D.H.H.No.17,Folio 222 one of theland records of Frederick County,Maryland,Also all that tract of land Containing sixteen acres and seventy seven perches of land more or less which was conveyed to the said Charles H.Brown by Charles D.Buhrman and Cornelius H.Buhrman by deed dated February 4th,nineteen hundred and five and particularly described in a deed from Samuel M.Birely and others executors,to John C.Jones,said deed bearing date April 24th 1903 and recorded in liber D.H.H.No.17,Folio 219 one of the land recor ds for Frederick County Maryland,To have and to hold the said undivided interest in the above granted tract or parcel of land together with all the improvements thereon unto the said Isaiah H.Buhrman his heirs and assigns forever in fee simple.Witness our hands and seals.

C.H.brown (SEAL)

TEST!C.N.Stem Jane N.Brown (SEAL)

State of Maryland,Frederick County,to-wit!

I hereby certify that on this 20th day of July in the year Nineteen hundren and ten,before me, the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County personally appeared Charles H.Brown and Jane N.Brown his wife and did each acknowledge the aforegoing deed to be their respective act.

C.N.Stem
Justice of the Peace.

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the original Deed fron Charles H.Brown and Jane N.Brown his wife to Isaiah H.Buhrman,as recorded in Liber H.W.B.No302,Folio 452,one of the Land Records of Frederick Cpunty,Maryland.

PLACE OF COURT. SEAL

In testimony Whereof,I hereunto subscribe my name and affix the seal of the Circuit Ciuurt for Frederick County,at Frederick,Maryland,this 15th day of May A.D. 1915.

Filed May,15,1915.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County Maryland.

EXHIBIT "C"

At the request of Isaiah H.Buhrman the following deed is received for record and recorded April 10-1901 at 1,50 O(Clook P.M.

TEST! Douglass H.Hargett Clerk.

THIS Deed made this 9th day of Aprilone thousand nine hundred and one by Henry Buhrman of Frederick County State of Maryland Witnesseth-that in consideration of the sum of One hundred dollars $1--.xx I do grant and sell in fee simple unto Isaiah H.Buhrman,All that tract of land lying and situate in Frederick County,Hauvers District on public road leading from Lantz to Foxville and described as follows,It being part of a tract of land called "Simons" Vineyard and Worth Something said tract joins the land of Wesley Creeger and Albert Hauver,et al.and being the same tract conveyed to Henry Buhrman by Elias Krise & wife,in 1854.Beginning for said lines,on thirty first line of whole tract and with said line as marked,S.70 1/2,E.12 p to the end of said line N.29 1/2 E.58 p N.25 E.37 p S.

71-1/2 E.54 p to the tenth line called Good Luck,N.45,E,12 p to a white oak tree,N. 70 1/4 W.87 ½ p S.18 W.106 p to the beginning,Comtaining 18 ¾ Acres of land more or less,together,eith all the improvements belonging thereto,The'said Henry Buhrman Covenants that he will warrent generally and specially the property hereby conveyed against all persons whomesoever and defend the said Isaiah H.Buhrman,at all times.

Witness my hand and seal

TEST8' Henry his Mark Buhrman (SEAL)

C.N.Stem

Jermmiah Fisher

State of Maryland,Frederick Co.to-wit!-

I hereby certify that on this 9th day of April 1901 before me a Justicee of the Peae of the State of Maryland,in and for Frederick County,personally appeared Henry Buhrman and did acknowledge the aforegoing deed to be his act.

C.N.Stem,J.P.

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the original Deed from Henry Buhrman to Isaiah H.Buhrman,as recorded in Libar D.H.H.No.11,Folio 204,one of the Land Records for Frederick County,Maryland.

PLACE OF COURT. SEAL

In testimony Whereof,I hereunto subscribe my name and affix the Seal of the Circuit Court for Frederick County,at Frederick,Maryland,this 15th day of May A.D.1915.

Harry W.Bowers

Filed May 15th,1915. Clerk of the Circuit for Frederick County,Maryld

EQUITY SUBPOENA

STATE OF MARY LAND,FREDERICK COUNTY To-Wit!

THE STATE OF MARYLAND.

To Irvin L.Berglite,Infant,of Frederick County,Greetings!

YOU ARE HEREBY CMMANDED ,That all excuses set apart,you personally appear before th the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court house in Frederick,in and for Frederick Couhty,on the FIRST Monday of July 1915,to answer the Bill and Complaint of Josiah Buhrman et al For Sal of Real estate of Isaiah Buhrman,deceased,against you in said Court exhibited,and so forth.Hereof fail you not,as you will answer the contrary at your peril.

PLACE OF COURT. SEAL

Witness the Honorable Urner,Chief Judge of said Court,the 23d day of May A.D.1915.

Issued the 24th. day of Jube A.D.1915.

To the Sheriff of Frederick County. Harry W.Bowers,Clerk.

C.C.Waters,Solicitor. Filed June 24-1915.

Isaiah Buhrman,et al
VS.
Irvin L.Berglite,Infant.

No. 9319 EQUITY.
In the Circuit Court for
Frederick County,in Equity.

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To the Honorable the Judges of said Court!-

The Plaintiffs in the above entitled cause pray your Honors to pass an order appointing a guardian ad litem to appear for and answer the Bill of Complaint on behalf of Irvin L.Berglite,the infant defendant,upon whom process has been returned as served.

As in duty &c.

Chas.C.Waters.
Solicitors for Plaintiffs

The aforegoingpetition havâng been read abd considered it is thereupon this 12day of of July,in the year Nineteen hundred and fifteen,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,adjudged and decred that Isaiah N.Loy be and he is hereby appointed guardian ad litem to appear for and answer the Bill of Complaint in the above entitled cause on behalf of Irvin L.Berglite,the infant defendant upon whom process has been returned as served

Filed July 13-1915. Glenn H.Worthington

Josiah Buhrman et al. vs. Irvin L.Berglite Infant. | No. 9319 E Q U I T Y. In the Circuit Court for Frederick County sitting in Equity.

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THE ANSWER OF Irvin L.Berglite .infant under the age of twenty-one years,by Isaiah N.Loy Guardian ad Litem,to the Bill of Complaint of Josiah Buhrman et al against Irvin L.Berglite in the Circuit Court for Frederick County,sitting as a Court of Equity exhibited.

The defendant cannot admit any of the matters and things alleged in the Bill,and being infant of tehder years,submit his rights to the protection of this Court.

Isaiah N.Loy
Guardian ad Litem.

Filed July 13-1915.

Josiah Buhrman et al vs. Irvin L.Berglite,Infant | No.9319 E Q U I T Y. In the Circuit Court for Frederick County,in Equity.

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The Plaintiffs join issue upoj the answer of Isaiah N.Loy Guardian ad Litem of Irvin L.Berglite, Infant defendant in the above entitled cause,so far as the same may be taken to avoid or deny the allegations of the Bill of Complaint.

Charles C.Waters
Solicitor for Complainants.

Filed July 13-1915.

Isaiah Buhrman,etal. vs. Irvin L.Berglite,Infant | No. 9319 Equity. In the Circuit Court for Frederick County,in Equity.

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To the Honorable the Judges of the Circuit Court for Fred erick County,sitting as a Court of Equity! The answer of Irvin L.Berglite,Infant defendant in the above entitled cause,by Isaiah N.Loy,guardian ad Litem having been filed and the cause being at issue,the Plaintiffs pray your Honors to pass an order refering said cause to one of the standing examiners of this Court for the purpose of taking testimony to support the allegations of the Bill of Complaint. As in duty &c.

Chas.C.Waters
Solicitor for Plaintiffs

The aforegoing petition having been read and considered it is thereupon this 12th day of July in the year nineteen hundred and fifteen,by the Circuit Court for Frederick County, sitting as a Court of Equity,and by the authority thereof,ordered that the aforegoing cause be and the same id hereby referred to any one of the standing Examiners of this Court for the purpose of taking testimony to support the allegations of the Bill of Complaint.

Glenn H.Worthington.

Filed July 13-1915.

Isaiah Buhrman et al. VS. Irvin L.Berglite,Infant. | No. 9319 E Q U I T Y. In the Circuit Court for Frederick County sitting as a Court of Equity

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To the Honorable the Judges of said Court!-

The above cause being at issue and notice having been given by the solicitor for the Plaintiffs of a desire to take testimony in said cause I,Guy K.Motter,one of the regular Examiners of your Honorable Court duly appointed qualified and sworn having assigned the 22 day of July A.D.1915 at the banking house of the Citizens Savings Bank in Thurmont,Frederick County,Maryland,as the time and place for taking said testimony did at the appointed time and place proceeded to take the following testimony to wit!-PRESENT;-Chas.C.Waters Esq,Sol.for Petffs,Isaiah Buhrman one of the Plttfs and Chas.H. Brown and Samuel I.Brown Witnesses.Citizens Savings Bank Bldg,Thurmont,Md.July 22,1915-3.30 P.M. Charles H.Brown a witness of lawful age produced on the part of the Plaintiffs having been first duly sworn and Examined Viva voce deposes and says;My name is Charles H.Brown,my age is 56 years and I reside at Lantz,Frederick County,Maryland,I know all the parties to this cause except Kunkle and

Stouffer both of whom,however I have seen,I knew Isaiah H.Buhrman in his lifetime,he is now dead,He died on or about May 1915,as far as I know he died intestate,seized and possessed of several parcels of land,situated,lying and being in Frederick County,Maryland,I now look at Exhibit "A" "B" & "C" now handed me they being certified Copies of deeds conveying said real estate to the said Josiah H.Buhrman and to the best of my knowledge and belief correctly describes the same.the said Isaiah H.Buhrman left surviving him as his heirs and next of kin the following:-Josiah Buhrman,a brother,whose wifes name is Mamie C.Buhrman,Lewis A.Buhrman,a brother,I dont know his wifes name,a sister Caroline C.Smith,who is a widow,Martha E.Fultz,a sister,whose husbands name is Lewis Fultz,and the children of a deceased sister whose name was Ida Berglibe,properly spelled "Berklite"as follows;-Cora M.Who I under stand is married to a man named Kunkel,Lloyd C.Maurice F.Harry D.Robert H.and Lettie M.who is married to a man named Stouffer,and Irvin L.Berklite,all of whom are adults over the age of 21 years except Irvin L who is a miner under the age of 21 years,The real estate mentioned in Exhibits "A" "B" and "C" is not susceptable of division among the parties in interest without loss or injury and it would be to the interest benefit and advantage of all the parties to the cause,especially Especially theinfant,to have the same sold and the proceeds divided among the same as their several interests may appear-In my judgement the Real Estate mentioned in Exhibits "A" "B" & "C"is worth the sum of about $3,100.oo.

To the General Int? Nothing further.

Charles H.Brown

Samuel P.Bussard a witness of lawful age produced on the part of the Plaintiffs having been first duly sworn and examined vivo voce deposes and says;-My name is Samuel P.Bussard My age is 53 years and I reside at Lantz,Frederick County,Maryland,I know the parties to this cause,I knew Isaiah H.Buhrman in his lifetime ,He is now dead having died about May 7th,1915.As far as I know he died intestate,seized and possessed of several parcels of real estate,lying and being in Frederick County,Maryland,I now look at Exhibits "A" "B" & "C"now handed me they being certified copies of deeds conveying said real estate to the said Isaiah H.Buhrman and to the best of my knowledge and belief correctly describe the same.The said Isaiah H.Buhrman left surviving him as his heirs and next of kin the following;-Josiah Buhrman,a brother,whose wife's name is Mamie C.Buhrman,Lewis A.Buhrman,a brother,I dont know his wifes name,a sister Caroline C.Smith,who is a widow,Martha E.Fultz,a sister,whose husbands name is Lewis Fultz,and the children of Ida Berklite a deceased sister as fellows,Cora M.who is married to a man named Kunkel,Lloyd C.Maurice F.Harry D.Robert H,and Lettie M.who is married to a man named Stouffer,and Irvin L.Berklite,all of whom are adults ove the age of 21 years Except Irvin L.who is an infant under the age of 21 years.The real estate mentioned in Exhibits "A" "B," & "C" is not susceptable of division among the parties in interest without loss and injury and it would be to the interest and benefit and advantage of all the parties to this cause,especially to said Infants,to have the same sold and the proceeds divided among the the same as their several interests may appear.In my judgment the real estate mentioned in Exhibits "A," "B," & "C," is worth about $3,100.00

To General Int? Nothing further.

S.P.Bussard.

Whereupon their being no other witnesses to be examined and no futher time being required for the production of testimony,I the aforesaid Examiner in this cause,hereby certify that the aforegoing are the original depositions in this cause,as the same were read over to the witnesses and signed by them respectfully and I herewith return the same enclosed to Your Honorable Court.

Witness my hand this 23rd day of July 1915.

Guy K.Motter (SEAL)
Examiner.

COSTS OF AFOREGOING TESTIMONY;

Guy K.Motter Examiner 1 day----------$4.00
Guy K.Motter Examiner milage 17 m @ D¢----------1.70
Chas.E.Brown Witness 6 miles----------1.35
Samuel P.Bussard Witness 6 miles----------135
Total costs ----------$8.40

Certified to:- Guy K.Motter (SEAL) Examiner Filed July 23,1915.

D E C R E E

Josiah Buhrman et al.
Vs.
Irvin L.Berglite Infant.

No.9319 E Q U I T Y.
In the Circuit Court for Frederick County,
Sitting as a Court of Equity.
July TERM,1915.

ThE above cause standing ready for a hearing,and being submitted,the Bill,Answes,Exhibits Testimony Exhibits,and all other other proceedings were by the Court read and considered.It is thereupon,this 4th day of August in the year Nineteen hundred and fifteen by the Circuit Court for Frederick County, as a Court of Eqtity,and by the authority of said Court,adjudged,ordered,and decredd,that the land and premises mentioned in theses proceedings be sold,and that Charles C.Waters,Atty,at Law,of Frederick County,be,and he is hereby appointed Trustee to make sais Sales,and that the course and manner of his proceedings shall be as follows:he shall first file in the Clerk's office of this Court,a BOND to the State of Maryland,executed by him with a surety or sureties,to be approved by the Court, or the Clerk thereof,in the penalty thereof,in the penalty of Six Thousand Dollars,conditioned for the faithful performance of the trust reposed in him by this ddoree,or which may be reposed in him by any future order,or decree,in the premises.Hee Shall then proceed to make sale of the said Real Estate,having first given at least three weeks previous notice,inserted in some Newspaper printed in Frederick County,and such other notice as he may think proper of the time,place,manner and terms of sale;which terms shall be as follows;One half of the purchase money to be paid in cash on the day of sale;or on the retifiaation thereof by the Court,the residue in six months from day of sale the purchaser or purchasers giving his,her, or their notes,with approved security and bearing interest from the day of sale,or all cash at the option of the purchaser and as soon as may be convenient after any such sale or sales,the said Trustees shall return to this Court a full and particular account of the same,with an affidavit of the truth thereof,and of the fairness of such sale or sales annexed, and on the ratification of such sale or Sales by the Court,and on the payment of the whole purchase money,and not before,the said Trustee,by a good and sufficient deed to be executed and acknowledged agreeably to law,shall convey to the purchaser or purchasers of the said property,and to his,her or their heirs,the property to him,her or them sold,free,clear,and discharged of all claimof the partis to this cause,and of any person or persons claiming by,from or under them;and the said Trustee shall bring into this Court the money arising on such sale or sales,and the bonds or notes which may be taken for the same,to be disposed of under the direction of this Court,after deducting therefrom the costs of this suit,and such commision to the said Trustee as the Court shall think propert to allow, on consideration of the skill,attention and fidelity wherewith he shall appear to have discharged his trust. Filed August 4th,1915. Glenn H.Worthington

R E P O R T O F S A L E S.

Josiah Buhrman,et al.
Vs.
Irvin L.Berglite,Infant.

No. 9319 E Q U I T Y.
In the Circuit Court for Frederick County,in Equity.

To the Honorable the Judges of said Court:-

The Petition and report of sales of Charles C.Waters,Trustee in the above entitled cause respectfully represents unto your Honors;-That after having given bond as required by said decree passed in said cause and after having given more than twenty days notice of the time,place,manner and terms of sale by advertisement inserted in the Catoctin Clarion a newspaper published in Frederick County,Maryland,

for more than three successive weeks prior to the day of sale and also by handbills circulated in the neighborhood of the premises,your Trustees did attend in front of of the Station at Lantz,in Frederick County,Maryland,on Saturday August 28th 1915,at the hour of 1 o'clock p.m.and didthen and there proceed to said land and premises in said Causedecreed to be sold as follows;-Your Petitioner and Trustee offered at public the first two tracts mentioned in said advertisement of sale,the same containing 208 acres more or less;said tracts were offered as a whole and then separately,and not being able to odtain a bid on said tracts separately,your trustee offered the same as a whole and sold the same as one tract to Isaiah J.Smith who was then and there the highest and best bidder therefor at and for the sum of Twenty Four Hundred Dollars ($2400.-)for said tract.Four Trustees then offered the third tract mentioned in said advertisement of sale,the same being a tract of eighteen and three fourth acres of land more or less and sold the same to Claude U.Stottlemyer who was then and there the highest ans best bidder therefor at and for the sum of Thirty Dollars ($30.00)per acre Your trustee took the acknowledgement of purchase from the respective purchasers,which is filed herewith marked Exhibit No.2 to this report,the printers Certificate of Publication of sale being filed herewith as Exhibit No.1 to this Report.
The total amount of sales herein reported is Twenty nine hundred and sixty two dollars and fifty cents ($2962.50)all of which is respectfully submitted,to the end that said sales so made may be finally ratified unto the respective purchasers.

Charles C.Waters
Trustee.

STATE OF MARYLAND,FREDERICK COUNTY.TO WIT!-

I hereby certify that on this 30th day of August in the year 1915,before me the subscriber Clerk of the Circuit Court for Frederick County,personally appeared Charles C. Waters,Trustee in the aforementioned cause and made oath in due form of law that the matters and things set forth in the aforegoing report of sales are true to the best of his knowledge and belief and that the sales therein reported were fairly made.

Harry W.Bowers.
C L E R K.

O R D E R N I S I O N S A L E S.

Josiah Buhrman,et al.,
VS.
Irving L.Berglite,Infant.

No. 9 3 1 9 E Q U I T Y.
In the Circuit Court for Frederick County sitting in Equity.
July TERM,1915.In the Matter of the Report of Sales filed the 31st,day of August 1915.

ORDERED,That onthe 24th day of September 1915,the Court will proceed to act upon the Report of Sales of Real Estate,reported to said Court by Charles C.Waters Trustee in the above cause,and filed therein as aforesaid,to finally ratifi and confirm the same, unless cause to the contrary thereof be shewn before said day,provided a copy of this order be inserted in some newspaper published in Frederick County for three sucessive weeks prior to said day.
The report states the amount of sales to be $2962.50
Dated this 31st day of August 1915.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County.

"The Catoctin Clarion"

OFFICE OF THE CLARION PUBLISHING CO.

Thurmont,Md.Sept,23rd,1915.
This is to certify that the annexed advertisement Nisi on Sales No.9319 was published three consecutive weeks prior to Sept,24 1915.in THE CATOCTIN CLARION,a newspaper published in Frederick County,Md.

Clarion Pub.Co.
Per,J.H.F.

Filed Sept.25-1915.

TRUSTEE'S SALE

OF VALUABLE REAL ESTATE.

By virtue of a decree of the Circuit Court for Frederick County,passed in No.9319 Equity in a cause wherein Josiah Buhrman et al.were complainants and Irvin L.Berglite,infant,were defendant,the under signed appointed trustee will sell the land and premises hereinafter described on Saturday August 28th,1915,at 1 o'clock P.M.in front of the Station at Lants,Frederick County,Md.all the following described real estate situated 2½ miles Southwest of Deerfield on the road leading to Foxville.

1st.All that home place containing 17¼ acres of land more or less,This land has a lot of fruit tree in full bearing,to-wit;100 3-year old Peach trees and 125 bearing apple trees,of various varities This property is improved with two Comfortable Dwelling Houses.Large Bank Barn,Wagon shed and Corn Crib attached,Hog Pen,Peuktry House and a spring house with a never failing spring of water.Fifty Acres of this land is under cultivation,the balance being set in second groth timber.

2. All that tract of land containing 25 Acres of lAnd,more or less,adjoining the home place and situated as aforesaid.Sixteen Acres of this farm land,the balance being heavily set with chestnut Locust,White and Red Oak timber.

3.All that lot of land adjoining the home place containing18¾ Acres of land,more or less,and heavily set in Ash,Chestnut,and Oak timber,This lot is smooth and easy to wagon over.

TERMS of Sale as prescribed by the Court!-One half on day of sale or ratification thereof by the Court,the balance in six months from day of sale,the purchaser or purchasers giving his,her or teir notes with approved security,with interest on deferred payment from day of sale,or all cash at option of the purchaser.A deposit of $150 will be required on the home place,and a deposit of $50 on each of the other properties on the day of sale,the purchaser to be at expence of all conveyancing including revenue stamps.

Charles C.Waters.
Trustee.

Bert Adams,Auct.

OFFICE OF THE CLAIRON PUBLISHING CO.

Thurmont,Md,Sept 2-1915.

This is to certify that the annexed advertisement Trustees Sale No.9319 Equity was published three consecutive weeks prior to August 28th,1915.in the Catoctin Clarion,a Newspaper published in Frederick County,Md.,

Clarion Pub,Co.
Per,J.H.F.

Filed Sept,25-1915.

I Isaiah J.Smith do hereby acknowledge that I have purchased from Charles C.Waters Trustee,the two properties mentioned in the annexed advertisement of sale being the first and second parcels,aggregating the total of 208 Acres more or less,at and for the sum of Twenty Four Hundred Dollars.(2400) and I hereby obligate & bind myself to comply with the terms of sale as set forth in said advertisement Witness my hand and seal this 28th day of August 1915.

Isaiah J.Smith (SEAL)

Witness A.D.Adams.

I Claude U.Stottlemyer do hereby acknowledge that I have purchased from Charles C.Waters trustee th the 3rd tract of land mentioned in the annexed advertisement of sale,at and for the sum of Thirty Dollars ($30.00)per acre and I hereby bind and obligate myself to comply with the terms of sale as prescribed in the annexed advertisement.

Witness my hand and seal this 28th day of August 1915. Claude U.Stottlemyer (SEAL)

Witness A.D.Adams. Filed August 31-1915.

ORDERED by the Circuit Court for Frederick County sitting as a Court of Equity,and by the authority thereof this 25th day of September A.D.1915,that the aforegoing report of sales be and the same is hereby finally ratified and confirmed no cause to the contrary having been shown although due notie appears to have been given as appears from the printers certificate herewith filed.

Glenn H.Worthington.

Filed Sept,25-1915.

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442

BILL OF COMPLAINT

Julia A.Fox and William I.Fox
her husband.

Vs.

Anna M.Speak and George Speak
her husband;George Fix and Sarah
Fox his wife;Nacy Welty and Isaac
Welty her husband;Lilly Staub and
Charles Staub her husband;Virginia
Knauff,Maggie Krise and Charles Krise
her husband;Emma Catherine Bubel and
Jacob Dubel her husband,and Dora Speak
and William Speak,Infants,

DEFENANDTS.

NO. 9250 EQUITY.

In the Circuit Court for
Frederick County,In
EQUITY.

To the Honorable the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity.The Bill of Complaint of Julia A.Fox and William I.Fox her husband, respectfully represents unto your Honorable Court;-

1. That a cer6ain Mary Catherine Biggs,late of Frederick county,but now deceased,departed this life some time during the month of November,in the year 1914,intestate,seized and possessed of certain pieces or parcels of land,situate,lying and being in Frederik County,Maryland described as follows;(a)all that tract or parcel of land which was conveyed to the said Mary Catherine Biggs by deed from Julia A.Miller et al.dated Dec 2nd 1905 and is recorded in Liber S.T.H.No.274,Folio 126 one of the land records for Frederick County.(b)by deed from Julia A.Sophia Fox and husband,dated Sept 29th,1896,to said Mary Catherine Biggs,and is recorded in Liber J.L.J.No.14,Folio 469,one of said land records,certified copies of said deeds being filed herewith as a part of the Bell of Complaint,marked Exhibit "A" and "B," which tigether with all other exhibits herewith filed it is prayed may be taken and considered as a part hereof.

2. That the said Mary Catherine Biggs being so seized and possessed as aforesaid left surviving her as her heirs at law and next of kin to whom the real estate mentioned in Exhibits "A" and "B" vested,the following!-The Complainants in this cause Julia A Fox a sister whose husbands name is William I.Fox;and the heirs of Jane E.Fox,a deceased sister,who left surviving her the following heirs,to wit-AnnA M.Speak a daughter whose husbands name is George Speak;George Fox a son whose wifes name is Sarah Fox;Nancy Welty a daughter,whose husband's name is Isaac Welty and Lillie Staub a daughter whose husband's name is Charles Staub;also the following children by a second husband of said Jane E.Fox(the seconds husband's name being William Speak) namely,Dora Speak,Mildred Speak and William Speak,all of whom are infants under the age of twenty one years,and the following heirs of Susan M.Kanoff a deceased sister Namely!-Virginia Kanouff;Maggie Krise whose husbands name is Charles Krise and Emma Catherine Duble,whose husband's anme is Jacob Buble.All of the aforementioned live in Frederick County,in the State of Maryland.

3. That the property and premises mentioned in Exhibits "A" and "B" are not succeptible of division between the parties in interest without loss and injury,and that it would be to the interest,benefit and advantage of all the parties to this cause,and especially to said infants,that the said property be sold and after the payment of the costs and expences of these proceedings that the residue be divided among the parties in interest according to their respective rights and interests.

TO THE END THEREFORE;-

(a)That the property herein mentioned may be sold under a decree of your Honorable Court,and the proceeds divided among the parties in interest,after the payment of costs and expences.(b)And that your Complainants may have such other and further

relief as the hature and Equity of their case may require.May it please your Honors to grant unto your Complainants the writ of subpoena in the usual form directed against Anna M.Speak and George Speak her husband;George Fox and Sarah Fox his wife;Nancy Wrlty and Isaac Welty her husband;Lilly Staub and Charlie Staub her husband,Virginia Kneuff,Maggie Krise and Charles Krise her husband, Emma Catherine Dubel and Jacob Buble her husband,and Dora Speak,Mildred Speak and William Speak, Infants,commanding them and each of them to be and appear in your Honorable Court in person or by Solicitor,on some day certain to be named therein,to answe the premises,and show cause if any they have,why a decree should not be passed as prayed. As in duty &c.

Charles C.Waters
Solicitor for Complainants.

[illegible].Filed Dec.3-1914.

E X H I B I T "A"

At the request of Mary Catherine Biggs the following deed is receivd for record and recorded March 12th,1906 at 2.05 O'Clock P.M.

TEST Samuel T.Haffner Clerk.

This deed made this 2nd day of December A . D.1905 by Julia Miller Sarah B.Miller Florence C.Miller Emma J.Miller Harry Miller of Frederick County Maryland Effie C.Allnutt and Charles E.Allnutt of Montgomery County and aforesaid State heirs of William F.Miller deceased Witnesseth! that in consideration of the sum of Three Hundred dollars we the said Julia A.Miller Sarah R.Miller Florence C. Miller Emma J.Miller Harry Miller Effie C.Allnutt and Charles E.Allnutt do grant unto Mary Catherine Biggs of Frederick County Maryland all that lot or parcel of ground Situated in Frederick County State of Maryland adjoining the lands of the Geo.W.Krise heirs Wm.Miller and others lying on the South side of the public road leading from Thurmont to Bruceville,Beginning for the said parcel pf ground at a stone planted on the south side of aforesaid public road,And near the end of a lane and running thence along said lane South 9° West 51,8 perches to a stone planted in a corner of said land thence South 75° West 67 1/2 perches to a stake on the West side of Beaver Branch North 11 1/2° East 34 1/2 perches thence by dividing lines made along the public road North 58° East 25.2 perches thence North 65° East 22 ½ perches thence North 80°East 40,6 perches to the place of beginning with an allowence of 4 1/2 degrees for variation on the original lines Containing 21 Acres 2 Roods and 25 perches of land more or less,in fee simple,This being the same parcel or lot of ground Conveyed by Mary A.Biggs to William F.Miller by Deed dated June 5th 1894.

Witness	Julia A.Miller,	(SEAL)
I.M.Fisher as to	Sarah R.Miller,	(SEAL)
Julia A.Miller	Florence C.Miller,	(SEAL)
Sarah R.Miller	Emma J.Miller,	(SEAL)
Florence R.Miller	Harry Miller	(SEAL)
Emma J.Miller and	Effie C.Allnutt	(SEAL)
Harry Miller	Chas.E.Allnutt	(SEAL)
John I.Kelley		

State of Maryland Frederick County to wit!

I hereby certify that on this 2nd day of December A.D.1905,before the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County personally appeared Julia A.Miller Sarah R.Miller,Florence C.Miller Emma J.Miller and Harry Miller and acknowledged the aforegoing deed to be their respective act.

Isaac M.Fisher J.P.

State of Maryland Montgomery County to wit!-

I hereby certify that on this 8th day of December A.D.1905,before the subscriber a Justice of the Peace of the State of Maryland in and for Montgomery County personally appeared Effie C.Allnutt And Charles E.Allnutt and acknowledged the aforegoing deed to be their respective acts.

Kohn T.Kelley J.P.

State of Maryland,Frederick County,to-wit:-

I hereby certify that the aforegoing is a true copy of the original Deed from Julia A.Miller et al to Mary Catherine Biggs,as recorded in Liber S.T.H.No.274,Folio 126,one of the land records of Frederick County,Maryland,

In Testimony Whereof,I hereunto subscribe my name and affix the Seal of the Circuit Court for Frederick County,at Frederick,Maryland,this 23rd day of November A.D.1914.

PLACE OF Court. SEAL

Harry W.Bowers
Clerk of the Circuit Court for Frederick County Maryland.

Filed Dec.3-1904.

EXHIBIT "B"

At the request of Mary C.Biggs the following Deed is received for Record and Recorded November 17th 1896 at 11 O'Clock A.M.

TEST: John L.Jordan Clerk.

This Deed made this 29th day of September in the year Eighteen hundred and ninety Six, by us William J.Fox and Julia A.Sophia Fox his wife of Frederick County,Maryland, WITNESSETH,Whereas a certain Mary A.Biggs by deed dated on the 27th day of January in the year 1894 and recorded in Liber J.L.J.No.5 folio 573 &c one of the land records for Frederick County conveyed unto the said Julia A.S.Fox by the name of Julia S.Fox and unto one Mary C.Irons by the name of Mary C.Biggs,a tract of land containing ninety two acres,one rood and twelve square perches of land,more or less,situated in Frederik County in the Syate of Maryland,and whereas the said Julia A.S.Fox and mary C.Iron now Mary C.Biggs have mutually agreed to make pirtition of the same,and whereas the said Mary C.Irons has been diversed from her husband John Irons and by the decree passed in said cause has been permitted to resume her maiden name of Mary C.Biggs,which she has done,Now therefore,in consideration of the said Mary C.Irons and her said husband John Irons having conveyed to the said Julia A.Sophia Fox all their interset in that part of said ninety two acres,one rood and twelve square perches of land more or less not hereby conveyed,and in further consideration of the sum of one dollar,the receipt of which is hereby acknowledged,we,the said William J.Fox,and Julia A.Sophia Fox,his wife do grant unto the said Mary C.Biggs all our right,title and interest both in law and in Equity in and to all that portion or part of said ninety two acres one rood and twelve square perches of land described as follows,Beginning for the same at a natural Spring of water and running thence North 55°East 31 4/10 perches to ceder tree,Thence North 6°East 108 perches,thence South 78¾°East 22 perches,thence South 5°West 141 6/10 perches,thence South 80°West 36 2/10 perches,thence South 65° West 22 2/10 perches, thence S. 58°West 25 Perches,thence North 11 ½°W 8 perches thence North 47½° West10 perches thence North 45°East 48 perches to the beginning Containing forth two acres and eleven perches of land more or less,Also that wood lot Beginning at a large white oak stump and running thence South 65°East 11 perches to the rail road,thence South 40° West 46 perches,thence North 75°West 16 perches,thence North 48°East 56 perches to the beginning containing four acres two roods and nine perches of land more or less and the said William I.Fox and Julia A.Sophia Fox his wife do also grant unto the said May C.Biggs,her heirs and assigns a road and right of way Sixteen feet in width over that portion of the land conveyed the said Julia A.Sophia Fox by the deed of partition from Mary C.Irons and her husband above referred to to which lies along the eleventh line of said tract described in said deed,which road and right of way was laid off by James W.Troxell who made a survey of said real estate for the purpose of said partition so that the said Mary B.Biggs,her heirs and assigns might have a way to and from her above mentioned wood lot. Witness our hands and seals.

Julia A.Sophia Fox. (SEAL)
William I.Fox. (SEAL)

TEST.Roscoe C.White.

State of Maryland Frederick County Sct.

I hereby certify that on this 29th day of September 1896 before the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County personally appeared the above named William I.Fox and Julia A.Sophia Fox his wife,and did each acknowledge the aforegoing deed to be their respective act

Roscoe C.White J.P.

StAte of Maryland,Frederick County,to-wit:-

I herèby certify that the aforegoing is a true copy of the original Deed from Julia A.Sophia Fox and William I.Fox her husband to Mary C.Biggs,as recorded in Liber J.L.J.No.14,Folio 469 &c., ens of the land records for Frederick County,Maryland.

In Testimony Whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederick Maryland,this 23rd day of November A.D.1914.

PLACE OF COURT. SEAL

Harry W.Bowers

Clerk of the Circuit Court for Frederick County Maryland.

Filed Dec-3-1914.

State of Maryland,Frederick County to-wit:

THE STATE OF MARYLAND.

To Nancey Welty,Isaag Welty,Troutville,between Creagersville and Woodsboro) George & Sarah Fox, Lilly Staub & Chas Staub,Maggie Krise & Chas Krise,(Rocky Ridge.)Emma C.Dubel & Jacob Budel,Gracehem.of Frederick County,Greetings:

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in in Frederick,in and for Frederick County,on the FIRST Monday of December 1914,to answe the Bill and Complaint of Julia A.Fox & William I.Fox her husband Vs.Anna M.Speak & Geo .Speak.et al.
(For sale of Real Estate of Mary Catherine,Biggs,deceased) against you in said Court,and so forth.
Hereof fail you not,as you will answer the contrary at your peril.

PLACE OF COURT. SEAL

Witness the Honorable Hammond Urner,Chief Judge of said Court,the 1st day of November A.D.1914.

Issued the 3rd day of December A.D.1914.

To the Sheriff of Frederick County. Harry W.Bowers Clerk

Charles C.Waters.Solicitor. Filed Dec-7-1914.

E Q U I T Y S U B P O E N E A

STATE OF MARYLAND,FREDERICK COUNTY to-wit:

THE STATE OF MARYLAND.

To Dora Speak,Mildred Speak,Wm.Speak,(Infants) (Woodsboro at toll gate on Creagerstown Pile) of Frederick County,Greetings:

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of December 1914,to answer the Bill and Cpmplaint of Julia A.Fox & William L.Fox her husband Vs.Ann M_Speak et al.(For sale of Real Estate of Catherine Biggs,(deceased) against you in sais Court exhibitedand so forth.
Hereof fail you not,as you will answer the contrary at your peril.

PLACE OF COURT. SEAL

Witness the Honorable Hammond Urner,Chief Judge of said Court the 1st day of November A.D.1914

Issued the 3rd day of December A.D.1914

Harry W.Bowers Clerk

To the Sheriff of Frederick County.

Charles C .Waters,Solicitor. Filed Dec-5-1914.

EQUITY SUBPONEA

STATE OF MARYLAND,FREDERICK COUNTY to-wit!

THE STATE OF MARYLAND.

To Virginia Knsouff (Catonsville)To Superintendent of Spring Grove Asylum,Catonsville. Md.(Copy to be left) (Dr.Wresley Wade)of Baltimore County,Greetings!

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRSTMonday of January 1915,to answer the Bill and Complaint of John A.Fox et al.Vs.Anna Speak,et al.(For sale of real estate of Catherine Biggs,deceased.against you in said Court exhibited,and so forth.Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court,the 7th day of Decenber A.D.1914

Issued the 30th day of December A.D.1914 .

Harry W.Bowers Clerk.

To the Sheriff of Baltimore County.

Charles C.Waters,Solicitor. Filed Jan,4-1915.

Summoned Virginia Knouff by reading Subpoena to her and copy left with her in the presence of Dr.Percy Wade this 31st,day of December 1914.

Leonard G.Quinlin Sheriff

Julia A.Fox and William I.Fox her husband.
Vs.
Anna M.Speak,et al.

No. 9250 E Q U I T Y.
In the Circuit Court for
Frederick County
in Equity.

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To the Honorable the Judges of said Court!-

The joint and several answers of George Fox and Sarah Fox;Nacy Welty and Isaac Welty his wife;Lillie Staub and Charlie Staub her husband,Maggie Krise and Charles Krise her husband,to the Bill of Complaint filed against them and others by Julia A.Fox et al.in the above entitled cause.These respondents and each of them answering said Bill of Complaint admit the allegations contained therein to be true and hereby consent to the sale of the real estate mentioned in said Bill of Complaint,by a Decree to be passed by your Honorable Court.

Geo.W.Fox
Sarah C.Fox
John T.H.Welty
Catherine S.Welty
Charles A.Staub
Lillie M.Staub
Chas.H.Krise
Margaret S.Krise

Filed Jan-30-1915.

Julia A.Fox et al.
vs.
Anna M.Speak,et al.

No. 9250 E Q U I T Y.
In the Circuit Court for
Frederick County in Equity.

To the Honorable the Judges of said Court!-

The Answer of Anna M.Speak and George Speak,her husband,to the Bill of Complaint filed against them and others for the sale of the real estate of Mary Catherine Biggs,deceased,These respondents answering said Bill states that they admit the allegations contained in said Bill to be true and hereby consent to a passage of a decree for the sale of the real estate mentioned in said Bill of Complaint.

Anna M.Speak x(her mark)
George Speak xhis mark)

Filed January 30-1915.

Julia Fox and husband,
Vs.
Anna M.Speak,et al.

No. 9250 Equity.
In the Circuit Coubt for
Frederick County,in Equity.

To the Honorable the Judges of said Court!-

The answer of Emma Catherine Dubel and Jacob Dubel to the Bill of Complaint filed against them and others in the above entitled cause states!-That they admit the matters and things alleged in said Bill of Complaint to be true and hereby consent to the passage of a decree by your Honorable Court for the sale of the real estate therein mentioned.

Emma C.Dubel
Jacob W.Dubel

Filed Jan-30-1915.

Julia A.Fox and husband.
vs.
Anna M.Speak,et al.

No. 9 2 5 0 E Q U I T Y.
In the Circuit Court for
Frederick County,in Equity.

To the Honorable the Judges of said Court!-

The Answer of Tjomas C.Hays,Administrator of James T.Hays,deceased,one of the defendants in the above entitled cause states!-That he hereby consents to the passage of Decree by Your Honorable Court fer the sale of the real estate of Mary Catherine Biggs,deceased,and hereby agrees to take th the same lien on the proceeds of sale of said real estate as he now holds by virtue of the mortgage executed by said Mary Catherine Biggs,to James T.Hays,hereby consenting that said real esate may be sold fre,clear and discharged of the mortgage lien on said real estate.

Thomas C.Hays
Admibistrator of James T. Hays,deceased.

Filed Jan-30-1915.

Julia A.S.Fox and husband,
Vs.
Ann M.Speak,et al.

No. 9250 E Q U I T Y.
In the Circuit Court for
Frederick County,in Equity.

To the Honorable the Judges of the Circuit Court for Frederick County,sittinf as a Court of Equi ty.The petition of Thomas C.Hays,Administrator of the goods and Chattles of James T.Hays,late of Frederick County,deceased,respectfully represents unto your Honors!-

1. That a Bill of Complaint has been filed in the above entitled cause for the sale of the real estate of Mary Catherine Biggs,deceased,and the distrobution of the funds arising from said sale.

2. That the said Mary Catherine Biggs,in her lifetime executed a mortgage on the real estate pray ed to be sold under the above proceedings,to a certain James T.Hays,in the sum of Two Hundred and fifty dollars,which is still due and unpaid with interest from March 31st,1914,and still remains a lien on the real estate of the said Mary Catherine Biggs.

3. That the said James T.Hays,is now deceased and Letters of Administrations have been granted unto your Petitioner as is evidenced by Exemplification of Letters filed herewith marked Exhibit No 1,to this Petition.

4. That your Petitioner files herewith a certified copy of the mortgage,on and by which the said Mary Catherine Biggs is indebted unto your petitioners intestate which is marked Exhibit No.2 to this Petition.

5. That your Petitioner desires to beveme a party defendant to the suit filed in the above cause, to the end that he may have the interest of his intestate property protected by the decree that wil be passed conserning the sale of the real estate of the said Mary Catherine Biggs,deceased.Whereof your Petitioner prays your Honors to make your Petitioner a pary defendant to the above entitled cause. Asin duty bound &c.

Thomas C.Hays
Administrator of James T.Hays,Deceased.

The aforegoing petition having been read and considered,it is thereupon this 30th day of January 1915 by the Circuit Court for Frederick County,and by the authority thereof,Ordered that Thomas C. Hays,Administrator of James T.Hays,deceased,mortgagee,be and he is hereby made a party defendant to

the within cause,with the right to the said Thomas C.Hays Administrator to answer said Bill of Complaint or make such defence thereto as he desires in the premises.

Filed Jan-30-1915. Hammond Urner

EXHIBIT NO. 1: to PETITION OF THOS.C. HAYS

At the request of James T.Hays the following Mortgage is received for record and Recorded April 5th 1897 at 1.10 O'Clock P.M. TEST! John L.Jordan Clerk.

This Mortgage,made this 29th day of March A.D.1897 by Mary C.Biggs of Frederick County, in the State of Maryland,Witnesseth,Whereas the said Mary C.Biggs new stands indebted unto James T.Hays in the full and just sum of Two Hundred and fifty dollars by her promissory note of even date herewith,payable one year af er date thereof,with interest from date,and Whereas it is the desere of the said Mary C.Biggs to secure unto the said James T.Hays,the payment of the said sum of Two Hundred and fifty dollars and the interest thereon when due and payable according to the tenor of the aforesaid promissory note and for that purpose executes this Mortgage Now Therefore in consideration of the premises and of One dollar in hand paid I the said Mary C.Biggs de grant unto the said James T.Hays,all that lot or parcel of land situated in Frederick County in the State of Maryland containing Forty two acres and Eleven perches of land more or less,also that that wood lot containing four acres two roods and nine perches of land with the right of way for a road particularly described in a deed from William J.Fox and Julia A.Sophia Fox his wife to the said Mary C.Biggs bearing date the 29th day of September A.D. 1896 and recorded in Liber J.L.J.No.14 folio 469 &c one of the land Records of Frederick County,Provided that the said Mary C.Biggs shall pay to the said James T.Hays the said sum of Two hundred and fifty dollars and the interest thereon when due and payable accprding to the tenor of the promissory note above mentioned then this mortgage shall be void.But if default be made by the said Mary C.Biggs in the payment of the said sum of Two hundred dollars and fifty dollars and the interest thereon when due and payable according to the tenor of the promissory note aforesqid then it shall be lawfuy for the said James T.Hays or his assignee to sell the above described real estate at the Western Maryland Hotel in the town of Emmitsburg Maryland at public Auction for cash after giving not less than three weeks notice of the time,place,manner and terms of sale by advertisement in some newspaper published in Frederick County for three successive weeks prior to the day of sale and he shall apply the proceeds of said sale as follows,First the payment of all costs attending said sale including commissions and a reasonable counsel fee for reporting said sale and preparing necessary papers all taxes that may be due then to the payment of the above mentioned mortgage debt and the interest thereon and the balance if any to be paid to the said Mary C.Biggs,

Witness my hand and Seal

Mary C.Biggs (SEAL)

TEST Henry Stokes

State of Maryland,Frederick County,to-wit

I hereby certify that on this 29th day of March A.D.1897 before me the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County aforesaid personally appeared Mary C.Biggs and acknowledged the aforegoing mortgage to be her Act. And at the same time also appeared James T.Hays and made oath in due form of law that the consideration mentioned in the above mortgage is true and boni fide as therein stated,And he also made oath on the Holy Evangely of Almighty God that he has not required the Mortgagor her Agent or Attorney or any person for the said Mortgagor to pay the tax levied upon the interest covenanted to be paid in advance nor will he require the same to be paid by the Mortgagoror any person for her during the existance of this Mortgage

Henry P.Stokes J.P.

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the Original Mortgage from Mary C.Biggs to James T.Hays,as recorded in Liber J.L.J.No.15,Folio 550 &c,one of the Land Records for Frederick County,Maryland.

In Testimony Whereof,I hereunto subscribe my name and affix the Seal of the Circuit Court for Frederick County,at Frederick,Maryland. this 2nd day of January A.D.1915.

PLACE OF COURT. SEAL

Harry W.Bowers
Clerk of the Circuit Court for Frederick County,Maryland.

Filed Jan-30-1915.

STATE OF MARYLAND,FREDERICK COUNTY,SCT!

I,Samuel D.Thomas,Register of Wills for Frederick County,do hereby Certify and Attest,That on the 22nd day of April 1912 Letters of Administrationwere granted by the Judges of the Orphans'Court of Frederick County aforesaid,to Thomas C.Hays on the Estate of James T.Hays,late of Frederick County,deceased,the said Thomas C.Hays having-given Bond with Sarah Weiner Hays and Lizzie R.Snively Sureties in the sum of Twenty Thousand Dollars,current money for the due performance of his said administration.

PLACE ORPHANS' OF COURT. SEAL

In testimony Whereof,I hereunto set my hand and affix the Seal of the Orphans'Court of Frederick County,this 30 day of January 1915.

Test! Samuel D.Thomas,
Register of Wills for Frederick County,Md.

Filed Jan-30-1915.

Julia A.Fox and
William I.Fox her
husband.
Vs.
Anna M.Speak et al.

No. 9250 E Q U I T Y.
In the Circuit Court for
Frederick County,sitting as
a Court of Equity.

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To the Honorable the Judges of said Court!-

The Answer of Virginia Knouff to the Bill of Complaint filed against her and others by Julia A.Fox et al.in the above entitled cause.This respondent answering said Bill of Complaint admits the allegations contained therein to be true and hereby consents to the sale of the real estate mentioned in said Bill of Complaint by a decree to be passed by your Honorable Court.

Virginia Knouff
Per Chas.H.Krise.

Filed Jan-22-1915.

Julia A.Fox and William
I.Fox,her husband,
Vs.
Anna M.Speak and George
Speak,her husband,et al.

No. 9250 E Q U I T Y.
In the Circuit Court for
Frederick County.
In Equity.

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To the Honorable,the Judges of said Court!

The Plaintiffs in the above entitled cause pray your Honers to pass an order appointing a guardian ad Litem to appear foe and answer the Bill of Complaint on behalf of Dora Speak,Mildred Speak and William Speak,the infant Defendants,upon whom process has been returned as served.

And as in duty,etc.

Charles C.Waters.
Solicitor for Plaintiffs.

The aforegoing petition having been read and considered,it is thereupon this 13th day of February,in the year Nineteen Hundred and Fifteen,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,adjudged,ordered and decreed that Isaiah N.Loy be and he is hereby appointed guardian ad litem to appear for and answer the Bill of Complaint in the above entitled cause on behalf of Dora Speak.Mildred Speak and William Speak,the infant Defendants, upon whom process has been returned as served.

Hammond Urner

Filed February,13-1915.

Julia A.Fox and
William I.Fox,her
husband.
Vs.
Anna M.Speak and
George Speak et al.

No. 9250 Equity.
In the Circuit Court for
Frederick County,
sitting in Equity.

THE ANSWER OF Dora Speak,Mildred Seeak and William Speak infants under the age of twenty-one years,by Isaiah N.Loy Guarduan ad Litem,to the Bill of Complaint of Julia A.Fox and William I.Fox against Anna M.Speak et al in the Circuit Court for Frederick County, sitting as a Court of Equity exhibited.

These Defendants cannot admit any of the matters and things alleged in the Bill,and being infants of tender years,submit their rights to the protection of this Court.

Isaiah N.Loy
Guardian ad Litem.

Filed Feb-13-1915.

Julia A.Fox and William I.Fox,her husband,
VS.
Anna M Speak and George Speak,her husband,et al.

No. 9250 E Q U I T Y.
In the Circuit Court
for Frederick County.
In Equity.

The Plaintiffs join issue upon the answer of Isaiah N.Loy,Guardian ad litem of Dora Speak,Mildred Speak and William Speak,infant Defendants,and all the other defendants in the above entitled cause,and the answers of the other Defendants,filed in this cause,so far as may be taken to avoid or deny the allegations of the Bill of Complaint.

Charles C.Waters.
Solicitor for Plaintiffs.

Filed Feby-13-1915.

Julia A.Fox and William I.Fox,her husband,
vs.
Anna M.Speak and George Speak,her husband,et al.

No. 9250 E Q U I T Y.
In the Circuit Court
for Frederick County.
In Equity.

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To the Honorable,the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity:-The Answer of Dora Speak,Mildred Sleak and William Speak,the Infant Defendants in the above entitled cause,by Isaiah N.Loy.guardian ad litem,and the answer of the other defendants having been filed and the cause being at issue,the Plaintiffs pray your Honors to pass an order referring said cause to one of the standing examiners of this Court for the purpose of taking testimony to support the allegations of the Bill of Complaint. And as in duty etc.

Charles C.Waters
Solicitor for Plaintiffs.

The aforegoing petition having been read and considered,it is thereupon this 13th dy day of February,in the year Nineteen Hundred and Fifteen,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,ordered that the aforegoing cause be and the same is hereby reffered to any one of the standing examiners of this Court for the purpose of taking testimony to support the allegations of the Bill of Complaint.

Hammond Urner

Filed February 13-1915.

TESTIMONY

Julia A.Fox and William I.Fox,her husband, Vs. Anna M.Speak,et al. — No. 9250 EQUITY. In the Circuit Court For Frederick County. In Equity.

To the Honorable,the Judges of said Court!

In pursuance of an order of the Court and notice given me by the Solicitor for the Plaintiff,I Albert S.Brown,one of the standing Examiners of your Honorable Court,duly appointed,qualified and sworn,did,on the 13th day of February,A.D.1915,at the law office of the Examiner in the City of Frederick and State of Maryland,at the hour of 2 o'clock proceed to take the following depositions of the witnesses then and there proceed before me,that is to say!

Present! Charles C.Waters,Solicitor for Plaintiffs.Frederick C.Fisher and Charles H.Krise,witnesses Albert S.Brown,Examiner.Walter D.Mehrling,Examiner's Clerk.

Exhibits! A and B,certified copys of deed conveying land to Mary Catherine Biggs.

No.1. Mortgage from Mary C.Biggs to James T.Hays,are filed with the Examiner as evidence and are so marked.

Exhibit No.2-Letters of Administration to Thomas C.Hays filed with Bill-filed with the Examiner as evidence & so marked.

Feb.13th,1915.2 o'clock.

President!C.C.Waters.

FREDERICK C.FISHER,a witness of lawful age,produced on the part of the Plaintiff,being duly sworn, deposes and says!

My name is Frederick C.Fisher.I live in Rocky Ridge,in Frederick County,Maryland,My age is 61 Years I knew all the parties to this suit.I knew Mary Catherine Biggs during her lifetime.She is now dead.She died intestate in or about the month of November,1914.She was seized and possessedof a small tarct or parcel of land situated near Rocky Ridge,in Frederick County,Maryland,containing about 68 acres of land.I look at Exhibit A and B now shewn me,which are certified copies of the deeds conveying this land to Mary Catherine Biggs,which correctly describe the same.Mary Catherine Biggs left surviving her the following heirs at law and next of kin!Julia A.Fox,a sister,whose husband's name is William I.Fox,and the heirs of Jane E.Fox,a deceased sister,as follows!Anna M.Speak, whose husband's name is George Speak,George Fox,whose wife's name is Sarah Fox,Nancy Welty,whose husband's name is Isaac Welty;Lillian Staub,whose husband's name is Charlie Staub;also the followin grand children of Jane E.Fox,whose second husband's name is Elias Speak,namely;Dora Speak,Mildred Speak and William Speak,whose father's name was William Speak,now deceased,all of whom are infants under the age of 21 years.Also the heirs of Susan N.Knouff,a deceased sister,namely;Virginia Knouff Maggie Krise,who is my wife;Emma Catherine Dubel,whose husband's name id Jacob Dubel.All of the Afo rementioned parties live in Frederiuk County,Maryland,except Anna Speak,who lives somewhere about Blue Ridge Summmit,Pennsylvania.Mary Caherine Biggs was indebted unto Thomas C.Hayson a mortgage executed by her in the sum of $250.,which mortgage to the best of my knowledge and belief is still due and owing.I look at Exhibit No.1 to the petition of Thomas C.Hays,Administratés of James T.Hays deceased,which correctly describes the same.The property and premises mentioned in Exhibits A and B are not susceptible of division between the parties in interest without loss and injury,and it would be to the interest,benefit and advantage of all the parties to this cause,and especially to said infants that the same should be sold,and after the payment of the expences and said mortgage indebtedness,the balance divided among the parties in interest.I think $1,400.is the outside figure that this property will bring. TO THE GENERAL INTERROGATORY! Nothing further.

22 miles-1 day. Frederick C.Fisher

Feb,13th,1915.2 o'clock.

Present;C.C.Waters.

CHARLES H.KRISE,a witness of lawful age,produced on the part of the Plaintiff,being duly sworn, deposes and says!My name is Charles H.Krise.I live in Rocky Ridge,in Frederick County,Maryland.

My age is 53 years.I know all the parties to this suit.I knew Mary Catherine Biggs during her lifetime.She is now dead.She died intestate in or about the month of November,1914.She was seized and possessed of a small tract or parcel of land situated near Rocky Ridge,in Frederick County,Maryland,containing about 69 acres of land.I look at Exhibits A and B now shown me,which are certified copies of the deeds conveying this land to Mary Catherine Biggs,which correctly describes the same.Mary Catherine Biggs left surviving her the following heirs at law and next of kin;Julia A.Fox,a sister,whose husband's name is William I.Fox,and the heirs of Jane E.Fox,a deceased sister,as follows; Anna M.Speak,whose husband's name id George Speak;George Fox,whose wife's name is Sarah Fox;Nancy Welty,whose husband's name is Isaac Welty; Lillian Staub,whose husband's name is Charley Staub;also the following grand-children of Jane E.Fox,whose second husband's name was Elias Speak,namely;Dora Speak,Mildred Speak and William Speak,whose father's name was William Speak,now deceased,all of whom are infants under the age of 21 years. Also the heirs of Susan N.Knouff,a deceased sisted,namely;Virginia Knouff,Maggie Krise, who is my wife;Emma Catherine Dubel,whose husband's name id Jacob Dubel.All of the Aforementioned parties live in Frederick County,Maryland,except Anna Speak,who lives somewhere about Blue Summit,Pennsylavnia.Mary Catherine Biggs was indebted unto Thomas C. Hayson a mortgage executed by her in the sum of $250.,which to the best of my knowledge and belief is still due and owing.I look at Exhibit No.1 to the petition of Thomas C. Hays,Administrator of James T.Hays,deceased,which correctly describes the same.The propety and premises mentioned in Exhibits A and B are not susceptible of division between the parties in interest without loss and injury,and it would be to the interest,benefit and adbantage of all the parties to this cause,and especially to said infants that the same should be sold,and after the payment of the expenses and said mortgageindebtedness the balance divided among the parties in interest.I would say $1,400.would be a reasonable price foe the said.property.

TO THE GENERAL INTERROGATORY! Nothing further. Charles H.Krise.

22 miles 1 day.

Whereupon there being no further witnesses to examine and no further time being required for the production of testimony,the said Examiner hereby certifies that the aforegoing are the true and original depositions of the witnesses in this case as the same were taken down in stenographic notes and subsequently typewritten by Walter D.Mehrling the Exami-ners Sworn Clerk,read over by said witnesses respecively and signed by them, and the said Examiner herewith returns the same enclosed to your Honorable Court.

Witness my hand and seal,this 15th day of February,in the year 1915.

Albert S.Brown (SEAL)
Examiner.

Costs of the aforegoing testimony.

Albert S.Brown,Examiner,one day,	$4.00
Walter D.Mehrling,Examiners Clerk,one day	2.50
Frederick C.Fisher,Witness,one day,22 miles	2.95
Charles H.Krise,Witness,one day,22 miles,	2.95
Total	$12.40

Certified to A.S.Brown,Examiner. Filed February 19-1915.

D E C R E E

Julia A.Fox and Husband
William I.Fox
Vs.
Anna M.Speak and
George Speak et al.

No. 9 2 5 0 E Q U I T Y.
In the Circuit Court for
Frederick County sitting
as a Court of Equity.
_____TERM,189-

The above cause standing ready for a hearing,and being submitted,the Bill,Answer,Exhibits,Testimony and all other proceedings were by the Court read and considered.

It is thereupon,this 2nd day of March in the year Nineteen hundred and fifteen by the

Circuit Court for Frederick County,as a Court of Equity,and by the authority of said Court,adjudged ordered,and decreed,that the land and premises mentoined in these proceedings be sold,and that Char les C.Waters of Frederick County,be,and he is hereby appointed Trustee to make the said Sales,and that the course and manner of his proceedings shall be as follows! He shall first file in the Cler-k's office of this Court,a Bond to the State of Maryland,executed by him with a suety or sureties to be approved by the Court,or the Clerk thereof,in the penalty of Twenty Five Hundred Dollars,cond itioned for the faithful performands of the trust reposed in him by this decree,or which may be rep osed in him by any future order,or decree in the premises.He shall then proceed to make sale of the Real Estate,having first given at least three weeks previous notice,inserted in some newspaper pri nted in Frederick County,and such other notice as he may think proper of the time,place,manner and terms of sale;which terms shall be as follows;One half of the purchase money to be paid in cash on the dat of sale,or on the ratification thereof by the Court,the residue in six months the purchaser or purchasers giving his,her,or their notes,with approved security and bearing interest from the day of sale,or all cash at the pption of the purchaser and as soon as may be convenient after any such sale or sales,the said Trustees shall return to this Court a full and particular account of th the same,with an affidavit of the truth thereof,and of the fairness of such sale or sales annexed, and on the ratification of such sale or sales,by the Court,and on payment of the whole purchase mon ey,and not before,the said Trustee,by a good and sufficient deed to be executed and acknowledged agreeably to law,shall convey to the purchaser or purchasers of the said property,and to his,her or to their heirs,the property to him,her or them sold,free,clear,and discharged of all claim,of the parties to this cause,and of any person or persons claiming by,from,or under them;and the said Trus teeshall bring in o this Court the money arising on such sale or sales,and the bonds or notes which may be taken for the same,to be disposed of under the direction of this Court,after deducting there from,the costs of this suit,and such commission to the said Trustee as the Court shall think proper to allow,onconsideration of the skill,attention and fidelity wherewith he shall appear to have dis-charged his trust.

Glenn H.Worthington

Filed March 30-1915.

R E P O R T O F S A L E S.

Julia A.Fox & Husband,
VS.
Charles H.Krise et al.

No. 9250. Equity
In the Circuit Court for Frederick County,sitting as a Court of Equity.

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To the Honorablr the Judges of said Court!

The petition and report of sales of Charles C.Waters,the trustee appointed in the above entitled cause to make sale of the real estate in said cause decreed to be sold,respectfully represents unto your Honors!-That after having given bond as required by said ddcree passed in said cause and after having given more than twenty days notice of the time,place, manner and terms of sale by advertise-ment inserted in the "Catoctin Clarion" a newspaper published in Frederick County,Maryland for more than three successive weeks prior to the day of sale and also by hand billd circulated in the neigh-bourhood of the premises,your trustees did attend at Emmitsburg Junction,at the Station,in Frederick County,Maryland,on Saturday March 27th 1915,at the hour of 3.30 o'clock p.m.and did then and there proceed to offer said land and premises in said cause decreed to be sold as follows

Your Petitioner and Trustee offered at public sale all that tract or parcel of land which is descri-bed in the printers certificate fibed herewith marked No.1,to this report,situated in Frederick Cou-nty,Maryland,being the property and premises which Mary Catherine Biggs died seized and possessed, and sold the same to John A.Clem,who was then and there the highest and best bidder therefor at and for the sum of Twenty one dollars ($21.00) per acre,he being then and there the highest and best bidder therefor;and your trustee took his written acknowledgement of purchase for the same which is filed herewith as a part of this report,Marked Exhibit No.2 to this Report of sale.

The Total amount of sales herewith reported is the sum of $1433.90

All of which is respectfully submitted to the end that the sales so made may be finally ratified

unto said purchaser.Ac in duty &c.

Charles C.Waters
Trustee.

STATE OF MARYLAND,FREDERICK COUNTY,TO-WIT!-

I hereby certify that on this 31st day of March in the year A.D.1915,befos me the subscriber Clerk of the Circuit Court for Frederick County,personally appeared Charle C.Waters,Trustee,and did make oath in due form of law that the matters and things stated in the aforegoing report of sales are true to the best of his knowledge and belief and that the sales therein reported were fairly made.

Harry W.Bowers Clerk

T R U S T E E 'S S A L E.

By virtue of a decree of the Circuit Court for Frederick County sitting as a Court of Equity,passed in No.9250 Equity,on the Equity Docket of said Court wherein Julia A. Fox et al are complainants,and Charles H.Krise et al are Defendants,the undersigned Trustee,will sell at public sale at Emmitsburg Junction,at the Station on SATURDAY, MARCH 27,1915,At 3.30 O'Clock P.M.all the flollowig little farm containing SISTY NINE ACRES of land more or less,which is improved with a Log House with Seven Rooms;stable and shed,hogpen and other outbuildings .There is a cistern and a spring and some frui on the premises.This property is located on the road leading from Bruceville to Grace han and near Appold's Crossing on the Emmitsburg Railroad and is about two miles from Rocky Ridge,conveniently located to schools,churches and stores,This will make a valu able little home.This property is that which Mary Catherine Biggs was seixed and poss essed at the time of her death.TERMS of Sale as prescribed by said decree!-One-half Cash on day of sale or ratification thereof by the Court,the balance in Six months from day of sale,the purchaser giving his note with security to be approved by the undersigned,or all cash at the option of the purchaser.A deposit of $200 will be requ ired of the purchaser on day of sale.Possession of property given April 1,1915.All conveyancing at expence of purchaser.

Charles C.Waters.
Trustee.

OFFICE OF THE CLARION PUBLISHING CO.

Thurmont,Md.March 31-1915.

This is to certify that the annexed advertisement Trustees Sale was published three consecutive weeks prior to March 27 1915 in The Clarion,a news paper published in Frederick County,Md.

Clarion Pub.Co.

Filed March 31-1915. Publishers of the Catoctin Clarion Per,J.H.F.

I john A.Clem do hereby acknowledge that I have this day purchased from Charles C. Waters,Trustee,the property and premises described in the annexed advertisement of sale at and for the sum of Twenty One Dollars Per acre and I hereby bind and obligate myself to pay for same according to the terms of sale as set forth in said advertise- ment.Witness my hand and seal this 27th day of March A.D.1915.

John Clem (SEAL)

Witness!Edward H.Rowe Filed March 31-1915. Exhibit No.2.to Report of sale

O R D E R N I S I O N S A L E S.

Julia A.Fox and husband	:	No. 9250 E Q U I T Y.
VS.	:	In the Circuit for Frederick County
Charles H.Krise,et al.	:	sitting in Equity.March TERM,1915.

In the Matter of the Report of Sales .
filed the 31st,day of March 1915.

ORDERED,That on the 23rd day of April 1915,the Court will proceed to act upon the Report of Sales of Real Estate,reported to said Court by Charles C.Waters Trustee in the above cause,and filed therein 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 Countyfor three successive weeks prior to said day.

The report states the amount of sales to be $1.433.90

Dated this 31st day of March 1915.

Harry W.Bowers
Clerk of the Circuit Court for Frederick County.

"The Clarion" Filed March 31-1915.

Julia A.Fox and husband, "
" No. 9250 E Q U I T Y.
VS. "
" In the Circuit Court for
Anna M.Speak,et al. "
" Frederick County in Equity.

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To the Honorable the Judges of said Court!-

The Petition of John A.Clem,purchaser of the real estate in the above entitled cause respectfully represents unto your Honorable Court!-

1. That your Petitioner became the purchaser of a certain tract or parcel of land situated in Frederick County,from Charles C.Waters,as Trustee,in the aforementioned cause,which said sale was made by said Trustee at Twenty One Dollars per acre to your Petitioner,of a tract or parcel of land formerly belonging to Mary Catherine Biggs,deceased,which said tract as advertised by said Trustee,was said to contain sixty nine acres of land more or less.

2. That on the day of sale and before said property was knocked down by the auctioneer to your Petitioner,your petitioner made inquiry of said trustee as to the acreage contained in the farm to be sold,that if it should contain less than the quantity advertised,that your petitioner advised him and so announced that as the sale was being made by the acre and as all conveyancing was to be at the expence of the purchaser that if the same was surveyed and it contained a less number of acres than advertised that he would have to pay for only the quantity that it actually contained,and your petitioner was also advised at the same time that if said tract contained more than the quantity that was advertised he would in that case be required to pay for the actual amount found to be in said tract.

3. That upon this representation by said Trustee your petitioner because the purchaser of said land decreed to be sold and has complied with the terms of sale by making the deposit as required;that he has had said land decreed to be sold and which was advertised by said Trustee,surveyed by Edward H.Rowe and the actual amount of land contained is found to be but the sum of sixty two acres and ten square perches of land a plat and survey of same being filed herewith as a part of this petition together with a certificate from said Surveyor also a certificate from E.C.Crum County Surveyor as to its correctness as to calculations etc.

4. That said sale is ready for ratification and your petitioner is ready to comply with the terms of sale,but he now comes into your Honorablr Court and askes that the report of sales as made by sa said trustees be so reformed that your petitioner may be required to pay for the actual number of acres found to be in said farm instead of the number reported by said trustee,the total amount due by your petitioner being Thirteen Hundred and three dollars and thirty one cents.

Wherefore your petitioner prays that such order may be passed in the premises as will ratify sad said sale to your petitioner at the actual number of acres,to wit sixty two acres and ten square perches of land at Twenty one dollars per acre. As in duty &c.

John A.Clem
Petitioner.

I,Charles C.Waters,Trustee,in the aforegoing cause do hereby certify that I did make the representations to the petitioner in this cause as stated by him in the aforegoing petition.

Charles C.Waters.
Trustee in NO.9250 Equity.

Ordered that Emory C.Crum Surveyor,make a survey of the property sold to John A.Clem,as mentioned in the above and aforegoing petition and report to this Court.

Glenn H.Worthington
Judge Circuit Court.

Filed June 17-1915. June 10-1915.

Frederick,Md.June 15,1915.

Judge Glenn H.Worthington,City.

Dear Sir,-Complying with your request I surveyed the property recently purchased by John Clem and located near Appolis,and found the following to be the correct outlines for the same;beginning at

a point in a spring and running thence so as to include the sd called 40 acre ("Exhibit B No.9250 Equity")and the 20 acre (Exhibit A No.9250 Equity)in one general outline,as follows;N 50°W-31.36 ps.to a stone;N 6°E-110 ps.to a stone;S 84 1/2°E-22.72 ps.to a stone;S 0 1/4°W-144.6 ps.to a stone;N 78°E-4.48 ps.to a stake;S 9 1/4°W51.8ps. to a stone;S 75 3/4°W 66.9 ps.to a red oak stump;N 13 1/2°W 42.2 ps.to a stake;N 50 ½° W 10.0 ps.to a stake;N 38 1/2°E 46.0 ps.to the beginning.Containing 59 acres,2 Roods, 23 square perches of land.I also surveyed the woodland and found the following to be correct outlines;beginning at a stone and running thence S 79°E-16.48 ps.to a stone ; N 43¼°E-46.6 ps.to a stone;N 64°W-11.5 ps.to a stone;S 46½°W-52 ps.to the beginning. Containing 3 Acres,# Roods,and 5 Square perches of land.

Yours very respectfully
Emory C.Crum
County Surveyor

C/B
Charges $14.20
Filed June 17-1915.

Julia A.Fox and husband, Vs. Anna M.Speak et al. : No.9250 E Q U I T Y. In the Circuit Court for Frederick County in Equity.

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The petition and report of sale in the above entitled cause was made to this Court on March 31-1915,representing to the Court the sale,as advertised,of 69 Acres of land, more or less,at $21-per acre aggregating,according to the report of sale,$1433.90, The usual order Nisi was passed thereon and published as directed,in the Catoctin Clar ian,Before the day set for final ratification a petition of the purchaser was present- ed to the Court,though not then filed,setting forth that at the sale of the property it was announced that if the purchaser would have a survey made of the same that he should pay only for the quantity of land the premises were actually found to contain and it was further set forth that a survey had been made in accordance with this under standing,by Edward H.Rowe who found the total acreage to be 62 Acres,0 Roods and 10 perches of land.The trustee signed and admission of the truth of the agreement that the purchaser was to pay only for the actual number of acres which the property conta- ined as ascertained by a survey at the expence of the purchaser.The report of Edward H.Rowe as Surveyor was filed with said petition,showing the result of his survey as above 62 A.oR.10 P.of land.Not being entirely satisified with the acreage of Mr.Rows survey,the Court requested Emory C.Crum,the County surveyor,to resurvey the property at the expence of the estate.Mr.Crum's report has been made ans filed and shows the total number of acres in the property sold,to be as fellows;-Part 1.59 Acres 2 Roods and 23 Sq,perches of land.Part 2,Containing 3 Acres 3 Roods and 5 Sq,perches of land, making a total of 63 A.1.R.and 28 Sq,Ps.which at $21,per acre aggregates $1331.92. The Court accepts the survey of Emory C.Crum as correctly describibg the property by meets and bounds courses and distances,and his calculation of area as accurate,and therefore holds that John A.Clem the purchaser shall pay for that quantity of land only,that is to say for 63 Acres,1 Rood and 28 Sq,perches of land at $21.00 per acre, aggregating $One Thousahd three hundred and thirty one dollars and ninety two cents ($1,331,92)and hereby amends the report of sale as to the quantity of land and aggreg- ate foreclosure price,in accordance with the finding.It is therefore this 17th day of June 1915 by the Circuit Court for Frederick County,sitting as a Court of Equity,and by authority thereof,adjudged ordered that the sale reported in the above entitled cause by Charles C.Waters,Trustee,on March 31,1915.be ratified and confirmed,with the amendment,as to the quantity of land sold as above indicated so as to conform to the report of Emory Crum,Surveyor,and the Court finds the total amount of the purchase money,that is the amount of the sale,to be the sum of $1331.92anything in the report of sale or in the acknowledgement foreclose,to the contrary notwithstanding,and the papers in the case are hereby refered to the auditor to state an account upon the

basis of $1,331.92 of purchase money,the costs of the survey by Emory C.Crum,of $14.20 to be allowed in the audit subject to the usual exceptions.

Glenn H.Worthington

Filed June 19-1915.

OFFICE OF THE CLARION PUBLISHING CO.

Thurmont,Md.,Apr,29-1915.

This is to certify that the annexed advertisement Order Nisi Sales No.9250 Equity.was published three consecutive weeks prior to April 23,1915.in the Catoctin Clarion,a newspaper published in Frederick County,Md.

Clarion Pub.Co.
Per,J.H.F.

Filed June 19-1915.

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B I L L O F COMPLAINT.

C.Frank Koontz
vs.
Charles E.Koontz,and Bertha Reynolds and_____Reynolds, her husband.

No. 9 1 9 4 E Q U I T Y.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

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To the Honorable,the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity!

The bill of Cpmplaint of Frank Koontz,of Baltimore City,Maryland,respectfully shows unto your Honors:

1st. That a certain George Hammers,late of Frederick County,deceased,depated this life on or about the month of_____,1867,leaving a last will and testament,a certified copy is herewith filed and marked "Exhibit No.1",which,together with all other exhibits herewith filed,it is prayed may be taken and considered as a part of this bill of complaint.

2nd. That the said George Hammers left subviving him three children,whose names were:Alice V.Hammers, Charles F.Hammers and Mary A.C.Hammers.

3rd. That by said last will and testament,all of his estate,both real and personal,was devised to his three children as above mentioned,two of whom,to wit: Alice V.Hammers and Charles F.Hammers,departed this life before ariving at the age of twenty-one years but after the death of their father, the said George Hammers,

4th. That the said Mary A.C.Hammers survived her brother and sister and died unmarried and intestate on the _____day of_____A.D.1914,leavihg your orator and the defendants in this case as her sole heirs at law and next of kin.

5th. That the said George Hammers left surviving him no widow and no known next of kin.

6th. That your orator and the defendants in this case are the next of kin of the said Mary A.C.Hammers,your orator being a first cousin on the mother's side,and the defendants children of a deceased brother of your orator.

7th. That the said George Hammers intermarried with one,_____Melton,and your orators mother,a sister of Mrs.Hammers,intermarried with one,Henry Koontz,and that the said mother of your orator departed this life many years ago leaving surviving her your orator and a brother of your orator whose name was John and who has since deceased and legt surviving him the defendants in this case.

8th. That the said Charles E.Koontz and the said Bertha Reynolds and John A.Reynolds,her husband,are non-residents of the State of Maryland,and were living ,when last heard from by your orator,in the State of Ohio.

9th. That the said Mary Hammers departed this life seized and possessed of two dwelling hoises and lots of ground situated in Frederick City,Frederick County,Maryland,as will appear from certified copies hwrewith filed of the deeds from Greenberry Fout and wife to George Hammers,dated June11,1852 and duly recorded in Liber E.S.No.1,folio 306,one of the land records for Frederick County,and in the deed from Jonathan A.Getzendanner to George Hammers,dated March 2,1863,and duly recorded in Liber B.G.F.No.8,folio 329,certified copies of which are hwrewith filed and marked Exhibits No.2 and No.3.10th.That the said dwelling houses are small properties worth in the aggregate probably One Thousand or Twelve Hundred Dollars;that they are not capable of being devided without loss and

injury,and it would beto the best interest and advantage of all the partis having an interest therein that the same be sold under a decree of your Honorable Courtand the proceeds devided between the parties entitled thereto.

1st.Your orators therefore prays that a decree may be passed by your Honorable Court appointing a trustee to make sale of the aforesaid mentioned properties described in Exhibits Nos.2 and 3,and that the proceeds from the sale of the same be brought into your Honorable Court to be distributed among the parties entitled thereto as their interests may appear;

2nd.And for such other and further relief as the sase of your orator in its nature may require.May it please your Honors to grant unto your orator an order of publicat-ion against the said Charles E.Koontz,and Bertha Reynolds and_____Reynolds,her husband,giving notice to them and each of them of the object and purpose of the bill of complaint,and warning tem to be and appear in your Honorable Court,either in pers-on or by solicitor,on some day certain to be named therein,to answer the premises and show cause,if nay they may have,why a decree ought not be passed as prayed,and to abi de by and perform such decree as may be passed therein.And as in duty bound etc.,

Alebert S.Brown
Solicitor for Complainant.

Filed July 15.1914.

EXHIBIT NO. 1

IN THE NAME OF GOD AMEN,I George Hammer of the town of Frederick in the County of Frederick and State of Maryland,being of sound mind and memory,and considering the uncertainty of this frail and transitory life,do therefore make ordain publish,and declare this to be my last will and testament;that is to say;First After all my lawf-ul debts are paid and discharged,the residue of my estate,real and personal,I give and bequeath,anddispose of as follows,to wit:I give to the maintainance and raising my children viz:Alice V.Charles E & Mary Ann C,all my money and personal property and in addition the rents of the real estate,providing thepersonal and private securties are not sufficient to raise the children the real estate can be sold or disposed of, the ballence of the property if they be any at the time of the youngest child become of age,will be sold and a distrobution mad_of the same to be diveded equally amongst the children,share and share alike,-Likewise I make,constitute,and appoint Jno,D,Get-endanner to be executor of this my last will and testament,and also as Guardian for the children,hereby revoking all former wills by me made,providing he is willing to serve as Guardian,In witness whereof,I hereto subscribe my name and affix my seal,the Tenth day of February in the year of our Lord,One thousand eight hundred and sixty seven,

George Hammer (SEAL)

The above written instrument was subscribed by the said George,Hammer in our presents and acknowledged by him to each of us,and he at the same time published and declared the above instrument so subscribed,to be his last will ans testament.and we at the testators request and in his presents,having signed our names as witnesses hereto,and written opposite our names our respective places of residence.

Jno.D_Getzendanner	Frederick City Md.
J.W.Bentz	" " "
Peter,Rose	" " "

STATE OF MARYLAND,FREDERICK COUNTY,Sct!

I hereby certify,That the aforegoing is atrue copy of the last will and Testament of George Hammer,late of Frederick County,deceased,as the same has been recorded in Libe T.L.McL.No.1,Folio 344,one of the books for Recording Wills in the office of the Reg-ister of Wills for Frederick County,

PLACE Orphan's Court. SEAL

In Testimony Whereof,I hereunto subscribe my name and affix the seal of the Orphan's Court of said County,this 15th day of July,1914.

TEST! Samuel D.Thomas
Register of Wills for Frederick County,Maryland.

Filed July 15-1914.

EXHIBIT NO 2.

At the request of George Hammers the following Deed was r3oorded June 11th 1852,Received Stamp duty 1$.

E.Shriver Clk.

This indenture made this eleventh day of June in the year of our Lord One thousand eight hundred and fifty two,between Greenberry Fout and Ann Eliza Fout his wife of Frederick County in the State of Mary aldn,of the one part and George Hammers of the County and State aforesaid of the other part, Witnesseth that for and in consideration of the sum of five hundred dollars surrent money by the said George Hammer to the said Greenberry Fout and Ann Eliza Fout his wife,in hand paid at and befos the sealing and delivery of these presents the receipt of which they do hereby acknowledge,the said Greenberry Fout and Ann Eliza Fout his wife,have bargained and sold,alined and enfeoffed,and by thes presents do give grant,bargain and sell,alien,enfeoff,release,convey and confirm unto the said George Hammers his heirs and assigns,All these lots or portions of ground,situated,lying and being in Frederick Town,in the County and State aforesaid,known and distinguished as lot No.Six,fronting on Patrick Street extended fifty two and a half feet,adjoining the property formerly owned by Theophilus Keller,and also the property lately owned by John Jones,Also all that lot pr portion of ground, containing thirty four square perches of lane more or less,and being the same lots or portions of ground,conveyed to the said Greenberry Fout by Valentine Shearer and Julian his wife,by deed bearing date the 19th day of April 1843,and recorded in Liber H.S.No.19,folio 205 &c,One of the land records of the County aforesaid,reference thereto being had will more fully appear,together with all the singular the buildings,improvements,ways,rights,members,privilages,advantages and appurtenances thereto belonging or in any wise appertaining and all the estate,right,title and interest,trust,property, claim and demand whatsoever,at law and in Equity of them the said Greenberry Fout and Ann Eliza Fout his wife,of,in & to the same.To Have and to Hold the said lots or parcels of land and premises,with the buildings,improvements and appurtenances thereto belonging unto the said George Hammers his heirs and assigns,to the only proper use of the said George Hammer his heirs and assigns;forever And the said Greenberry Fout and Ann Eliza Fout his wife,for themselves their heirs,executors and administrators,do hereby covenant,grant promise and agree,to and with the said George Hammer his heirs,executors,administrators and assigns,that they the saidGreenberry Fout and Ann Eliza Fout his wife,and th their heirs,the said lots or portions of ground and premises hereby granted,bargained and sold,and every part and parcel thereof,with the appurtenanves thereunto belonging,to the said George Hammers and his heirs,against all and every person or persons,whatsoever claiming or to claim any right,title or interest in and to the same,or any part thereof,from,by or under them,or any of them,shall and will hereafter warrent and forever defend by these presents.In witness whereof the said Greenberry Fout and Ann Eliza Fout his wife,have hereunto subscribed their names and affixed their seals on the day and year first herein above written.

Signed Sealed & deliv'd in the presents of

M.Nelson

Greenberry Fout (SEAL)

Ann Eliza Fout (SEAL)

Which was thus endorsed thus Viz!-

State of Maryland,Frederick County Sct!-

Be it rembered and it is hereby certified that on this 11th day of June,in the year of our Lord 1852,before the subscriber,Circuit Judge of the third Judicial Court of the State of Maryland,Composed of the Counties of Frederick & Carroll,personally appe/red Greenberry Fout and Ann Eliza Fout his wife,they being known to me of my own personal knowledge to be the persons who are named and described,and professing to be the parties to the aforegoing deed or indenture,and do severally acknowledge the said indenture or instrument of writing to be their respective act and deed;the said Ann Eliza Fout,having signed and sealed said indenture before me,out of the presents and hearing of her husband;And the said Ann Eliza Fout being by me examined out of the presence of her said husband, "Whether she doth execute and acknowledge the same freely and valuntarily and without being induced to do so,by fear or threats of,or ill usage by her husband,or by fear of his displeasure,"declareth and saith that she doth.

In testimony whereof I hereto subscribe my name,on the day and year aforesaid.

M.Nelson.

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the original Deed from Green berry Fout and Ann Eliza Fout his wife to George Hammers,as recorded in Liber E.S.No.1 Folio 306,One of the land records for Frederick County,Maryland.

In Testimony Whereof,I hereunto subscribe my name and affix the Seal of the Circuit Court for Frederick County,at Frederick Maryland.th s 15th day of July A.D.1914.

PLACE OF COURT. SEAL

Harry W.Bowers.

Clerk of the Circuit Court for Frederick County,Maryland.

Filed with the Examiners as Evidence November 12-1914.

"EXHIBIT NO. 3"

At the request of George Hammers the following Deed was received March 2nd 1863,Stamped & Canceled.

This Deed made this second day of March in the year Eighteen hundred and Sixty three by Johnathan A.Getzendanner,Wotnesseth,that in consideration of the Sum of Seven hundred and thirty dollars,the said Jonathan A.Getzendanner,dith grant unto George Hammers in fee simple,all the following described piece or parcel of ground,lying and being in Frederick town,Frederick County Maryland,being part of a tract of land,called "Taskers Chance"and designated as Lot No.5,Beginning for said lot on the East Margin of the rod road leading from Frederick Town to Harpers Ferry at the end of one hundred and twenty feet on the closing line reversed of a deed from Owen Evans to Horatio Wilcoxon,dated October 8th 1838,and running thence with said line reversed,thirty feet,then in an Easterly direction one hundred and thirty feet more@r less to the end of one hundred and fifteen feet on the second line of the aforesaid deed from Evans to Wilcoxon,then with the said second line reversed twenty three feet to the South East Corner of Lot No.4, then with the Southern line of Lot No.4 Westardly one hundred and thirty feet to the place of beginning,and being the lot or parcel @f ground,which was conveyed to the said Jonathan A.Getzendanner by Daniel Getzendanner and Mary A.Getzendanner his wife, by deed dated the 31st day of January A.D.1859,and Recorded among the Land Records of Frederick County in Liber B.G.F.No.3 folio 546 &c.reference threto being had will fully appear. Witness my hand and seal

Jon'a A.Getzendanner (Seal)

Test!
I.M.Harding,

Which is thus endorsed.

State of Maryland,Frederick County Sct!

I hereby certify that on this second day of March A.D.1863 before the subscriber,a Justice of the Peace of the State of Maryland in and for Frederick County personally appeared Jonathan A.Getzendanner and acknowledged the within and aforegoing deed to be his act.

I.M.Harding.

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the original Deed from Johnathan A.Getzendanner to George Hummers,as recorded in Liber B.G.F.No.8,Folio 329,one of the land records of Frederick County,Maryland.

PLACE OF COURT. SEAL

In Testimony Whereof,I hereunto subscribe my name and affix the Seal of the Circuit Court for Frederick County,at Frederick Maryland.this 15th day of July A.D.1914.

Harry W.Bowers

Clerk of the Circuot Court for Frederick County.Maryland

Filed Nov-12-1914.

O R D E R O F P U B L I C A T I O N

Frank Koontz,
vs.
Charles E.Koontz,and Bertha Reynolds and _____ Reynolds,her husband.

No. 9194 EQUITY.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

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Themo object and purpose of the bill of complaint filed in this cause is to procure a ddcree for the saleof certain dwelling houses and lots of ground situated in Frederick City,Frederick County in the State of Maryland.The Bill alleges that a certain George Hammer,late of Frederick County,deceased, devised his real estate unto his three children:Alice V.Hammers,Charles F.Hammers and Mary A.C.Hamm ers,two of whom died after their father but before arriving at the age of twenty-one years;that Mary A.C.Hammers surviving her brother and sister and departed this life in or about the month of_____ A.D.1914,unmarried and intestate;that the plaintiff and the defendants in this case are first cousins of the said mary A.S.Hammer and her sole heirs at law ans next of kin.The Bill then alleges that the said properties are not capable of being divided among the parties entitled thereto without loss and injury,and prays that the same mat be sold under a decree of the Court and the proceeds of said sale devided among the parties thereunto entitled as their interest may appear,and for general relief.It is thereupon,this 15th day of July A.D.1914,by the Circuit Court for Frederick Cpunty,sitting as a Court of Equity,and by the authority thereof,adjudged and ordered that the purpose and object of the aforegoing bill of complaint be published in some newspaper in Frederick County,once a week for four successive weeks prior to the 14th day of August A.D.1914,giving notice to the said Charles E.Koontz and bertha Reynolds and _____Reynolds,her husband,of the object and purpose of the bill of complaint,and warning them and each of them to be and appear in this Court,in person or by solicitor,on or before the 31st,day of August,A.D.1914,to show cause,if any they may have,why a decree ought not to be passed as prayed,and to abide by and perform such decree as may be passed herein.

Filed July 15-1914. Harry W.Bowers Clerk

E Q U I T Y S U B P O E N E A

STATE OF MARYLND,FREDERICK COUNTY To-Wit:

THE STATE OF MARYLAND.

To Bertha M.Reynolds and John A.Reynolds.NO.624 McCabe Avenue,Govans,Balto.Co.Md.of Baltimore County Greetings:YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judge of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court house in Frederick,in and for Frederick County,on the FIRST Monday of September 1914,to answe the Bill and Complaint of Charles F.Koontz Vs.Bertha Reynolds et al(For Sale of Real Estate)against you in said Court exhibited,and so forth.Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court,the 11th day of May A.D.1914.

Issued this 6th day of August A.D.1914

Harry W.Bowers Clerk

To the Sheriff of Baltimore County.

Albert S.Brown.Solicitor. Filed Aug-26-1914. Summoned ambo Leonard G.Quinlin Sheriff.

Frank Koontz,
vs.
Charles E.Koontz and Bertha Reynolds,and _____Reynolds her husband.

No. 9194 EQUITY.
In the Circuit Court for Frederick County,Maryland, sitting as a Court of Equity.

To the Honorable,the Judges of the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity:-

The petition of Alice A.Snyder and Henry Snyder,her husband,Helen Woodruff,Marah W.Bolmer and John Edwin Bolmer,her husband,and of James H.Thompson,and Anna Thompson, his wife,respectfully represents unto your Honors!-

1.

That your petitioners are all residents of the State of Ohio with the exception of your Petitioner James H.Thompson,who is resident of Saint Louis,in the State of Missouri.

2.

That your Petitioners Alice Snyder,Helen Woodruff,and Marah W.Bolmer.are first cousins of Mary A.C.Hammer,deceased,as refered to in the above entitled cause.

3.

That your Petitioners Henry Snyder is the husband of said Alice A.Snyder,and the said JohnEdwin Bolmer is the husband of Marah W.Bolmer,and the said James H.Thompson is the husband of Anna Thompson,one of the defendants named in the above entitled caus and who is erroneously stated in said cause to be a widow.

4.

That your Petitioners Alice A.Snyder,Helen Woodruff and Marah W.Bolmer are the sisters of the said Defendant Anna Thompson,and are the daughters of Charlotte E.Woodruff,late of the State of Ohio deceased,she being one of the two sisters of the mother of said deceased Mary A.C.Hammer.

5.

That your Petitioners Alice A.Snyder,helen Woodruff and Marah W.Bolmer are among the nearest living relatives and next of kin of said mary A.C.Hammer,deceased.

Wherefor your Petitioners pmay that your Honors will pass an Order of your Honorable Court that your Petitioners may be made parties Defendant to the Bill of Complain filed in the above entitled cause,to the end that they may appear in person or by their Solicitor in your Honorable Court and answer the Bill of Complaint filed therein.

And as in duty bound,etc,-

Jacob Rohrbaok
Solicitor for Petitioners.

On the above Petition it is Ordered by the Circuit Court for Frederick County, Maryland,sitting as a Court of Equity and by the authority thereof,on this 14th day of August,in the year nineteen hundred and fourteen,that Alice A.Snyder and Henry Snyder, her husband,Helen Woodruff,Marah W.Bolmer and John Edwin Bolmer,her husband,and James H.Thompson,and AnnA Thompson,his wife,be and they are hereby made parties Defendant in the above entitled cause,with leave to answer the Bill of Complaint filed in said caus as if made original parties to said cause,and the Clerk of the Court is directed to enter the names of said Petitioners as parties Defendant on the Equity Dooket of this Court. Filed August 14-1914.

Glenn H.Worthington

Charles F.Koontz,
vs.
Bertha Reynolds,et al.

No. 9194 EQUITY.
In the circuit Court for
Frederick County in Equity.

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To the Honorable,the Judges of said Court!

The Answer of Bertha M.Reynolds and John A.Reynolds,her husband,respectfully shows unto your Honors!-

1st. That they admit that the said Bertha M.Reynolds is a first cousin one remove to the said Mary A.C.Hammer,being a child of John Koontz,who is a first cousin of the said Mary A.C.Hammer.

2nd. That they admit all and singular the allegations of the Bill,with the exception, to be true as therein stated and consent to the sale of the real estate mentioned in the proceedings under decree of the Court,proceeds of said sale to be divided under the direction and control of the Court.And having answered all and singular the several allegations of the Bill of Complaint,they pray to be hence dismissed with their proper costs.And as in duty,etc.

Bertha M.Reynolds
John A.Reynolds.

Filed Nov-4-1914.

Frank Koontz, vs. Charles E.Koontz and Bertha Reynolds,and _____Reynolds her husband.

No. 9 1 9 4 E Q U I T Y.
In the Circuit Court for
Frederick County,Maryland,
sitting as a Court of Equity.

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To the Honorable,the Judges of the Cobcuit Court,sitting as a Court of Equity:-

The answer of Alice A.Snyder and henry Snyder,her husband,Helen Woodruff,Marah W.Bolmer and John Edwin Bolmer,her husband,Anna Thompson and James H.Thompson,her husband,to the Bill of Complaint of Frank Koontz against Charles E.Koontz et al.,in the above enti ed cause.

These Defendants by leave of the Court,Alice A.Snyder and henry Snyder,husband,Helen Woodruff,Marah W.Bolmer and John W.Bolmer,her husband,Anna Thompson and James H.THompson,her husband,for Answer sy say:- That they admit the matters and facts as stated in the Bill of Complaint filed in the above entitled cause,excepting that they allege their relationship to the said Mary A.C.Hammer,deceased, as stated in the petition filed by these Defendants in your Honorable Court an the date August 14th 1914,and they consent to the passage of a decree as prayed in said Bill of Complaint.

And as in duty bound,etc.

Jacob Rohrbaok
Solicitor for Alice A.Snyder and Henry Snyder her husband,Helen Woodruff,Marah W.Bolmer and John Edwin Bolmer,her husband,Anna Thompson and James H.Thompson,her husband.

Filed November 4-1914.

G E N E R A L R E P L I C A T I O N

Frank Koontz vs. Bertha Reynolds et al.

No. 9 1 9 4 E Q U I T Y.
In the Circuit Court for
Frederick County,In Equity.

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The Plaintiff,C.Frank Koontz joines issue in the matters alleged in the answer of Bertha M.Reynolds and John A.Reynolds her husband,Alice A.Snyder and Henry Snyder her husband Helen Woodruff,Marah W. Bolmer and John Edwin Bolmer her husband,Anna Thompson and James H.Thompson her husband,so far as the same may be taken to deny or avoid the allegations of the Bill of Complaint.

Albert S.Brown
Solicitor for the Plaintiff.

Filed Nov-4-1914.

O R D E R O F P U B L I C A T I O N NO. 9 1 9 4 E Q U I T Y

Frank Koontz vs. Charles F.Koontz,and Bertha Reynolds,and _____Reynolds , her husband.

No.9 1 9 4 E Q U I T Y.
In the Circuit Court for
Frederick County,sitting
as a Court of Equity.

The odject and purpose of the Bill of Complaint,filed in this cause,is to procure a decree for the sale of certain dwelling houses and lots of ground,situated in Frederick City,Frederick County,in the State of Maryland.The bill alleges that a certain George Hammers,late of Frederick County,deceased,devised his real estate unto his three children;Alice V.Hammers,Charles F.Hammers and Mary A.C. Hammers,two of whom died after their father,but before ariving at the age of twenty-one years;that Mary A.C.Hammers survived her father and sister and departed this life in or about the month of____ A.D.1914,unmarried and intestate;that the Plaintiff and the defendants in this case are first cousin of the said Mary A.C.Hammers and sole heirs at law and next of kin.The Bill then alleges that the said proprties are not capable of being devided among the parties entitled thereto,without loss and injury,and prays that the same may be sold under a decree of the Court and the proceeds of the sale divided among the parties thereunto entitled as their interest may appear,and for general relief.

It is thereupon,this 15th day of July,A.D.1914,by the Circuit Court for Frederick County,sitting

as a Court of Equity,and by the authority thereof,adjudged and ordered that the purpos and objeot of the aforegoing bill of Complaint be published in some newspaper publish-ed in Frederiok County,once a week for four sucessive weeks prior to the 14th day of August A.D.1914,giving notice to the said Chables E.Koontz and Bertha Reynolds and____ Reynolds,her husband,of the odjeot and purpose of the Bill of Complaint,and warning them and each of them to be and appear in this Court,in person or by Solicitor,on or before the 31st day of August,A.D.1914,to show oause,if any they may have,why a decree ought not to be passed as prayed,and to abide by and perform such decree as may be passed herein. Harry W.Bowers Clerk

True Copy-Test! Harry W.Bowers Clerk.

Albert S.Brown Solicitor.

Frederick,Md,.October 27th,1914.

We hereby certify that the attached Order of Publication No.9194 Equity,was published in "The Citizen," a newspaper published in Frederick County,State of Maryland,for 4 successive weeks prior to the 14th,day of August 1914.

C.H.Baughman & Son.

Filed Nov-4-1914.

C.Frank Koontz
vs.
Charles E.Koontz,and
Bertha Reynolds,et al.

No. 9 1 9 4 E Q U I TVY.
In the Circuit Court for
Frederick County,sitting
as a Court of Equity.

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The Defendant,Charles E.Koontz,having been duly notified by publication to appear and answer the Bill of Complaint filed in this cause,and having failed to appear thereto, after publication ih the CITIZEN,a newspaper published in Frederick County once a week for four successive weeks as ordered by the Court,it is thereupon this 4th day of November,A.D.1914,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof adjudged,ordered and decreed that the complainant is entitled tatthe relief as against said Charles E.Koontz,in the premises;but because it doth not certainly appear to what relief the complainant is entitled,it is further adjudged and ordered that leave be and is hereby granted to said complainant to take testimony before any one of the standing examiners of this Court to support the allegations of the Bill of Complaint.

Glenn H.Worthington.

Filed Nov-4-1914.

T E S T I M O N Y

C.Frank Koontz
vs.
Charles E.Koontz et al.

No. 9 1 9 4 E Q U I T Y.
In the Circuit Court for
Frederick County in Equity.

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To the Honorable the Judges of said Court!-

In pursuance of the order of your Honorable Court contained in the decree pro confesso passed in this cause on November 4th,A.D.1914,and notice having been given him by the solpoitor for Plaintiff of a desire to take testimony in said cause I,Guy K.Motter,one of tha regular Examinrs of your Honorable Court duly appointed,qualified and sworn having assigned the 12th day of November A.D.1914 at 2 o'clock P.M.at the law office of Jacob Rohrback Esq,in Frederick City,Maryland,as the time and place for taking the testimony in this cause,did,at the appointed time and place proceed to take the following testimony,to-wit!-PRESENT!-Albert S.Brown Esq.Sol for Pbtitioners Samuel Notnagle and Mrs.Rufus H.McLeanm Witnesses.The Plaintiff filed as Exhibits in this cause Exhibits Nos.1-2-3-and 4,Mrs Margaret J.McLean a witness of lawful age produced on the part of the Plaintiff being first duly sworn and examined deposes and says!-

1. Stateyour name,age,and residence?

Ans.Margaret J.McLean,more than 21 years of agw,# 415 West Patrick Street in Frederick City,Maryland

2. Did you know the late Geo.Hammer in his lifetime?Is he living or dead and if dead when did he die?

Ans. Yes,I knew Geo.Hammer,He is dead and died in the spring of 1867.

3. Who did he leave surviving him as his heirs at law and next of kin?

Ans. He left surviving him these children Alice V.Charles F.and Mary Ann C.Hammers.His wife died before hids deadth.

4. Had the late Geo.Hammer any relatives?

Ans. He had not.I never heard of any and he was supposed to have none.

5. Can you say whether or not Alice V.Hammer or Charles F.Hammer are living or dead?

Ans. They are both dead.

6. At the time of their decease didthey have surviving them any heirs at law?

Ans. No.Both of them died young and never were married.Theonly relatives they had was their sister Mary A.C.Hammer.

7. Was the late Geo.Hammer possessed of any real estate at the time of his death?

Ans. He was.He owned two lots of ground on Patrick Street in Frederick City,Maryland,which are correctly described in Exhibit No.2,to the Bill of Complaint,He also owned a lot of ground on Telegraph Street in Frederick City,Maryland which is correctly described in Exhibit No:3 to the Bill of Complaint.

8. Did you know Mary A.C.Hammer,the daughter of the late George Hammer,during her lifetime?Is she living or dead?If dead when did she die ?

Ans. Yes I knew Mary A.C.Hammer.She is dead.She died in the spring of 1914.

9. Did she die testate or intestate?

Ans. She died intestate-I never heard of any will.

10. Who were the heirs at law and next of kin of Mary A.C.Hammer?

Ans. She never married.All of her brothers and sisters,father and mother all died before her.She left no heirs at law or next of kin on her fathers side,on her mothers side she left certain childrn of two deceased sisters of her mother who are her first cousins as follows,Her mother had two ~~~~ sen sisters one of whom married Henry Koontz,the other sister I am told married a man by the name of Woodruff whose first name is Lot.Mrs.Koontz I am told died many years ago.She left two children surviving her one of whom Charles Frank Koontz,a widower,is the Plaintiff in this cause,the other,was a son named John H.now dead.His wife is living and her name is Susie M.Koontz.John H.Koontz left two children an adult daughter,Bertha M.whose husbands name is John A.Reynolds who live near Govans,Baltimore County,Maryland,and a adult son Charles E.Koontz unmarried who lives at King's Mills in Warren County,Ohio.John H.Koontz died about February 4th,1902.Charles E.Koontz and Bertha M.Reynolds are both adults over 21 years of age.Mrs Charlotte E.Woodruff,whose husbands name was Lot Woodruff,both of whom are dead,she having died in 1907,left four daughters,mrs Alice A.Snyder,wife of Henry Snyder, both residents of Cincinnati,Ohio,Marah Woodruff Bolmer who is married to John Edwin Bolmer and who reside in Lebanon Ohio,a third daughter Anna Thompson who is married to James H.Thompson and she resides in Ledanon Ohio and he resides in St Louis,Mo.a fourth daughter Helen Woodruff,unmarried,a resident of New Vienna,Ohio-These are the names so far as I have been informed and I believe reliable.

11. Is the property described in Exhibits Nos.2 and 3 capable of being devided among the parties entitled thereto without loss or injury?

Ans. The properties are not capable of being divided among the parties entitled thereto without loss or injury.They are improved with brick dwellings houses.

12. Would it or not be to the best advantage and interest of all the parties having an interest in these properties that the same be sold and the proceeds divided between the parties entitled thereto

Ans. In my opinion it would because the rental value of the properties is small.None of the partis having an interest in the properties are residents here and by the time they paid the usual Commissions for collecting the rents.pay the taxes and insurence on the properties and the necessary repairs

there would be very little left for division among so many people.The value in my Judgment,of the two properties would be about $1500.

13. Had any of the properties described in Exhibit No.2 to the Bill of Complaint,been sold by Mary A.C.Hammer during her life time?If yes state how much and to whom it was sold?.

Ans. We bought the western eighteen feet of the Hammer lot on Patrick Street,certifid Copy of which deed I herewith file as evidence marked Exhibit No.4.all the balance of the property owned and possessed by George Hammer,described in Exhibits Nos.2 and 3, Mary A.C.Hammer died seized and pssessed of and so far as I know received the rents and profits therefrom during her lifetime.To General Int? Nothing Further.

Margaret J.McLand.

I,Samuel Notnagle a witness of lawful age produced on the part of the plaintiff having been first duly sworn and examined deposes and says!-

1. State your name,age and residence?

Ans. P.Samuel Notnagle,63 years,I reside # 485 West Patrick Street,Frederick Maryland

2. Did you know Geo.Hammer in his lifetime?Is he living or dead? If dead when did he die?

Ans. Yes I knew Geo Hammer.He is dead.He died about 48 years ago.

3. Did he die testate or intestate?

Ans. He died testate.

4. Who did he leave surviving him as his heirs at law and next of kin?

Ans. He left surviving him three children Alice V.Charles F.and Mary Ann C.Hammer his wife died before him.

5. Had the late Geo.Hammer any relatives?

Ans. He had not.

6. Can you say whether or not Alice V.Hammer or Charles F.Hammer are living or dead? If dead did they leave surviving them any heirs at law?

Ans. Yes they are both dead.They were never married and left an only relative in thes sister Mary A.C.Hammer.

7. Was the late Geo.Hammer possessed of any real estate at the time of his death?

Ans. He was,He pwned two lots of ground on West Patrick Street in Frederick City,Maryland which are corregtly described in Exhibit No.2 to the Bill of Complaint.He also owned a lot of ground on Telegraph Street in Frederick City,Maryland which is cosrectly described in Exhibit No.3 to the Bill of Complaint.

8. Did you know Mary A.C.Hammer the daughter of the late George Hammer during her life time? Is she living or dead? If dead when did she die?

Ans. Yes I knew her she is dead she died last spring 1915,she left no will.

9. Who were the heirs at law and next of kin of Mary A.C.Hammer?

Ans. She was never married.Her father,Mother,brothers and sisters all died before her She left no heirs at law or next of kin on her fathers side.On her Mothers side she left certain children of two deceased Shildren of her mother who are her first cousins as follows!-Her mother had two sisters one of whom married Henry Koontz the other sister I am Told married a man by the name of Lot Woodruff.Mrs.Koontz I am told died many yeas ago.She left two children surviving her one of whom Charles Frank Koontz,a widower,is the Pltff in this case,theother,was a son named John H.Koontz now dead.His wife is living and her name is Susie M.Koontz.John H.Koontz left two children an adult daughter, Bertha M.whose husband s name is John A.Reynolds and who live in Govans,Baltimore County,Maryland,and an adult son Charles E.Koontz,unmarried,who lives at Kings Mills Warren Co.Ohio,John H.Koontz died about February 4th, 1902,Charles H.Koontz and Bertha M.Reynolds are both adults over 21 years of age.Mrs.Charolette Woodruff,wife of Lot Woodruff, is dead,Lot Woodruff is also dead,she died in 1907 and left four daughters.Mrs.Alice M. Snyder wife of Henry Snyder both residents of Cincinnati Ohio,Marah Woodruff Bolmer who

is married to John Edwin Bolmer and who resides in Lebannon,Ohio,a third daughter Anna Thompson who is married to James H.Thompson and she resides in Lebannon Ohio,and her husband resides in St. Louis Mo.a fourth daughter Helen Woodruff unmarried is a resident of New Vienna Ohio.Those are the names so far as I have been informed and I believe reliable.

10. Is the property described in Exhibits Nos.2 and 3 capable of being devided among the parties entitled thereto without loss or injury?

Ans. The properties improved with brick dwellings cannot be divided without loss and injury.

11. Would it be to the best interest and advantage to the parties bearing an interest in these properties that the same be sold and the proceeds devided between them?

Ans. Yes because the rents derived from them are small all the parties interested are non residents and by the time they paid a commision for collecting the rents,paid the taxes and insuence made the necessary repairs there would be little if anything left to divide between them.In my opinion both the properties are worth about $1500.

12. Had any of the properties described in Exhibit No.2 been sold by Mary A.C.hammer during her life time? If yes,state how much anf to whom was it sold?

Ans. Yes she sold the western end of it to certain Rufus McLean,all the balance of the property owned by George Hammer,Mary A.C.Hammer died seized and posessed of and so far as I know received the rents and profits therefrom during her lifetime.I have lived all my life on West Patrick Street about two squares west of the real estate owned by Mrs. Hammer and described in these proceedings.

To the General Int? Nothing Further

P.Samuel Nottennagle .

Samuel D.Thomas a witness of lawful age produced on the part of the Plaintiff having been first duly sworn and examined deposes and says!-

1. State your name,age,residence,and occupation?

Ans. Samuel D.Thomas,50 years of age,# 107 East Church Street Frederick Maryland,I an Register of Wills for Frederick County,

2. State whether or not any character of letters were granted ij the Orphan's Court for Frederick County in the matter of the Estate of Mary A.C.Hammer late of Frederick County,Maryland,deceased?

Ans. Yes on June 30th,1914 letters of Administration were granted unto William H.Summers,

To the General Int? Nothing further.

Samuel D.Thomas.

Whereupon there being no other witnesses to be Examined and no further time being required for the production of testimony,I,the aforesaid Examiner in this cause,hereby certify that the aforegoing are the original depositions in this cause as the same were read over to the witnesses and signed by them respectfully and I herewith return the same enclosed to your Honorable Court.

Witness my hand this 12th day of November 1914.

Guy K.Motter (SEAL)
Examiner.

Costs of the aforegoing testimony!-

Guy K.Motter Examiner 1 day	$4.00
Sheriff Conard	.80
Mrs.Margaret McLean Witness.	.75
P.Samuel Notnagle	75
Total Costs	$6.30

Certified to Guy K.Motter (Seal)
Examiner.

Filed Nov.13-1914.

EXHIBIT NO 4

At the request of Margaret J.McLane the following deed is recorded February 11th 1882. TEST-Adolphus Fearhake,Jr,Clerk.

This Deed made this tenth day of febraury in the year Eighteen Hundred and eighty two by Mary A.C. Hamer of Frederick County in the State of Maryland Witnesseth that in consideration of four hundred and seventy five dollars,the said Mary A.C.Hammer doth grant in fee simple unto Margaret J.McLand of said County and State all that lot or parcel of ground situated on the North side of West Patrick

Street in Frederick City,Frederick County,Maryland,and fronting on said West Patrick Street twenty one feet and one inch including an inlet three feet wide,said lot runnig back to the land of Adam Custards heirs,it being one of the same lots that was bequeat hed to the said Mary A.C.Hammer by George Hammer late of Frederick County Maryland. deceased,by his last Will and Testament,executed on the eight day of February in the year A.D.1867,and recorded in one of the books of records of Wills in the office of the Register of Wills of Frederick County Maryland,which by reference thereto being had will fully appear.

Witness my hand and seal the day and year herein first before written.

TEST.R G.Barrick

Mary A.C.Hammer (SEAL)

State of Maryland,Frederick County to wit: I hereby certify that on this 10th day of February in the year A.D.1882 before the subscriber a Justice of the Peace of the State of Maryland,in and for said County.personally appeared Mary A.C.Hammer and acknowledgd the aforegoing deed to be her act.

R.G.Barrick J.P.

I hereby certify that the aforegoing deed is a true copy of the same as it is recorded in Liber A.F.No.4 folio 614 one of the Land records of Frederick County,Maryland.

In testimony whereof I hereunto subscribe my name and affix the seal f the Circuit Court for Frederick County this 13th,day of November A.D.1914.

PLACE OF COURT. SEAL

Harry W.Bowers

Clerk of the Circuit Court for Frederick County.Md

Filed Nov.13,1914.

D E C R E E.

C.Frank Koontz

vs.

Charles E.Koontz et al.

No. 9194. Equity.

In the Circuit Court for Frederick County sitting as a Court of of Equity.

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The above cause standing ready for a hearing,and being submittws,the Bill,Answer,Exhibits Testimony and al other proceedings were by the Court read and considered

It is thereupon this 10th day of December in the year nineteen hundred and fourteen by the Circuit Court for Frederick County,as a Court of Equity,and by the authority of said Court,adjudged,ordered,and decreed,that the alnd and premises mentioned in these proceedings be sold,and that Jacob Rohrback and Albert S.Brown of Frederick County,be, and they are hereby appointed Trustees to make the said sales,and that the course and manner of their proceedings shall be as follows;they shall first file in the Clerk's office of this Court,a BOND to the State of Maryland,executed by them with a surety,or sureties,to be approved by the Court,or the Clerk thereof,in the penalty thereof Two Thousand Dollars,condidioned for the faithful lerformance of the trust reposed in them by this decree,or which may be reposed in them by any future order,or decree in the premises.They shall then proceed to make sale of the seal estate,having first given at least three weeks previous notice,inserted in some newspaper printed in Frederick County,and such other notice as they may think proper of the time,place,manner and terms of sale;which terms shall be as follows;One half of the purchase money to be paid in cash on the day of sale,or on the ratification thereof by the Court,the residue in six months,the purchaser or purchasers giving his,her or their notes,with approved security and bearing interest from day of sale,or all cash at the option of the purchaser or purchasers,and as soon as may be convenient after any such sale or sales,the said Trustees shall return to this Court a full and particlar account of the same,with an affidavit of the truth thereof,and of the fairness of such sale or sales annexed,andon the ratification of such sale or sales by the Court,and on payment of the whole purchase money,and not before,the said Trustees by a good and sufficient deed to be executed and acknowledged agreeably to law,shall convey to the pur-

chaser or purchasers of the said property, and to his, her or to their heirs, the property to him, her ot them sold, free, clear, and discharged of all claim of the parties to this cause, and of any person or persons claiming by, from, or under them; and the said Trustees shall bring unto this Court the money arising on such sale or sales, and the bonds or notes which may be taken for the same, to be disposed of under the direction of this Court, after deducting therefrom the costs of this suit, and such commissions to the said Trustees as the Court shall think proper to allow, on consideration of the skill, attention and fidelity wherewith shall appear to have discharged their trust.

Glenn H. Worthington

Filed Dec. 10-1914.

Frank Koontz
vs.
Charles E. Koontz,
et al.

No. 9194 EQUITY.
In the Circuit Court for Frederick County, Maryland, sitting as a Court of Equity.

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The petition of Lola F. Culler and Dr. Austin A. Lamar and Leslie E. Hedges, respectfully shows unto Your Honors!-That they are creditors of Mary A.C. Hammer for amounts largely exceeding the personal estate of the said Mary A.C. Hammer and that they have filed a creditors bill in Your Honorable Court being No. 9202 Equity on the Equity Dicket in said Court.

2. That your orators are advised, believe and charge that the proper method to collect their claims was by said creditors bill under the circumstances, but not withstanding the creditors bill in No. 9202 filed as aforesaid on July 31st, 1914, a decree waspassed in the above entitled cause being No. 9194 Equity on the tenth day of December, in the year 1914, for the sale of the real estate of the said Mary A.C. Hammer under a bill for petition and which said decree will become enrolled within thirty days from the date thereof, which your petitioners allege and charge to be a fraud upon their rights in the premises.

3. Your petitioners allege and charge that they have filed under affidavit their ammounts in No. 9202 Equity in Your Honorable Court and that said bill being a creditors bill for the sale of real e estate would take precedent under any other proceedings.

4. That your petitioners were not advised noe did they know until they recently saw the advertisement in the papers that their creditors bill for sale of said real estate had been ignored in the premises and they therefore file this petition and pray Your Honorable Court as follows!-

(1) That the said decree in said cause, No. 9194 Equity for the sale of the real estate for petition may be set aside and declared null and void.

(2) That your Honorable Court may pass an order setting this petition for a hearing before your Honorable Court on the 8th day of January, in the year 1915, provided a copy of the Court's order be served upon Albert S. Brown and Jacob Rohrbaok, Esqs., trusttes appointed under said decree, or either of them. And for duch other and further relief as the nature of the case may require.

And as in duty bound, etc.,

John L. Routzahn
A.D. Williard
Attorneys for Petitioners.

The aforegoing prtition having by the Court been read and considered it is thereupon this 5th, day of January, in the year 1915, ordered by the Circuit Court for Frederick County, sitting as a Court of Equity and by the authority thereof, that the aforegoing petition be and the same is hereby set for a hearing at 10 o'clock A.M. on Friday, the 9th day of January, in the year 1915, provided a copy of this Court's order be served upon Albert S. brown and Jacob Rohrbaok, Esqs. trustees in No. 9194 Equity in this Court, or eith of them, on or before the 6th day of January in the year 1915.

Glenn H. Worthington

Filed January 5, 1915.

Frank Koontz
vs.
Charles E. Koontz, et al

No. 9194 EQUITY in the Circuit Court for Frederick County, Mary land, sitting as a Ciurt of Equity.

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The petition of Lola F.Culler and Dr.Austin A.Lamar and Leslie E.Hedges,respectfully shows unto your Honors & Co.& C &c.,

The aforegoing petition having by the Court been read and considered it is thereupon this 5th day of January,in the year 1915,ordered by the Circuit Court for Frederick County,sitting as a Court of Equity and by the authority thereof,that the aforegoing petition be and the same is hereby set for a hearing at 10 O'Clock A.M.on Friday,the 9th day of January,in the year 1915,provided a copy of this Court's order be served upon Albert S.Brown and Jacob Rohrbaok,Esqs.trustee in No.9194 Equity in this Court,or with of them,on or before the 6th day of January in the year 1915.

Filed January 5,1915. Glenn H.Worthington

True copy-Courts Order-Test!

SEAL OF COURT.

Harry W.Bowers

Clerk of the Circuit Court for Frederick County,Md.

Frank Koontz

vs.

Charles E.Koontz and

Bertha Reynolds,and

_____Reynolds,her

husband.

No. 9194.E Q U I T Y.

In the Circuit Court for

Frederick County,Maryland,

sitting as a Court of Equity.

To the Honorable,the Judges of the Circuit Court for Frederick County,Maryland, sitting as a Court of Equity!-

The petition and Report of Sales made by Albert S.Brown and Jacob Rohrbaok,Trustees in the above entitled cause,respectfully represents unto your Honors!-

That having filed their duly approved bond in the penalty of two thousand dollars as required by the decree passed on the date December 10th,1914,by your Honorable Court in the above entitled cause,and having fulfiled all the other requirements of said decree,and having given at least three siccessive weeks previous notice of the time,place, manner and terms of sale by advertisement in "The Frederick Post",a newspaper published in Frederick County,Maryland,as will appear by the printers certificate herewith filed as a aprt hereof and marked,"Exhibit Post",and also having given the like advertisement in the "Daily News",also a newspaper published in Frederick County,Maryland,and also by sale bills circulated in Frederick City,Maryland,your Petitioners did attend in person at the Court House Door in Frederick City,in Frederick County,Maryland,on the date Wednesday,January 6th,in the year 1915,and then and there offered at public sale the real estate decreed to be sold,and being the real estate of which Mary A.C.Hammer died seized and possessed,and as hereinafter described and conveyed,and sold the same as follows!-Your Petitioners first offered the real estate named as the first lot of ground in "Exhibit Post",and being the house and lot on the East side of Jefferson Street, formerly Telegraph Street,in Frederick,Maryland,and sold the same unto Florence V.Casta at and for the sum of seven hundred and fourty-seven dollars ($747.00),she being then andthere the highest and best bidder therefor!-Your Petitioner them sold the real estate described as the second lot of ground in said "Exhibit Post",and being the house and lot situated on the North side of West Patrick Street,in Frederick City,Maryland,and slod the same unto William H.Summers and Clara V.Summers his wife at and for the sum of eight hundred and eighty dollars ($880.00),he being then and there the highest and best bidder therefor!-And Your Petitioners report their gross amount of sales to be the sum of $1627.00.Wherefore your Petitioners pray that your Honors will finally ratify and confirm their said sales.And as in duty bound,etc.,

Albert S.Brown

Jacob Rohrbaok

Trustees.

STATE OF MARYLAND,FREDERICK COUNTY,Sct!-

I hereby certify that on this seventh day of January,in the year nineteen hundred and fifteen, before my the subscriber,the Clerk of the Circuit Court for Frederick County,Maryland,personally appeared Albert S.Brown and Jacob Rohrbaok,Trustees,and each made oath in due form of law that the matters and facts stated in the above and aforegoing Petition and Report of Sales are true as there in set forth to the best of their knowledge,information and belief,and that the sales therein reported were fairly made.

Harry W.Bowers.
Clerk of the Circuit Court for Frederick County,Maryland.

TRUSTEES' PUBLIC SALE OF TWO DWELLING HOUSES IN FREDERICK CITY,MD.

By wirtue of a decree of the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity,and passed on the date December 10th,1914,in the cause wherein C.Frank Koontz is the plaintiff and Charles E.Koontz et al.are the defendants,and being No,9194 on the Equity Docket of said Court,theundersigned trustees will offer at public sale at the Court house door,in Frederick City, Maryland,on Wednesday,January 6th,1915,at 11 o'clock A.M.the real estate described to be sold,and being the real estate of which Mary A.C.Hammer died seized and possessed,and being the real estate devised to her by her father,George Hammer,and consisting of two lots of ground situated in Frederick City,Frederick County,Maryland.

FIRST.-That lot of Grounf situated on the East side of Jefferson Street(formerly Telegraph street) and being the same real estate described in the deed from Jonathan A.Getzendanner to George Hammer, dated March 2nd,1863,and recorded in Liber B.G.F.No.8,folio 329.This lot fronts 35 feet,more or less on said Street,and is improved by a one and one-half story brick dwelling house,known as No,20,between the poperty of Maurice Himes,on the North,and of Daniel Hashew on the South,and is now occupied by Mrs.John Butcher as tenant.

SECOND.-That lot of ground situated on the North side of West Patrick street,and being a part of the same real estate described in the deed from Greenberry Fout and wife to George Hammer,dated June 11, 1852,and recorded in Liber E.S.No.1,folio 306.This Lot fronts 31 feet and 5 inches more or less,on said straeet,and is improved by a two-story brick dwelling-houde,known as No.411,between the propeerty occupied by Misses Yost on the West and of Roger Quynn on the East,and is now occupied by John Milliard as tenant.TERMS OF SALE-as prescribed by the decree!-One-half of the purchase money to be paid in cash on the day of sale,or on the ratification thereof by the Court,the residue in six month the purchaser or purchasers giving his or their notes,with approved security and bearing interest from the day of sale,or all cash at the option of the purchaser or purchasers.A deposit of $100 from from the purchaser of each property will be requised at the time of sale.All conveyancing costs to be at the expence of the purchaser.

Albert S.Brown
Jacob Rohrbaok.
Trustees.

"EXHIBIT POST"

Frederick,Md.Jan,6,1915.

This is to certify,That the annexed advertisement of trustees sale was published in "The Frederick Post"a newspaper published in Frederick County,once a week for three successive weeks prior to the sixth day of January 1915.

The Post Publishing Co.
per R.I.Ford.

Filed Jan-7,1915.

Frederick,Maryland,January 6th,1915

I hereby acknowledge purchasing this date at public sale from Albert S.Brown and Jacob Rohrbaok, Trustees in No.9194 equity,the first lot of real estate named in the annexed advertisement,and being the real estate on Jefferson Street,in Frederick ,Md.at and for the sum of Seven hundred and Fifty seven dollars ($747.00),and upon the terms of sale as set forth in the annexed advertisement with which I obligate myself to comply.I also obligate myself to be at all expense of conveyancing.

Witness:H.W.Bowers.

Florence V.Castle.

I hereby acknowledge purchasing this date at public sale from Albert S.Brown and Jacob Rohrbaok, Trustees in No.9194 Equity,the second lot of real estate named in the annexed advertisement,and

being the real estate situated on West Patrick Street, in Frederick, Md, at and for the sum of eight hundred and eighty dollars ($880.00) and upon the terms of sale as set for th in the annexed advertisement with which I obligate myself to comply. I also obligate myself to be at all expense of conveyancing.

Witness. Wm. H. Summers

Filed Jan, 7th, 1915. Clara V. Summers.

ORDER NISI ON SALES.

Frank Koontz
vs.
Charles E. Koontz and
Bertha Reynolds, and
_____ Reynolds her
husband.

No. 9194. Equity.
In the Circuit Court for
Frederick County sitting
in E Q U I T Y.

In the matter of the Report of Sales
filed the 7th day of January 1915. November TERM, 1914.

Ordered, That on the 30th day of January 1915, the Court will proceed to act upon the Report of Sales of Real Estate, reported to said Court by Albert S. brown and Jacob Rohr back Trustees in the above mause, and filed therein 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 $1627.00

Dated this 7th day of January 1915

Harry W. Bowers
Clerk of the Circuit Court for Frederick County.

"The Frederick Post"

CERTIFICATE OF PUBLICATION

Frederick, Md, Jan 29, 1915.

This id to certify, That the annexed Nisi on Sales was published in "The Frederick Post" a newspaper published in Frederick County, once a week for yhree successive weeks prior to the thirtieth day of January 1915.

The Post Publishing Co.
per R. I. Ford.

Filed March 4-1915.

Frank Koontz
vs.
Charles E. Koontz and
Bertha Reynolds, and
_____ Reynolds, her
husband.

No. 9 1 9 4 E Q U I T Y.
In the Circuit Court for
Frederick County, Maryland,
sitting as a Court of
E Q U I T Y.

On the aforegoing Petition, Exhibit and Affidavit it is Ordered by the Circuit Court for Frederick County, Maryland, sitting as a Court of Equity, on this 4th day of March in the year nineteen hundred and fifteen, that the sales made by Albert S. Brown and Jacob Rohrback, trustees, and reported unto this Court in the above Petition, be and the same a are hereby finally ratified and confirmed, no cause to the contrary thereof having been shown, although due notic appears by the Printer's Certifiaate herewith Exhibited to have been given as required by the Order Nisi heretofore passed in the cause;-and the cause is hereby refered to the Auditor of the Court who will state an account in which he will allow unto the Trustees all usual expenses of sale for which they will exhibit vouchers, and also the usual chancery commisions, and also a fee unto the Plaintiffs' Solicitor of record, and will return his report to this Court for its further action.

Filed March 4th, 1915. Glenn H. Worthington

BILL OF COMPLAINT

Helen Abell Baughman.

Vs.

Louisa Baughman, Corinee Baughman deGarmendia, C. Francis Baughman, E. Austin Baughman, Carrolll Baughman, his wife, Helen Baughman Conley, Charles H. Conley, her husband, and C. Francis Baughman, Administrator of the goods and chattels of J. William Baughman, deceased.

No. 9363 EQUITY.

In the Circuit Court for Frederick County,

In Equity.

To the Honorable the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity

The Bill of Complaint of Helen Abell Baughman, on behalf of herself and of all other creditors of J. William Baughman, deceased, who may come in and contribute to the costs and expenses of these proceedings, respectfully shows unto your Honors:-

1st. That J. William Baughman, formerly a resident of Frederick County, State of Maryland, departed this life intestate on or about the 28th day of July, in the year 1914.

2nd. That the said J. William Baughman died seized and possessed of a tract of land situate and lying in Frederick County, State of Maryland, containing forty-nine (49) acres and seventeen (17) perches of land, more or less; it being the real estate conveyed unto him by Mary E. V. Musgetter, et al. by deed bearing date June 26th, 1896, and recorded in Liber J. L. J. No. 14, Folio 214, one of the land records for Frederick County; a certified copy of which deed is herewith filed as Exhibit "A" and which, together with all other exhibits herewith produced, it is prayed may be taken and considered as part of this Bill of Complaint.

3rd. That the title to the said real estate, upon the death of the said J. William Baughman, intestate deceended to his sister Louisa Baughman, his sister Corinne Baughman deGarmendia, his nephew C. Francis Baughman, the only child and decendant of his deceased brother Charles H. Baughman, and his nephew and niece E. Austin Baughman and Helen Baughman Conley, the only children and descendants of his deceased brother L. Victor Baughman, Who are his only heors at law. That the said Louisa baughman is an adult unmarried resident of Baltimore County, State of maryland, of unsound mind, in Mount Hope Retreat; that the said Corinne Baughman deGarmendia is a widow, and is an adult non-resident of the State of Maryland; that the said E. Austin Baughman is now married, and his wife's name is Carroll Baughman; and the said Helen Baughman Conley is now the wife of Charles H. Conley; and the said C. Francis Baughman is unmarried; and he the said C. Francis Baughman, E Austin Baughman and Carroll Baughman, his wife, Helen Baughman Conley and Charles H. Conley, her husband, are all adults residents of Frederick County, State of Maryland,

4th. That the said J. William Baughman was at the time of his death indebted unto your complainant in the sum of Twelve Thousand Dollars ($12,000.), as evidenced by his sealed note payable to your complainant, bearing date on the 30th day of January, 1908, and payable one year after date; which ibdebtedness is still due, owing and unpaid; and said sealed note is herewith filed as Exhibit "B."

5th. That letters of administration on the personal estate of the said J. William Baughman were, on September 2, 1914, granted by the Orphans' Court of Frederick County, into C. Francis Baughman, who duly qualified as administrator, and entered upon the discharge of his duty as such, as will appear by reference to the certificate of the Register of Wills for Frederick County herewith filed as Exhibit "C"

6th. That said J. William Baughman did not leave personal estate sufficient to pay his debts and costs of administration. Wherefore your complainant prays your Honors to pass a decree for the sale of the real estate hereinbefore mentioned; that some suitable person be appointed trustee to make said sale; and that the proceeds of sale, after the payment of costs, expenses &c, be applied to the

payment of the debts of the said J.William Baughman in the order of their legal priori ty.And for such further ar other relief as the nature and equity of her case may requi re.May it please your Honors to grant unto your complainants an order of publication, giving notice to the said Corinne Baughman deGarmendia,who id a non-resident as before stated,of the substance and object of this Bill,and warning her to appar in this Court in person or by solicitdr,on or before a certain day,and answer the premises and show cause,if any she has,why a decree ought not to be passed as prayed.And also a writ of subpoena against the said Louisa Baughman,of Baltimore County,who is of unsound mind, in Mount Hope Retreat,as before stated,and against the said C.Francis Baughman,E.Austa Baughman,Carroll Baughman,his wife,Helen Bauhjman Conley,Charles H.Conley,her husband, and C.Francis Baughman,Administrator &c.of J.William Baughman,deceased,all of Frederick County,commanding them and each of them to appear in this Court on some certain day to betherein named,to answer the premises and abide by and perform such decree as may be passed therein. And as in duty etc.

John S.Newman.

Filed Sept-16,1915. Solo.for Comp.

E X H I B I T "A"

At the request of J.William Baughman the following deed is recei ved for Record and Recorded July 1 1896 at 9 0'Clock 45 minutes A.M. TEST.John L.Jordan Clerk.

This deed made this Twenty Sixth day of June in the year Eighteen hundred and ninety Six by us Mary V.E.Mussetter,formerly Mary E.V.Dean Mortgagee of William C.Sellman and Emely C.Sellamn his wife,under a deed of Mortgage dated the 27th day of March A.D.1893 and duly Recorded among the Land Records for Frederick County,Maryland,in Liber J.L.J. No.505 &c.and Lemuel Mussetter her husband of said Frederick County,Whereas default has been made by said William Sellman and Emily C.Sellman his wife,the Mortgagors named in the deed of Mortgage executed by them to said Mary V.E.Dean and recorded as afore- said,by their failure to pay their joint and several sealed promissory note or single bill for fourteen hundred dollars at its maturity and the interest thereon as the same became due and payable according to the tenor of said single bill and the conditions of said Mortgage which was executed for the purpose of securing the payment of the sam same as therein receited,and also in other condotons in said Mortgage contained and by said Mortgagors to be performed hereby said Mortgagee Mary V.E.Dean,now the wife of said Lemuel Mussetter,became authorized and empowered under the terms of said Mortgage to exercise the power of sale therein contained and to sell the real estate thereby Mortgaged,and after such default and after having given bond as required by law duly approved as required by law filed in the office of the Clerk of the Circuit Court for said Frederick County,said Mortgagee proceeded to advertise for sale the real estate so Mortgaged,her said husband joining therein by giving the notice prescribed in said mortgage and required by law by advertisement once a week for three successive weeks prior to the day of sale in "The News" a newspaper published in said Frederick County, of the time,place,manner and terms of sale,theplace being at the Court house door in Frederick Vity in Fr ederick County,Md.as prescribed in said mortgage,the manner being by public sale or auction and the terms cash as prescribed by said mortgage,and payme- nt to said notice she and her said husband attended at said Court house door on Satur- day the 2nd day of May A.D.1896 at the hour of eleven O'clock A M.that being the time and place mentioned in said advertisement for the sale of said Mortgaged real estate and then and there offered the real estate so as aforesaid mortgaged,it being the same real estate as hereinafter described and conveyed,for sale by public auction for cash and then and there sold the same to J.William Baughman of said Frederick County at and for the gross sum of Sixteen hundree and fifty dollars,he being the highest and best

bidder thereof which sale was duly reported to the Circuit Court for said Frederick County as a Court of Equity in No.6559 Equity cases on the docket of said Court and finally ratified and confirmed by said Court on the 28th day of Mary A.D.1896;And whereas said J.William Baughman has fully complied with said terms of sale and fully paid the purchase miney therefor.Now Therefore this deed Witnesseth that for and in consideration of the premises and the sum of Sixteen hundred and fifty dollars we the said nary V.E.Mussetter formerly Mary V.E.Dean,Mortgagee of said William C.Sellman a and Emily C.Sellman his wife,and Lemuel Mussetter her husband do hereby grant unto the said J.Willi iam Baughman all those pieces and parcels of land situated in New Market district in Frederick Coun ty and State of Maryland which are described as follows;all that part of a tract and parcel of land called "Gombare's Range"or by whatever othername the same may be known and distinguished which is included in the following courses and distance,metes and bounds,Beginning for the same at a stone formerly planted for the end of the 11th or N.88 1/2°W.60 ps.line in a deed from Grafton Hammond to Arthur T.Sponsepper dated 29th Dec'r 1852 and recorded in Liber E.S.No.2 folio 560 &c.one of the land Records for said Frederick County and running thence N.9 1/2°W.40 ps N.1 1/2 E.20 ps to a ston N.52°W.40 ps to a stone,S.36 1/2°W.23 1/4 ps to a certain corner of Wm.Lare's part of said tract of land and with it reversed two courses and distances S.73°E.27 3/4 ps S.21°E.30 ps,to a stone S.37/ 60°W.20 ps.S.10 23/60°E.9 2/10 ps.S.88°E.12 1/10 ps to the place of beginning,containing Eight and oneeight Acre of land more or less,and being the same land which was conveyed to a certain William Lare by Arthur T.Sponseller and wife by deed dated the 29th day of June A.D.1860 and recorded in Liber B.G.F.No.5 folio 705 &c one of the Lnd Records for Frederick County and so as aforesaid described there also all those pieces or parcels of land adjoining the above described land,being part of a tract of land called "Gombare's Range"and part of a tract called "Altogethet" and beginning to include doth said last mentioned parcels in one general outline at a stone planted at the end of the ninety sixth or N.28 E.60 ps called "Altogether,"it also being the beginning of the part of the Whole intact line of the whole tract which was conveyed to Areanna McElfresh to a certain George Smith by deed dated the 10th day of pril A.D.1894 for fifty seven and a quarter acres of land and running thence with the lines of said 57 1/4 acres deed three courses and distances Viz;N.36 3/4° E.23 7/10 ps.to a stone planted at the end of the 98th line of the whole tract called "Altogether," N.11°W.40 ps.to a stone planted,North 20 ps.to a stone planted,it being the beginning of eighty acres 3 r and 34 ps.of land,part of Gombare(s Range"aforesaid,which were deeded the 16th day of July 1849 by Evan D.Hammond and wife and Denton Hammond to said George Smith then with the first line thereof,N.21°W.30 1/2 ps.to a stake and pile of stones being the beginning of the part of "Gombares Range"and part of "Alltogether"aforesaid deeded by George Smith and wife to a certain JohnRunkel for 25 acres and 27 ps.then by and with the closing lines of said John Runkel's deed reversed S.42 3/4°W.129 1/2 ps.to a stake at the end of 11 1/4 ps.on the 12th line of the aforesaid deed for 57¼ acres from Areanna McElfresh to George Smith,then with said 12th line S.71 1/2°E.6 3/4 ps to the end of said 12th line,still by and with the outlines of said 57 @/4 acres deed two courses and distances S.76½°E.19¾ ps.N.23°E.16½ ps to the place of beginning and containing forty acres,three roods and thirty seven perches of land more or less,and being the same parts or tracts and parcels of land which were conveyed to the said William Lare by said George Smith by deed dated 5th May A.D 1868 and recorded in Liber C.M.No.2 folio 72 one of the land records for Frederick County and so as aforesaid described therein making in all for the land hereby conveyed 49 Acres and 17 perches of land be it more or less,It being the same land which was subsequently conveyed to a certain Emily O.Dean by Juseph G.Miller,Administrator C.T.A.of William Lare dec'd by deed dated the8th day of March A.D.1881 andrecorded among the land records in Liber A.F.No.3 folio 44 and by said Emily O. Dean and Robert Dean conveyed to a certain John M.Dean by deed dated 1st April A.D.1884 and reoprded among the Land Records in Liber A.F.No.9 folio 76 and which was later conveyed to said Mary E.V. Dean by Chas,V.S.Levy,Trustee,by deed dated 27th March A.D.1893 and recorded among said land records in Liber J.L.J.No.3,folio 605 and which was on said last mentioned day recorded by said Mary V. E.Dean to said William C.Sellman and Emily C.Sellman his wife by deed duly recorded among the land Records an Liber J.L.J.No.3 folio 606 as by reference to said Deed being had will more fully appear

And the said Mary V.E.Mussetter,formerly Mary E.V.Dean,Mortgagee of said William C.Sell man his wife,and Lemuel Mussetter her husband hereby convey unto said J.William Baughmm all the title which the said Mortgagors had in the said Mortgaged premises at the time of the recording of the said Mortgage.

Witness our hands and seals this 26th day of June in the year Eighteen hundred and ninety six.

TEST Tha'd M.Biser — Mary V.E.Mussetter Seal
Mortgagee

Lemuel Mussetter Seal

State of Maryland,Frederick County,Sct.

I hereby certify that on this Twenty sixth day of June in the year Eighteen hundred and ninety six before me the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County,personally appeared Mary V.E.Mussetter formerly Mary V.E. Dean,Mortgagee named in the aforegoing deed,and Lemuel Mussetter her husband,the grantor's named in the aforegoing deed,and each acknowledged the aforegoing deed to be their respective act and deed

Tha'd M.Biser J.P.

State of Maryland,Frederick County.to-wit!-

I hereb y certify that the aforegoing is a true copy of the original Deed from Mary V.E.Mussetter and Lemuel Mussetter her husband to J.William Baughman,as recorded in Liber J.L.J.No.14,Folio 214 &c.,one of the Lnd Records of Frederick County,Maryland.

In Testimony Whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederick,Maryld this 13th day of September A.D.1915.

PLACE CIRCUIT. OF Court. SEAL

Harry W.Bowers.
Clerk of the Circuit Court for Frederick County,Md.

Filed Sept,16-1915.

EXHIBIT "B"

Norfolk,Va.January,30th,1908.

One year after date I promise to pay to Helen Abell Baughman,the sum of Twelve Thousand Dollars,for Value received,Payable at Frederick,Md.

Witness my hand and seal. J.Wm.Baughman (SEAL)

TEST!John S.Newman.

1915,Sept,15
By the Orphans'Court,
Will Pass when Paid
TEST!Samuel D.Thomas
Register of Wills.

STATE OF MARYLAND,FREDERICK COUNTY,TO-WIT!

On this 14th day of September A.D.1915,before me the subscriber,Register of Wills in and for said County,personally appeared Mrs L.V.Baughman,and made oath in due form of Law,that the annexed account is just and true,and that she has not directly or indirectly received (to her knowledge or belief)any part or parcel of the money charged as due by such account,or any securityor satisfaction for the same.

Samuel D.Thomas
Register of Wills for Frederick County.

Filed Sept,16-1915.

EXHIBIT "C"

STATE OF MARYLAND,FREDERICK COUNTY,SCT!

I,SAMUEL D.THOMAS,Register of Wills for Frederick County,do hereby certify and Attest, that on the Sept 2,1914 Letters of Administration were granted by the Judges of the Orphans Court,of Frederick County aforesaid,to C.Francis Baughman on the Estate of J.Wm Baughman late of Frederick County,deceased,the said C.Francis Baughman having given Bond with American Fidelity Co of Vermont Sureties in the sum of Five hundred Dollars, current money for the due performance of his said administration.

PLACE ORPHANS' COURT. SEAL

IN TESTIMONY WHEREOF,I hereunto set my hand and affix the seal of the Orphans'Court of Frederick County,this 11th day of Sept,1915.
TEST!Samuel D.Thomas.Register of Wills for FRederick County,Md.

Filed Nov.18'1915.

E Q I T Y S U B P O N E A

State of Maryland,Frederick County to-wit!

The State of Maryland.

To Louisa Baughman.Mt,Hope Retreat Baltimore County.Md.of Frederick County,Greetings!

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court house in Frederick,in and for Frederick County,on the FIRST Monday of October 1915,to answer the Bill and Complaint of Helen Able Baughman Vs.Louisa Baughman et al.,(Bill for sale of Real Estate & Appointment of Trustee,for sale of real estate of J.William Baughman deceased,)against you in said Court exhibitedmand so forth.

Hereof fail you not,as you will answer the contrary at your peril.

PLACE OF COURT. SEAL

Witness the Honorable Hammond Urner,Chief Judge of said Court,the 6th,day of September A.D.1915.Issued the 16th day of September A.D.1915.

Harry W.Bowerw Clerk.

Tohthe Sheriff of Frederick County.

John S.Newman,solicitor. Filed Oct,13'1915.

Summoned Louisa Baughman by reading Subpoena to her and copy of same left with her in the presents of sister Caroline in Mount Hope this 28th day of October 1915.

Leonard G.Quinlin
Sheriff.

E Q U I T Y S U B P O N E A

STATE OF MARYLAND,FREDERICK COUNTY TO-WIT!

THE STATE OF MARYLAND.

To C.Francis Baughman,E.Austin Baughman,Carroll Baughman,his wife,Helen Baughman Conley,Charles H. Conley,her husband and C.Francis Baughman,Administration &c.,of J.William Baughman deceased.Frederik County,Md.of Frederick County,Greetings!

TOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of October 1915,to answer the Bill and Complaint of Helen Abell Baughman Vs.Louisa Baughman et al.,(Bill for sale of Real Estate & appointment of Trustee &c.,of the Estate of J.William Baughman.deceased.against you in said Court exhibited,and so forth.Hereof fail you not,as you will answer the contrary at your peril.

PLACE OF COURT. SEAL

Witness the Honorable Hammond Urner,Chief Judge of said Cpurt,the 6th day of sept mber A.D.1915.Issued the 16th day of September A.D.1915.

Harry W.Bowers Clerk.

To the Sheriff of Frederick County.

John S.Newman,Solicitor. Filed Sept,27'1915.

O R D E R O F P U B L I C A T I O N

No.9363 Equity,in the Circuit Court for Frederick County,in Equity.

Heleh Abell Baughman Vs.Louisa Baughman,Corinne Baughman deGarmendia,C.Francis Baughman,E.Austin Baughman,Carroll Baughman,his wife,Helen Baughman Conley,Charles H.Conley,her husband,and C.Francis Baughman,Administrator of the goods and chattles of J.William Baughman,deceased.

The Bill in this case is filed by Helen Abell Baughman,on behalf of herself and all other creditors of J.William Baughman,deceased,who may come in and contribute to the costs and expenses of the proceedings;and alleges that J.William Baughman,formerly a resident of Frederick County,State of Maryland died intestate on or about July 28,1914,seixed and possesssed of Forty-nine (49)acres and seventeen (17) perches of land,more or less,situate and lying in said Frederick County;being the real estate conveyed to him by Mary E.V.Mussetter,et al.,by deed dated July 26,1896;a certified copy of which deed is filed as an exhibit to the Bill;that the title to the said real estate,upon the death of the said J.William Baughman,intestate,descended to his sister Louisa Baughman,his sister Corinna Baughma deGarmendia,his nephew C.Francis Baughman,the only child and descendant of his deceased brother Char-

les H.Baughman,and his nephew and niece E.Austin Baughman and Helen Baughman Conley, the only children and descendants of his deceased brother L.Victor Baughman.Who are his only heirs at Law.that the said Louisa Baughman is an unmarried adult resident of Baltimore County,Maryland,of unsound mind,in Mount Hope Retreat;that the said Corinne Baughman deGarmendia is a widow,and an adult non-resident of the State of Maryland; that the wife of the said E.Austin Baughman;is Carrall Baughman;that Helen Baughman Conley is the wife of Charles H.Conley;that C.Francis Baughman is unmarried,and that said C.Francis Baughman,E.Austin Baughman,Carroll Baughman,his wife,Helen Baughman Conley and Charles H.Conley,her husband,are adult residents of the State of Maryland; that the said J.William Baughamn was,at the time of his death,indebted unto complainant in the sum of Twelve Thousand Dollars ($12,000.),as evidents of a sealed note payable to complainant,dated Jauary 30th,1908,and payable one year after date;which indebtedness is still due,owing and unpadd,and said note is filed as an exhibit to the Bill that letters of administration on the personal estate of said J.William Baughman were granted by the Orphans'Court of Frederick County,unto C.Francis Baughman,who duly qualified as administrator,and entered upon the discharge of his duties as such;and that the personal estate of the said J.William Baughman is not sufficient to pay his debts and costs of administration.The Bill prays for the passage of a decree for the sale of the real estate above mentioned;that some suitable person be appointed trustee to make said sale;that the proceeds of sale;after the payment of costs,expenses &c.,be applied to the payment of the debts of the said J.William Baughman,in the order of their legal priority;and for general relief.The Bill is filed by the complainant against the heirs at law above named.This,therefore,is to give notice to the said Corinne Baughman deGarmendia,who is alleged to be an adult non-resident of the State of Maryland,of the substance and object of said Bill,and to warn her to be and appear in the Circuit Court for Frederick County,in person or by solicitor,to answer the premises and show cause,if if any she has,why a decree ought not to pass as prayed.it is thereupon this 16th day of September,1915,ordered by the Circuit Court for Frederick County,that the plaintiff by causing a copy of this order to be inserted in some newspaper published in Frederik County once in each of four successive weeks,before the 15th day of October,1915,give notice to the said absent and non-resident defendant Corinne Baughman deGarmendia of the object and substance of this Bill;warhing her to appear in this Court,in person or by solicitor,on or before the 1st day of November,1915.to show cause,if any she has , why a decree should not be passed as prayed.

Harry W.Bowers

Filed Sept.16-1915. Clerk of the Circuit Court for Frederick County.

P R I N T E R S C E R T I F I C A T E.

Office of the Citizen Frederick,Md.,Nav.5,1915.

We hereby certify that the attached order of Publication No.9363 equity,was published in"THE CITIZEN",a News paper published in Frederick County,State of Maryland,for once a in each of 4 successive weeks prior to the 15th day of October 1915.

Filed Nov 13'1915. C.H.Baughman & SonJ.T.J.

Helen Abell Baughman. vs. Louisa Baughman,et al. No. 9363 E Q U I T Y. In the Circuit Court for Frederik County,in Equity.

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To the Honorable the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity.The petition of Helen Abell Baughman,the complainant in this cause,respectfully shows unto your Honors:-

1st. That Louisa Baughman,one of the defendants herein,is,as alleged in the Bill of Complaint,of unsound mind,and an inmate of Mount Hope Retreat.

2nd. That said Louisa Baughman has been duly summoned as a defendant in this cause,as will appear by reference to the return of the process heretofore issued;but being of

unsound mind,it is necessary that your Honors appoint a guardian ad litem to answer and defend the suit for the said Louisa Baughman.

Wherefore yor Petitioner prays your Honors to appoint some suitable person guardian ad litem to appear and defend this suir for the said Louisa Baughman.

And as in duty bound,etc.

John S.Newman
Solo.for Comp.

The aforegoing petition having by the Court been read and considered,it is thereupon this 13th day of November,in the year 1915,by the Circuit for Frederick County,sitting as a Court of Equity,and by the authority thereof,adjudged and ordered that Isaiah N.Loy be and he is hereby appointed guardian ad litem to answer abd defend this suit for Louisa Baughman.

Glenn H.Worthington

Filed November 13'1915.

Helen Abell Baughman.
VS.
Louisa Baughman et al.

No. 9363 E Q U I T Y.
In the Circuit Court for Frederick County,sitting in Equity.

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THE ANSWER OF Louisa Baughman being of unsound mind I.N.Loy Guardian ad Litem,to the Bill of Complaint of Helen Abell Baughman against Louisa Baughman in the Circuit Court for Frederick County,sitting as a Court of Equity exhibited.This Defendant cannot admit any of the matters and things allegd in the Bill,and being of unsound mind submits her rights to the protection of this Court.

I.N.Loy
Guardian ad Litem.

Filed November 13-1915.

Helen Abell Baughman.
VS.
Louisa Baughman,et al.

No. 9363 E Q U I T Y.
In the Circuit Court for Frederick County,In Equity.

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To the Honorable the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity.

The Petition of Helen Abell Baughman,the complainant in this cause,respectfully shows unto your Honors:-That C.Francis Baughman,E Austin Baughman,Carol Baughman,his wife,Helen Baughman Conley, Charles H.Conley,her husband,and C.Francis Baughman,administrator of the goods and chattles of J. William Baughman,deceased,have been duly served with process in this cause,and that notice,by publication,has been given Corinne baughman de Garmendia,a non-resident defendant;and the time for the appearence of said defendants having expired and they being in default od appearence,your petitions prays your Honors to pass an order and decree that the Bill be taken pro confesso as against said defendants.Ans e in duty,etc.

John S.Newman.
Sloc.for Comp.

The aforegoing petition,and the other proceedings in this cause,having by the Court been read and considered,it is thereupon this 13th day of November,in the year 1915,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,ordered,adjudged and decreed that the Bill in this cause be and the same is hereby taken pro confesso as against C.Francis Baughman,E.Austin Baughman,Carol Baughman,his eife,Helen Baughman Conley,Charles H.Cinley,her husband,ad and C.Francis Baughman,administrator of the goods and chattles of J.William Baughman,deceased,and Corinne Baughman deGarmendia.

Glenn H.Worthington

Filed November 13th,1915.

Helen Abell Baughman.
Vs.
Louisa Baughman,et al.

No. 9363 E Q U I T Y.
In the Circuit Court for Frederick County,In Equity.

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ThePlaintiffs join issue on the matters alleged in the answer of Isaiah N.Loy,guardian ad Litem of Louisa Baughman,filed in this cause,so far as the same may be taken to deny or avoid the allegations of the Bill.

John S.Newman
Solo.for Comp.-

Filed November,13-1915.

Helen Abell Baughman.
VS.
Louisa Baughman,et al.

No. 9363 EQUITY.
In the Circuit Court for
Frederick County,In Equity.

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It is ordered this 13th day of November,in the year 1915,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof that this cause be and the same is hereby referred to one of the standing Examiners of this Coub to take testimony to support the allegations of the Bill.

Glenn H.Worthington

Filed November 13-1915.

Helen Abell Baughman.
VS.
Louisa Baughman.et al.

No. 9363 EQUITY,
In the Circuit Court for
Frederick County in Equity.

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To the Honorable the Judges of said Court.

In pursuance to an order of Court and notice given me by the Solicitor for the Plaintiff in the above entitles cause,I,Albert S.Brown,one of the Standing Examiners of Your Honorable Court,duly commisioned,qualified and sworn,didi on the 18th day of November,A.D.1915,at the law offices of John S.Newman,Esq.,in the City of Frederick,State of Maryland,proseeded to take the following depositions of the witnesses in said cause then andthere produced before me,ex parte,that is to say .Present Mr.John S.Newman, solicitor for the Plaintiff.No appearence for the defendant.Exhibits "A" and "C", filed with the Bill of Complaint,are also filed with the Examiner,as evidence,as evidence,and are so marked:Annette H.Baughman,a witness of lawful age produced on the part of the plaintiff,being first duly sworn and examined viva voce,deposes and says as follows:-My name is Annette H.Baughman.I am more than twenty-one years of age;and reside on West Church Street,in Frederick City,Frederick County,Maryland.I know all of the parties to this cause.I knew J.William Baughman in his lifetime.He is dead,he died without leaving any will.He died about July 28th,1914.At the time of his death he owned a piece of real est te in Frederick Counrt,containing about forty-acres of land.

I now look at the deed exhibit "A" filed with the Bill in this cause,from Mary V.E.Mus aetter to him,and believe it to be the deed for the land which he owned at the time of his death.Said J.William Baughman left surviving him a sister Louisa Baughman,a sister Corinne Baughman de Garmendia,his nephew C.Francis Baughman,thepnly child and decendah of Charles H.Baughman,who was my husband and a deceased brother of said J.William Baughman;a nephew and niece E.Austin Baughman and Helen Baughman Conley,the only children and decendants of L.Victor Baughman,a deceased brither of said J.William Baughman.And these arethe only heirs at law of said J.William Baughman.His sister Louisa is over th the age of Twenty-one years.She is of unsound mind,and is at Mount Hope Retreat.His sister Corinne is a wodow;is over the age of twenty-one years,and now resides in Bavaria.She is a non-resident of the State odf Maryland.E.Austin Baughman is married.His wife's name is Carroll Baughman,and they live in Frederick County,Maryland.Helen Baugh man Conley is the wife of Charles H.Conley;andthey also reside in Frederick County, Maryland.His nephew.and my son,C.Francis Baughman,is unmarried,and he resides with me in Frederick City,Maryland.They are all above the age of twenty one years.I know of th theindebtedness of Twalve Thousand Dollars due by said J.William Baughman to the plaintiff in this cause.It was frequently referred to in conversation in my presents;and I have heard J.William Baughman,on more than one occasion,acknowledge the existence of the indebtedness.My son C.Francis Baughman was appointed administrator of the estate of J.William Baughman;and I am informed and believe that his personal estate was not sufficient to pay his debts.To the General interrogator.Nothing further.

Annetta H.Baughman.

C.Francis Baughman,a witness of lawful age,produced on the part of the plaintiff,being first duly sworn and examoned vâva voce,deposes and says as follows:-My name is C.Francis Baughman,I am about the age of twenty one years;and reside on West Church Street,in Frederick City,Maryland.I know all of the parties to this cause,and knew J.William Baughman in his lifetime.He was my uncle.He died about the 28th day of July,1914,intestate.At the time of his death he was seized andpossessed of a trab of land containing about forty-nine acres in New Market District,this County.I look at Exhibit "A" filed with the Bill,and it is the deed to him for the real estate in question.Said J.William Baughma left surviving him at the time of his death,as his only heirs at law,a sister Louisa Baughman,who is an adult of unsound mind in the custdy of Mount Hope Retreat Baltimore County,Maryland;a sister Corinne Baughman de Garmendia,who is a widow above the age of twenty-one years,and now resides in Bavaria.She is,of course,a non-resident of the State of Maryland;a nephew and niece E.Austin Baughman and Helen Baughman Conley,the only children of L.Victor Baughman,a deceased brother of said J.William Baughman;and myself.I am a son and only child of Charles H.Baughman,a deceased brother of said J. William Baughman,E.Austin Baughman and Helen Conley Baughman are both adults,and both reside in Frederick County,Maryland,with their wife and husband,respectfully.The wife of E.Austin Baughman is Carroll Baughman;and the husband of Helen Baughman Comley is Charles H.Conley.I am,as heretofore stated,above the age of twenty-one years,and am unmarried.I was appointed by the Orphan's Court of Frederick County,Administrator of the estate of J.William Baughman;and have heretofore qualified as such.His personal estate is not sufficient to pay his debts.I know of the existenance of the indebtedness of Twelve Thousand Dollars due from hin to Mrs.Helen Abell Baughman.The real estate of which J.William Baughman was seized was assessed for the purpose of a collateral inheritance tax,and was assessed for Forty Dollars ($40.00) per acre;which would make the value of it somewhere in the neighborhood of Two Thousand Dollars ($2.000.).To the general interrogator.Nothing further,

C.Francis Baughman.

Whereupon there being no other witnesses to examine;and no further time being required for the production of testimony,the said examiner,at the request of the solicitor for the plaintiff,closes the taking of testimony,and hereby certifies that the aforegoing are the true and original depositions of the witnesses in this cause,as the same were taken down in stenographic notes and subsequently transcribed and typewritten by Ruth T.Kennedy,the examiner's sworn Clerk;read over by the witnesses and signed by them,respectfully;amd the said examiner hereqith returns the same enclosed with the exhibits filed with him as evidence,to Your Honorable Court.

WitnEss my hand and seal this 20th day of November,A.D.1915. Albert S.Brown (SEAL)
Examiner.

Costs of taking testimony;

Albert S.Brown, 1 day	$4.00
Ruth T.Kennedy,Examiner's Clerk	2.50
Mrs.A.H.Baughman,Witness 1 day	.75
C.Francis Baughman Witness 1 day	.75
TOTAL	$ 8.00

Certified to Albert S.Brown
Examiner.

Filed Nov-20-1915.

D E C R E E

Helen Abell Baughman
VS.
Louisa Baughman etal.

No. 9363 E Q U I T Y.
In the Circuit Court for Frederick County,sitting as a Court of Equity.
November TERM,1915.

The above cause standing ready for a hearing,and being submitted,the Bill,Answer,Exhibits,Testimony and all other proceedings were by the Court read and considered It is thereupon,this 30th day of December,in the year nineteen hundred and fifteen by the Circuit Court for Frederick County,as a Court of Equity,and by the authority of said Court,adjudged,ordered,and decreed,that the land and premises mentoioned in these proceedings be sold,andthat John S.Newman and C.Francis Baughman of Frederick County,be,and they are hereby appointed Trustees to make the said sales,andthat the course and manner of their proceedings shall be as follows:They shall first file in the Clerk's office of

this Court,a Bond to the State of Maryland,executed by them with a surety,or suretys, to be approved by the Court,or the Clerk thereof,in the penalty of Four Thousand Dolla rs,conditioned for the faithful performance of the trust reposed in them by this decre or which nay be reposed in them by any future order,or decree in the premises.They shall then proceed to make sale of the Real Estate,having first given at least three weeks previous notice,inserted in some newspaper in Frederick County,and such other notice as they may think proper of the time,place,manner and terms of sale;which terms shall be as follows:One half of the purchase money to be paid in cash on the day of sale,or on the ratification thereof by the Court,the residue in six Months the purchas er or purchasers giving his,her,or their notes,with approved security and bearing int- erest from the day of sale,or all cash at the option of the purchaser and as soon as may be convenient after any such sale or sales,the said Trustees shall return to this Court,a full and particular account of the same,with an affidavit of the truth thereof and of the fairness of such sale or sales annexed,and on the ratification of such sale or sales by the Court,and on the payment of the whole purchase money,and not before,th the said Trustees by a good and sufficient deed to be executed and acknowledged agree- ably to law,shall convey to the purchase or purchasers of the said Proerty,and to his, her or their heors,the property to him,her or them sold,free,clear,and discharged of a ll claim of the parties to this cause,and of any person or persons claiming by,from, or under them,and the said Trustees shall bring into this Court the money arising on such sale or sales,and the bonds or notes that may be taken for the same,to be dispos- ed of under the direction of this Court,after deducting therefrom the costs of this suit,and such commission to the said Trustees as the Court shall think proper to allow on consideration of the skill,attention and fidelity wherewith they shall appear to have discharged their trust.

Glenn H.Worthington.

Filed December 30th,1915.

TRUSTEES REPORT OF SALE

Helen Abell Baughman.
Vs.
Louisa Baughman et al.

No. 9363 EQUITY.
In the Circuit Court for Frederick County,IN Equity.

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To the Honorable,the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity.

The report of John S.Newman and C.Francis baughman,Trustees appointed by the decree in this cause,to make sale of certain real estae therein mentioned,respectfully shows unto your Honors:-

1st. That after giving bond with security,for the faithful discharge of their trust,as required by sais decree,and giving notice of the time,place,manner and terms of sale, by advertisements inserted in "The Citizen",a newspaper published in Frederick County, for more than three successive weeks before the day of sale,and also by advertisements inserted in "The News",another newspaper published in Frederick County,and by handbills circulated in the City of Frederick and in Frederick County,said Trustees did,pursuant to said notice,attend at the Court House Door in Frederick Coty,Maryland,on Saturday, the 19th day of February,1916,at 11 O'Clock A.M.andthem and there proceed to sell said real estate as follows:-Your Trustees offered at public sale to the highest bidder,all that real estate situate and lying in Frederick County,State of Maryland,about four(4) miles East of Frederick City,on the North side of the State road leading from Frederik to Baltimore,containing forty-nine (49) acres and seventeen (17) -eroches of land,as described in the deed from Mary V.E.Mussetter et al.to J.William Baughman,dated Ju ne 26,1896,and recorded in Liber J.L.J.No.14,Folio 214,&c.,oneof the land records of Fred erick County,and sold the same to Harry S.Tyeryar;he being then andthere the highest bidder therefor,at and for the sum of Sixty-Two Dollars and Seventy-five Cents($62.75)

per acre,and upon the terms of sale prescribed by the decree and set forth in the advertisement of sale.With the right to said purchaser to have said property surveyed,if he so desires,and to pay for the actual number of acres the property containes.

2dly. The said Trustees took from the said purchaser his written acknowlefgement of purchase;which is herewith filed as part of said report of sale.

3dly. That your Trustees have received from said purchaser a deposit of Two Hundred Dollars ($200.) to insure his compliance with the terms of sale.

4thly. And your saidTrustees further reports that the gross amount of sales,subject to a survey as aforesaid,is the sum of Three Thousand,Eighty-One Dollars and Forty-two Cents ($3081.42).

All of which is respectfully submitted.

John S.Newman
C.Francis Baughman
Trustees.

State of Maryland,Frederick County,to-wit:-

I hereby certify that on this 19th day of February,in the year Nineteen Hundred and Sixteen,before me the subscriber,Clerk of the Circuit Court for Frederick County.personally appeared John S.Newman and C.Francis Baughman,Trustees,and mde oath in due form of law that the matters and things set forh in the aforegoing report of sales are true as therein stated to the best of their knowledge and belief;and that the sale therein reported was fairly made.

Eli G.Haugh (CLERL)

ORDER NISI ON SALES.

Helen Abell Baughman
VS.
Louisa Baughman et al.

No. 9363 EQUITY.
In the Circuit Court for Frederick County.
sitting in Equity.January TERM,1916.

In the matter of the Report of Sales filed
the 19th day of February 1916.

Ordered,That on the 18th day of March 1916,the Court will proceed to act upon the report of Sales of Real Estate,reported to said Court by John S.Newman and C.Francis Baughman Trustees in the above cause,and filed therein as aforesaid,to finally ratifi 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 $3081.42

DateD this 21st,day of February 1916.

Eli G.Haugh
Clerk of the Circuit Court for Frederick County

"CITIZEN" Filed Feby.19,1916.

Frederick,Md.,March 17-1916.

We hereby certify that the attached order Nisi on Sales No.9363 Equity,was published in "The Citizen" a Newspaper published in Frederick County,State of Maryland,for three successive weeks prior to the 18th day of March 1916.

C.H.Baughman & Son
H.J.J.

Filed March 31,1916.

TRUSTEES SALE.

By wirtue of a decree of the Circuit Court for Frederick County,in Equity,passed on the 30th day of December,1915,in a cause therein pending,known as No.9363 Equity on the docket of said Court,the undersigned trustees will offer at public sale at the Court house door,in Frederick City,Maryland,on SATURDAY,THE 19th DAY OF FEBRUARY,1916,at the hour of 11 O'Clock A.M.all that real estate which was owned by the late J.William Baughman for a number of years prior to his death and of which he died seixed and possessed,situate and lying in Frederick County,State of Maryland,about four miles East of Frederick City,on the North side of the State road leading from Frederick to Baltimore,containing FORTY-NINE (49) Acres and seventeen (17) perches of land,more or less,described in a deed from Mary V.E.Mussetter,Mortgagee,et al.to said J.William Baughman,dated June 26,1896,and recorded in Liber J.L.J.No.14,Folio 214,&c.one of the land Records for Frederick County,The improvements consists of a frame barn of ample size,corn and wagon shed,poultry house and other outbuildings,The dwelling was described by fire some years ago,and replaced by a structure containing three rooms,in which the

tenant on the place he resides.The foundation walls of the old house,however,are still there,and in addition there are several fine locations for a dwelling.There are two fine strips of meadow land in fromt of the housealong the State road,separated by a driveway to the house,affording pasture for quite a number of cattle.Theother land is high and rolldng and has yielded good crops.The proximity of this place to Frederick City,its size,character of soil and location,render it a desirable properrty.

Terms of Sale as Prescribed by the Decree!-One -half of the purchase money to be paid in cash on the day of sale,or on the ratification thereof by the Court;the residue in six months,the purchaser,or purchasers,giving his,her or their notes with approved security,bearing interest from the day of sale;or all cash at the pption of the purchaser,A deposit of $200 will be required from the purchaser at the time of sale,to insure compliance with its terms.All conveyancing,including revenue stamps,at the expece of the purchaser.

John S.Newman
C.Francis Baughman
Trustees.

I herby acknowledge that oj thid 19th day of February,1916,I puchased of John S.Newman and C.Francis Baughman,Trustee in No. 9363 Equity,in the Circuit Court for Frederick County,in Equityall that real estate situate and lying in Frederick County,State of Maryland,about four moles East of Frederick City,on the State road leading from Frederick to Baltimore;containing forty-nine (49) acres and seventeen (17) perches of land, more or less;described in a deed from Mary V.E.Mussetter et al.,to J.William Baughman, dated June 26th,1896,and recorded in Liber J.L.J.No.14,Folio 214,&c.,one of the Lndnd Records for Frederick County;and also described in the annexed advertisement of sale, at and for the sum of Sixty-two 75/100 Dollars per acre and upon the terms of sale prescribed by the decree,and set forth in the annexed advertisement.

Witness:John S.Newman. Harry S.Tyeryar

Filed Feby.19'1916.

F I N A L R A T I F I C A T I O N O F S A L E.

Helen Abell Baughman,
Vs.
Louisa Baughman et al.

No. 9363 E Q U I T Y.
In the Circuit Court for
Frederick County,In Equity.

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To the Honorable,the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity.

The petition of John S.Newman and C.francis Baughman,Trustees in this wause,respectfully shows unto your Honors!-

1st. That the real estate sold under the proceedings in this cause was sold for the sum of Sixty-two Dollars and seventy-five Cents ($62.75) per acre,with the right to th purchaser to have the property surveyed,and to pay for the actual number of acres the property contains,as stated in Trustees report of sales.

2nd. That the deed,exhibit "A" filed with these proceedings in this cause,calls for forty-nine (49) acres and seventeen (17) perches of land,more or less;and the Trustees in reporting the sale,caloulated 49 acres and 17 perches of land at Sixty-two Dollars and Seventy-five Cents ($62.75)per acre,and reported the gross amount of sales to be Three Thousand and Eighty-one Dollars and Forty-two Cents ($3081,42,as per Trustees report based on the caloulation aforesaid.

3rd. That since said Sale the puchaser has caused the property sold to be surveyed by Emory C.Crum,County Surveyot,of Frederick County,and the property surveys forty-six (46) acres,two (2) roods and twenty-two and three tenths (22 3/10)square perches of land,which,at the rate of $62,75 per acre,amount to the sum of Twenty-nine Hundred and Twenty-Six Dollars and Sixty-four Cents ($2926.64),or OneHundred and Fiftyfour Dollas and Seventy-eight Cents ($154.78) less than the gross amount of sales reported by the Trustees in their report of sales.

WHEREFORE your petitioner prays your honors to ratify said sale to the purchaser for forty-six (46) acres,two (2) roods and twenty-two three-tenth (22 3/10)square perches of land,more or less,at Sixty-two Dollars and Seventy-five Cents ($62.75)per acre;that they be directed to convey said real estate to the purchaser,upon the payment by him to them of the sum of Twenty-nine Hundred $$$$$$$ and Twenty-six Dollars and Sixty-four Cents ($2926.64)And for such and futher relief as the nature and equity of the case may require.And as in duty,etc.,

John S.Newman
C.Francis Baughman.
Trustees.

The aforegoing petition having by the Court been read and considered,it is thereupon this 21st day of March,in the year Nineteen Hundred and Sixteen,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,adjudged and ordered that the sale of the real es estate decreed to be sold in this cause,and heretofore reported by the tRustees,to Harry S.Tyeryar, at and for the sum of Sixty-two Dollars and Seventy-Cents ($62.75) per acre,with the right to the purchaser to have the property surveyed and to pay for the actual number of acres the property contains,be and the same is hereby fihally ratified and confirmed,no cause to the contrary having been shown,although due notice has been given,as appears from the printer's certificate herewith filed; and as much as the survey of said property made by the County Surveyor since said sale was reported,shows that the property actually contaings forty-six (46) acres,two (2) roods and twenty-two andthree-tenth (22 3/10)square perches of land,the Trustees are hereby ordered and directed to convey said property to the purchaser,upon the payment by him to them of the sum of Twenty-nine Hundrd and twenty-six Dollars and Sixty-four Cents ($2926.64),and his with the other terms of sale;and it is further adjudged and ordered that this cause be and the same is hereby referred to the auditor to state an account.

Filed March 21'1916. Hammond Urner

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P E T I T I O N

Samuel R.Barr,Trustee named in a mortgage from Rudolph Hardy and Ann B.Hardy,his wife,to The Real Estate and Improvement Company of Baltimore City.

ON.

P E T I T I O N.

No. 9448 E Q U I T Y.
In the Circuit Court
for Frederick County,
In Equity.

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To the Honorable,the Judges of the Circuit Court for Frederick County sitting as a Court of Equity.

The petition and report of sales of Samuel R.Barr,Trustee,respectfully shows unto your Honors:-

1st. That on the 29th day of June,in the year 1911,Rudolph Hardy and Anna B.Hardy,his wife,being th then indebted unto The Real Estate and Improvement Company of Baltimore City,a body corporate,in th the sum of Five Hundred Dollars ($500.00),executed their deed of mortgage to secure the payment of said indebtedness,conveying unto said Real Estate and Improvement Company of Baltimore City Lot No. 194 West of Maple Avenue,as shown on the plat of C.M.Wenner's Soond Addition to Brunswick;which pla plat is recorded in Liber W.I.P.No.13,Folio 394,oje of the land records of Frederick County,in which mortgage it was provided that if the said mortgagors,their heirs &c.should pay,on or before the first day of June,in the year 1919 to the said The Real Estate and Improvement Company of Baltimore City said sum of $500.00,whith interest thereon,payable monthly,at the rate of 6% per annum,from the first day of June,1911;said payments to be made in monthly installments of at least Seven Dollars and Fifty Cents ($7.50),including interest,beginnigg for the first installment on the first day of July,1911,and should make no default in any agreement,covenant or condition of said Mortgage,then the same should be viod;and in which it is further agreed that in the event of three of the above mentioned monthly installments being due and unpaid &c.,the entire mortgage debt intended to be secured by said mortgage should be deemed due and demandably;and the same was declared to be in trust,

and Samuel R.Barr,of Baltimore City,was in that event authorized and empowered to sell the property mortgaged,or so much thereof as might be necessary,and to convey the same to the purchaser or purchasers thereof;said sale to be made upon giving at least twenty days notice of the time,place,manner and terms of sale,in some newspaper published in Frederick County &c.&c.,as will appear by reference to a certified copy of said mortgage herewith filed as exhibit "A",and which,together with all other exhibits herewith produced,it is prayed mat be taken and considered as part of this petition and report.

2nd. That more than three of the above mentioned monthly installments having become due,and being unpaid,the said Samuel R.Barr was by said Mortgagee requested to exercis the power of sale in said mortgage contained,and after giving bond with security for the faithful discharge of his trust,as required by law,and giving notice of the time, place,manner and terms of sale,by advertisements inserted in the Brunswick Blade,a newspaper published in Frederick Cpunty,for more than twenty days before the day of sale,did,pursuant to said notice,attend at the store of William L.Gross,in Brunswick, Frederick County,Maryland,on Monday,the 27th day of March,1916,at 11 08clock A.M.,and thaen and there proceeded to sell said real estate as follows!-Your Petitioner offered at public sale to the highest bidder,all that lot or parcel of ground,together with al theimprovements thereon,situate in Frederick County,State of Maryland,in the town of Brunswick,and designated as lot No.194 West of Maple Avenue,as shown on the plat of C. M.Wenner's Second Addition to Brunswick (recorded in liber W.I.P.No.15,Folio 394,one of the Land Records of Frederick County)and sold the same to Harry B.Funk,he being then and there the highest bidder therefor,at and for the sum of Five Hundred and Fift een Dollars ($515.00)and took from said purchaser his written acknowledgement of purchase,which is herewith filed as part hereof.

3d. That in accordance with the terms of said sale,as advertised,saod purchaser paid to your petitioners the sum of Fifty Dollars ($50.00) part of said purchase money,to insure his compliance with the terms of sale.

4th. That the total amount due said real estate and Improvement Company of Baltimore City,for and on account of said Mortgage indebtedness,wi h interest thereon to the day of sale,is the sum of Three Hundred and Fifty-eight Dollars and Fifty-nine Cents ($358.59).

5th. This petitioner further reports that the gross amount of sales is the sum of Five Hundred and Fifteen Dollars ($515.00).Your Petitioner,therefore,prays your Honors that said sale may,after the publication of the usual order Nisi thereon,be by your honorab ocurt finally ratified and confirmed.

And for such and further relief as the nature and equity of his case may require.

And as in duty,etc.

Samuel R.Barr.
Trustee.

Attest!Geo.W.Haulenbeek.

John S.Newman Solc.

State of Maryland,Baltimore County,to-wit!-

I hereby certify that on this 31st day of March,in the year Nineteen Hundred and Sixteen,before me the subscriber,a Notary Public of the State of Maryland,in and for the City of Baltimore,duly commissioned and qualified,personally appeared Samuel R.Barr, Trustee,and made oath in due form of law that the matters and things stated in the aforegoing petition andreport are true as therein set forth,to the best of his knowledge and belief,and that the sale therein reported was fairly made.

PLACE NOTARIAL SEAL

In Testimony Whereof,I have hereunto subscribed my name and affixed my Notarial Seal,the day and year first above mentioned.

George.W.Haulenbeek.

My commission Expires May 1'1916. Notary Public.

EXHIBIT "A"

THIS MORTGAGE,Made this 29th day of June,in the year Nineteen Hundred and eleven,between Rudolph Hardy and Anna B.Hardy his wife,for herself and as the wife of said Rudolph Hardy of Frederick County,State of Maryland,parties of the first part,and The Real Estate and Improvement Company of Baltimore City,a corporation duly incorporated under the laws of the State of Maryland,party of the second part:Whereas,the said parties of the first part have received from the said The Real Estate and Improvement Company of Baltimore City,an advance of Five Hundred dollars for the purpose of purchasing theproperty herein described,the due execution of this mortgage having been a condition precedent to the granting of said advance,and said sum hereby secured has been applied to the purch ase of the property hereinafter described and this day conveyed to the said parties of the first part as hereinafter stated;

NOW,THEREFORE,THIS MORTGAGE WITNESSETH: That in consideration of the sum of Five Hundred dollars now due and owing from the said parties of the first part,unto the said The Real Estate and Improvement Company of Baltimore City,the said Rudolph Hardy and Anna B.Hardy his wife,do grant unto the said The Real Estate and Improvement Company of Baltimore City,its successors and assigns,all that piece or parcel of Ground situate in Frederick County,in the State of Maryland,bounded and describd as follows:Lot No.One hundred and Ninety-four (194) West of Maple Avenue as shown on the plat of C. M.Wenner's Second Addition to Brunswick,which said plat is filed in Liber W.I.P.No.13,folio 394,one of the Land Records of Frederick County.

Beginning at a point one hundred and seventy-eight (178)feet from the Northwest corner of Maple Ave nue and Sixth Street.on the North side of Sixth Street;thence Northerly,one hundred and forty-four (144) feet to an alley;thence Westerly on a line with said alley,fifty (50) feet;thence Southerly on a line parallel with the first line,one hundred and forty-four (144) feet;thence Easterly on a line with tne North side of Sixth sideet,fifty (50) feet to the place of beginning.Being the same property conveyed unto the said Rudolph Hardy and Anna B.Hardy,his wife,by John T.Payne and Clara E.Payne,his wife,by deed dated May 22nd,1911,and recorded prior hereto among the Land Records of Frederick County aforesaid.TOGETHER with the improvements thereon,and the rights and appurtenances thereto belonging or in any wisw appertaining,RROVIDED: that if the said Rudolph Hardy and Anna B. Hardy his wife,their heirs,personal represenatives or assigns,shall pay,on or before the first day Bf June in the year nineteen hundred and nineteen,to The Real Estate and Improvement Company of Baltimore City the said sum of Five hundred dollars,with interest thereon,payable monthly,at the rate of six per cent,per annum,from the first day of June,A.D.1911;said payments to be made in monthly installments of at least Seven and 50/100 dollars,including interest,beginning for the first instalment on the first day of July,A.D.1911,and shall make no default in any agreement,covenant or condition of this mortgage,then this mortgage shall be void.

AND IT IS AGREED,that until default in the premises,the said Rudolph Hardy and Anna B.Hardy,his wife shall hold possession of the property herein mortgaged.But in event of three of the above mentioned monthly instalments being due and unpaid,or of default in any agreement,covenant or condition of this Mortgage,the entire mortgage debt intended to be secured hereby shall be deemed due and denandable, and these presents are hereby declared to be in trust,and Samuel R.Barr of Baltimore City,is hereby authorized and empowered to sell the property herein granted,or so much thereof as may be necessary, and to convey the same to the purchaser or purchasers thereof;which sale shall be made upon giving at leat twenty days notice of the time,place,manner and terms of sale in some newspaper published in Frederick County,and in the event of a sale under thepower hereby granted,the proceeds to apply ; FIRST,to the payment of all expenses incident to the sale,including reasonable council fee,and such commissions to the person making said sale as are usualy allowed Trustees for making sales of Real estate in Equity;SECONDLY,to the patment of all claims of the saiD Mortgagee,its successors and assigns under this mortgage,whether the same shall have matured or not;and as to any surplus to pay it over to the said Rudolph Hardy and Anna B.Hardy his wife,AND THE SAID Rudolph Hardy and Anna B.Hardy his wife,for themselves,their heirs,executors,administrators and assigns,do covenant that they will pay the entire mortgagedebt hereby secured,and will make the monthly payments above mentioned;that

they will pay all taxes,assessments,public dues and charges levied,or to be levied,by law upon the property hereby mortgaged,or upon the debt hereby secured;that they will insure and,pending the existence of this mortgage,will keep insured,against loss by fir the buildings upon the grouhd hereby mortgaged,to the amount of at least Five hundred dollars,and will cause such policy of insurence to be so framed or endorsed as,in caseo of fire,to inure to the extent above named,to the benefit of the said mortgagee herein its successors and assigns;that they will pay the premiums of insurence as they become due and payable,and that in the event of the default of the payment of the same by the said Mortgagors,their heirs or assigns,and the same are paid by the said mortgagee,the amount so paid shall be added to the said mortgage debt,as though included in the first instance in this mortgage.

AND IT IS AGREED between the parties hereto,that the second party hereto may deduct frm the payments made to it under this mortgage,an amount of money sufficient to pay the contributions sufficient to secure such an amount of insurence upon the life of the sad said Rudolph Hardy under the natural death feature of the Relief Department of the Baltimore and Ohio Railroad Company as will equal the amount due from the said Rudolph Hardy and Anna B.Hardy his wife,to the said second party at any time,which insurance the said Rudolph Hardy has agreed with the second party to maintain for its susurity.

Witness our hands and seals.

TEST!

(Signed)E.R.Hogan

(Signed) Rudolph Hardy (SEAL)

(Signed) Anna B.Hardy (SEAL)

State of Maryland,)
)to wit!
County of Frederick)

I HEREBY CERTIFY,that on this 29th day of June,in the year nineteen hundred and eleven beforeme,the subscriber,a Notary Public of the State of Maryland,in and for Frederick County aforesaid,personally appeared Rudolph Hardy and Anna B.Hardy his wife,and did each acknowledge the aforegoing mortgage to betheir respective act.

AND NOW,at the same time,before me personally appeared also E.S.Coffin,agent of the within named mortgagee,The Real Estate and Improvement Company of Baltimore City,and made oath,in due form of law that the consideration set forth in the aforegoing Mortgag is true and bona fide,as therein set forth,and the said E.S.Coffin further made oath,in due form of law that he is the agent of said mortgagee and duly authorized to make this affidavit;and did also make oath,in due form of law that the mortgagee has not required the mortgagors,their agent or attorneyor any person for the said mortgagors,to pay the tax levied upon the interest covenanted to be paid,in advance,nor will it require any tax levied thereon to be paid by the mortgagors,or any person for them buring the existence of this mortgage.

(Signed) E.R.Hogan
Notary Public

NOTARIAL.

State of Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the original Mortgage from Rudolph Hardy and Anna B.Hardy his wife to The Real Estate and Improvement Company of Baltimore City,as recorded in Liber H.W.B.No.297,Folio 130 &c.,one of the land Records of Frederick County Maryland.

In Testimony Whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederick,Maryland,this 10th day of April A.D.1916.

COURT. SEAL

Eli G.Haugh.
Clerk of the Circuit Court for Frederick County, Maryland.

Filed April 10'1916.

MORTGAGE SALE

By virtue of a power of sale contained in a mortgage from Rudolph hardy and Anna B.Hardy,his wife, to The Real Estate and Improvement Company of Baltimore City,bearing date on the 29th day of June, 1911,and recorded in Liber H.W.B.No.297,Folio 130 &c.,one of the Land Records for Frederick County, the undersigned Trustees will sell at public sale,at the store of William L.Gross,in Brunswick,Frederick County,Maryland,on MONDAY,The 27th day of March 1916,at 11 O'Clock A.M.all that lot or parcel of ground,together with the improvements thereon,situate in Frederick County,State of Maryland,in the town of Brunswick,anddesignated as lot Number One Hundred and Ninetypfour (194) West of Maple Avenue, on the plat of C.M.Wenner's Second Addition to Brunswick;which plat is recorded among the Band Records of Frederick County,in Liber W.I.P.No.13,Folio 394,This Lot begins at a point on the North side of Sixth Street,one hundred and seventy eight (178) feet Westerly from the Northwest corner of Maple Avenue and Sixth Street;and runs from thence Westerly fifty (50) feet along the North side of Sixth Street,extending Northerly for a depth of uniform width a destance of one hundred and forty-four (144) feet to an alley in the rear.The improvements consists of a Two-Story Shingle Roof Dwelling with porches.The dwelling containes six rooms.There is also fencing and an outbuilding an the property.

TERMS OF SALE:-One half of the purchase money to be paid in cash on the day of sale,or the ratification thereof by the Court.The residue in Six months;the purchaser or purchasers giving his,her or their notes with approved security,bearing interest from the day of sale;or all cash at the option of the purchaser.A deposit of Fifty dollars ($50.00) will be required from the purchaser at the time of sale,to insure compliance with its terms.All conveyancing,including revenue stamps,at the expence of the purchaser.

Samuel R.Barr.
Trustee.

I hereby acknowledge that I have this 27th day of March,1916,purchased of Samuel R.Barr,Trustee,all that lot or parcel of ground situate in Frederick County,State of Maryland,in the town of Brunswick, and designated as Lot No.One Hundred and Ninety-Four (194) East of Maple Avenue,on the plat of C.M. Wenner's Addition to Brunswick,more fully described in the annexed advertisement of sale,at and for the sum of Five Hundred $$$$$$$ Fifteen Dollars,and upon the terms set forth in said advertisement.

Filed April 10.1916. Harry B.Funk.

ORDER NISI ON SALES

Samuel R.Barr,Trustee,named in a Mortgage from Rudolph Hardy and Anna B.Hardy,his wife,to The Real Estate and Improvement Company of Baltimore City.

ON.

PETITION.

No. 9448 EQUITY.

In the Circuit Court for Frederick County sitting in Equity,March TERM, 1916,In the Matter of the Report of Sales Filed the 10th day of April 1916.

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ORDERED,That on the 4th day of May 1916,the Court will proceed to act upon the Report of Sale of Real Estate,reported to said Court by Samuel R.Barr Trustee in the above cause,and filed therein 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 $515.00.

DateD this 10th day of Mayil 1916.

Eli G.Haugh.
Clerk of the Circuit Court for Frederick County.

"Brunswick Blade"

Office of the Brunswick Blade,

Brunswick,Md.May 6th,1916.

I hereby certify,That the annexed Order Nisi on Sales,No.9448,Equity,was published in "The Brunswick Blade,a Newspaper published in Frederick County,State of Maryland,for four successive weeks prior to the fourth day of May,1916,

J.H.Rinker.
Editor and Manager.

Filed May 8,1916.

Samuel R.Barr,Trustee named in a mortgage from Rudolph Hardy and Anna B.Hardy,his wife,to The Real Estate and Improvement Company of Baltimore City,

ON.

P E T I T I O N.

No. 9 4 4 8 E Q U I T Y.

In the Circuit Court for Frederick County,

In Equity.

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Ordered this 8th day of May,in the year Nineteen Hundred and Sixteen,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof, that the sale reported in the aforegoing report of sales be and the same is hereby finally ratified and confirmed,no cause to the contrary having been shown,although due notice has been given,as appears from the printer's certificate herewith filed;and it is further adjudged and ordered that this cause be and the same is hereby referred to the auditor to state an account.

Glennn H.Worthington.

Filed May 8'1916.

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P E T I T I O N A N D R E P O R T O F S A L E
O F J O H N S. N E W N A N A S S I G N E E
& O R D E R N I S I T H E R E O N.

John S.newman,Assignee of mortgage from Elizabeth C.and Thomas S.Linthicum,to Milton E.Tucker and wife.

ON.

P E T I T I O N.

No. 9 4 7 7 E Q U I T Y.

In the Circuit Court for Frederick County,

In Equity.

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To the Honorable the Judges of the Circuit Court for Frederick County sitting as a Court of Equity.

The petition and report of sale of John S.Newman,assignee of a mortgage from Elizabeth C.Linthicum and homas S.Linthicum,her husband,to Milton E.Tucker and Henrietta L.Tucker his wife,respectfully shows unto your Honors!-

1st. That on the first day of May,in the year 1915,Elizabeth C.Lithicum and Thomas S. Linthicum,her husband,then being indebted unto Milton E.Tucker and Henrietta L.Tucker, his wife,in the sum of Fifty-two Hundred Dollars($5200.),did execute and deliver their deedof mortgage conveying unto the said Milton E.Tucker and Henrietta L.Tucker,his wife a lot or parcel of ground situate and lying on the South side of West Patrick Street in Frederick city,Frederick County,Maryland,to secure the payment of said indebtedness;to which mortgage there was a condition annexed that in the event the said Elizabeth C. Linthicum and Thomas S.Linthicum,her husband,should make default in the payment of said indebtedness as provided in said mortgage,it should be lawful for the said Milton E. Tucker and Henrietta L.Tucker,his wife,their personal representives or assigns,to sell the mortgaged premises at public auction,for cash,at the Court house door in Frederick City,Frederick County,Maryland,after first giving three weeks public notice,as provided in said mortgage;which mortgage was subsequently assigned by mesne assignments unto your Petitioner;all of which will fully appear by reference to a certified copy of said mortgage and assignments herewith filed as Exhibit No.1 to this petition and report,and which,together with all other exhibits herewith produced,it is prayed may be taken and considered as part of this petition and report.

2nd. That default having been made in the payment of said mortgage debt within the time limited by the provisions of said mortgage,your petitioner as assignee of said mortgage and after giving bind with security for the faithful discharge of his trust,as required

by law,and giving three weeks public notice of the time,place,manner and terms of sale by advertisement inserted ense a week in the "Daily News,"a newspaper published in Frederick County,did,pursuant to said notice attend at the Court House door in Frederick City,Maryland,on Wednesday,May 31,1916, at the hour of 10.30 o'clock A.M.,andthen and there proceeded to sell said real estate as Follows!

Your Petitioner offered at public sale to the highest bidder,all that lot or parcel of ground situate and lying on the South side of West Patrick Street,in Frederick City,Frederick County,Maryland, with the buildings and improvements thereon,consisting of a three-story brick dwelling house with a two-story brick back building,together with a two-story brick warehouse attached to the said front building;also a stone and brick stable in the rear,on the Eastern side of said lot;the said lot fronting on said street forty-nine (49) feet,two and one-half (2 1/2)inches ;the same being the distance between the North East corner of the stone dwelling house formerly owned by A.J.Wilcoxon and the brick houde formerly owned by J.H.Ramsburg;and running back on the Western side of said lot, along the Eastern side of said lot of said A.J.Wilcoxon,a debth of two hundred and seventy-eight (278) feet;and running back for a debth on its Eastern side as follows!-

Beginning at the North West corner of the brick dwelling house formerly owned by J.H.Ramsburg,and running with the West Wall of said house,Southerly firty-eight (48) feet and four (4) inches,more or less,to the South West corner of said house;thence from said corner bearing South-Westwardly along the line of fence as it now stands,of said Ramsburg,thirty-one (31) feet and eleven(11) inchs thence Eastwardly six (6) feet and six (6) inches;thence Southwardly to the South East corner of said stable,thirty-eight (38) feet and nine (9) inches;thence bearing a little South-Westwardly, along the property formerly owned by Horatio W.Bentz,one hundred and ninety (190) feet and four (4) inches to meet the Western line aforesaid;the same being the end thereof and of said lot;and sold the same to Eugene Sponseller,he being then and there the highest bidder therefor,at and for the sum of Thirty-eight Hundred and Fifty Dollars ($3850.),cash.

3rd. That your petitioner has taken from said purchaser a written acknowledgment of purchase;which is herewith filed as part hereof;and has also received from said purchaser a deposit of Three Hundred Dollars ($300.),to insure his compliance with the terms of sale.

4th. Your petitioner reports the gross amount of sales to be the sum of Thity-eight Hundred and Fifty Dollars ($3850.),WHEREFORE your petitioner prays that said sale may be by your honorable Court finally ratified and confirmed,after the publication of the usual order Nisi thereon.

And as in duty,etc.

John S.Newman
Assignee.

State of Maryland,Frederick County,to-wit!-

I hereby certify that on this 31st day of May,in the year Nineteen Hundred and Sixteen,before me the subscriber,Clerk of the Circuit Court for Frederick County,personally appeared John S.Newman Assignee of Mortgage,and made oath in due form of law that the matters and things stated in the aforegoing petition and report are true as therein set forth,to the best of his knowledge and belief and that the sale therein reported was fairly made.

Eli G.Haugh Clerk.

EXHIBIT NO. 1

At the request of Milton E.tucker and wife the following Mortgage is received for record and recorded May 1st 1915 at 12,30 O'Clock P.M.

Test! Harry W.Bowers,Clerk.

THIS MORTGAGE,made this 1st day of May,in the year Nineteen Hundred and Fifteen,by Elizabeth C.Linthicum andThomas S.Linthicum her husband,of Frederick County,State of Maryland,Witnesseth!-

Whereas we the said Elizabeth C.Linthicum and Thomas S.Lithicum,her husband,by our joint and several promissory note,bearing even date with these presents for the sum of Fifty-two Hundred Dollars($5200) payable one year after date to Milton E.Tucker and Henrietta L.Tucker,his wife,or order,with interest thereon at the rate of 6% per annum payable semi-annually,stand indebted unto the said Milton E.Tucker and Henrietta L.Tucker,his wife,in the sum of money in said promissory note recited said indebtedness being a portion of the purchase price for the property hereinafter described;and for the purpose of securing the parment of said promissory note,together with all interest that may accrue

thereon,we the said Elizabeth C.Linthicum and Thomas S.Linthicum,her husband,have agreed to execute these presents,NOW THEREFORE,in consideration of the above recited premises and of the sum of Five Dollars ($5.00) to us in hand paid,the receipt of which is hereby acknowledged,we the said Elizabeth C.Linthicum and Thomas S.Linthicum,her husband,do hereby grant and convey unto the said Milton E.Tucker and Henrietta L.Tucker, his wife,all that lot or parcel of ground situate,and lying on the South side of West Patrick Street,in Frederick City,Frederick County,Maryland,with the buildings and improvements thereon,consisting of a three story brick housewhere attached to the said front building;also a stone and brick stable in the rear,on the Eastern side of said lot;the said lot fronting on said street Forty-nine (49) feet,two andone-half (2 1/2) inches;the same being the distance between the North East corner of the stone dwelling house formerly owned by A.J.Wilcoxon and the brick house formerly owned by J.H.Ramsburg;and running back on the Western side of said lot,along the Eastern side of said lot of said A.J.Wilcoxon,a debth of two Hundred and seventy-eight (278)feet;and running back for a debth on its Eastern side as follws;-Beginning at the North West corner of the brick dwelling house formerly owned by A.J.Ramsburg and running with the West wall of said house,Southerly forty-eight (48) feet and four (4) inches,more or less,to the South West corner of said house;thence with said corner bearing South-Westwardly along theline of fence as it now stands,of said Ramsburg,thirty-one (31) feet and eleven (11) inches;thence Eastwardly six (6) feet and six (6) inches;thence Southwardly to the South East corner of said stable,thirty eight (38) feet and nine (9) inches;thence bearing a little South-Westwardly,along the property formerly owned by Horatio W.Bentz one hundred and ninety (190) feet and four (4) inches to meet the Western line aforesaid;the same being the end thereof and of the lot hereby mortgaged.

It being the same real estate which was heretofore conveyed unto the said Elizabeth C. and Thomas S.Linthicum,her husband by Milton E.Tucker and Henrietta L.Tucker,his wife, by deed dated and intended to be recorded prior to the recording of these presents among the Land Records of Frederick County.Provided that if the said Elizabeth C.Linthicum and Thomas S.Linthicum,her husband,their heirs personal representives or assigns,shall pay or cause to be paid to the said Milton E.Tucker and Henrietta L.Tucker,his wife, their personal representives or assigns,the promissory note aforesaid at the maturity thereof,together with all interest that shall accrue thereon by the terms thereof,then this mortgage shall be void.

PROVIDED FURTHER,that until default shall be made in the payment of the said promissory note at its maturity or until default shall be made in the payment of the interest thereon as the same falls due and payable by the terms of said note,the said Elizabeth C.Linthicum and Thomas S.Linthicum,her husband,shall occupy and possess said mortgage premises as of their present estate therein.PROVIDED FURTHER that if default shall be made in the payment of said note at its maturity,or if defaukt shall be made in the payment of any one installment of interest thereon when the same become due and payable,or if default shall be made in the performance of any conenant or condition of this mortgage,then the whole mortgage debt shall be deemed due and demandable,and it shall be lawful for the said Milton E.Tucker and Henrietta L.Tucker,his wife,their personal representives or assigns,to sell the mortgaged premises at public auction,for cash at the Court House door in Frederick City,Frederick County,Maryland,after first giving, however,at least three weeks public notice of the time,place,manner and terms of sale, by advertisement inserted at least once a week in some one or more of the newspapers published in Frederick County.And the proceeds of sale shall be applied first to the payment of all costs,charges and expences of sale,including reasonable council fees, and such commissions to the person or persons making said sale as are usually allowed trustees for making sales of real estate in equity;secondly to the payment of the mortgage debt in full,together with all interest thereon up to the time of payment;and the

surpluss,if any,shall be paid to the said Elizabeth C.Linthicum and Thomas S.Lithicum,her husband, their personal representives or assigns.And the said Elizabeth C.Linthicum and Thomas S.Lithicum, her husband,hereby covenant with the said Milton E.Tucker and Henrietta L.Tucker,his wife,to pay said mortgage debt in full together with all interest that may accrue thereon.And the said Elizabeth C.Linthicum and Thomas S.Linthicum,her husband,further covenant that they will insure,and pendig the existence of this mortgage,keep insured,against loss or dapage by fire and lightning,the buildings and improvements oj the property hereby mortgaged,in some safe and reliable insueance company, in the sum of at least Forty-five Hundred Dollars,that they will pay the premiums and assessments thereon,and will assign said policy,or have it so entered,as that in the event of loss the same shall accrue to the benefit of the mortgagees to the extent of their interest.

Witness our hands and seals.

TEST: Elizabeth C.Linthicum (SEAL)

Harry C.Hull. Thos.S.Linthicum (SEAL)

State of Maryland,Frederick County,to-wit:-

I hereby certify that on this 1st,day of May,in the year Nineteen Hundred and Fifteen,before me the subscriber,a Notary Public of the State of Maryland,in and for the County aforesaid,personally appeared Elizabeth C.Linthicum and Thomas S.Linthicum,her husband,and acknowledged thr aforgoing mortgage to be their respective act.And at the same time also personally appeared before me Milton E.Tucker and Henrietta L.Tucker,his wife,the mortgagees above named,and made oath in due form of law that the consideration stated in said mortgage is true and bona fide as therein set forth;and the said mortgagees did further make oath in due form of law that they have not required the mortgagors,their agent or attorney,or any person for the said mortgagors to pay the tax levied upon the interest covenanted to be paid,in advance,nor will they require any tax levied thereon to be paid by the said mortgagorsor by any person for them during the existance of this mortgage.

Witness my hand and Seal Notarial the day and date above written.

Harry C.Hull;
Notary Public.

PLACE OF NOTARIAL. SEAL

For value received we hereby transfer and assign the within and aforegoing mortgage to the Citized National Bank of Frederick.

Witness:- Milton E.Tucker (SEAL)

John S.Newman Henrietta L.Tucker (SEAL)

State of Maryland,Frederick County,to-wit:-

I hereby certify that on this 1st,day of May in the year Nineteen Hundred and fifteen before me the subscriber,a Notary Public of the State of Maryland,in and for the County aforesaid personally appeared John S.Newman Attorney and Agent for The Citizens National bank of Frederick,and made oath in due form of law that he is the agent for said assignee and duly authorized to make this affidavi and that neither he nor said Assignee has required the mortgagors,their agent or attorney,or any person for said mortgagors,to pay the tax levied upon the interest covenanted to be paid in advance nor will he or said assignee require any tax levied thereon to be paid by said Mortgagors,or by any person for them during the existance of this mortgage .

Witness my hand and Seak Notarial the day and day above written.

Harry C.Hull
Notary Public

PLACE OF NOTARIAL. SEAL

Assignment recorded May 1st,1915.

TEST: Harry W.Bowers,Clerk.

The Citizens National bank of Frederick hereby transferes and assigns the within and aforegoing mortgage to John S.Newman.

Witness the Corporate names of the Citizens national Bank of Frederick by H.D.Baker its Vice-President,and its corporate seal duly Attested this 8th day of December,1915.

The Citizens national Bank of Frederick

H.D.Baker.Vice -President

Attest: Wm.G.Zimmerman
Cashier.

PLACE OF CORPORATE. SEAL

State of Maryland,Frederick County,to-wit:-

I hereby certify that on this 8th,day of December 1915,before the subscriber a Natay Public of the State of Maryland,in and for the County aforesaid personally appeared John S.Newman,assignee and made oath in due form of law that he has not required the mortgagors their agent or attorney or any other person for said mortgagors to pay the tax levied upon the interest covenanted to be paid in advance nor will he require any tax levied thereon to be paid by the mortgagors,or by any person for them during the existance of this mortgage.

Witness my hand and Sral Natarial the day and date above written.

J.Travers Thomas.
Notary Public.

NOTARIAL. SEAL

Assignment recorded December 21st,1915.
TEST: Eli G.Haugh,Clerk.

I hereby transfer and assign the within and aforegoing mortgage to The Citizens National Bank of Frederick.

Witness my hand and Seal this 3rd,day of January 1916.

Witness: Ruth T.Kennedy John S.Newman (SEAL)

State Of Maryland,Frederick County,to-wit

I hereby certify that on this 7th day of January 1916,before me the subscriber,a Notary Public of the State of Maryland,in and for the County aforesaid personally appeared Holmes D.Baker attorney and agent for the Citizens national Bank of Frederick and made oath in due form of law that he is the agent and attorney for the Citizens National Bank of Frederick and authorized to make this affidavit,and that the Citizens National Bank of Frederick has not required the mortgagors their agent or attorney or any person for said mortgagors to pay the tax levied upon the interest covenanted to be paid in advance nor will it require any tax levied thereon to be paid by said mortgagors or any person for them during the existance of this mortgage,

Witness my hand and Seal Notarial the day and date above written.

J.Travers Thomas
Notary Public.

PLACE OF NORARIAL. SEAL

Assignment recorded January 7th,1916.
TEST:Eli G.Haugh,Clerk.

The Citizens National Bank of Frederick,hereby transferes and assignes the Within and aforegoing mortgage to John S.Newman,for the purpose of Foreclosure,

Witness the corporate name of the Citizens national Bank of Frederick,by Wm.G.Baker, Vice-President,and the Corporate Seal of said body corporate .

PLACE OF CORPORATE. SEAL

The Citizens National Bank of Frederick.
by Wm.G.Baker.Vice-President.
May 5th,1916.

Attest:
Wm.G.Zimmerman
Cashier.

Assignment recorded May 6th,1916.
TEST: Eli G.Haugh,Clerk.

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State of Maryland,Frederick,to-wit:-

I hereby that the aforegoing is a true copy of the original Mortgage from Elizabeth C.Linthicum and Thomas S.Linthicum her husband to Milton E.Tucker and Henrietta L.Tucker,his wife,with all the Assignments,as recorded in Liber H.W.B.No.313,Folio 152 &c., one of the Land Records of Frederick County,Maryland.

In Testimony Whereof,I hereunto subscribe my namd and affix the seal of the Circuit Court for Frederick County,at Frederick,Maryland this 1st, day of June A.D.,1916

PLACE OF COURT. SEAL

Eli G.Haugh
Clerk of the Circuit Court for Frederick County.

Filed May 31'1916.

P U B L I C S A L E.

M O R T G A G E E' S S A L E.

By virtue of a power of sale contained in a mortgage bearing date on the first day of May,1915,exec uted by Elizabeth C.Linthioum and Thomas S.Lithioum,her husband,to Milton E.Tucker and Henrietta L. Tucker,his wife,recorded in Liber H.W.B.No.313,Folio 152,one of the Lnd Records for Frederick County and subsequently assigned to the undersigned,I will sell at public auction at the Court house door in Frederick City,Maryland,on WEDNESDAY,MAY 31,1916,at the hour of 10.30 O'Clock A.M.all that lot of ground situate on the South side of West Patrick Street,in Frederick City,Maryland,with the building and improvements thereon,consisting of a Three-Story Brick Dwelling House,with two-story baokbuildig and a two-story brick warehouse attached to the front building on the east side thereof,and also a stone and brick stable in the rear of the eastern side of said lot;said lot fronts on said street forty-nine (49) feet,two and one-half (2 1/2) inches more or less;the same being the distance betwee n the northeast corner of the stone dwelling formerly owned by A.J.Wilcoxon,and the brick house formerly owned by J.H.Ramsburg;and extends back for debth on the western side of said lot,along the eastern boundry of said Wilcoxon lot,two hundred and twenty-eight feet (278)feet,and extends back for depth on its eastern side,as follows: Beginning at the northwest corner of said brick dwelling formerly owned by J.H.Ramsburg,it runs with the west wall of said house southerly forty-eight (48) feet four (4) inches,more or less,to the South west corner of said house;thence from said corner bears southwesterly apong the line of fence as it now stands,thirty-one (31) feet,eleven (11) inches thence eastwardly six (6) feet six (6) inches;thence southwardly to the southeast corner of said stable,thirty-eight (38) feet,nine (9) inches;thence bearing a little southwesterly along property formerly owned by Horatio W.Bentz,one hundred and ninety (190) feet,four (4) inches to meet the western line aforesaid;the same being the end thereof and of the lot hereby described.The main dwelling containes thirteen (13) rooms,bath,wide hall anda large stoorroom,and is suitable for conversion into flats.This is a fine property,and must be seen to be appreciated.it is the property on which Mr.John L.Michael for a number of years resided and carried on business.TERMS OF SALE,as prescribed by the Mortgage.-Cash.A deposit of three Hundred Dollars ($300.) will be required from the purchaser at the time of sale,to insure complaince with its terms.All conveyancing,including revenue stamps, to be at the expence of the purchaser.

John S.Newman.
Assignee.

William E.Darner,Auctioneer.

A C K N O W L E D G E M E N T O F P U R C H A S E

I hereby acknowledge to have purchased this 31st day of May,1916,from John S.Newman,Assignee of mortgage dated May 1,1915,executed by Elizabeth C.Linthioum and Thomas S.Linthioum,her husband,to Milton E.Tucker and Henrietta L.Tucker,his wife,recorded in Liber H.W.B.No.313,Folio 152&c.,one of the Land Records of Frederick County,all that lot of ground situate on the South side of West Patrick Street,in Frederick City,Maryland,with the buildings and improvements thereon,and described in the annexed advertisement of sale,at and for the sum of Thirty-Eight Hundred and Fifty ($3850.00) Dollars,and upon the terms of sale set forth in said annexed advertisement .

Eugene Sponseller
per W.N.Jolliffe

Filed May 31'1916.

O R D E R N I S I O N S A L E S

John S.Newman,Assignee of Mortgage from Elizabeth C. and Thomas S.Linthioum to Milton E.Tucker and wife.

ON.

P E T I T I O N.

No. 9 4 7 7 E Q U I T Y.

In the Circuit Court foe Frederick County, sitting in Equity.Mat TERM.1916.

In the Matter of the Report of Sales filed the 31st,day of May 1916.

ORDERED,That on the 23rd day of June 1916,the Court will proceed to act upon the Report of Sales of Real Estate,reported to said Court by John S.Newman Assignee in the above cause,and filed therein 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 $3850.

Date ,this 1st day of June 1916.

Eli G.Haugh

"Daily News" Clerk of the Circuit Court for FreDerick County.

T H E N E W S

Frederick,Md.,June 22'1916.

THIS IS TO CERTIFY,That the annexed Order Nisi on Sales was published in "The News," a newspaper published in Frederick County,once a week 3 successive weeks prior to the 23d day of June 1916.

The News

Filed June 23'1916. per J.R.Fisher.

Ordered this 23rd day of June,in the year Nineteen Hundred and Sixteen,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof, that the sale reported in the aforegoing report of sales to be and the same is hereby finally ratified and confirmed,no cause to the contrary having been shown,although due notice has been given,as appears from the printer's certificate herewith filed.And it is further adjudged and ordered that this cause be and the same is hereby referred to the auditor to state an account.

Glenn H.Worthington.

Filed June 23'1916.

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P E T I T I O N

Homer D.Ridenour and
Anna Ridenour,his wife,
on.
P E T I T I O N.

No. 9 4 6 7 E Q U I T Y.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

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To the Honorable,the Judges of said Court!

The Petition of Homer D.Ridenour and Anna Ridenour,his wife,respectfully shows unto your Honors!-

FIRST.That your Petitioners,Homer D.Ridenour and Anna Ridenour,his wife,are residents of Frederick City,Frederick County,Maryland,residing on Dill Avenue in said City.

SECOND.That your PetItiomers,for the past three years and nine months,have had the care custody,maintenance and education of one Albert Francis Riggin,an infant,of the age of seventeen years,having reached that age at his last birthday,January 20th,1916.

THIRD.That said Albert Francis Riggin is the son of Frank Riggin and Hattie Riggin.

FOURTH.That when said infant was about the age of six years his parents separated and were divorced;said infant was placed in an Orphan Home on Drude Hill Ave.,Baltimore, Maryland,for about four years;thence he was placed at McDonough School near baltimore, for several years;thence returned to his mother,for a short while,she in the meantime having again married to one Charles E.Pearl,she and her husband now being residents of Frederick,Maryland.

FIFTH.That after a short stay with his mother,he went to live with your petitioners, about August 1912,and has been in their care and custody continously since that time to the present,attending regularly at the boys High School,Frederick,Maryland,and nearing completion in his studies there.

SIXTH.That the whereabouts of his father,Frank Riggin,is unknown,and than for more than Ten years he has absented himself from his family and thereby has forfeited all claim as the natural parent of said infant,and that said infants mother has issue by her second marriage;as well as a son (other than the infant in this case) and a daughter by her first marriage,said daughter now living with an aunt in Baltimore,Maryland.

SEVENTH.That your Petitioners have no children of their own and are able to give the said infant a good,comfortable,Christian home,andprovided for his proper training and welfare,and they desire to adopt said infant as their own child,his mother consenting, as will appear by Exhibit "A",filed herewith and to be taken as part hereof.

EIGHTH.That your Petitioners believe,and so charge,that the best interests and wellfare of said infant will be promoted by the adoption of said infant by your petitioners,said infant so desiring as will appear by Exhibit "B" filed herewith and to be taken as part hereof.

TO THE END,THEREFORE,That your petitioners may have the following relief in accordance with the provisions of the Acts of the General Assembly of Maryland,passed in the year 1992,Chapter 244!

(1) That your Honors may pass a Decree declaring the said Albert Francis Riggin the adopted child of your petitionres.

(2) That the name of said infant may be changed from Albert Francis Riggin to Albert Francis Ridenour.

(3) And for such other and further relief as the nature of the case may require.

And as in duty bound,etc.

Homer D.Ridenour
Anna M.Ridenour
Petitioners.

Edgar H.McBride
Solicitor.

Filed May 15(1916)

EXHIBIT "A"

CONSENT OF MOTHER.KNOW ALL MEN BY THESE PRESENTS!

I,Mrs.Hattie Pearl,of Frederick City,Frederick County,Maryland,mother of Albert Francis Riggin, infant,do hereby consent to the adoption of said infant by Homer D.Ridenour and Anna Ridenour,his wife,in manner and form as provided by an Act of the General Assembly of Maryland passed in the year 1892,Chapter 244,and in accordance with the Decree of the Circuit Court for Frederick County,sitting in Equity,in the adoption Proceedings in which this Deed of Consent will be filed.

Witness my hand and seal this 15th day of May,1916,

Witness!Chas.B.T.Hendrickson ..... Mrs.Hattie Pearl (SEAL)

State of Maryland,Frederick County,to-wit!-

I hereby certify,That on this 15th day of May in the year 1916,before me,the subscriber,a Notary Public of the State of Maryland,in and for Frederick County,personally appeared Mrs.Hattie Pearl of Frederick,Frederick County,Maryland,and acknowledged the above and aforegoing Deed of Consent to be her act and deed.

WITNESS MY HAND AND SEAL.

Chas B.T.Hendrickson
Notary Public.

Filed May 15'1916.

EXHIBIT "B"

DESIRE OF INFANT.I,Albert Francis Riggin,son of Mrs.Hattie E.Pearl(formerly Mrs.Hattie Riggin), being an infant of the age of seventeen years,do hereby express my consent and desire that I be adopted by Homer D.Ridenour and Anna Ridenour,his wife,as their child,and that my name be changed from Albert Francis Riggin to Albert Francis Ridenour,in accordance with the laws of Maryland,governing the adoption of infants,and do file this,my assent and desire so expressed,as Exhibit "B" in the Cause of Homer D_Ridenour and Anna Ridenour,his wife,on Petition,in the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity,as I believe that my best interests and welfare will be promoted by my adoption of said Homer D.Ridenour and Anna Ridenour,his wife,and the change of my name from Albert Francis Riggin to Albert Francis Ridenour.

Albert Francis Riggin.

Filed May 15'1916.

ANSWER.

Homer D.Ridenour and
Anna Ridenour,his wife,
on.
Petition.

No. 9467 Equity.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

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the answer of Mrs.Hattie Pearl to the Petition of Homer D.Ridenour and Anna Ridenour,his wife, respectfully shows unto your Honors!

FIRST.That she submits the allegations as set out in said Petition to be true as therein set forth.

SECOND.That said infant mentioned in the Petition is her son by her marriage to one Frank Riggin,and that said infant has been in the care,custody and controll of the said Homer D.Ridenour and Anna

Ridenour,his wife,for the past three years and nine months,attending regularly at the Boys High School,Frederick,Maryland,and nearing completion in his studies there.
THIRD.That this respondent believes and so states that the best interests and welfare of the child will be promoted by such adoption and she does hereby consent thereto.

And as in duty bound,etc.

Mrs.Hattie Pearl
RESPONDENT.

Filed May 15'1916.

COURT'S ORDER

Homer D.Ridenour and
Anna Ridenour,his wife,
On.
PETITION.

No. 9467 EQUITY.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

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The Petition and Exhibits filed in this cause and the Answer thereto having been read and considered by the Court and the Court being satisfied upon careful investigation that the best interests and welfare of said infant will be promoted by a passage of a Decree as prayed in said petition,it is thereupon,this 15th day of May,in the yea year 1916,by the Circuit Court for Frederick County,Maryland,sittin g as a Court of Equity and by the authority thereof ordered,adjudged and decreed that the infant,Albet Francis Riggin,be and he is hereby declared to be the adopted child of Homer D.Ridenour and Anna Ridenour,his wife;and it is further ordered,adjudged and decreed that the name of the said infant be and the same is hereby changed from Albert Francis Riggin to Albert Francis Ridenour.

Glenn H.Worthington
JUDGE..

Filed May 15'1916.

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BILL OF COMPLAINT

Willia Towsend and
Arthur Towsend,her husband,
Vs.
Lavinia E.Benjamin (Widow)
Georgia McCann and William
J.McCann,her husband,William
Decker,and Blaine Decker,Infant.
The Myersville Savings Bank,a,
body corporate,Mortgagee.

No. 9392 EQUITY.
In the Circuit Court for
Frederick County,sitting
as a Court of Equity.

To the Honorable,the Judges of the Circuit Court for Frederick County,sitting in Equity
The Bill of Complaint of Willia Towsend and Arthur Towsend,her husband,of Cabridge,Mary land,respectfully shows unto your Honors:

1.

That a certain Roy E.benjamin,late of Baltimore City,departed this life on September 4, 1915,intestate,seized and possessed of certain real estate,situate in Brunswick,Frederick County,Maryland,the same being more fully described in a deed from George W.Wachtel and Reno S.Harp,Assignees of the Myersville Savings Bank,a body corporate to Roy E.Benjamin,dated August 8th,1903 and recorded in Liber D.H.H.No.17,folio 535,one of the land Records for Frederick County,Maryland,a certified copy of which said deed is filed here with,and prayed to be taken as a part hereof,marked "EXHIBIT DEED."

11.

That the said Roy E.Benjamin,left surviving him as heirs at law at the time of his death a mother,Livinia E.Benjamin,(Widow) whode husbands name was George W.Benjamin who departed this life March 5th,1908,an adult residing in Baltimore City,Maryland;a sister Willia Towsend,whose husbands name is Arthur Townsend,adults,who reside in Cambridge, State of Maryland;a sister,Georgia McCann and William J.McCann,her husband,adults who reside in Bordentown,State of New Jersey;and a certain William Decker,husband of Edna

Decker,a sister who departed this life December 18th,1910,leaving a infant child whose name is Blaine Decker aged 8 years,both of whom reside in the City of Baltimore,Maryland.

111.

That at the time of the death of the said Roy E.benjamin,there was still due and unpaid a certain mortgage which was executed by him in his lifetime on August 15th,1903 for the sum of$1800.00 to The Myersville Savings Bank,a body corporate of the State of Maryland,as the same will by reference to certified copy of said mortgage herewith filed,fully and at large appear,as the same is recorded in Liber D.H.H.No.18,folio 560,etc,among the aforesaid Frederick County Land Records,said copy being marked "Exhibit Mortgage"and upon inquiry at the said Myersville Savings Bank,your complainants have been informed that the interest has been due on said mortgage since August 15th,1915.

iv.

That said property named in said deed marked "Exhibit Deed"is badly in need of repairs and would require considerably money to put it in proper condition and consequently it is rapidly depreciateing in value;that it is not susceptible of division among the aforesaid mentioned owners thereof and it could not be divided wothout great loss and damage,and therefore it would be to the best interest and advantage of all the parties in interest,especially the infant to have the same sold under a decree of your Honorable Court,and the proceeds arising therefrom,after the payment of all costs and charges and expences attending the sale of said real estate,and the payment of the mortgage due The Myersville Savings Bank,divided among the parties in interest.

TO THE END THEREFORE,that the said real estate may be sold under a decree of your Honorable Court, and that the proceeds of said sale,after the payment of all costs,charges and expenses of these proceedings,and the mortgage note due the Myersville Savings Bank,a body corporate for and on account of its mortgage,be divided among the parties in interest,and for such other and further relief as th the nature of their case may require.

May it please your Honors to grant unto your Complainants an Order of Publication directed to the said Georgia McCann and William,J.McCann,her husband,both non-resident defendants,and adults,notifying them of the object and substance of this Bill,and commanding them to be and appear in your Honorable Court on some day certain to be named therein,to answer the Bill,and to abide by and perform such decree as may be passed in the premises.And may it further please your Honors to grant unto your Complainants the writ of subpoena directed to the said Livinia E.Benjamin,an adult,residing at No.1609 Jackson Street,Baltimore City;and William Decker,an adult residing at No.1916 Walbrook Avenu Baltimore City,and Blaine Decker,infant,all residents of the State of Maryland,commanding them and each of them to be and appear in your Honorable Court on or before some certain day to be named therein,either in person or by solicitor,to answer the premises and abide by and perform such decree as may be passed therein.And may it further please your Honors to grant the writ of subpoena directed to George W.Bittle,Treasurer of The Myersville Savings Bank,a body corporate of Frederick County, State of Maryland commanding him to be and appear in your Honorable Court on or before some certain day to be named in said writ,to answer the premises and abide by and perform such decree as may be passed herein. And as in duty bound etc.,

Reno S.Harp,
Solicitor for Complainants.

Filed Dec.6'1915.

"EXHIBIT DEED"

At the request of Roy E.Benjamin the following Deed is received for record & recorded Aug.18 1903 at 12-0'clock M.TEST Doughlass H.Harett,Clerk.

This Deed made this 8th day of August in the year A.D.1903,by us George W.Wachtel and Reno S.Harp Assignees of the Myersville Savings bank,a body corporate,assignee of John Herzinger,mortgagee of George W.Benjamin and Lavinia E.Benjamin,his wife,andRoy E.Benjamin,Witnesseth whereas at a public sale made on the premises in the town of Brinswick,Frederick County,State of Maryland,on the 28th day of March A.D.1903 at the hour of ten O'Clock A.M.by the said George W.Wachtel and Reno S.Harp, assignees of the Myersville Savings bank assignee of John Herzinger,Mortgagee,of George W.Benjamin and Lavinia E.Benjamin,his wife and Roy E.Benjamin in pursuance of a power and authority vested in them by a certain mortgage from the said George W.Benjamin and Lavinia A.Benjamin his wife,and Roy

E.Benjamin to John Herzinger dated July 31st A.D.1901,and duly recorded in Liber D.H.H No.9,folios 309 etc.one of the Lnd Records for Frederick County,Mary,and duly assigned by the said John Herzinger,Mortgagee to the said Myersville Savings bank,a body corporate,on August 4th A.D.1902,and duly assigned by the said Myersville Savings Bank,a body corporate to the said George W.Waohtell and Reno S.Harp,on Maroh 4th A.D.1903, which said several assignments were duly recorded on said Mortgage and mortgage recorded as by reference thereto will appear,which said sale was made after default had occured under said mortgage,and after due public notice of said sale and after band had been duly filed in the Cirouit Court for Frederick County,the parcels of land and premises hereinafter described being a part of the land by said mortgage conveyed were sold unto Roy E.Benjamin of Baltimore City in the State of Maryland,who was then and there the highest and best bidder for said parcel of land as follows,for lot No.78, in the town of Brunswick on the plat of the old town of Berlin,which is recorded in said Frederick County,land records in liber W.R.No.11,folio 288,and also designated as lot No.78,on the plat of said land made by James W.Troxell surveyor,as surveyed by said James W.Troxell,surveyor,on March 5th,A.D.1903,a copy of said plat being filed as an exhibit in equity cause No.7606,in the Cirouit Court for Frederick County in Equity and intended to be recorded with said equity cause No.7606 and in the land records of Frederick County,at and for the sum of Fourteen hundred dollars,($1400.00)for lots No. 53 (Northern half)and parts of 52 and 51 in the town of Brunswick on the plat of the old town of Berlin,recorded as mentioned above,and also designated as lot No.53 (North ern half) and parts of lots Nos.52 and 51 on the plat of said land made by James W. Troxell,suveyor,as surveyed by said James W.Troxell,sirveyor,on March 5th,A.D.1903,a copy of said Plat being filed and recorded as also above mentioned,at and for the sum of Thirteen hundred and seventy fife dollars,($1375.oo) the total purchase price for lots Nos.78,53,(Northern half) and parts of 52 and 51 hereinafter conveyed beibg twenty seven hundred and seventy five dollars,($2775.oo),and said sale having been duly recorded to and ratified by said Court in said Equity cause No.7606,on July 31st A.D. 1903,And the purchase money fully paid as is hereby acknowledged,the said assignee George W.Waohtel and Reno S.Harp are duly authorized to execute this deed for said lot Nos.78.53,(Northern half) qnd parts of 52 and 51 to the purchaser thereof.

Now,Therefore,in the consideration of the above recited premises and the further,consideration of the sum of five dollars to them in hand paid,receipt whereof is hereby acknowledged,the said George W.Waohtel and Reno S.Harp,Assignees of the mortgagee in said mortgage aforesaid in execution of the power and authority in them vested by said mortgage do grant and convey in fee simple,unto the said Roy E .Benjamin,all the right title and interest of the said George W.Benjamin and Lavinia E.Benjamin his wife and Roy E.Benjamin,at the time said mortgage was executed,in and to all those lots parcels or parts of lots of land,situate lying and being in the town of Brunswick,Frederick County,in the State of Maryland,and particularly described as follows,first ,that parcà of land being lot No.78,in the town of Brunswick on the plat of the old town of Berlin recorded as aforesaid,and designated as aforesaid as lot No.78 on the said plat madeby James W.Troxell,surveyor as aforesaid,and recorded as aforesaid,beginning for a desorption of said lot on Third Street and running on the dividing line of the bank lot No. 77 with an allowence for variations N.77 1/2 degrees W.10 perches thence N.12 1/2 degrees E.4 perches,thence S.77 1/2 degrees E.10 perches thence to the beginning,containing forty square perches of land,being the same real estate conveyed to the above mentioned Lavinia E.Benjamin by deed from John Hamilton dated January 3rd A.D.1895,and recorded in Liber J.L.J.No.14.folio 153,one of the aforesaid Land records;Second,those lots or parcels or parts of lots Nos.52 and 51 in the town of Brunswick,on the plat of the old town of Berlin,recorded as aforesaid and designated as lot,No.53 (Northern half)and parts of lotsNos.52 and 51 on the said plat made by James W.Troxill surveyor,

as aforesaid,and recorded as aforesaid,beginning for a description af said lots and parts of lots, first,the bearings of lot No.53,are the same as lot No.78 running back from middle street 10 perches with a frontage on said street of 2 perches being only half lot,containing 20 square perches,beginning for a descriptoin of lot No.52 and part of lot No.51 now combind into one on the N.W.Corner of lot No.53 on Middle Street,and running S.77 1/2 degrees E.10 perches,thence N.12 1/2 degrees E.1.2 perches to middle of creek thence up creek N.42 1/2 degrees W.9 perches,thence S.60 1/3 degrees,W. 2.4. perches,thence to the beginning,containing 37 3/4 square perches of land,said lot No.53 (Northern half) and parts of lots Nos.52,and 51/61,being part of the real estate conveyed to George W.Benjamin above mentioned by John L.Jordan Sr.and William Braham,surviving partners of Jordan,Graham,and Wenner by deed dated February 15th A.D.1887,and duly recorded in Liber W.I.P.No.4 folios 72 etc,ohe of the land records of Frederick County,Maryland,together with all the improvements thereon,and all the rights,ways,and appurtenances thereunto belonging or in any wise appertaining,and with the right to the owner and occupant of said lots,Nos,78,53 (Northern half) and parts of 52 and 51 said lots 53 (Northern half)52 and 51 now being combined into one hereby conveyed to have free ingress and egress to the well of water situated on lot No.2,on said plat made by same James W.Troxell,surveyor,as aforesaid with the right to the use of the water from said well so long as the owner and occupant of said lots hereby conveyed shall contribute his proportionate share in keeping said well in repair

Witness our hands and seals

George W.Wachtel (SEAL)

TEST C.H.Eokstein — Reno S.Harp (SEAL)

Assignees of the Assignee of John Herzinger.
Mortgagee.

State of Maryland Frederick County,to-wit:-

I hereby certify that on this 8th day of August,in the year Nineteen hundred and three,before me the subscriber a Justice of the Peace of the State of Maryland,in and for Frederick County,appeared George W.Wachtel and Reno S.Harp,Assignees of the Assignee of John Herzinger mortgagee of George W. Benjamin and Lavinia E.Benjamin,his wife and Roy E.Benjamin,and did each severly acknowledge the aregoing deed to be their respective act.

C.H.Eokstein
Justice of the Peace.

State of Maryland,Frederick County,to-wit:-

I hereby certify that the aforegoing is a true copy of the original deed from George W.Wachtel and Reno S.Harp Assignees of the Assignee of John Herzinger mortgagee to Roy E.Benjamin,as recorded in Liber D.H.H.No.17,Folio 535 &c,one of the land records for Frederick County,Maryland.

In Testimony Whereof,I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,at Frederick,Maryland,this 24th day of November A.D.1915

PLACE COURT.

Harry W.Bowers.
Clerk of the Circuit Court for Frederick County,Maryland.

Filed Dec.6'1915.

"EXHIBIT M O R T G A G E"

At the request of the Myersville Savings Bank the following mortgage is Received for Record and Recorded August 18th 1903 at 12 O'clock M.

TEST: Douglass H.Hargett,Clerk,

This Mortgage made this 15th day of August in the year nineteen hundred and three by Roy E.Benjamin of Baltimore City,in the State of Maryland,Witnesseth: that the said Roy E.Benjamin now stands indebted to the Myersville Savings_____a body corporate of the State of Maryland,in Frederick County, in the sum of eighteen hundred dollars ($1800.00),upon his promissory note of even date herewith payable to the said Myersville Savings Bank,or order six months after date,and for the better securing the payment of the said promissory note at maturity,or of any other note or notes that may from to time be given hereafter inrenewal of the same,or any part thereof he the said Roy E.Benjamin has agreed to exeoutethese presents.Now therefore in consideration of the premises,and of the sum of one dollar,paid by the said Myersville Savings Bank,to the said Roy E.Benjamin at and before the execution and delivery of this mortgage,the receipt of which is hereby acknowledged,he the said Roy E.Benjamin does grant in fee simple to the said Myersville Saving Bank,all the follingdesoribed-

pieces and parcels of land,together with the buildings and improvements thereon and the rights and ways thereunto belonging,situate,lying and being in Frederick County State of Maryland,described as follows:All those lots,parcels or pabts of lots of lad situate,lying and being in the town of Brunswick,Frederick County,State of Maryland, described as follows: first that parcel of land being lot No.78 in the town of Brunswick on the plat of the old town of Berlin and recorded in Liber W.R.No.11 folio 288, one of the land records for Frederick County and designated as lot No.78 on the plat made by James W.Troxell,Surveyor,to be recorded simultaneously with this mortgage, containing 40 square perches of land,being the lot conveyed to Lavinia E.Benjamin by John Hamilton by deed dated January 3rd 1895 and recorded in Liber J.L.J.No.11 folio 153 one of the land records of Frederick County,being the same lot conveyed to the said Roy E.Benjamin by George W.Wachtel and Reno S.Harp,assignees,in No.7606 Equity by deed dated Aug 8th,1903,and intended to be recorded simultaneously with this Mortgage among the Land Records of said Frederick County;Second,those lots or parts of lots of land being Lot No.53 (Northern half)and likewise parts of lots Nos.52 and 51 in the town of Brunswick on the plat of the old town of Berlin recorded as above mentioned and ddsignated as lot No.53 (Northern half) and parts of lots Nos.52 and 51 on the Plat made by James W.Troxell Surveyor to be recorded simultaneously with this mortgage,Lot No.53 (Northern half) containing 20square perches and lots 52 and 51 containing 37 3/4 square perches land,said lot No.53 (Northern half) and lots Nos.52 and 51 as now designated in said Troxell plat being the same real estate conveyed to Geo.W. Benjamin by John L.Jordan Sr.and Wm.Graham,surviving partners of Jordan,Graham and Wenner by deed dated February 15th 1887 and recorded in Liber W.I.P.No.4 folio 72 eto one of the land records for Frederick County,being the same real estate conveyed to the said Roy E.Benjamin by Geo.W.Wachtel and René S.Harp assignees in No.7606 Equity by deed dated Aug 8th 1903 and intended to be recorded simultaneously with this mortgage among the land records of said Frederick County Maryland,Provided,that if the said Roy E.Benjamin his heirs or executers,administrators or assigns shall pay to the said Myersville Savings bank,or order,the promissory note aforesaid,or shall pay any renewal thereof when such renewal notes shall mature and be payable,then this mortgag shall be void.And orovided,that until default be made in the payment of the promissoy note aforesaid at maturity or of any renewals thereof when such renewal note shall mature and be payable,the said Roy E.Benjamin shall possess the mortgaged premises as of his present estate therein.And provided that if default shall be made in the payment of the promissory note aforesaid at maturity or if renewed,default shall be made in the payment of any note, or notes given in renewal thereof,when the same shall mature and become payable then it shall be lawful for George W.Bittle or Ezra Routzahn or the survivor of them as trustees or in oase of their,or his death or declining to execute said trust,then for any other trustee,to be appointed by order of the Circuit Court for Frederick County,as a Court of Equity in place of said ddceased or declinig trustees,oonsent hereby given by the said Mortgagors upon petition to be filed by the said Mortgagee to said Court,for the appointment of such trustee,or for the assignee of said Myersville Savimmgs Bank to sell the said property and premises hereby mortgaged on the premises,by public auction,for cash,after first given at least three weeks previous notice of suchsale inserted in some newspaper published in Frederick County, of the time,place,manner and terms of sale,and such other notice as said Trustees shal think proper,and to apply the proceeds of such sale tothe payment in the first place of all costs,charges,and expenses attending sich sale,inoluding such commessions and reasonable council fees for preparing bond,report of sale and attending to the ratification thereof,and then to the payment of the promissory note aforesaid,or renual ther eof,with all interset due thereon and the surplus,if any,to pay the same to the said Roy E.Benjamin,his heirs or assigns,And the said Roy E.Benjamin covenants and agrees

with the said Myersville Savings,_____that he will keep,during the continuance of this Mortgage, the buildings erected on the said mortgaged premises,insured for the sum of not less than than Eighteen hundred dollars in some safe and reliable Fire Insurance Company,paying the premiums thereon as they fall due and payable,and that he will assign,the policy of insurance,or cause the same to be made payable to the said Myersville Savings Bank,for it benefit in case of loss or damage by fire And the said Roy E.Benjamin further in like manner covenants and agrees that should he fail in this particular,and the said Myersville Savings Bank pay the premiums and assessments necessary to Keep said policy of insurance in force the same so paid,with interest thereon,shall be a lien on the said mortgage property as though included in the first instance in the mortgage itself.

Witness my hand and seal this 15th day of August in the year A.D.1903,

TEST: Chas.B.T.Hendrickson, Roy E.Benjamin (SEAL)

State of Maryland,Frederick County,to-wit:-

I hereby certify that on this 15th day of August in the year Nineteen hundred and three before me the subscriber a Notary Public of the State of Maryland,in and for Frederick County,personally appeared Roy E.Benjamin personally Know to me to be the above named mortgagors and did acknowledge the the aforegoing mortgage to be his act.

Given under my hand and Notarial Seal the date above written.

Chas.B.T.Hendrickson

PLACE NOTARIAL. SEAL

State of Maryland,Frederick County,to-wit:

I hereby certify that on this 7th day of August in the year Nineteen hundred and three before me,the subscriber a Notary Public of the State of Maryland,in and for Frederick County,personally appeared George W.Bittle Treasurer and Agent of the Myersville Savings Bank,mortgagee,and made oath in due form of law that the consideration dated in said mortgage,is true and bona fide as there in set forth;and the said George W.Bittle,Treasurer &c also further made oath in due form of law that said mortgagee has not required the mortgagor,his agent or attorney,or any person for the said mortgagor to pay the tax levied upon the interest covenanted to be paid in advance,nor will said mortgagee,or any person for him during the existance of this mortgage,and said affiant further in due form of law made oath,that he is the agent of said mortgagee;and authorized by said mortgagee to make this affidavit.

Witness my hand and Notarial Seal this 17th day of August,in the year 1903.

PLACE NOTARIAL. SEAL

Joseph Wolfe
Notary Public

Stateof Maryland,Frederick County,to-wit:-

I hereby certify that the afpregoing is a true copy of the original Mortgage from Roy E.Benjamin to the Myersville Savings Bank,as recorded in Liber D.H.H.No.18,Folio 560 &c.,one of the Land Records of Frederick County,Maryland.

In Testimony Whereof,I hereunto subscribe my name and affix the Seal of the Circuit Court for Frederick County,at Frederick,Maryland,this 24th day of November A.D.1915.

PLACE COURT.

Filed Dec.6'1915.

Harry W.Bowers.
Clerk of the Circuit Court for Frederick County,Maryland.

EQUITY SUBPONEA

State of Maryland,Frederick County to-wit!

The State of Mayyland.

To Lavinia E.Benjamin (1609 Jackson Street)William Decker (1916 Walbrook Avenue)and Blaine Decker, Infant (1609 Jackson Street.of Baltimore City,Greetings!

YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of January 1916,to answer the Bill and

Complaint of Willia Towsend and husband (For sale of real estate of Roy E.Benjamin, deceased) against you and others in said Court exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

PLACE SEAL OF COURT.

Witness the Honorable Hammond Urner,Chief Judge of said Court,the First day of November A.D.1915.

Issued the Sixth day of December A.D.1915.

To the Sheriff of Baltimore City. Eli G.Haugh Clerk.

Filed Dec,15'1915.

Summoned Lavinia E.Benjamin and William Decker,also summoned by reading summons to Blaine Decker,Infant and a copy of the Prosess left with William Decker father of Infa nt named in writ.

Thomas F.McNulty
Sheriff.

Fees $1.30

EQUITY SUBPONEA

State of Maryland,Frederick County,to-wit!

The State of Maryland.

To the Myersville Savings Bank a body corporate.Mortgagee,of Frederick County,Greetings!YOU ARE HEREBY COMMANDED,that all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be Held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday in January 1916,to answer the Bill and Complaint of Willia Towsend and husband. (For Sale of Real Estate of Roy E.Benjamin,deceased.against you and others in said Court Exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

SEAL COURT.

Witness the Honorable Urner,Chief Judge of said Court,the First day of November A.D.1915.

Issued the 6th day of December A.D.1915.

To the Sheriff of Frederick County. Eli G.Haugh,Clerk.

Summoned the Myersville Savings Bank a body corporate Mortgagee by serving upon George W.Bittle its Treas,and a copy of the writ of Subponea left with the said George W.Bitt le Treasurer.

Wm.C.Roderick
Sheriff.

Filed Dec,10'1915.

Willia Townsend and Arthur Townsend her husband,

VS.

Lavinia Benjamin,(Widow) George McCann and William McCann,her husband,Blaine Decker,Infant,William Decker, and the Myersville Savings Bank, a body corporate.

No. 9392 EQUITY.

In the Circuit Court for Frederick County,setting as a Court of Equity.

The answer of Georgia McCann and William McCann,her husband,two of the Defendants in the above entitled cause!

These Defendants answering say that they admit the matters and things set forth in the Bill of Complaint filed in this cause and consent to the passage of a decree as prayed.

Georgia McCann
William McCann

Filed Dec,6'1915.

ANSWER OF LIVINIA BENJAMIN.

Willia Towsend and Arthur Towsend, her husband,
VS.
Livinia E.Benjamin,Widow,Georgia McCann and William J.McCann,her husband,William Decker and Blaine Decker,Infant,and The Myersville Savings bank,a body corporate, Mortgagee.

No. 9392 E Q U I T Y.
In the Circuit Court
For Frederick County,
in Equity.

The answer of Livinia E.Benjamin,(Widow) one of the defendants in the above entitled cause! This defendant answering says that she admits the matters and things set forth in the Bill of Complaint filed in this cause and consents to a passage of a decree as prayed.

Lavenia E.Benjamin
Widow.

Filed Dec.10'1915.

Willia Towsend and Arthur Towsend,her husband,
Vs.
Livinia E.Benjamin,widow,Georgia McCann and William J.McCann,her husband,William Decker and Blaine Decker,infant and The Myersville Savings Bank,a body,corporate,mortgagee.

No. 9392 EQUITY.
In Equity.

To the Honorable the Judges of the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity!-

The answer of The Myersville Savings Bank,a body corporate,one of the defendants in the above entitled cause,to the Bill of Complaint of Willia Towsend and Arthur Townsend,her husband,filed against it and Livinia E.Benjamin,widow,et al.

This Defendant,The Myersville Savings bank.a body corporate,for Answer to the Bill of Complaint of Willia Townsend and Arthur Townsend,her husband filed against it in the above entitled cause says that it admits the matters and facts stated in the Bill of Complaint so far as thid defendant is conserned,and especially the matters and things stated in the third paragraph of said Bill of Complaint,and consents to the passage of the decree as prayed therein,reserving unto this defendant out of the proceeds of the sale of the real estate upon which this mortgage,"Exhibit Mortgage"is alien,the amount necessary to pay its morgage note in amount of $1800.and all interest due thereon.

Reno S.Harp.
Solicitor for the Myersville Savings Bank, a body corporate.

Filed Dec.18'1915.

A P P E A R A N C E

Willia Townsend and Arthur Townsend, her husband,
Vs.
Livinia E'Benjamin,widow,Georgia Mc, Cann and William F.McCann,her husband, William Decker and Blaine Decker,infant, and The Myersville Savings Bank,a body corporate,Mortgagee.

Np. 9392 Equity.
In the Circuit Court
for Frederick County,
in Equity.

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Mr.Clerk! Please our appearance for William Decker,one of the defendants in the above entitled cause.

Stooksdale & Wortohe
Attys.for William Decker,Defendants.

Filed Dec.20'1915.

A N S W E R O F W I L L I A M D E C K E R.

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Willia Townsend and Arthur Townsend,her husband,

Vs.

Livinia E'Benjamin,widow,Georgia McCann and William J.McCann,her husband,William Decker and Blain Decker,infant,and The Myersville Savings bank,a body corporate,Mortgagee.

NO. 9392 E Q U I T Y.

In the Circuit Court for Frederick County, in Equity.

The answer of William Decker,one of the defendants in the above entitled cause! This defendant answering says,that he admits the matters and things set forth in the Bill of Complaint filed in this cause,and consents to the passage of a decree as prayed.

William Decker
One of the Defendants.
By Stocksdale & Wortche
his solicitors

Stocksdale & Wortche
Solicitors for William
Decker,Defendants.

Filed Dec.20'1915.

Willia Townsend and Arthur Townsend her husband,

VS.

Livinia E.Benjamin,widow et al.

No. 9392 E Q U I T Y.

In Equity.

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To the Honorablr the Judges of the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity!-

The petition of Willia Townsend and Arthur Townsend her husband,Plaintiffs in the abov entitled cause respectfully represents unto your Honors!-

That Blaine Decker an infant defendant has been duly summoned by the Sheriff of Baltimore City,Maryland,to appear in your Honorable Court on the first Monday of January, 1916 to answer the Bill of Complaint of the said Willia Townsend and Arthur Townsend her husband against the said defendant in your Honorable Court Exhibited,as will appea from the said Sheriff's returned filed in this cause.That he has no legal Guardian within the jurisdiction of your Honorabl Court,and his natural Guardians,his father and mother are now dead.

Wherefore they pray that your Honors will appoint a Guardian ad Litem to appear for him in the above entitled cause,and answer and defend the Bill of Complaint filed against him by the said Plaintiffs in this cause.

And as in duty etc.,

Reno S. Harp
Solicitor for Plaintiffs.

Filed Jan.14'1916.

Willia Townsend and Arthur Townsend her husband,

VS.

Livinia E.Benjamin,widow,et al.

No. 9392 E Q U I T Y.

In the Circuit Court for Frederick County,sitting in Equity.

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THE ANSWER OF Blaine Decker infant under the age of twenty-one years,by John H.Martz, Guardian ad Litem,to the Bill of Complaint of Willia Towsend et al against Linivia E. Benjamin in the Circuit Court for Frederick County,sitting as a Court of Equity exhibited.Th Defendant cannot admit any of the matters and things alleged in the Bill,and being infant of tender years,submit his rights to the protection of this Court.

John H.Martz
Guardian ad Litem.

Filed January 14'1916.

REPLICATION.

Willia Townsend and Arthur Townsend,her husband.

Vs.

Livinia E.Benjamin,et al.

No.9392 E Q U I T Y.

In Equity.

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The Plaintiffs in this cause hereby join issue on the matters and things alleged in the answers of the defendants,so far as they may be taken to avoid or deny the allegations of the Bill. Reno S.Harp. Solicitor for the Plaintiffs.

Filed Jan,14, 1916.

PETITION AND COURT'S ORDER TO TAKE TESTIMONY

Willia Townsend and Authur Townsend, her husband
Vs.
Livinia E.Benjamin et al.

No. 9392 EQUITY.
In Equity.

To the Honorable the Judges of said Court:-

The petition of Willia Townsend and Arthur Townsend,her husband,plaintiffs in this oase,respectfully represents that they desire to take testimony in this oase,and pray that leave be granted them to do so before one of the Stand Examiners of this Court.

And as in duty bound.,

Reno S.Harp.
Solicitor for Plaintiffs.

Ordered this 14th day of January,A.D.1916 by the Circuit Court for Frederick County,sitting as a Court of Equity,that leave be granted to the parties to this cause to take testimony as prayed before one of the Standing Examiners of this Court.

Edward C.Peter.
Judge.

Filed January 14,1916.

TESTIMONY

Willia Townsend and Arthur Townsend her husband,
Vs.
Lavenia E.Benjamin,widow, Georgia McCann and William J.McCann,her husband, William Decker,and Blane Decker,infant.

No. 9392 EQUITY.
In the Circuit Court
For Frederick County,
In Equity.

To the Honorable,the Judges of said Court:-

The above cause being at issue and pursuaht to the order of your Honorable Court passed in the above entitled cause and at the request of the solicitor for the respective parties,I,D.Princeton Buckey, one of the standing Examiners of the Circuit Court of Frederick County,duly appointed and sworn met at the law office of Reno S.Harp,Esq.,in Frederick City,Maryland,on the 20th day of January,1916,and then and there in the presents of the solicitor for the respective parties and the witnesses produced to take the following depositions,that id to say:-

Present,Reno S.Harp,Esq.Solicitor for Plaintiffs.

Levenia Benjamin,a witness of lawful age,produced on the part of the plaintiff and having been duly sworn and examined viva voce deposes and says,as follows:-

My name is Lavenia E.Benjamin,I am 50 years of age and I reside at 1609 Jackson Street,Baltimore City,Maryland,and I know all the parties to this suit.I knew Roy E.Benjamin,late of Frederick County deceased.he was my son.He is dead.He died September 4th,1915,in a hospital in Baltimore and left no will at the time of his death.He was single at the time of his death and was seized and possessed of two lots and two houses,one of them located on Third Street,in Brunswick,Frederick County,Maryland, and the other lot located on Middle Street,Brunswick,Frederick County,Maryland,doth of which said lots my son Roy E.Benjamin purchased from George W.Wachtel and Reno S.Harp,Assignees,of the Myersville Savings Bank,by a deed dated the 8th day of August,in the year 1903,and which is fully described in "Exhibit Deed"filed with the Bill in this case.

My son Roy E.Benjamin gave a mortgage to the Myersville Savings Bank,a body corporate,of Myersville Frederick County,Maryland,on the property on the 15th day of August,1903 for the sum of $1800.00 which is still due and unpaid.My son was also indebted to the Myersville Savings Bankon two notes, one for the sum of $100.00 and the other for the sum of $35.00.The aforesaid mortgage was filed in said cause and marked "Exhibit Mortgage".

My son Roy E.Benjamin left surviving him at the time of his death his mother,the said Lavenia E.Benjamin,a resident of Baltimore City,Maryland,and two sisters and the child of a deceased sister as his only heirs at law.His father,George W.Benjamin,died March 5th,1908.

1-A sister,Willia Townsend,whose husband's name is Arthur Townsend,both of whom are adults and reside at Cambridge,Maryland.
2-A sister,Georgia McCain,whose husband's name is William J.McCain,both of whom are ad ults and reside at Boardentown,in the State of New Jersey.
3-A nephew,Blaine Decker,an infant,8 years of age,a child of a sister of the said Roy E.Benjamin,whose name was Edna Decker,who died December 18th,1910,and whose husband's name was William Decker,who died December 28th,1915,since the filing of the bill in this cause.The aforesaid houses and lots are not susceptible of division among the parties entitled thereto without material loss and injury to them and it would be to the benefit and advantage of all parties,especially the infant,to havethe same sold andthe proceeds divided among them,according to their respective interests.Both of the properties are badly in need of repairs and it would take considerably money to put the in good condition and both properties are depreciating in value.I would consider the house and lot located on Third Street in said Town of Brunswick to be worth about $3000.00 and the property and house and lot located on Middle Street in the town of Brunswick to be worth about $3000.00.
To the Gen.Int.Nothing more. Lavenia E.Benjamin.

Maggie T.McCelland,a witness of lawful age,produced on the part of the plaintiff and having been duly sworn and examined viva voce deposes and says,as follows:-

My name is Maggie T.McCelland,I am 29 years of age and I reside in the City of Baltimore.I knew Roy E.Benjamin,in his lifetime.He is dead.He died September 4th,1915 in a hospital in Baltimore City,and left no will.I lived neighbors to him.At the time of his death he was seized and possessed of two houses and two lots situated in the town of Bruhswick,Frederick County,Maryland,and described in "Exhibit Deed"filed with the bill in this case,and which I am told are worth about $3000.00 a piece.At the time of his death,the said Roy E.Benjamin left surviving him a mother,whose name is Lavena Benjamin His father having died some years ago.He also left surviving him two sisters and a child of a deceased sister.
1-William Townsend,a sister,whose husband's name is Aurthur Townsend,both of which are adults and residents of Cambridge,Maryland.
2-A sister,Georgia McCain,whose husband's name is William McCain,both of whom are adults and reside at Bordentown,in the State of New Jersey.
3-A nephew Blaine Decker,an infant,8 years of age,a son of a deceased sister Edna Decker whosw husband name was William Decker,and who died December 28th,1915.The houses and lots are located on different streets in the town of Brunswick,and are not susceptible of division among the parties entitled thereto without considerable loss and injury.I am told they are in need of considerable repairs and about five years taxes are due on the same.A sale of the property and a division of the proceeds would certainly be of advantage to all the parties of interest No other witnesses being named or produced before me and no further time being required for the taking of other depositions or for further testimony in said cause,I then at the request of the solicitor for the respective parties closed the depositions so taken by me and now return the same to Your Honorable Court this 22nd day of January,1916,at Frederick City,in the State of Maryland.

Witness my hand and seal.

D.Princeton Buckey (SEAL)
EXAMINER.

Costs of Depositions:-

D.P.Buckey,Examiner fee	$4.00
Mary Atkinson,Clerk	2.50
Lavinia E.Benjamin,Witness and Milage	6.85
Maggie E.McClelland " " "	6.85
	$20.20
William C_Roderick,Sheriff.	.40
	$20.60

I hereby certify that the above costs are correct. D.Princeton Buckey
Filed Jan.22'1916.

DECREE

Willia Townsend and Arthur Townsend her husband.
VS.
Lavinia E.Benjamin et al.

No. 9392 EQUITY.
In the Circuit Court for Frederick County, sitting as a Court of Equity.
January TERM, 1916.

The above case standing ready for a hearing, and being submited, the Bill, Answer, Exhibits testimony and all other proceedings were by the Court read and considered.

It is thereupon, this 2nd day of February in the year nineteen hundred and sixteen by the Circuit Court for Frederick County, as a Court of Equity, and by the authority of said Court, adjudged, ordered, and decreedmthat the land and premises mentioned in these proceedings be sold, and that Reno S.Harp of Frederick County, be, and he is hereby appointed Trustee to make the said sales, and that the course and manner of his proceedings shall be as follows: He shall first file in the Clerk's office of this Court, a BOND to the State of Maryland, executed by him with a surety, or sureties, to be approved by the Court, or the Clerk thereof, in the penalty thereof Eight Thousand Dollars, conditioned for the faithful performance of the trust reposed in him by this decree, or which may be reposed in him by any future order, or decree inthe premises. He shall then proceed to make seal of the Real Estate, having first given at least three weeks previous notice, inserted in some newspaper printed in Frederick County, and such other notice as he may think proper of the time, place, manner and terms of sale; which terms shall be as follows; One half of the purchase money to be paid in cash on the day of sale, or on the ratification thereof by the Court, the residue in six months the purchaser or purchasers giving his, her, or their notes, with approved security and bearing interest from the day of sale, orall cash at the option of the purchaser and as soon as may be convenient after any such sale or sales, the said Trustees shall return to this Court a full and particular account of the same, with an affidavit of the truth thereof, and of the fairness of such sale or sales annexed, and on ratification of such sale or sales by the Court, and on the payment of the whole purchase money, and not before, the said Trustee, by a good and sufficient deed to be executed and acknowledged agreeably to law, shall convey to the purchaser or purchasers of the said property, and to his, her or their heirs, the property to him, her or them, sold, free, clear, and discharged of all claim of the parties to this cause, and of any person or persons claimimg by, from, or under them; and the said Trustee shall bring into this Court the money arising on such sale or sales, and the bonds or notes which may be taken for the same, to be disposed of under the direction of this Court, after deducting therefrom the costs of this suit, and such commissions to the said Trustee as the Court shall think proper to allow, on consideration of the skill, attention and fidelity wherewith he shall appear to have discharged his trust.

Filed Febuary 2'1916.

Glenn H.Worthington.

The Myersville Savings bank, a body corporate,
VS.
Lavinia E.Benjamin, (Widow), Willia Townsend and Arthur Townsend her husband, Georgia McCann and William J.McCann, her husband, and Blain Decker, Infant.

No. 9392 EQUITY.
In the Cirouit Court for Frederick County, sitting as a Court of Equity.

To the Honorable, the Judges of said Court!

The Petition of the Myersville Savings bank, a body corporate of the StAte of Maryland, who sues for itself as well as all other creditors of Roy E.Benjamin, deceased late of Baltimore City, who may come in and contribute to the expenses of these proceedings against Lavinia E.Benjamin (widow), Willia E. Townsend and Arthur Townsend, her husband, Georgia McCann and William J.McCann, her husband and Blaine Decker, infant, all defendants in your Honorable Court exhibited, respectfully shows:-

1-That the plaintiff is a body corporate doigg business in the town of Myersville, Frederick COunty, Maryland, and the said Lavinia E.Benjamin is an adult residing in the City of Baltimore, and the said

William Townsend and Arthur Townsend,her husband are adults and residing in the State of Maryland,in the town of Cambridge,and the said GeorgianaMcCann and William J.McCann, her husband are adults and residents of the State of New Jersey and the said Blaine Decker,is an infant residing in the City of Baltimore,all defendants in the above entit led cause.

2-That on the 4th day of September,1915,one Roy E.Benjamin,late of the City of Baltimor died intestate,leaving no personal estate but leaging real estate,which has been decred to be sold by your Honorable Court in these proceedings by a Trustee appointed by your Honorable Court,as by reference to the previous proceedings in this cause,will fully appear.

3-That the said Roy E.Benjamin,late of said City of Baltimore,during his lifetime gave to the plaintiff two notes,one of which was for the sum of One Hundred Dollars,which notes was due the plaintiff September 3rd,1915,and the said Roy E.Benjamin also gave to said plaintiff another note for the sum of Thirty Five Dollars,which was due the plaintiff November 20th,1915,said notes bearing interest at the rate of six per cent per annum payable in advance,and then and there is interest due on said notes since September 3rd,and November 20th,1915 respectfully,and that said notes are still due and owing to said Myersville Savings Bank,a body corporate and interest as aforesaid,as will appe ar by Exhibit "A" and "B" herewith filed.

4,That there being no personal estate of the said Roy E.Benjamin,and that there will come into the hanfs of your trustees Reno S.Harp in this cause,a considerable sum of money from the sale of threereal estae of the said Rpy E.Benjamin,above all costs and expenses incurred in the sale of the real estate of the said Roy E.benjamin and the mortgage indebtedness against said real estate,and there will be sufficient sum of money to pay said notes and all other creditors of the said Roy E.Benjamin and your petitioner feels it has the right to have the amount due it upon said notes,paid out of the surplus funds that will come into the hands of the trustees in said cause,before a distribution is made among the heirs at law of the said Roy E.Benjamin,deceased.

And your Petitioner prays for the followinf relief.

1. That an order or decree may be passed by Your Honorable Court authorizing the truste in this cause to pay out of the funds arising from the sale of the real estate in said cause the amount of the notes filed with this petition,principal and interest,and all other creditors of the said Roy E.Benjamin .

2.That your said petitioner shall such other and further relief as the nature of its case may require.And your petitioners prays for the following process!

1-That a summons may be issued in the usual form,directed to Lavinia E.Benjamin,of Baltimore City,William Townsend and Arthur Townsend,her husband,of Cambridge,maryland,and Blaine Decker infant,in order that they may answer the matters and things herein contained,commanding them to be and appear in your Honorable Court some certain day to be named therein,either in person or by solicitor,to answer the premises and abide by and perform such decree as may be passed therein.

2.That an order of Publication may issue giving notice to the non-resident defendants, the said Georgiana McCann and William J.McCann,her husband,notifying them of the object and substance of this petition and commanding them to be and appear in your Honorable Court on some certain day to be named therein,to answer said petition,abide by and perform such decree or order as may be passed in the premises.

And as in duty bound etc.,

Reno S.Harp.
Solicitor for Petitioner.

Filed Feby,23'1916.

E X H I B I T "A"

$100.00 Myersville,Maryland March 3rd,1915.

Six months after date we jointly and severly promise to pay THE MYERSVILLE SAVINGS BANK or order One Hundred Dollars for value received,negotiable and payable at The Myersville Savings Bank. And do herebu authorize any Attorney of this County or any other County in this state.or elswhere, to enter and confess judgment for the above sum,with costs of suit,and Attorney's commision of five per cent,for collection,release of errors,and without stay of execution,and do waive the right and benefit of any law of this or any other State exempting property,real or personal,from sale,and if levy is made on land,do also waive the right of Inquisition,and consent to the condemnation thereof, with full liberty to sell the same on fi,fa,with release of errors therein,

Witness hand and seal.

R.E.Benjamin (SEAL)
Reno S.Harp (SEAL)

WITNESS:Fabrian Posey
No.14043 Due Sept.3'1915. Filed Feby.23'1916.

EXHIBIT "B"

$35.00 Myersville,Md,May 20th,1915.

Six Months after date we juintly and severly promise to pay THE MYERSVILLE SAVINGS BANK or order Thirty Five Dllars for value received,negotiable and payable at the Myersville Savings Bank. And do hereby authorize any Attorney of this County or any other county in this State,or elswhere, to enter and confess judgment for the above sum,with costs of suit,and Attorney's commission of five percent,for collection,release of errors,and without stay of execution,and do waive the right and benefit of any law of this or any other State exempting property,real or personal,from sale,and if levy is made on lane,do also waive the right of Inquisition,and consent to the condemnation thereof, with full liberty to sell the same on fi,fa,with release of errors therein,

Witness hand and seal.

No.14328 Due Nov 20-15.
Filed February 23'1916.

R.E.Benjamin (SEAL)
Reno S.Harp (SEAL)

EQUITY SUBPONEA

STATE OF MARYLAND,FREDERICK COUNTY TO-WIT:

The State of Maryland.

To Lavinia E.Benjamin and Blaine Decker,Infant(No.1609 Jackson Street,Baltimore City,)of Baltimore City Greetings:YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of march 1916,to answer the Bill of Complaint of Willia Townsend et al.(In the Sale of Real Estate)against you and others in said Court exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Hammond Urner,Chief Judge of said Court,the Third day of January A.D.1916.

Issued the 23rd day of February A.D.1916

Eli G.Haugh,Clerk.

To the Sheriff of Baltimore City.

Reno S.Harp Solicitor. Filed March 4'1916.

The Myersville Savings Bank, a body corporate,

VS.

Lavinia E.Benjamin,Willia Townsend and Arthur Townsend, her husband,et al.

No. 9392 EQUITY.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

To the Honorable the Judges of said Court:

The answer of Lavinia E.Benjamin,one of the defendants in the above entitled cause,to the petition of The Myersville Savings Bank,a body corporate,against and others:

This defendant for answer to the petition filed against her and others,says!-
This defendant admits the matters and things stated in the aforegoing petition filed by the said Myersville savings Bank,a body corporate and consents to the payment of the debts of Roy E.Benjamin,deceased out of the funds arising from the sale of the real est ate of the said Roy E.Benjamin,deceased.

Lavinia E.Benjamin

Witness.
Wm.E.Darner. Filed February 26'1916.

T R U S T E E' S R E P O R T O F S A L E A N D O R D E R N I S I

T H E R E O N..

Willia Townsend and Arthur Townsend,her husband,

VS.

Lavinia E.Benjamin,et al.

No. 9392 E Q U I T Y.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

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To the Honorable,the Judges of the Circuit Court for Frederick County,sitting as a Coub of Equity.
The report of sales of Reno S.Harp,Trustee,appointed by the decree in this cause to mak sale of certain real estate therein named,respectfully shows unto your Honors!-
1-That after giving bond with security for the faithful discharge of his trust as required by said decree,and giving notice of the time,place,manner and terms of sale by advertisement in the Daily Post,a newspaper publishe ,in Frederick City,Frederick County,Maryland,once a week for more than three successive weeks prior to the day of sale, and by hand bills extensively circulated throughout said Frederick County,he did,pursuant to said notice,attend on the premises in Brunswick,Frederick County,Maryland,on Friday February 25th,1916,at 11 O'Clock A.M.,andthen and there proceeded to sell said real estate as follows.
2.Your Trustees then offered at public sale to the highest bidder all that lot situated on the North side of Third Street,in Brunswick,maryland,and designated as lot No.78,on the plat of the old town of berlin,and fully described in the advertisement of sale ann exed to the memorandum of purchase herewith filed and sold the same to F.E.Alder and Lucy E.Alder they being then and there the highest and best bidder therefore,at and for the sum of Three Thousand and Ten Dollars,($3,010.00)upon the terms of sale prescribed by the decree and set forth in the advertisement of sale.
3.And the said purchasers have signed the memorandum of purchase and desire to pay cash for said property upon the ratification of said Court.
4.Your Trustees then offered at public sale to the highest bidder all those lots or parcels or parts of lots situated on the East side of Middle street,in Brunswick,Maryland,and designated as lots Nos.53 (northern half) and parts of lotsNos.52 and 51 on the plat of the old town of Berlin and filly described in the advertisement of sale annexed to the memorandum of purchase herewith filed and sold the same to Charles E.Virts,he being then and there the highest and best bidder therefor,at and for the sum of sixteen Hundred and Thirty Five Dollars ($1,635.00)upon the terms of sale prescribed by the decree and set forth in the advertisement of sale.
5.And the said purchaser has signed the memorandum of purchase and desires to pay cash for said pr-opertyupon the ratification of said Court.
6.And the said Reno S.Harp,trustee reports the gross amount of sales to be $4645.00.

Reno S.Harp.
Trustee.

State of Maryland,Frederick County,Sct!-

I hereby certify that on this 26th day of February,A.D.1916,beforme,the subscriber, Clerk of the Circuit Court for Frederick County,personally appeared Reno S.Harp,Trustee and made oath in due form of law that the matters and things stated in the aforegoing report of sales are true to the best of his knowledge and belief,and that the sale ther

in reported made.

Eli G.Haugh
Clerk.

Filed FEby,26'1916.

P U B L I C S A L E O F V A L U A B L E R F A L E S T A T E.

By virtue of a decree of the Circuit Court for Frederick County,sitting as a Court of Equity,passed in No.9392 Equity,in sais Court,the undersigned trustees will offer at public sale,in the premises in Brunswick,Frederick County,Maryland,on Friday,February 25,A.D.1916,at the huor of 11 O'Clock A.M. the following real estate decreed to be sold,and being thr real estate of which Roy E.benjamin died seized and possessed,and being the same real estate described in the deed from Reno S.Harp and Georg W.Waohtel,Assignees to Roy E.Benjamin,dated August 8,1903,and Recorded in Liber D.H.H.No.17,folio 535,one of the Land Records of Frederick County,Maryland,said real estate consisting of two different lots of ground as follows!

FIRST-All that lot situated,lying and being onthe North side of Third Street,in Brunswick,Frederick county,Maryland,and designated as lot No.78,on the plat of the old town of Berlin,improved by a Two-Story Frame Slate Roof Dwelling House,and containing eight rooms,front and back porch,celler under whole house and other necessary outbuildings.

SECOND-All those lots or parcels or parts of lots situated on the east side of Middle Street,in Brunswick,Frederick county,Maryland,and designated as lots Nos.53 (northern half) and parts of lots Nos.52 and 51 on the plat of the old town of Berlin;improved by a Two-Story Frame Slate Roof Dwelling House,containing six rooms,with cellar under under the kitchen,with front poarch and other outbuildings.Terms of sale as prescribed by the decree-One-half of the purchase money to be paid on the day of sale,or the ratification thereof by the Court,the residue in six months,the purchaser or purchasers giving his,her or their notes,with approved security,and bearing interest from day of sale, or all cash,at the pption of the purchaser.the purchaser to be at the expence of conveyancing,including revenue stamps.A deposit of $100 will be required of the purchaser on each property on the day of sale.

John L.Dutrow,Auctioneer.

Reno S.Harp
Trustee.

Filed Feby,26'1916.

C E R T I F I C A T E O F P U B L I C A T I O N.

Frederick,Md.,Feb,26,1916.

This is to certify,That the annexed public sale was published in "THE FREDERICK POST"a newspaper published in Frederick County,once a week for three successive weeks prior to the twenty fifth day of February 1916.

THE POST PUBLISHING CO.
Per R.I.Ford

Filed Feby,26'1916.

I hereby acknowledge,that we have this 25th day of February,A.D.1916,purchased at public sale of Reno S.Harp,Trustee in No.9392 Equity,being case No.9392 Equity on the Equity docket of the Circuit Court for Frederick County,Maryland,the property described in the annexed advertisement,being all that lot situated on the North side of Third Street,Brunswick,Maryland,and designated as lot No.78 on the plat of the old town of Berlin,at and for the sum of Three Thousand Ten Dollars on the terms specified in said advertisement,and we hereby agree to comply with said terms of sale.

F.E.Alder (SEAL)
Lucy E.Alder (SEAL)

Witness! Wm.E.Darner,Auct. Filed Feby,26'1916.

I hereby acknowledge,that I have this 25th,day of February,A.D.1916,purchased at public sale of Reno S.Harp,Trustee in No,9392 Equity,being case No.9392 Equity on Equity docket of the Circuit Court for Frederick County,maryland,the property described in the annexed advertisement being all that lot or parts of lots situated on the East side of Middle Street,in Brunswick,Maryland,and designated as lot Nos.53,(Northern half),and parts of lots Nos.52 and 51 on the plat of the old town of Berlin,at and for the sum of Sixteen Hundred and Thirty Five Dollars on the terms specified in said advertisement, and I agree to comply with said terms of sale.

Charles E.Virts (SEAL)

Witness Wm.E.Darner Auct.

Filed Feby,26'1916.

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O R D E R N I S I O N S A L E S

Willia Townsend and Arthur Townsend,her husband.

VS.

Lavinia E.Benjamin widow et al.

No. 9 3 9 2 E Q U I T Y.

In the Circuit Court for Frederk County sitting as a Court fo Equity,

January TERM,1916.

In the matters of the Report of Sales filed the 26th day of February 1916.

ORDERED,That on the 20th day of March 1916,the Court will proceed to act upon the Repot of Sales of Real Estate,reported to said Court by Reno S.Harp Trustee in the above cause,and filed therein 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 $4645.00

Date , this 26th,day of February 1916.

Eli G.Haugh.
Clerk of the Circuit Court for Frederick County.

PLACE OF COURT.

"Daily News"

Frederick,Md.,April 1-1916.

THIS IS TO CERTIFY,That the annexed Order Nisi on Sales was published in " THE DAILY NEWS",a newspaper published in Frederick County,once a week 3 successive weeks prior to the 20th day of March 1916.

Filed April 3-1916.

THE NEWS
Per J.R.Fisher.

The Myersville Savings Bank, a body corporate,

VS.

Lavinia E.Benjamin,Willia Townsend et al.

No. 9 3 9 2 E Q U I T Y.

In the Circuit Court for Frederick County,sitting as a Court of Equity.

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To the Honorable the Judges of said Court!

The answer of Willia Towsend and Arthur Townsend,her husband,two of the defendants in the above entitled cause,to the petition of The Myersville Savings Bank,a body corporate against them and others;These defendants ~~and answer~~ to the petition filed against them and others,says!-These defendants admit the matters and things stated in the petition filed by the Myersville Savings Bank,a body corporate and consent to the payment of the debts of Roy E.Benjamin,deceased out of the funds arising from the sale of the real estate of the said Roy E.Benjamin,deceased.

Willia Townsend
Arthur S.Townsend

Witness. Filed March 3'1916.

E X C E P T I O N S T O R A T I F I C A T I O N O F S A L E
I N A B O V E C A S E.

Willia Townsend and Arthur Townsend,her husband.

VS.

Lavinia E.Benjamin,widow, Georgia McCann and William J.McCann,her husband, and others.

No. 9 3 9 2 E Q U I T Y.

In the Circuit Court for Frederick County,sitting as a Court of Equity.

To the Honorable,the Judges of said Court!

The Petition of Charles E.Virts respectfully shows unto your Honors!

1-That on the 25th day of February,1916,hepurchased at public sale of Reno S.Harp,Trustee in the above case,a lot or parts of lots situated on the east side of Middle Street in Brunswick,Maryland,and being designated as Lot No.53 ,northern half,and parts of lot Nos.52 and 51 on the plat of the old town of Berlin,at and for the sum of $1635.00,and

made the deposit at the time of sale required by said Trustee,and he is ready and willing to take saidlot or parts of lots and pay the balance of the purchase money upon receiving a good and sufficient deed therefor.

2-That the Decree under which said sale was made was passed on the 2nd day of Frbruary,A.D.1916,in the above cause,upon Bill filed for petition and sale by the heirs at law of Roy E.Benjamin,deceased and as far as your petitioner knows and believes all the heirs at of said Benjamin were made parties to said proceedings,and also the Myersville Savings Bank,a body corporate,that had a mortgage upon the real estate of said Roy E.benjamin located in Brunswick,including that purchased by your Petitioner,as aforesaid,

3-That on the 23rd day of February,1916,the said Myersville Savings Bank filed a Creditor's Petition in the above cause,alleging that it was a creditor of the said Roy E.Benjamin upon two promissory notes,other than the note secured by said mortgage,and the said Benjamin left no parsonal estate and asking that the proceeds of sale of said real estate should be applied to the payment of the dbets of said Roy E.Benjamin,as will more fully appear by said Petition filed in the above case,and the heirs at law of said Benjamin were made parties defendant to said Petition and they have been summoned into your Honorable Court,but so far as your Petitioner is advised,no notice have been given to the creditors of the said Roy E.Benjamin to file their claims,and it is not yet ascertaind what such claims will amount to,nor wherther the proceeds of sale will be sufficient to pay the debts of said Roy E.Benjamin.

4-That your Petitioner has discovered that Samuel W.George,Harry Y.George and Sydner H.Bennett,partners trading as Samuel W.George & Company,obtained a Judgment against said Roy E.Benjamin before John L.Jordan,Justice of the Peace for Frederick County,on the 12th day of February,1912,for the sum of $23.00,with interest and costs,and which was recorded in the office of the Clerk of the Circuit Court for Frederick County,on the 24th day of February,1912,and then became a lien upon the said real estate of said Roy E.Benjamin,but the Plaintiffs in said judgment were not made parties to said equity proceedings.

5-That your Petitioner has had the Land Records of Frederick County examined to ascertain whether he would get a good title to the land purchased by him at said Trustee's sale and is advised that the description of said land in said advertisement and in Exhibit "DEED"and in the plat refered to in said Exhibit "D"is so vogue and confusing that it is unsertain whether the land purchased by him as aforesaid,can be located with sufficient certainty.

6-That your Petitioner is desirous of having the said lot and parts of lots purchased by him if he can secure a good title thereto,and as,if said sale should be ratified and your Petitioner paid the said Trustee the purchase money it could not be distributed nor paid out by said Trustee until the proceedings upon the said Creditor's Petition has been completed,there will no injury or loss to any person by having the ratification of said sale prsponed until your Petition can have an oppurtunity to thoroughly examine the title and description of said lots,which he has not yet been able to to do;and as it is doubtful as to wherther he would get a good title to said property purchased by him under said sale he excepts to its ratification at this time and prays your Honors to postpone the ratification of the said sale until your Petitioner can have the question of title and the description of the lots bought by him fully investigated;and that your petitioner may have all such other and further relief to which he may be intitled,he will ever pray.

Urner & Urner
Solicitors.

Filed March 18'1916.

The Myersville Savings Bank,
a body corporate,
VS.
William Townsend et al.

No. 9392 EQUITY.

In Equity.

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To the Honorable,the Judges of the circuit Court for Frederick County,sitting as a Court of Equity.

The petition of the plaintiff in the above entitled cause respectfully represents unto your Honors That Blaine Decker is a resident infant defendant.That he was duly summoned to appear in your Honorable Court to answer the Petition in this cause;but being an infant,having no Guardian within the

jurisdiction of this Court to answer and defend the suit for him,he cannot answer and defend it himself.Your Petitioner therefore prays your Honors to appoint John H.Martz, guardian as litem to take the answer for said resident infant defendant.

And as in duty etc.,

Reno S.Harp
Solicitor for the Plaintiff.

The above petition having been read and considered by the Court,it is thereupon this 23rd day of March 1916,by the Circuit Court for Frederick County,sitting in Equity,ordered that John H.Martz be and he is hereby appointed Guardian ad litem for the resident infant defendant.

Glenn H.Worthington
Judge Circuit Court.

Filed March 23'1916.

The Myersville Savings Bank,
a body corporate.
VS.
Willia Townsend et al.

No. 9392 EQUITY.
In the Circuit Court
for Frederick County,
sitting in Equity

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THE ANSWER OF Blaine Decker infant under the age of twenty-one years,by John H.Martz Guardian ad Litem,to the Petition of the Myersville Savings Bank,a body corporate against Willia Townsend et al in the Circuit Court for Frederick County,sitting as a Court of Equity exhibited.

The Defendant cannot admit any of the matters and things alleged in the Petition and being an infant of tender years,submits his rights to the protection of this Court.

John H.Martz.
Guardian ad Litem.

Filed March 23'1916.

The Myersville Savings Bank,
a body corporate,
VS.
Lavinia E.Benjamin,Willia Townsend and Arthur Townsend, her husband,and Georgia McCann and William McCann,her husband, et al.

No.9392 Equity.
In the Circuit Court for
Frederick County,sitting
as a Court of Equity.

To the Honorable to the Judges of said Court!

The answer of Georgia McCann and William McCann,her husband,two of the defendants in the above entitled cause to the petition of The Myersville Savings Bank.a body corporate,against them and others! These defendants for an answer to the petition filed against them and others says!-

These defendants admit the matters and things stated in the petition filed by the Myersville Savings Bank,a body corporate and consent to the payment by the trustee of the debts of the said Roy E.Benjamin deceased out of the funds arising from the sale of the real estate of the said Roy E.Benjamin,deceased.

Georgia McCann
William J.McCann

Witness.M.Rosarie Lamothe Filed March 31'1916.

The aforegoing report of sales and affidavit having been read and considered,it is thereupon this 3rd day of April,A.D.1916,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof,ordered and adjudged that said report of sales be and the same is hereby retified and confirmed,the only cause shown to the contrary having been withdrawn,on condition that the judgement of Samuel W.George & Co, for $23.as paid out of the proceeds of sale although due notice has been given by advertisement as appears from the printers certificate herewith filed;and it is further ordered that the case be refered to the Auditor of this Court to state an account and that he return the same to this Court for its further action.The Trustee to hold the trust fund until due notice to creditors has been given as directed by the Court's order of this date,and the audit finally ratified.

Glenn H.Worthington Judge.

Filed April 3'1916.

Willia Townsend and Authur Townsend,her husband, VS. Lavinia E.Benjamin et al.

No.9392 EQUITY. In Equity.

To the Honorable the Judges of said Court!

The trustees in the above entitled cause is now ready to state the audit and distribute the trust funds in sais Cause,but appears that there is a nomber of oreditors who will be unable to have their claims paid unless said trust funds in your Honorable Court be applied for the benefit of said oreditors,a oreditors petition for that purpose having been filed.

Your Trustees therefore asks your Honors to pass an order authorizing him to issue the usual notie to oreditors in said cause. And in duty bound.etc.,

Reno S.Harp,
Trustee in No,9392 Equity.

ORDERED by the Circuit Court for Frederick County,in equity,this 3rd day of April,A.D.1916,that notice be given by reno S.Harp,Esq.the trustee,to the oreditors of Roy E.Benjamin,formerly of brunswick in Frederick County,Maryland,but late of Baltimore City,deceased,to file their claims against said deceased,duly authenticated,with the Clerk of the Circuit Court of Frederick County,on or before May 5th,1916,by publishing such notice in some newspaper published in Frederick County,and also in some newspaper published in Baltimore City once a week for three successive weeks,before the said 5th day of May,1916.

Glenn H.Worthington
Judge of the Circuit Court for Frederick County, Maryland.

Filed April 3'1916.

GENERAL REPLICATION

Willia Townsend and Arthur Townsend,her husband, VS. Lavinia E.Benjamin et al.,

No.9392 EQUITY. In Equity.

The Petitioner joines issue upon the answers of John H.Martz,Guardian ad litem,of Willia Townsend and Arthur Townsend,her husband,of Lavinia E.Benjamin,of Georgia McCann and William J.McCann,her husband defendants,so far as the same may be taken to deny or avoid the allegations of the Creditors petition filed in said cause. And as in duty etc.,

Reno S.Harp.
Solicitor for Petitioner.

Filed May 5'1916.

TESTIMONY AS TO DEBTS DUE BY DECEDENT.

Willia Townsend and Arthur Townsend,her husband, VS. Lavinia E.Benjamin et al.

No. 9392 EQUITY. In the Circuit Court for Frederick County,sitting as a Court of Equity.

To the Honorable the Judges of said Court!-

The answer of Willia Townsend and Arthur Townsend,her husband,Lavinia E.Benjamin,Georgia McCann and William J.McCann,her husband and John H.Martz,guardian ad litem of the infant defendant Blaine Decker,defendants in the above entitled cause,to the petition of the Myersville Sav,Bank having been filed and the cause being at issue,the petitioner hereby prays your honorable Court to pass an order referring said cause to one of the standing examiners of this Court for the purpose of taking testimony to support the allegations of the Creditors petition.

And as in duty etc., Reno S.Harp,
Solicitor for Petitioner.

The aforegoing petition having been read and considered it is thereupon this 5th day of May,A.D.1916 by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority thereof, ordered that the aforegoing cause presented by the petition of the Myersville Sav,Bank,be and the same is hereby referred to any one of the standing examiners of this Court for the purpose of taking

testimony to support the allegations of the Creditors petition filed in this cause.

Glenn H.Worthington
Judge of the Circuit Court for
Frederick County.

Filed May 5th,1916.

Willia Townsend and Arthur Townsend,her husband,

VS.

Lavinia E.Benjamin,et al.

No. 9392 EQUITY.

In the Circuit Court for

Frederick County in Equity.

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To the Honorable,the Judges of said Court!-

Pursuantto the annexed order of Your Honorable Courtpassed on the fifth day of May, nineteen hundred and sixteen,and at the request of the solicitor for the complainant I, D.Princeton Buckey,one of the standing examiners of the Circuit Court for Frederick County,duly appointed,qualified and sworn met at the law office of Reno S.Harp,Esq,solicitor for the petitioner in Frederick City,Maryland,on the eleventh day of May,nineteen hundred and sixteen,at the hour of ten o'clock A.M.and then and there in the presents of the solicitor for the petitioner and the witnesses proceeded to take the following depositions,that is to say!-

Present Reno S.Harp,Esq.,Solicitor for Petitioner and the witnesses,

George W.Bittle,a witness of lawful age,produced on the part of the Creditors petition filed in this cause,having been duly sworn deposes and says!-

My name is George W.Bittle I am 49 years of age,reside in Myersville,Frederick County, Maryland,and I am the Treasurer of the Myersville Savings Bank,the petitioner in the above entitled cause,I knew Roy E.Benjamin in his lifetime-He executed a mortgage to the Myersville Savings Bank,for the sum of $1800-on August 15thm1903,and the exhibit "Mortg" filed in this cause,is a certified copy of the same-There is due on this Moergage the whole amount of the principal of $1800-and interest from August,15,1915,The said Roy E. Benjamin at the time of his death was also indebted unto the Myersville Savings Bank on two judgments notes.They are filed in this case as Exhibit A and B The amount due on thm respectively are on Exhibit A there is due the sum of $100.00 and interest from September 3rd,1915 and on Exhibit B.the sum of $35.00 and interest from November 20th,1915.

I have looked at Exhibits A and B and the signatures on them is that of Roy E.Benjamin, Since the death of the said Roy E.Benjamin his mother Lavinia E.Benjamin borrowed from from the Myersville Savings Bank on January 20th,1916,the sum of $100.00 giving a demand Judgment note.This note was given to raise money to pay the taxes on the property mentioned in these proceedings and to save the same from being sold for taxes by the town of Brunswick where the same is situated .Upon the examination of the Magistrates Judgment record in the Clerk's office of the Circuit Ciurt for Frederick County,I find a judgment was odtained against the said Roy E.Benjamin by Samuel W.George and Co',for the sum of $23.00,with interest from February,12th,1912,and $1.55 cents costs of suit.All of which is due and unpaid,To Gen Int.Ans.-nothing more.

George W.Bittle.

Lavinia E.Benjamin,a witness of lawful age,produced on the part of the petitioner in this cause,having been duly sworn,deposes and says!-

My name is Lavinia E.Benjamin,I am 50 years of age,I reside 1609.Jackson St,in Baltimore Maryland,I am one of the defendants in this cause and the same person who personally testified in this case.Roy E.Benjamin was my son,he is dead,and he died intestate and left no personal property at all,but left real estate mentioned and described in this cause andhe left the heirs at law as stated in the testimony previously given by me-all of which will more fully appear by reference to said testimony filed in this cause, Testimony taken in this is now offered as evidence herewith which is dated January 20th, 1916.and prayed to be taken and considered as a part hereof.The corporation of Brunswick had the real estate mentioned and described in this cause advertised foe taxes and I had to borrow on January 20th,1916.the sum of $100. on a demand note to pay these taxes,and

this note is still due and owing to the Myersville Savings Bank.The amount I paid on January 20th,1916,was $95.94,as evidents by receipts herewith filed as Exhibit "Receipts".
There is also due some insurance premiums for the policy on this property to F.G.Thomas & Son for $11.70 as evidence by Exhibit,F.G.T.filed herewith. To Gen.Int.-Ans.nothing further,

Lavinia E.Benjamin

Maggie T.McClelland a witness of lawful age,produced on the part of the petitioner in this cause, having first been duly sworn.deposes and says:-
My name is Maggie T.McClelland,I am 29 years of age and reside at 1634 Jackson St,Baltimore Maryland,I am the same person who personally testified in this case,I knew Roy E.Bejamin and rembered when he died.I stated that in my testimony previously given in this cause,He died intestate and he left no personal estate-property at all.all he has was the real estate mentioned in this cause in Brunswick.I know nothing about his indebtedness.To Gen.Int.-

Mrs.Maggie T.McClelland.

No other witnesses being named or produced before me and no futher time being required for the examination of the witnesses or the further taking of further testimony in said cause,I,then at the request of the solicitors for the petitioner closed the depositions so taken by me and now returned the same to your Honorable Court this thirteenth day of May,nineteen hundred and sixteen,at the City of Frederick,State of Maryland. Witness my hand and seal.

D.Princeton Buckey (SEAL)
EXAMINER.

Costs of Depositions.

D.P.Buckey,Examiners fee	$4.00
Geo.W.Bittle Witness & Milage	2.05
Lavinia E.Benjamin Witness & Milage	6.85
Maggie T.McClelland Witness & Milage	6.85
	$19.75

I hereby certify that the above costs are correct

D.Princeton Buckey
EXAMINER.

Filed May 13'1916.

No 9393 EQUITY.

Willia Townsend et al.
VS.
Lavinia E.Benjamin et al.

In the Circuit Court for Frederick County,sitting as a Court of Equity

Opinian and Decree on the question raised by the Petition of the Myersville Savings Bankfor the payment of the debts of Roy E.Benjamin, deceased,out of the proceeds of sale of his real estate.

After the sale of the real estate of Roy E.Benjamin on partition in the above entitled cause,a petition was filed by the Myersville Savings Bank,setting forth that the time of his death the said Roy E.Benjamin was indebted to the petitioner in several sums of money as set forth in said petition,in addition to said indebtedness by mortgage mentioned in the original bill of complaint filed herein on December 6,1915,and also to other persons in various sums of money;and that said Roy E. Benjamin left no personal property out of which the said debts could be paid,and praying that the same should be paid out of the proceeds of sale of the real estate of said Roy E.Benjamin,deceased, now in the hands of the trustee in this case.The adult heirs at law of said decehdent answers admitting the facts set forth in said petition,consenting to the payment of the debts of decedent as prayed,The only infant heir answered by guardian ad litem submitting his rights to the protection of the Court.and testimony was taken under leave of Court to prove the allegations of the petition to be true.I am of opinion that the testimony establishes an indebted-ness of decedent to petitione on two notes filed as Exhibits A and B as follows:-On Exhibit A the sum of $100.00,with interest from September 3,1915,and on Exhibit B the sum of $35.00 with interest from November 20th,1915.Also that said decedent left no personal estate out of which these debts can be paid.There were other

debts mentioned in the evidence,and these may be filed in the cause with an affidavit of their justness and correctness,and be allowed in the audit to be made,sudject to the usual exception.The allegations of the bill of complaint having been admitted by the adult heirs and.also.substantially proven by the evidence,a decree will be passed in acc ordance with the prayer of the petition.

It is thereupon,this 25th day of May,A.D.1916,by the Circuit Court for Frederick County, sitting as a Court of Equity,and by authority thereof,adjudged,ordered and decreed that so much of the net proceeds of the sale of the real estate of Roy E.Benjamin,deceased, now in the hands of Reno S.Harp,the trustee in the above entitled cause,as mat be necessary for the purpose,to be applied to the payment of the debts of decedent due to the petitioner,as established by the evidence,that id to say,of the sums due on Exhibits A and B filed with the Examiner,and also to the payment of such other just debts of the said decedent as shall be duly authenticated and filed in this case in accordance with the terms of the notice to creditors heretofore given in pursuance of an order of Court to that end.Any claim filed may be disputed before the auditor who,in case of objection to the allowence of any such claim,shall take testimony for and against the allowence of such disputed claim in the usual mode of taking testimony before an examiner in Equity, and allow or disallow the same as he shall determine from the evidence adduced before him,subject to exception in the usual mode,before the final ratification of the adult by the Court;and it is further ordered and decreed by the authority aforesaid that the costs of these supplemental proceedings be paid out of the proceeds of sale fund in the hands of the trustee.And the papers hereby referred to the Auditor to State an account.

Filed May 25'1916. Glenn H.Worthington

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P E T I T I O N A N D O R D E R O F C O U R T

Jeannette C.Claggett, Prochein Ami of SAmuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,Infants

VS.

Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggettt,Infants.

No.9 4 5 4 .E Q U I T Y.

In the Circuit Court for. Frederick.County,State of Maryland,sitting as a Court of Equity.

$$$$$$$$$$$$$$$$$$$

To the Honorable,The Judges of said Court!

Your petitioner,Jeanette C.Claggett,as prochein ami of Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,infants,respectfully represents unto your Honors!

1.That your Petitioner is the widow of the late Doctor Samuel Claggett who died intestate on the nineth day of July,1914,leavinfg surviving him as his heirs at law,three infant children,as follows!Samuel Claggett,now aged seven years,Thomas John Claggett,now aged five years and Bladen Dulaney Claggett,now aged three years,who are now resident of Baltimore City,in the State of Maryland;-

2.That said infants,as the heirs at law of their father,the late Dr.Samuel Claggett,are seized,in fee simple,in equal shares,as tenants in common among others,of two farms located on "Marryland Tract"near Petersville,Frederick County,Maryland,known as"Barleywood and"Sunnyside,"and comprising one hundred and seventy-seven (177) acres and two hundred and five (205) acres respectively,said farms having been asquired by Samuel Claggett, late of Frederick County,Maryland,who died intestate on the 13th day of June,1900,fathe of the late Dr.Samuel Claggett,by deeds from Ann Claggett,et al.,dated the 7th day of August,1888,and from James Graham,et al,dated the 30th day of November,1857,respectfully,and duly recorded among the Land records of said County,certified copies of which are hereto appended,marked Petitioner's Exhibits 1 and 2,and it is prayed that they may

be taken as a part hereof.

3.That on the 13th day of June,in the year 1900 said Samuel Claggett died intestate,seized and possessed of the said two farms known as "Barleywood" and "Sunnyside",leaving sirviving him as his heirs at law six children as follows! Sophie E.Crampton,wife of John D.G.Crampton,now a resident of the State of Colorado;John H.M.Claggett,now a resident of the State if Illinois,T.West Claggett,now a resident of the City of Baltimore,State of Maryland,S.Genevieve Claggett (now Genevieve C.Kopper, wife of John M.Kopper)of madison,New Jersey;Dr.Samuel Claggett,a resident of Frederick County,State of Maryland,and who died intestate on the 9th day of July,1914,and L.B.Keene Claggett,a resident of the City of Baltimore,State of Maryland,to whom the leagl title to said real estate passed by operation of law.

4.That on the 23rd day of February,1911 the said Sophis E.Crampton and John D.G.Crampton,her husband,executed a deed to the said Mohn H.M.Claggett,T.West Claggett,S.Genevieve Claggett (now the wife of John M.Kopper of Madison,N J.)Dr.Samuel Claggett,and L.B.Keene Claggett,granting and conveying her one-sixth interest in said real estate to the said grantees,a certified copy of which deed is hereto appended as Petitioner's Exhibit No.3,and it is prayed may be taken as a part hereof.

5.That the interest of the said infants in said farms is one-third each of one-fifth,subject to the dower of their mother,Jeannette C.Claggett,your petitioner herein.

6.That the income derived from said farms is uncertain,varying in amounts from year to year,according to the crop-yield on said farms,it being impsible to ascertain in advance to what amount the said infants will be entitled from their interest in said farms.

7.That it would be to the benefit and advantage of the said infants to sell their interests in said farms and to invest the proceeds therefrom in other investment or investments yielding certain income for their benefit. To the End Therefor;

1.That the interest of said infants in the said farms known as "Barleywood" and "Sunnyside"may be sold at public. sa private sale and the proceeds therefrom held,subject to the further order of this Court. 2..That your petitioner may have such other and further relief as this case may require.

MAY IT PLEASE YOUR HONORS;

To grant unto your petitioner the writ of Suppoena directed to the said Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,infants,commanding them to be and appear in this Court on some certain day to be named therein,and answer. the premises and abide by and perform such decree or decrees as may be passed therein. And as in duty bound,etc.,

Jacob Rohrbach
Solicitor for Petitioner.

Filed April 18'1916.

"E X H I B I T NO..1"

At the request of Samuel Claggett the following Deed was received for record and Recorded August 11th.1884.At 10.0'clock A.M.
TEST!-Adolphus Frarhake,Jr.Clerk

This Deed made this seventh day of August in the year Eighteen Hundred and Eighty four by us Ann Claggett and Laura E.Gray of Frederick County State of Maryland I Thomas Maddox and Mary P.Maddox his wife of Washington County State of Maryland,Martha Matilda Ann Dorsey of Howard County State of Maryland Violetta Marlow of the State of Kansas and John H.Chew and Sophia Genevieve Chew his wife, of the City of Washington Distriot of Columbia,the said Thomas Maddox and Mary P.Maddox his wife, Martha Maddox Violetta Marlow and John H.Chew and Sophia Genevieve Chew his wife beihg temporarily in Frederick County,State of Maryland.

WITNESSETH!-That whereas a certain Richard C.Martin late of Frederick County,State of Maryland died intestate,unmarried and without leaving issue in the month of April in the year Eighteen hundred and and eighty four seized and possessed in fee simple of the piece parcel tract and parts of tracts of land hereinafter described to the said Grantees in this Deed and to Samuel Claggett as his heirs at law and whereas the said grantors in the this deed have agreed to sell and convey all their undivided right title interest and estate in and to the lands hereinafter described to the said Samuel Claggett,Now therefore this Deed Witnesseth that in consideration of the sum of Nine thousand seven hundred and thirty five dollars we the said Ann Claggett Laura E.Gray,Thomas Maddox and Mary P.

Maddox his wife,Martha Matilda Ann Dorsey,Violetta Marlow,and John H.Chew and Sophia Genevieve Chew his wife do grant unto Samuel Claggett of Frederick County,State of Maryland,all of the undivide right and title interest and estate in and to all that farm situate lying and being in the County of Frederick,State of Maryland,and known by the name of "Barleywood" which embraces a part of lot No.10 and part of lot No.9 said Lot being part of a tract of land called "The Resurvey on Maryland Containing in the aggregate One hundred and seventy seven acres of land and being the same land heretofore conveyed to the said Richard C.Martin by I.Richard Burroughs and Henrietta K.Burroughs,his wife of Washington City,District of Columbia by deed dated on the twenty ninth day of October in the year eighteen hundred and seventy five,and recorded in Liber T.G.No.4 folios 141 &c.One of the Land Records of Frederick County,as by reference thereto will appear. Witness our hands and seals

TEST!-
H.C.Duvall.

Ann Claggett (SEAL)
Laura E.Gray (SEAL)
Thomas Maddox (SEAL)
Mary J Maddox (SEAL)
Martha Matilda Ann Dorsey (SEAL)
Violetta Marlow (SEAL)
John H.Chew (SEAL)
Sophia Geneveve Chew (SEAL)

State of Maryland,Frederick County,SS!-

I hereby certify that on this seventh day of August 1884 before me the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County,personally appeared Ann Claggett Laura E.May,Thomas Maddox,and Mary P.Maddox his wife,Martha Matilda Ann Dorsey Violetta Marlow and John H.Chew and Sophia Geneveve Chew his wife,and did each acknowledge the aforegoing deed to be their respective acts.

Joseph Goodman,J.P..

State of Maryland Frederick County,to-wit!-

I hereby certify that the aforegoing Deed from Ann Claggett et al.,to Samuel Claggett is a true copy as the same is taken from Liber A.F.No.9 at folio 355 &c.One of the LandRecords of Frederick County,Maryland.

PLACE OF COURT. SEAL

IN WITNESS WHEREOF I hereunto subscribe my name an d affix the seal of the Circuit Court for Frederick County.this 18th day of April. A.D.1916..

Filed April 18'1916. Eli G.Haugh Clerk OF THE Circuit Court for Frederick County,Md.

"EXHIBIT NO 2"

At the request of Samuel Clagett the following Deed was received May 22n'd 1858.

This Indenture made this thirtieth day of November in the year of Lord One thousand eight hundred and fifty seven between James Graham and Catherine his wife,of Alleganey County in the State of Maryland,Josiah C.Luckett and Mary A.Luckett his wife,of Frederick County,in the State aforesaid John Graham and Mary C.Graham his wife,of Loudan County in the State of Virginia,Josias C.White and Eliza White his wife,of Taylor County,in the State of Virginia,William Graham and Henrietta Graham his wife,of Frederick County,in the State of Maryland and Isreal Graham of Frederick County,in the State of Maryland,of the One part and Samuel Clagett of the aforesaid Frederick County,and State of Maryland of the other part,Witnesseth that the said parties of the first part for and in Consideration of the sum of Twelve thousand two hundred and eighty five dollars current money to them in hand paid by the said Samuel Clagett at or before the sealing and delivery of these presents,the receipt whereof is hereby acknowledged have granted bargained and sold aliened and enfoeffed and confirmed and by these presents do grant bargain seel alien and enfoeff and confirm unto the said Samuel Clagett his

heirs and assigns all that parcel of land lying and being in Frederick County, and State of Maryland. aforesaid being part of a tract of land called "The Resurvey part of Hawkins Merry Peep of Day" and and part of a tract of land called "HawkinsMerry Peep of day"being part of the Land conveyed by Mortimer McEhaney to William Graham the eight day of May Eighteen hundred and forty Nine, it being also a part of the four hundred and eighty two and a half acres conveyed in a deed of partition from Henry Clagett and wife to Grafton Duvall and wife, beginning at a stone planted on the bank of the Little Creek or Little Catoctin Creek and marked $\frac{H.C.}{G.D.}$ it being the beginning of the four hundred and eighty two and a half acres aforesaid. and running thence by and with the outlines thereof reversed correcting the same and up said Creek North Sixty one and a quarter degrees West Nine and eight tenth perches to a stone, South seventy One degrees West fifteen and a quarter perches South sixty nine and a half degwees west thirty perches South eighty two and three quarters degrees west thirteen and Seven tenth perches, North sixty five degrees West, six and nine tenths perches to the end of the fourth line of the seventeen acres two roods and thirty three perches heretofore sold off then with the lines thereof correcting the same, South twenty degrees West seventy one and six tenths perches North eighty eight and a half degrees West Twelve perches to the end of two hundred and twenty one perches onthe eleventh line of "The Resurveyyorpart of Hawkins Merry Peep of Day" it being at the end of the South Eighty five and a half degrees Esat One hundred and sixty eight and three tenth perches line of the four hundred and eighty and a half acres aforesaid then by and with said line reversed correcting the same North eighty three and a quarter degrees West Seventy four and five hundreths perches to a stone at the North side of an old road, it being at the end of the first line of the part of the four hundred and eighty two and a half acres purchased by John T. Frazier for one hundred and fifty nine acres two roods and twenty six perches, then by and with said purchase, and the dividing lines as now made South One and a half degrees West Seventy seven and three tenth perches to a stone South seventy nine and a quarter degrees, East eight and fifteen hundreths perches to a atone South eleven an , three quarters degrees West, fifty five and fifteen hundredths perches to a stake at the root of a white oak tree marked with twelve notches and four blazes South three and a quarter degrees West twenty seven and four tenth perches to a small red oak tree marked with twelve notches standing on the side of a hill South eight and a quarter degrees West forty three and eighty five hundredths perches to a stake at the root of a marked locust tree, standing on the North limit of the rail road, still south eight and a quarter degrees West thirty four and nine tenths perches to a stone near the south side of the Canal Still south eight and a quarter degrees west until it strikes the Potomac River then down by and with the meanderings thereof to the end of the south thirteen degrees twenty minutes East one and a half perches line of the four hundred and eighty two and a half parcel aforesaid, then leaving the Potomac River and running by and with the parcel aforesaidreversed correcting the same North Eleven degrees thirty five minutes West One and a half perches to a stone on the bank of the River, five and a half perches below the mouth of the creek aforesaid called Little Creek or Little Catoctin Creek, still with the the four hundred and eighty two and a half acres parcel aforesaid reversed correcting the same, Northe eleven degrees thirty five minutes West, ninety three an forty five hundredths perches to a stone, North Eighty three and a half degrees West thirty perches to a stone North Seven eighths of a degree East fifty seven and six tenths perches to a stone North thirty four and a half degrees East fifty and eight tenths perches to a stone North thirty four and a half degrees East fifty and eight tenths perches to a stone, North five and a half degrees west seventy and one tenth perches to the place of beginning containing conexclusively of the rail road and Canal and small strip along the Potomac River the quantity of two hundred and seventy three acres of land, Together with all and singular the buildings improvements rights, privilages and appurtenances thereunto belonging or in any wise appertaining and all the real estate right, title and interest trust property claim and demand whatsoever at law or in equity of them the said parties of the first part, of in and to the same to have and to hold the said hereinbefore described parcel of land with the privilages and appurtenances thereunto belonging unto him the said Samuel Clagett his heirs and assigns to the only proper use and behoof of him the said Samuel Clagett his heirs and assigns forever and the said parties of the first part for themselves

their heirs executors and administrators do hereby conenant,grant promise and agree to and with the said Samuel Clagett,his heirs,executors,administrators and assigns that the said parties of the first part and their heirs,the said parcel of land and premise hereby granted bargained and sold and every part and parcel thereof with the appurtenances thereunto belinging to him the said Samuel Clagett his heirs and assigns against the said parties of the first part their heirs and assigns all and every person or persons whatsoever olaiming any right title or interest of in or to the same or any part thereof shall and will hereafter warrent and forever defend by these presents,, In Witness whereof the said parties of the first part have hereunto set their hands and affixed their seals on the day and year first hereinbefore written.

Signed sealed and delivered in the psesents W.T.Jameson,William N.Below To the signature of Jas. Graham and Cath,Graham.

James Graham (SEAL)
Catherine Graham (SEAL)
John Graham (SEAL)
Mary C.Graham (SEAL)
Isreal C.White (SEAL)
Eliza White (SEAL)
John C.Luckett (SEAL)
Mary A.Luckett (SEAL)
William Graham (SEAL)
Henrietta Graham (SEAL)
Isreal Graham (SEAL)

William H.Hillery to the following names,John Graham.Mary C.Graham his wife,Josiah C. Luckett,Mary A.Luckett,his wife,William Graham Henrietta Graham his wife,and Isreal Graham. Whioh is tus is endorsed.

State of Maryland,Frederick County,to-wit!-

I hereby certify that on thid 30th day of November Eighteen hundred and fifty seven before me the subscriber,A Justice of the Peace of the State of Maryland,in and for Frederick County,aforesaid personally appeared John Graham Mary C.his wife,Josiah C. Luckett Mary A.Luckett his wife,William Graham Henrietta Graham,his wife,and Isreal Graham,and did each acknowledge themselves to be the parties grantors to the afpregoing deed and did each acknowledge the aforegoing deed to be their act,

Taken before me Wm.H.Hillesry,J.P.

State of Maryland,Frederick County,to wit!-

Be it rembered that on this_____day of_____Anno Domini Eighteen hundred and fifty_____before me the subscriber a Justice of the Peace of the State of Maryland in and for Frederiwk County,personally appeared the within named James Graham and Catherine Graham his wife,Josiah C.Luckett and Mary A.Luckett his wife,John Graham and Mary C.Graham his wife,Josiah C.White and Eliza White his wife,William Graham and Henrietta Graham his wife,and Isreal Graham and severally acknlwledged the aforegoing deed and instrument of writing to be their act and deed and the said Caterine wife of the said James Graham and the said Mary A.wife of the said Josiah C.Luckett and the said Mary C wife of the said John Graham and the said Eliza wife of the said Josiah C.White,and the said Henrietta wife of the said William Graham having signed and sealed said deed or imstrument of writing before me and out of the presents of hearing of their husbands and being also by me privately examined apart from and out of the presents and hearing of their husbands,whether they do execute and acknowledge the same fully and voluntairly and without being induced to do so by fear or threats of or ill usage by ther husbands,or by fear of their displeasure,declare and say that they do,and I do hereby certify that I am satisfied of my own personal knowledge that the persons making the aforegoing acknowledgement are the persons named and described as and professing to be the parties Grantors in and to the said Deed or instrument of writing,In testimony whereof I hereunto subscribe my name and the day and year aforesaid to the Signatures of James Graham and Catharine Graham his wifeythis twenty third day of Nov.1857.

John Crawford J.P. (SEAL)

A Justice of the Peace of the State of Maryland in and for Allgganey County.

StAte of MAryland,Alleganey County,S.S!-

I hereby certify that John Crawford Esquire before whom the annexed acknowledgement was made,and whose name is thereto subscribed,was at the time thereof a Justice of thre Peace of the said State, in and for the County aforesaid,duly commisioned and qualified.

(Place of Seal) In testimony whereof I hereunto subscribe my name and affixe the seal of the Circuit Court of said County,at Cumberland this 24th day of Nov.1857.

H.Resley.Clerk.

Virginia,Taylor County,to-wit!-

I Soloman Ryan a Justice of the Peace in and for Said County,and State do certify that Joseph C. White and Eliza White his wife,severally acknowledged the aforegoing deed a writing to be their act and deed,and the said Eliza White having signed and sealed said Deed or instrument of writing before me and out of the presents and hearing of her said husband,Whether she does execute and acknowledge the same freely and voluntarily and without having been induced to do so by fear or threats of all Ill will orusage by her said husband or by fear of his displeasure declared and said that she does and I do hereby certify that I am satisfied of my own knowledge that the persons named and described as & professing to be the parties grantees in and to the said deed or instrument of writing,

In Witness whereof I do hereunto set my hand & Seal as such Justice and as one of the Judges of Taylor County Virginia Court Va.this 30th day of Nov.1857.

Soloman Ryan J.P.(SEAL)

Virginia,Taylor County,Court,to-wit!-

I A.Armstrong Clerk of the County Court,of said County,do certify that Solomon Ryan whose hame is signed to the aforegoing writing or certificate is now and was when he made and gigned said certificate an acting Justice of said County,and One of the Judges of said Court and his signature is genuine.

(Place of Seal) In witness whereof I do hereunto set my hand and seal of office this 30th day of Nov.1857.

A.Armstrong.

State of Maryland,Frederick County,to wit!-

I herby acknowledge that the aforegoing Deed from James Graham & Catherine Graham his wife et al., to Samuel Claggett is a true copy of the same as taken from Liber B.G.F.No.1 folios 657 &c.One of the Land Records of Frederick County,Maryland.

PLACE OF COURT. SEAL

In witness whereof I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County,this 19th day of April A.D.1916.

Eli G.Haugh Clerk.

OF THE Circuit Court for Frederick County,Md.

Filed April 18'1916.

"E X H I B I T N O. 3"

At the request of John H.M.Claggett,et al.,the following Deed was received for Record and Recorded in Liber H.W.B.No.294 folio 531 &c.on the 28th of February, A.D.1911,at 9'o Clock A.M.

Test!-Harry W.Bowers,Clerk.

This deed made this 23rd day of February,in the year 1911,by Sophia E.E.Crampton and John D.C.Crampton,her husband,both of the State of Colorado!

WITNESSETH,that whereas,heretofore,to wit,on the 13th day of June,in the year 1900.Samuel Claggett died intestate,seized and possessed in fee simple of certain real estate hereinafter referred to and located in the Twelfth District of Frederick County,State of Maryland,leaving surviving him six children,as follows!-Spohia E.Crampton,wife of John D.C.Crampton,now a resident of the State of Colorado,John H.M.Claggett,now a residen of the State of Illinois,and T.West Claggett S.Genevieve Claggett Samuel Claggett and L.B.Keene Claggett,all residents of the State of Maryland,as his heirs at law to whom the legal title to said real estate has passed.And whereas,the said Spohia E.Crampton has agreed to sell and convey her undivided right,title,interest and estate in and to the said real estate to the said Samuel H.M.Claggett,T.West Claggett,S.Genevieve Claggett,Samuel Claggett and L.B.Keene Claggett,NOW THEREFORE THIS DEEDWITNESSETH,that in consideration of the sum of five dollars ($5.00) and

other godd and valuable considerations,the said Sophia E.Crampton and John D.G.Crampton her husband do hereby grant unto the said John H.M.Claggett,T.West Claggett,S.Cenevieve Claggett,Samuel Claggett,and L.B.Keene Claggett, all of our undivided right,title interest and estate in and to all those two farms situate,lying and being in the Twelfth District of Frederick County,State of Maryland,and known by the name of "Barleywood" and "Sunnyside,"the former comprises One hundred and Seventy-Seven-acres (177),more or less,being the same farm aquired by the late Samuel Claggett by deed from Ann Claggett and others dated the 7th day of August,1888,and Recorded in the Land Records of Frederick County,Liber A.F.No.9 folio 355,on the 11th day of August,1888,and the latter comprising two hundred and five (205) acres more or less,being the same farm aquired by the late Samuel Claggett by deed from James Graham and others,dated November 30th,1857 and recorded in the Land Records for Frederick County,in Liber B.G.F.No.1 folio 657; for a more particular descriptoin of said Farm reference to said deeds are hereby nade And the said Sophia E.Crampton and John D.G.Crampton her husband,hereby covenant that they will warrent generally the property hereby conveyed,and that they will execute such other and further assurances of said conveyance as mat be necessary as may be neo essary.IN WITNESS WHEREOFour hands and seals the day and year first above written.

Sophia E.Crampton (SEAL)

TEST!-Charles P.Bennett John D.G.Crampton (SEAL)
H.B.Landers.

State of Colorado,County of El Paso,To Wit!-

I hereby certify that on this 23rd day of February in the year 1911,before me,the subscriber,a notary Public of the State of Colorado,in and for the County,aforesaid,personally appeared Sophia E.Crampton and John D.G.Crampton,her husband,and did each acknowledge,the aforegoing deed to be their respective acts.IN WITNESS WHEREOF,I hereunto set my hand and affix my Notarial seal the day and year first above written.

My Commission expires
May 19th,1913:

Charles P.Bennett
Notary Public.

(Place of Seal)

Stateof Colorado.County of El Paso,S.S!-

I Elroy C.Sheldon County Clerk,andrecorded in and for said County in the State aforesaid,Do hereby certify that Charles P.Bennett residing in the county of El Paso whose name is suboribed to the certificate of acknowledgement of the annexed instrument,and thereon written,was at the time of taking such proofor acknowledgement,a Notary Public in and for the said County of El Paso,duly commissioned,sworn and acting as such,and duly authorized and qualified to take the acknowledgements of deeds etc.,for lands,tenements and heriditaments in said State,and his Commission of Authority to act are recorded in my offiwe,It being the only office in which such record is made in said County and fusther that I have compared the impression of the seal affixed to said instrument with the impression of the seal of the Officer who took the acknowledgement deposited in my office,and that I verily believe the impression of the seal upon the original certificate is genuine)and further,that I am well acquainted with his hand writing,and verily believe the signature to the the said proof or acknowledgement is genuine,and that sais instrument is executed and acknowledeged according to laws of the State of Colorado. In Witness whereof I have hereunto set my hand and affixed the seal of said County at Colorado Springs,in said County,this 23rd day of February A.D.1911.

Elroy Sheldon
County Clerk and Recorder,El Paso,County,Colorado.
By W.I.Chustosher Deputy.

Place of Seal)

State of Maryland Frederick County,to wit!-

I hereby certify that the aforegoing deed and certificate is a true copy as the same is recorded in Liber H.W.B.294 at folio 534 &c.One of the Land Records of Frederick County,Maryland.

PLACE OF COURT. SEAL

In witness whereof I hereunto subscribe my name and affix the seal pf the Circuit Court for Frederick County this 18th day of April A.D.1916.at FreDerick

Eli H.Haugh Clerk

Filed Apr,18'1916. OF THE Circuit Court for Frederick County.Md.

EQUITY SUBPONEA

STATE OF MARYLAND,FREDERICK COUNTY TO-WIT!

The State of Maryland.

To Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,Infants.To be served on Jeannette C.Claggett Mother of said Infants,No.1817 North Calvert Street,Baltimore Sity.of Baltimore City Greetings!YOU ARE HEREBY COMMANDED ,ThAt all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of May 1916,to answer the Bill and Complaint of Jeannette C.Claggett et al.For the Sale of Real Estate of Samuel Claggett,deceased against you in said Court exhibited,and so forth.Hereof fail you not,as you will answer the contrary at ypur peril.

PLACE OF COURT. SEAL

Witness the Honorable Hammond Urner,Chief Judge of said Court,the sixth day of March A.D.1916.

Issued the 18th day of April A.D.1916

Eli G.Haugh Clerk.

To the Sheriff of Baltimore City,

Jacob Rohrbaok,Solicitor. Filed April 20th,1916.

Summoned by reading Summons to Samuel Claggett,Thomas John Claggett and Bladen Dulahney Claggett, Infants,and a copy of the process left with Jeannette C.Claggett Mother of Infants named in Writ.

Thomas F.McNulty
Sheriff.

Fees $1.30

Jeannette C.Claggett,
Prochein Ami of Samuel
Claggett,Thomas John Claggett and Bladen Dulaney Claggett,Infants,
VS.
Samuel Claggett,Thomas John
Claggett and Bladen Dulaney
Claggett,Infants.

No. 9454 EQUITY.
In the Circuit Court
for Frederick County,
Maryland,sitting as a
Court of Equity.

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To Jacob Rohrbaok,Solicitor,Frederick,Maryland;-

I hereby authorize you to use my name as prochein ami of my infant children Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,and to file a petition in the Circuit Court for Frederick County,Maryland,as a Court of Eqity in my name as prochein ami of my said three children for the purpose of securing the decree of said Court for the sale of the real estate of said infants as heirs at law of their father,Doctor Samuel Claggett,deceased,in and to two farms located in Frederk County,Maryland,comprising 157 acres and 205 acres respectively near petersville in said County.

JeanJeannette C.Claggett
Mother of Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,Infants.

FileD April 20th,1916

Jeannette C.Claggett,prochein ami
of Samuel Claggett,Thomas John
Claggett and Bladen Dulaney Claggett,
Infants.
VS.
Samuel Claggett,Thomas John Claggett
and Bladen Dulaney Claggett,Infants.

No. 9454 EQUITY.
In the Circuit Court
for Frederick county,
Maryland,sitting as a
Court of Equity.

To the Honorable,the Judges of the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity!-The petition of Jeannette C.Claggett,prochein ami of Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,infants,the Plaintiff in the abive cause,respectfully represents unto your Honors!-

That the said Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,the Defendants in said Cause,have been duly returned summoned,but being infants they cannot answer and defend this suit for themselves;-That said infants have no guardian within the jurisdiction of this Court to answer anddefend the suit for themselves
Your petitionertherefore prays your Honors to appoint a guardian ad litem to appear and answer for said infants. And as in duty bound,etc.,

Jacob Rohrbaok
Solicitor for Petitioner.

On the aforegoing petition it is ordered by the Circuit Court for Frederick County, Maryland,sitting as a Court of Equity,on this 6th day of May,in the year nineteen hundred and sixteen,that John H.Martz be and he is hereby appointed guardian ad litem tp appear and answer for Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett, infants Defendants in the above cause.

Glenn H.Worthington

Filed May 6'1916.

ANSWER OF GUARDIAN AD LITEM
TO BILL OF COMPLAINT.

Jeannette C.Claggett,prochein ami of Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,infants, VS. Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,infants.	No. 9454 EQUITY. In the Circuit Court for Frederick County, sitting in Equity.

THE ANSWER OF Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,infants under the age of twenty-one years,by John H.Martz Guardian ad litem,to the Bill of Complaint of Jenneatte,pochein ami of Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,infants against Samule Claggett,et al.,in the Circuit Court for Frederick County,sitting as a Court of Equity exhibited.These defendants cannot admit any of the matters and things alleged in the Bill,and beihg infants of tender years,submit their rights to the protection of this Court.

John H.Martz
Guardian ad Litem.

Filed May 6'1916.

Jeannette C.Claggett,prochein ami of Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,infants. VS. Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,infants.	No. 9454 EQUITY. In the Circuit Court for Frederick County, Maryland,sitting as a Court of Equity.

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The Plaintiff for Replication to the answer of the infant Defendants by their guardian ad litem joines issue on the matters alleged in said answer so far as the same may be taken to deny or avoid the allegations of the Nill of Complaint.

Jacob Rohrbaok
Solicitor for Plaintiff.

Filed May 12'1916.

TESTIMONY

Jannette C.Claggett prochein ami of Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,infants, VS. Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,infants.	No. 9454 EQUITY. In the Circuit Court for Frederick County,Maryland, sitting as a Court of Equity.

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To the Honorable,the Judges of the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity!-The petition of Jeannette C.Claggett,prochein ami of Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,infants,the Plaintiff in the above entitled cause,respectfully represents unto your Honors!-

That an Answer has been filed to the Bill of Complaint filed in this cause,and the General Replication filed thereto,and the cause is now at issue!-

That it is necessary the cause he referred to an Examiner of your Honorable Court for the purpose of taking testimony to substantiate the allegation of the Bill of Complaint.

Wherefore your Petitioner prays your Honors Will refer the cause to one of the Examiners of your Honorablr Court for the purpose of taking such testimony as may be produced before him.

And as in duty bound,etc.,

Jacob Rohrbaok
Solicitor for Plaintiff.

On the aforegoing Petition it is Ordered by the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity,on this thirteenth day of May,in the year nineteen hundred and sixteen,that this cause be and the same is hereby referred unto any one of the standing Examiners of this Court for the purpose of taking such testimony as may be produced before him.

Filed May 13'1916. Glenn H.Worthington

Jeanette C.Claggett,
Porohine Ami &c.
VS.
Samuel Claggett,et al.&c.

No. 9 4 5 4 E Q U I T Y.
In the Circuit Court for
Frederick County,sitting as a Court
of Equity.

In pursuance of the annexed order of the Court dated May 13th 1916,and notice given me by the Solicitor for the Plaintiff in the above entitled cause,I Clayton O.Ceedy,one of the standing Examiners of said Court duly appointed,qualified and sworn,having assigned the 13th day of May 1916,at my office in Frederick City as the time and place for taking the testimony in this cause and having given due notice thereof to the parties concerned did,at the appointed time and place proceed to take the following testimony,to-wit!-

The Plaintiff filed with the Examiner as evidence Exhibit Nos,1-2 and 3,which are herewith returned by the said Examuner!--

Daniel Charles Flook,a witness of lawful age produced on the part of the Plaintiff being duly sworn and Examined viva voce deposes and says as follows!-

My name is Daniel Charles Flook,my age is 37 years,I reside in Frederick County,Maryland,I know all the parties to this suit.Mrs.Jeanette C.Claggett is the wodow of Dr.Samuel Claggett,and Samuel Claggett,Thomas John Claggett,and Bladen Dulaney Claggett are the children of Dr.Samuel Claggett;Dr.Samuel Claggett died in July 1914,and died without a will.His Widow Jeanette C.Claggett is about 38 years of age and Dr.Claggett was about 41 years of age when he died.He left sirviving him in addition to his widow,three infant children,Samuel Claggett,about 7 or 8 years of age Thomas John Claggett about 5 years of age and Bladen Dulaney Claggett about 3 years of age.The mother and children reside in Baltimore City,Maryland,but go to Virginia in the summer.Dr.Samuel Claggett was the son of Samuel Claggett,who died in Frederick County,Md.intestate in Frederick County,Md.on or about June 13,1900, leaving surviving him six children and a widow,who is since deceased,The names of the six children are Spphia Claggett now married th Garrett Crampton,now living in the State of Colorado.S.Geneveive Kopper,now the wife of John M.Copper of Madison,New Jerkey.T.West Claggett,now a resident of Baltimore City,Maryland.Dr.Samuel Claggett a resident of Frederick County,who died intestate in July,1914. L.B.Keene Claggett of Baltimore Maryland,John H.M.Claggett now a resident of the State of Illinois. Mrs.Claggett,the widow of Samuel Claggett died about 6 years ago.At the time of the death of Samuel Claggett he was seized and possessed of certain tracts of land in Petersville Distriot Frederick County Maryland,aggregating about 400 acres of land and I now look at Exhibits Nos.2 & 2 filed in this cause and they describe the land of which the said Samuel Claggett died seized and possessed . After the death of the father and mother Mrs.Sophia E.Crampton with her husband John D.G.Crampton, conveyed her one sixth interest in the real estate described in Exhibits Nos.1 and 2 to her sister S.GenevieveClaggett,now Mrs.Copper,and unto her four brothers,John H.M.Claggett,T.West Claggett Samuel Claggett,and L.B.Keene Claggett,by her deed executed with her husband,dated Feby,23,1911,and filed as Exhibit,No.3 in the paper intthis cause.In my opinion it would be to the interest and advantage of the infant children of Dr.Samuel Claggett,that their interest in said lands be sold at either

public or private sale,for the reason that the income varies form year to year and it would be hard to deside what the interest would be,and because the farms are now under tenancy and no member of tne family lives nearer than Baltimore and there is no one near the farms to look after the interests of the infant children and I would think tha that if their interests were sáld and invested for their benefit,they would have a more satisfactory income.The farm "Sunnyside"containes about 205 acres and lays East of Brunswick along the B.& O.Rail Road and I think it worth about $60-per acre The "Barleywood" farm of 177 acres in my opinion is worth about $120-per acre and is located West of and adjoining the town of Petersville in Frederick Cpunty.

To the Gen.Int.by the Examiner.

Ans.Nothing further- D.Charles Flook.

Harry W.Hilleary a witness of lawful age produced on the part of the Plaintiff being duly sworn and Examined viva voce deposes and says as follows;My name is Harry W.Hilleary,my age 33 years I reside in Frederick County,Maryland.I know all the parties to this suit.Mrs.Jeanette C.Claggett is the widow of Dr.Samuel Claggett and Samuel Claggette Thomas John Claggett and Bladen Dulaney Claggett are the chálDren of Dr.Samuel Claggette,Dr,Samuel Claggettt died in July,1914,and died without a will.His widow,Jeannette C.Claggett,is about 38 years of age and Dr.Samuel Claggett was about 41 years of age when he died.He left survivinh him,in addition to his widow,three infant children,Viz;- Samuel Claggett,about 7 or 8 years of age;Thomas John Claggett,about 5 years of age,and Bladen Dulaney Claggett about 3 years of age,The said mother and children reside in Baltimore City,Md.but go to Virginia in the summer,Dr.Samuel Claggett was the son of Samuel Claggett,who died in Frederick County,Maryland,intestate on or about June 13,1900 leaving survivinh him six children and a widow who is since deceased,The names of the said six children are;-Sophia Claggett,now married to Garrott Crampton who are now living in the State of Colorado.S.Genevevie Kopper,who is the wife of John Kopper of Madison,New Jersey,T.West Claggett now a resident of Baltimore City,Maryland.Dr.Samuel Claggett,a resident of Frederick County,but who died in July,1914.L.B.Keene Claggett of Baltimore Md.John H.M.Claggett,now a resident of the State of Illinois.Mrs.Claggett the wife of Samuel Claggett died about six years ago.At the time of the death of Samuel Claggett he was seized and possessed of certain tracts of land in Petersville District in Frederick County,Maryland,aggregating about 400 acres of land,and I now look at Exhibits Nos.1 and 2 filed with the Bill in this cause and they disoribe the land of which the said Samuel Claggett died seized and possessed.After the death of her father and mother the said Sophia E.Crampton with her husband John D.G.Crampton conveyed her one sixth interest in the real estate described in said Exhibits Nos.1 & 2 to her sister S.Genevevie Claggett (now Mrs.Copper)and unto her four brothers John H.M.Claggett,T.West Claggett,Samuel Claggett and L.B.Keene Claggett by her deed executed with her husband,dated Feby,23,1911 and filed as exhibit No.3 in the paper in this cause.In my opinion,it would be to the interest and advantage of the infant children of Dr.Samuel Claggett,that their interests in said lands be sold at either private or public sale for the reasons that the income varies from year to year and it would be hard to deside what their interest would be,and because the farms are now under tenancy and no member of the family lives nearer than Baltimore and their is no one near the farm to look after the interests of the infants children,and I would think that if their interests were sold and invested for their benefit they would have a more certain and satisfactory income.The farm "Sunnyside" containes about 205 acres and lays East of Brunswick,along the B.& O.Rail Road and I think it worth about $60-per acre,The"Barleywood" farm of 177 acres in my opinion is worth $120-per acre and is located West of and adjoining the town of Petersville in Frederick County.To the Gem.Integrogotory by the Exam.

Ans.Nothing further--- Harry W.Hilleary

Whereupon their being no other witnesses to be examined and no further time being required for the production of evidence,the said Examiner hereby certifies that the aforegoing are the original depositions in this cause as the same were read over to the witnesses and signed by them respectively and I herewith return the same enclosed to the Court.

Witness my hand thd 15th,day of May 1916.

Clayton O.Keedy
Examiner

Costs of the aforegoing testimony;-

C.O.Keedy 1 day----------$4.00
D.Charles Flook witness & attendance---------- 1.95
Harry W.Hilleary .. .. .. ---------- 2.05

Clayton O.Keedy
Examiner. Filed May 15'1916.

D E C R E E

Jeannette C.Claggett,prochein ami of Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett infants,

VS.

Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,infants.

No. 9 4 5 4 E Q U I T Y.

In the Circuit Court for Frederick County,sitting as a Court of Equity.

June TERM,1916.

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The above cause standing ready for a hearing,and being submitted,the Bill,Answer,Exhibits and testimony and all other proceedings were by the Court read and considered .

It is thereupon,this 28th day of June in the year nineteen hundred and sixteen,by the Circuit Court for Frederick County,as a Court of Equity,and by the authority of said Court,adjudged,ordered,and decreed,that the land and premises mentioned in these proceedings be sold,and being the undivided interests of said infants in and to the real estate of their father Samuel Claggett,deceased,in Frederick County,Maryland,at private sale unto Thomas West Claggett,S.Genevieve Claggett Kopper and L.B.Keene Claggett at and for the sum of fiftypnine hundred and sixtypthree dollars and forty-seven cents($5963.47)and that Jacob Rohrback of Frederick County,be,and he is hereby appointed trustee to make said sales,and that the course and manner of his proceedings shall be as follows:He shall first file in the Clerk's office of this Court,a BOND to the State of Maryland,executed by him with a surety or sureties,to be approved by the Court,or the Clerk thereof,in the penalty of twelve thousand Dollars,conditioned for the faithful performance of the trust reposed in him by this decree,or which may be reposed in him by any future order,or decree in the premises.He shall then proceed to make sale of the Real Estate,which terms shall be as follows:Cash on the day of sale,or on the ratification thereof by the Court,and as soon as may be convenient after any such sale or sales,the said Trustee shall return to this Court a full and particular account of the same,with an affidavit of the truth thereof,and of the fairness of such sale or sales annexed,and on the ratification of such sale or sales by the Court,and on the payment of the whole purchase money,and not before,the said Trustee,by a good and sufficient deed to be executed and acknowledged agreeably to law,shall convey to the purchasers of the said property,and to their heirs,the property to them sold,free,clear,and discharged of all claim of the parties to this cause,and of any person or persons claiming by,from, or under them;and the said Trustee shall bring into this Court the money arising on such sale or sales,to be disposed of under the direction of this Court,after deducting therefrom the costs of this suit,and such commission to the said Trustee as the Court shall think proper to allow,on consideration of the skill,attention and fidelity wherewith he shall appear to have discharged his trust

Filed June 28th,1916. Hammond Urner

A F F I D A V I T.

Jeannette C.Claggett,prochein, Ami of Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,Infants,

VS.

Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,Infants.

No. 9454 EQUITY.

In the Circuit Court.

for Frederick County,

State of Maryland.

--I,Millard F.Shafer deposeth and saith!

That he is 58 years of age,has resided in Frederick County 58 years,during which time he has been engaged in farming within 2 miles of Brunswick,Frederick County,Maryland and within 2 miles of Petersville,Frederick County,Maryland,for 25 years;that he has known for 45 years,the "Barleywood" and"Sunneyside"Farms,owned by the Claggett family, consisting of One hundred and seventy-seven (177) and two-hundred and five (205) acres, respectively,the former located near Petersville,and the latter near Brunswick,Frederick Co.,Md.,that the "Barleywood"Farm in his opinion is fairly worth One hundred and twenty Dollars ($120-) oer acre,and the "Sunneyside" Farm is fairly worth Sixty Dollars($60-) per acre.

Millard F.Shafer

Sworn to and signed before me,a Notary Public of the State of Maryland,in and for Frederick County,this 12th day of June,nineteen hundred and sixteen.

PLACE NOTARY OF PUBLIC. SEAL

E.R.Hogan
Notary Public.
My Commission expires May 1st,1918.

Filed June 28'1916.

AFFIDAVIT

Jeannette C.Claggett, Prochein Ami of Samuel Claggett,Thomas John Claggett and Bladen Dulaney ClaggettInfants.

VS.

Sauel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,Infants.

Jeannette C.Claggett, No. 9454 EQUITY,

In the Circuit Court

For Frederick County.

State of Maryland.

Abraham Hemp Jr deposeth and saith!

That he is 47 years of age,has resided in Frederick County 47 years,during which time he has been engaged in farming within 8 miles of Brunswick,Frederick County,Maryland,and within 5 miles of Petersvible,Frederick County,Maryland,for 3 years;that he has known for 40 years,the "Barleywood" and "Sunneyside" Farms,owned by the Claggett family,consis ting of one-hundred and seventy (177) and two-hundred and five(205) acres,respectively, the former located near Petersville,and the latter near Brunswick,Frederick Co.,Md.,that the "Barleywood"farm in his opinion is fairly worth One hundred to One hundred & ten Dollars ($100 to $110.) per acre,and the "Sunneyside"farm is fairly worth Fifty to Fifty five Dollars ($50.00 to $55.00)per acre.

Abraham Hemp Jr.

Sworn to and signed before me,a Notary Public of the State of Maryland,in and for Frederick County,this 10th day of June,nineteen hundred and sixteen.

PLACE PUBLIC OF NOTARY. SEAL

James C.Diffendal.
Notary Public.
My Commission Expires the first Monday in May.1918.

Filed June 28'1916.

OFFER TO PURCHASE "BARLEYWOOD" AND "SUNNEYSIDE" FARMS.

Jeannette C.Claggett,Prochein Ami of Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett Infants,

VS.

Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,Infants.

In the Circuit Court

For

Frederick County,

State of Maryland.

TO....Trustees of Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,Infants!-

We hereby offer fifty-nine hundred and sixty-three dollars and forty-seven centsfor the interest of Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,infant children of the late Dr.Samuel Claggett and Jeannette C.Claggett,his wife,in two farms located on "Merryland Tract" near Petersville ,Frederick County,Maryland,and known as "Barleywood" and "Sunneyside",comprising one hundred and seventy-seven (177) acres,more or less,and two hundred and five (205) acres,more or less,respectively;the joint interest of said infants therein,being one-fifth,inherited by them from their father,the late Doctor Samuel Claggett who died intestate on the seventh day of July,nineteen hundred ad and fourteen,subject only to the dower of their mother,Jeannette C.Claggett.

TEST!

Thomas West Claggett.
F.Geveneve Claggett Kopper
L.B.Keene Claggett

TEST! Filed June 28'1916.

Jeannette C.Claggett,prochein,ami of Samuel Claggett,et al.,Infants,

VS.

Samuel Claggett,et al.Infants.

No. 9454 EQUITY.

In the Circuit Court for Frederick County,Maryland,

Sitting as a Court of Equity.

To the Honorable,the Judges of the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity!-

The Petition and report of sale of Jacob Rohrbaok,Trustee appointed by your Honorable Court in the above entitled cause,respectfully represents unto your Honors!-That acting under the authority of a Decree passed by your Hohorablr Court in this cause on the date June 28th,1916,I,the said Jacob Rohrback,Trustee in said Decree named,having first filed with the Clerk of your Honorable Court a duly approved bond in the penalty of $12,000.00,I,the said Jacob Rohrbaok,Trustee,have sold at private sale unto Thomas West Claggett,S.Genevieve Claggett Kopper and L.B.Keene Claggett,resident of Baltimore City,in the State of Maryland,all of the undivided right,title,interest and estate of the infants,Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,children of Doctor Samuel Claggett,deceased,and being all of the parties in and to said Equity cause,of,in and to those two farms situated,lying and being in Petersville District,in Frederick County,State of Maryland,said farms being known by the names of "Barleywood"and "Sunneyside",the former comprising 177 acres of land, more or less,being the same farm acquired by Samuel Claggett,Senior,by Deed from Ann Claggett,et al, dated August 7th,1888,and recorded in Liber A.F.No.9,folio 355,one of the land records of Frederick County,Maryland,and the latter farm comprising 205 acres of land,more or less,being the same farm acquired by Samuel Claggettt,Senior,from James Graham et al,dated November 30th,1857,and recorded in Liber B.G.F.No.1,folio 657,one og the Land Records of Frederick County,Maryland,-at and for the sum of five thousand,nine hundred and sixty-three dollars and forty-seven cents ($5,963.47);-

And your petitioner further reports unto your Honors that he believes said sum to be a fair and just sum of money for the sale and purchase of the interest of said infants in said real estate;-

And your Petitioner reports his gross amount of sale to be the sum of $5,963.47.Wherefore your Petitioner prays that your Honors will finally ratify and confirm the sale made by him and above reportd unto your Honorable Court.And as in duty bound,etc.,

Jacob Rohrbaok ,
Trustee.

STATE OF MARYLAND,FREDERICK COUNTY,SCT!-

I hereby certify that on this 15th day of July,in the year nineteen hundred and sixteen,before me the subscriber,the Clerk of the Circuit Court for Frederick County,Maryland,personally appeared

Jacob Rohrback,Trustee,the above named Petitioner,who made oath in due form of law that the matters and facts stated in the above and aforegoing petition are true as therein set forth to the best of his knowledge,information and belief,and that the sale therein reported was fairly made.

Eli G.Haugh.
Clerk of the Circuit Court for Frederick County Maryland.

ORDER NISI ON SALES.

Jeannette C.Claggett Prochein Ami, of Samuel Claggett Thomas John Claggett and Bladen Dulaney Claggett,Infants.

VS.

Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett,Infants.

No. 9454 EQUITY.
In the Circuit Court for Frederick County sitting in Equity,July Term,1916,In the Matter of the Report of Sales filed the 15th day of July 1916.

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ORDERED,That on the 7th day of August 1916,the Court will proceed to act upon the Repot of Sales of Real Estate,reported to said Court by Jacob Rohrback Trustee in the above cause,and filed therein as aforesaid to finally reatfy and confirm the same,unless caus to the contrary thereof be shown before said day;provided a copy ofthis order be inserted in some newspaper published in Frederick County for three sucessive weeks prior to said day.

The report states the amount of sales to be $5,963.47.

Dated this 15th day of July 1916.

Eli G.Haugh,
Clerk of the Circuit Court for Frederick County.

"DAILY NEWS" PLACE OF COURT. SEAL

Filed July 15th,1916.

THE NEWS

Frederick,Md.August 7th,1916.

THIS IS TO CERTIFY,That the annexed Order Nisi on Sales was published in "THE DAILY NEWS",a news paper published in Frederick County,once a week 3 successive weeks prior to the 7th day of August 1916.

The News.
Per J.R.Fisher.

Filed Aug.7th,1916.

Jeannette C.Claggett Prochein Ami of Samuel Claggett,Thomas John Claggett and Bladen Dulaney Claggett, Infants,

VS.

Samuel Claggett,Thomas John Claggett, and Bladen Dulaney Claggett,Infants.

No. 9454 EQUITY.
In the Circuit Court for Frederick County Maryland, sitting as a Court of Ewuity.

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ORDERED by the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity,on this 7th day of August,in the year nineteen hundred qnd sixteen,that the sale made by Jacob Rohrback,Trustee,and reported by him in the above entitled cause,be and the same is hereby finally ratified and confirmed,no cause to the contrary thereof having been shown,although due notice appears by the Printers'Certificate herewith exhibited to have been given as required by the Order Nisi heretofore passed in said cause, and the cause is hereby refered to the Auditor of this Court who will state and account in which he wisl allow the usual Chancery commisions and also a Council fee,and all proper and usual expenses of sale for which a voucher will be exhibited;and the Auditor will return his report to the Court for its further action.

Hammond Urner

Filed August 7-1916

THE STATE OF MARYLAND,BALTIMORE CITY,Sc!

THE SUBSCRIBER,Register of Wills of Baltimore City,doth hereby certify,that it appears by the Records in his Office,that on the 1st day of July in the year of Our Lord one thousand nine hundred and sixteen George Weems Williams was appointed by the Orphans'Court of Baltimore City,GUARDIAN to Samuel Claggett born April 29th,1908,and Thomas John Claggettborn May 21st,1910,Bladen Dulaney Claggett born Dec,18th,1912,Infant children of Samuel Claggett deceased;and the said George Weems Williams being then and there present in said Court accepted of the said Guardiahship,and gave Bond with securties who were approved of by the said Court,for the faithful performance of his duty as Guardian to the said Infants in the penalty of 40.ooo.oo.

IN TESTIMONY WHEREOF,I hereunto subscribe my name and affix the Seal of my office, this 1st day of July in the year of our Lord nineteen hundred and sixteen.

(Place of Seal) Filed August 11-1916.

TEST! Howard W.Jackson
Register of Wills of Baltimore City.

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P E T I T I O N

Joseph W.L.Carty,and Charles C.Carty,Trustees under the last will of Clarence C.Carty, deceased.

ON.

P E T I T I O N.

No. 9 4 1 5 E Q U I T Y.
In the Circuit Court for
Frederick County,
in Equity.

To the Honorable,the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity.

The Petition of Joseph W.L.Carty,and Charles C.Carty,Trustees,under the last will of Clarence C. Carty,late of Frederick County,deceased,respectfully shows unto your Honors.

1st. That Clarence C.Carty,late of Frederick County,deceased,died in or about the month of August in the year,1911,leaving a last will and testament,which has been duly probated by the Orphans'Court of Frederick County,a certified copy of which is filed herewith as part hereof,marked Exhibit "A".

2nd: That among other things the said testator by his said will devised and bequeathed as follows,

"2. I give,devise and bequeath all the rest and residue of my estate,real,personal and mixed, to my brother Joseph W.L.Carty and my son,Charles C.Carty,and the surviver of them,in trust to hold and manage the same and to collect the income therefrom,until my youngest child becomes twenty one years of age,and during said time to pay to my wife,Nannie C.Carty the sum of One Thousand Dollars annually,accounting from the time of my death,and also the sum not exceeding One hundred and seventy five dollars per annum for house rent;the remainder of said income to be added to the corpus of the trust estate and invested for the benefit thereof."

3d. "3,-Upon the arival of my youngest child at the age of twenty -ne years,I then direct that said Trustees or the surviver of them shall make distribution of said trust estate as follws:-To my wife,Nannie C.Carty,one fourth of said Estate,and the balance of said estate to be equally divided among all my children,share and share alike,the child or children of any deceased child,in all cases to take the share of the parent."

4th. "4.-I hereby empower the said trustees or the surviver of them to make all sales and conveyances of the whole or any part of my real and personal estate,which in their descretion may be necessry or desirable,either in the management of the estate during the minority of my youngest child,or for the purpose of making distribution at the end of that period as above set forth."

5th. That the said testator,left surviving him a widow,who is still living and ten children all of whom are yet alivéng,and that the youngest child,May Carty,will become twenty one years of age on the 12th day of May,in the year 1916.

6th. That some of the cheldren of the said testator have assigned or encumbered their interests in said estate,though to the exact amount or extent,your petitioners are not fully advised.

Wherefore your Petitioners pray that your Honorable Court will assume jurisdiction of the administration of the trust created by the will of said testator in order that your Petitioners may have the

benefit of the direction and protection of your Honorable Court in the future execution of said trusts and in the final distribution of the trust funds among those who may be entitled,and that your Petitioners may have such other and further relief as the nature and Equity of their case may require.And as in duty,&c.,

Joseph W.L.Carty
Charles C.Carty,
Trustees,Petitioners.

Benj.F.Reich.
Clayton O.Keedy
Sols.

State of Maryland,Frederick County,To Wit.

I hereby certify that on this 11th,day of February,in the year 1916,before me,the subscriber,Clerk of the Circuit Court for Frederick County,personally appeared Joseph W.L. Carty,and Charles C.Carty,Trustees under the last will of Clarence C.Carty,late of Frederick County,deceased,and did each make oath in due form of law that the matters and things stated in the aforegoing Petition are true to the best of their knowledge and belief.

Eli G.Haugh,Clerk.

Upon the aforegoing Petition,affidavit and Exhibits,it is ordered this 10th day of February in the year 1916,by the Circuit Court for Frederick County,sitting as a Court of Equity,that this Court does hereby assume jurisdiction of the trust created by the will of Clarence C.Carty,late of Frederick County deceased,and it is further ordered that the trustees named in said will,as soon as conveniently may be,make report of the trust estate and their proceedings in the administration thereof.

Glenn H.Worthington
Edward C.Peter.

Filed May 11'1916.

EXHIBIT "A"

I,Clarence C.Carty of Frederick County in the State of Maryland being of sound and disposing mind,memory and understanding do make this my last will and testament,hereby reveking all other wills and testaments heretofore made by me;that is to say,after all my just debts and funeral expenses are paid:-

I, I give and bequeath all my household goods of every kind to my wife Mannie C.Carty, with the exception of the oak Family Desk,which I give to my son Arthur C.Carty.

2. I give devise and bequeath all the rest and residue of my estate real,personal and mixed,to my brother Joseph W.L.Carty and my son Charles C.Carty,and the survivor of them in trust to hold and manage the same and to collect the same income therefrom,until my youngest child becomes twenty one years of age,and during said time to pay to my wife Mannie C.Carty the sum of One Thousand Dollars annually,accounting from the time of my death,and also a sum not exceeding One Hundred and Seventy five dollars per annum for house rent;the remainder of said income to be added to the corpus of the trust estate and invested for the benefit thereof.

3. Upon the arival of my youngest child at the age of twenty one years,I then direct the said trustees or the survivor of them shall make distrebution of said trust estate as follows(-to my wife Mannie C.Carty,one-fourth of said Estate and the balance of said estate to be equally divided among all my children,share and share alike,the child or children of any deceased child in all cases to take the share of the parent.

4. I hereby empower the said trustees or the survivor of tem to make all sales and conveyances of the whole or any part of real and personal estate,which in their descretion may be necessary or desirable,either in the management of the estate during the minority of my youngest child,or for the purpose of making distribution at the end of that period as above set forth.

5. If at the time of my death I shall be on any obligation of any kind for any of my children,these obligations shall be cancelled by such child or children before they rece ive any shareor benefit from my estate.

6. And lastly I do hereby appoint my brother Joseph W.L.Carty and my son,Charles C.Carty Executors of this my last will,and I desire that my said Executors and the aforesaid

trustees may be excused from the necessity of giving bond.

In testimony whereof I hereunto set my hand and seal this 4th day of October in the year Nineteen hundred and seven. Charles C.Carty (SEAL)

Signed,sealed,published and declared by the above named testator Clarence C.Carty,as and for his last will and testament in the presents of us,who,at his request and in his pesents,and in the presence of each other,have hereunto subscribed our names as witnesses thereto. A.Lorey McCardell
Wm.D.Zimmerman.

State of Maryland,Frederick County,to-wit!

I,Albert M.Pattersen,Register of Wills for Frederick County,do hereby certify that the aforegoing is a true copy of the Last Will and Testament of Clarence C.Carty late of Frederick County,deceased, as recorded in Liber W.B.C.No.2.Folio 476 &c one of the books for recording wills in the office of the Register of Wills for Frederick Cpunty.

In testimony whereof I hereunto subscribe my name and affix the seal of thr Orphans'Court for Frederick County,this9th day of February A.D.1916 .

SEAL ORPHANS COURT.

Filed Feby.11(1916) Albert M.Pattersen
Register of Wills for Frederick County.

Trustees' First Report of sales & Order Nisi

Joseph W.L.Cartee,and Charles C.Carty,trustees under the last Will of Clarence C.Carty,deceased.

ON.

P E T I T I O N.

No. 9 4 1 5 E Q U I T Y.

In the Circuit Courtfor Frederick County in Equity.

To the Honorable,the Judges of said Court.

The Petition and Report of sales of Joseph W.L.Carty and Charles C.Carty,Trustees under the last will of Clarence C.Carty,late of Frederick County deceased,respectfully shows unto your Honors.

That by virtue of the discretion vested in them by the 4th.clause in the last will on Clarence C. Carty deceased,your Trustees have sold at private sale on the first day of February 1916,a part of the real estate belonging to said trust estate,to Charles C.Carty and Harry E.Carty,partners trading in the name,style and firm of C.C.Carty,at and for the sum of eleven thousand dollars,the business property of the late Clarence C Carty,situated on the South side of East Patrick Street,in Frederick City,Maryland,and more fully described in the acknowledgement of purchase herewith filed,as Parcel No.1.and that said purchasers have obligated themselves to comply with the terms of sale which are fully set out in the memorandum of purchase which is herewith filed marked Exhibit No.1.

And your Trustees further report that the said sum of Eleven thousand dollars in their judgement is a fair and reasonable price for said land and premises,and pray that said sale may be ratified by your Honorable Court,and report that the gross amount of sales are Eleven thousand dollars.

All of which are respectfully submitted.

Joseph W.L.Carty
Charles C.Carty Trustees .

State of Maryland,Frederick county,To-Wit.

I hereby certify that on this 12th,day of February,in the year 1916,before me,the subscriber,Clerk of the Circuit Court for Frederick County,personally appeared Joseph W.L.Carty,and Charles C.Carty, Trustees under the last will of Charles C.Carty deceased,and did each make oath in due form of law that the matters and things stated in the aforegoing Petition and Report of sales are true to the best of their knowledge and belief and that the sale therein reported was fairly made.

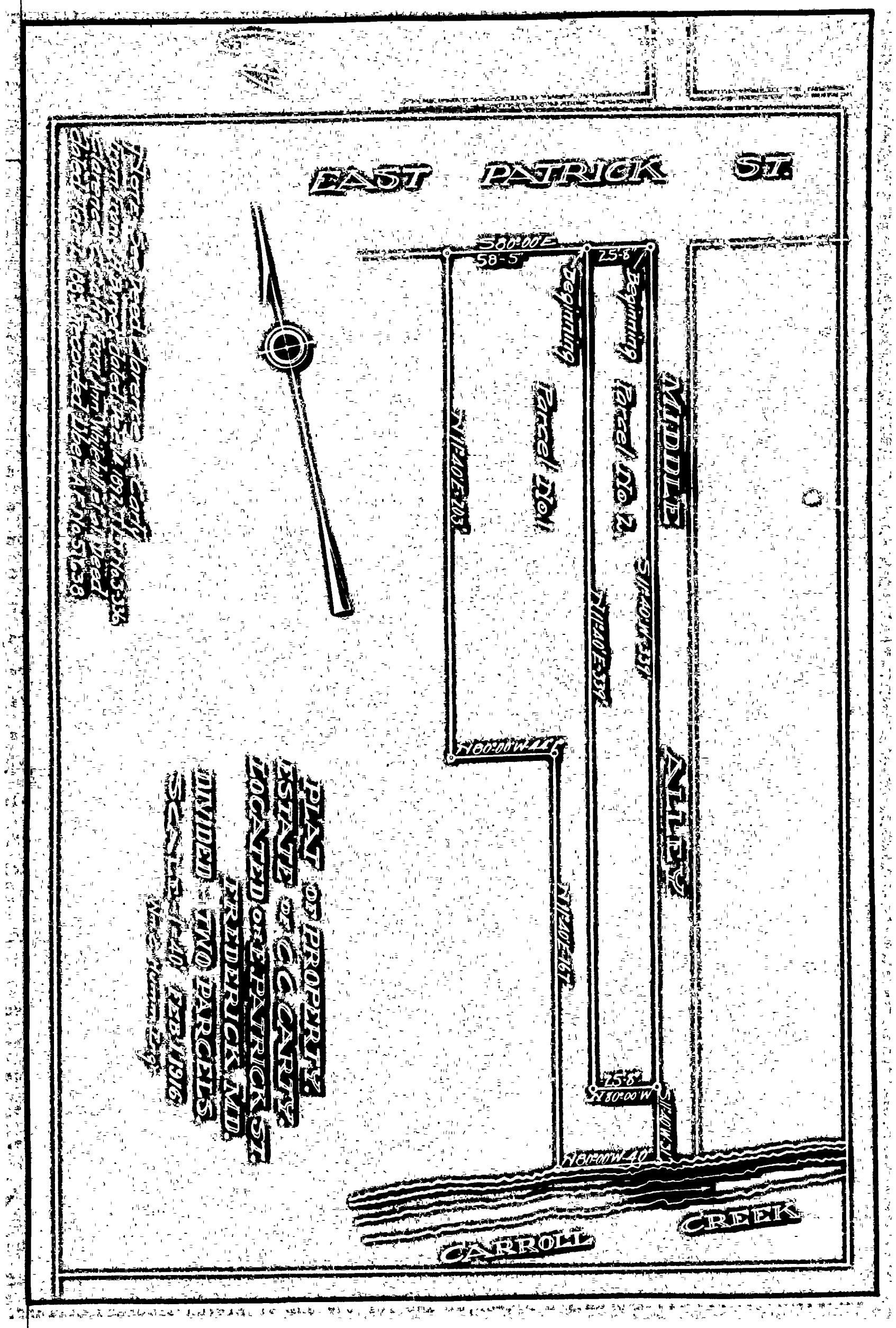
Eli G.Haugh,Clerk.

"E X H I B I T NO. 1"

We hereby acknowledge that we have this first day of February,in the year nineteen hundred and sixteen,purchased of Joseph W.L.Carty,and Charles C.Carty,Trustees under the last will of Clarence C. Carty,late of Frederick County deceased,at and for the sum of Eleven thousand dollars,with interest thereon from the date hereof,to be paid on the ratification of said sale by the Circuit Court for Frederick County,sitting as a Court of Equity,All that lot or parcel of ground,situated on the South

side of East Patrick Street, in Frdederick Street, in Frederick City, Frederick County, State of Maryland, fronting fifty eight feet and five inches on said Street, and being fully described by metes and bounds, courses and distances as parcel No.1 on the plat and description made by William C.Hunn, Engineer, hereto annexed together with all the buildings and improvements thereon and all the rights, ways, privilages and appurtenances thereunto belonging or in any wise appertaining. It being understood and agreed that in consideration of the payment of interest on the purchase money as aforesaid, the rent now being paid by the purchasers for said property, shall cease on the first day of February, 1916.

Charles C.Carty
Harry E.Carty
Partners Trading as C.C.Carty.



D E S C R I P T I O N F O R D E E D.

PARCEL NO. 1.Intended to be conveyed to Charles C.Carty and Harry E.Carty.

BEING all that lot or parvel of ground situated on the South side of East Patrick St,in Frederick City,Md.which was conveyed to Clarence C.Carty by Ann Whitehill,et al,by deed dated,Jan,2,1883, andrecorded in Liber A.F.No.5,Folio,No,638,one of the Land Records of Frederick Co,Md.and a part of the lot or parcel of ground situated on the South side of East Patrick St,adjoining the above parcel which was conveyed to Clarence C.Carty by Frank A.Berger,by deed,dated,Dec,14,1892,and recorded in Liber J.L.J.No,3,Folio,No.336,one of the land records for Frederick County,Md.

BEGINNING for the same at a point in the South side of East Patrick St,said point being the northwest corner of the brick dwelling house # 54,and running thence by a divisional line now made, (1) South 11-40'West,339 feet,(2) South 80-00'East,25 feet 8 inches to the West side of middle Alley thence with the West side thereof,(3) South 11-40' West,31 feet to Carroll Creek,now leaving said Alley (4) North 80-00'West,40 feet thence,(5) North 11-40'East,167 feet,to the South East corner of the lot of ground conveyed as aforesaid to Clarence C.Carty from Ann Whitehill et al,thence with said lot two courses and distances,(6) North 80-00'West,44 feet 1 inch,thence binding on the eastern line of Jacob M.Newman's lot,(7) North 11-40'East,203 feet,to the South side of East Patrick St, aforesaid,said point being at the end of a line drawn North 80-00'West along the South side of East Patrick St,10 feet 9 inches from the granite base stone at the north west corner of the store property on the lot hereby conveyed,thence with the south side of East Patrick St,aforesaid,(8) South 80. 00'East,58 feet 5 inches to the first mentioned place of beginning. W.C.H.

Filed Feby.14th,1916.

O R D E R N I S I O N S A L E S

Joseph W.L.Carty and Charles C. Carty,Trustee's under the last will of Clarence C.Carty,deceased.

ON.

P E T I T I O N.

No. 9 4 1 5 E Q U I T Y.

In the Circuit Court for Frederick County sitting in Equity,January TERM,1916.In the Matter of the Report of Sales filed the 14th day of February 1916.

ORDERED,that on the 8th day of March 916,the Court will proceed to act upon the report of Sales of Real Estate,reported to said Court by Joseph W.L.Carty and Charles C.Carty Trustees in the above cause,and filed therein 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 $11.000.00

Dated this 14th day of February 1916.

Eli G.Haugh
Clerk of the Circuit Court for Frederick County.

Reich & Keedy,Solicitors'

"Daily News"

PLACE OF COURT. SEAL

THE NEWS FREDERICK ,MD. MAR,1916.

THIS IS TO CERTIFY,That the annexed order Nisi on Sales was published in "THE DAILY NEWS"a Newspaper published in Frederick County,once a week 3 sucessive weeks prior to the 8th day of March,1916.

THE NEWS
Per Fisher.

Filed March 9th,1916.

Joseph W.L.Carty and Charles C.Carty,Trustees under the last will of Clarence C.Carty,deceased.

ON.

P E T I T I O N.

No. 9 4 1 5 E Q U I T Y.

In the Circuit Court for Frederick County, in Equity.

Ordered this 9th day of March in the year 1916.by the Circuit Court for Frederick County,sitting as a Court of Equity,that the aforegoing Report of Sale be and the same is hereby ratified and confirmed,no cause to the contrary having been shown,although due notice as required by the proceeding order Nisi has been given,as required by the printers certificate herewith filed.

Filed March 9th,1916.

Glenn H.Worthington

540

TRUSTEES' SECOND REPORT OF SALES.

Joseph W.L.Carty and Charles C.Carty,Trustees under the last Will of Clarence C.Carty,deceased.

ON.

PETITION.

No. 9415 EQUITY.

In the Circuit Court for Frederick Cpunty, in Equity.

To the Honorable,the Judges of said Court.

The Petition made 2d,Report of Sales of Joseph W.L.Carty and Charles C.Carty,Trustees under the last will of Clarence C.Carty,late of Frederick County,deceased,respectfully shows unto your Honors.

1st. That by virtue of the discretion vested in them by the fourth clause of said last will of Clarence C.Carty,deceased,your Trustees have sold at private sale,all the balamace of the real estate of said testator,as follows:-

2nd. That they have sold to Jesse F.R.Heagey,the house and lot known as No.236,on South Market Street,in Frederick City,Maryland,and more fully described as Parcel No.3.,on th the plat and survey made by William C.Humm,Engineer,and filed herewith as part hereof, marked Exhibit W.C.H.,at and for the sum of Twenty five hundred dollars,as will appear by his acknowedgement of purchase herewith filed as part hereof,and marked Exhibit J.F. R.H.

3rd. That they have sold John H.Young and Jessie E.Young his wife,the house and lot,kno wn as No.234,on South Market Street,in said Frederick,Maryland,and fully described as Parcel No.2.,on said Exhibit W.C.H.at and for the sum of Twenty five hundred dollars,as will appear by the acknowledgement of purchase herewith filed as part of this report, marked Exhibit J.H.Y.

4th. That they have sold to Mary E.Fisher,the house and lot,known as No.232,on South market Street,in Frederick,Maryland,and more fully described as Parcel No.1.,on the said Exhibit W.C.H.,at and for the sum of Twenty five hundred dollars,as will appear by her acknowledgement of purchase herewith filed as part hereof,and marked M.E.F.

5th. The they have sold to Nannie C.Carty,the house and lot,situated on East Patrick Street,at the corner of Middle Alley,in Frederick,Maryland,and fully described as Parcel No.2.,on the plat and survey,made by William C.Humm,Engineer,and heretofore filed in this Cause,as Exhibets-No,1,to the Trustees'First Report of sale,at and for the the sum of four thousand dollars,as will appear by her acknowledgement of purchase herewith filed as a part hereof,marked Exhibit N.C.C.And the Trustees report the gross amount of sales at eleven thousand Five hundred dollars ($11500,00),and pray that the said sales may be ratified by your Honorable Court.And as in duty &c.

Joseph W.L.Carty
Chas.C.Carty Trustees.

STATE OF MERYLND,FREDERICK COUNTY,To Wit.

I hereby certify that on this 13th day of March in the year 1916.,beforeme,the subscriber,Clerk of the Circuit Court for Frederick county,personally appeared Joseph W.L.Carty and Charles C.Carty,Trustees under the last will of Clarence C Carty,late of Frederick County,deceased,and made oath in due form of Law that the matter and things stated in the aforegoing Report are true to the best of their knowledge and belief that the sale s therein reported were fairly made.

Eli G.Haugh Clerk.

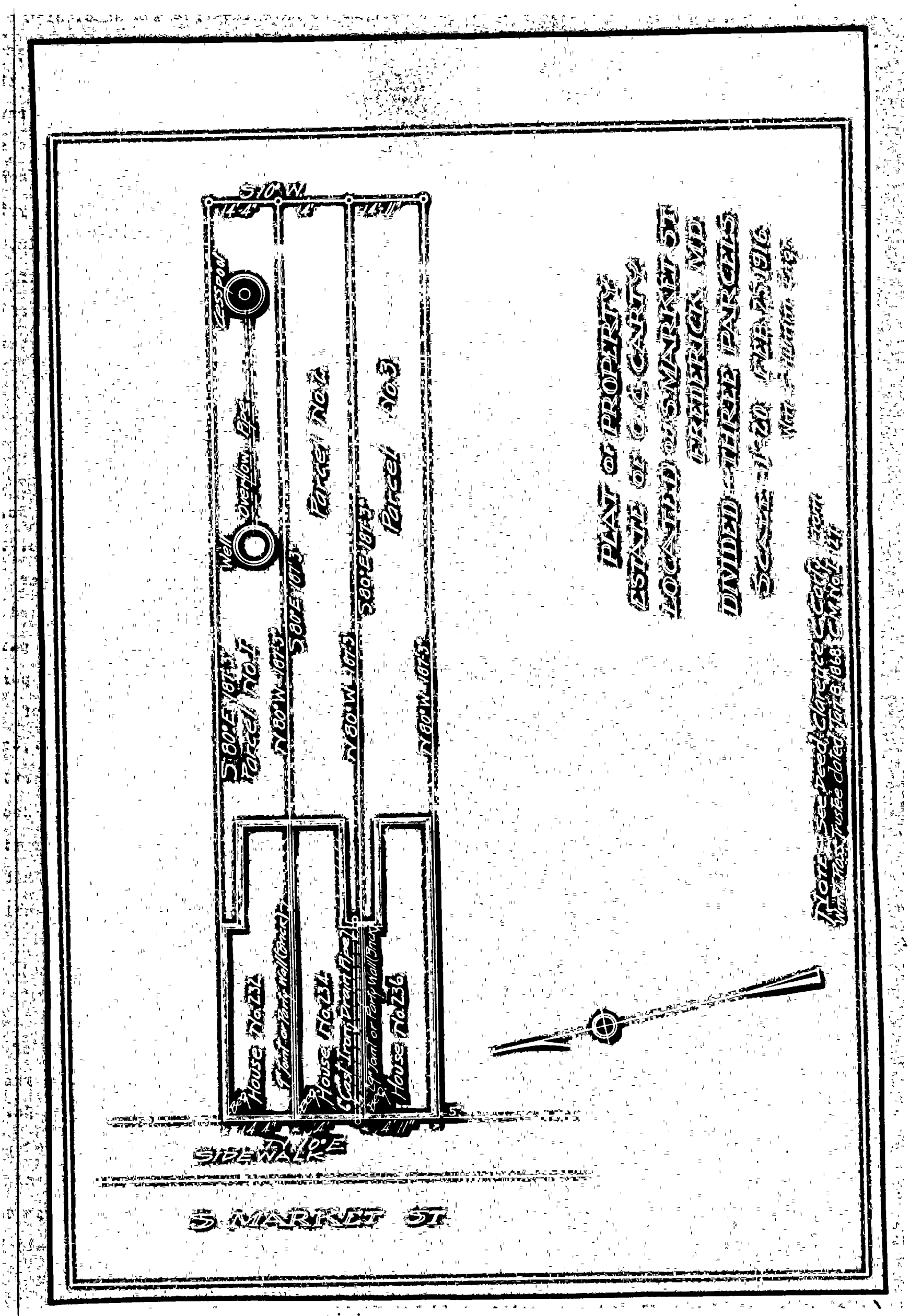


EXHIBIT -J.F.R.H.To Trustees 2nd.Report of Sales.

I hereby acknowledge that I have this 1st,day of March in the year 1916,purchased of Joseph W.L. Carty and Charles C.Carty,Trustees in No.9515 Equity,the house and lot known as No.236 South Market Street,in Frederick,Maryland,and fully described as Parcel No.3.,on the plat and survey made by William C.Hunn,Engineer,on February 25th.1916,which plat is intended to show that said parcel No.3, extends to and adjoines the Eastern line of said Market Street,and is to be filed as part of the Trustees'2nd.Report of Sales in said Equity Cause,to gether with the buildings and improvements thereon,and the rights,ways,privibages and appurtenances thereto belonging or in any wise appertaining,and especially the right of said purchaser,his heirs and assigns,to use jointly,with the present and future owners of Parcel No.1 and 2,on said plat,the well and cesspool located on said Lot No.1.,on said plat,the owners of said three parcels,their heirs and assigns,to bear a proportionate part or share of the expenses of cleaning and maintaining said well and cesspoole,and with

the right for said purchaser,his heirs and assigns to have the free and unmolested use of the drain pipe running from said parcel No.3.,through said parcels Nos.1 and 2,and connecting with said well and cesspool,together with the right to use jointly with the owners of the adjouning properties on the North,the six inch drain pipe leading through the pillars in the cellar of said adjoining property out to the curb,at and for the sum of Twenty Five hundred dollars,of which Two Hundred dollars has been paid,and the remaining Twenty three hundred dollars to be paid upon the ratification of this sale by the Court,with interest on said deferred payment from March 1st,1916,until paid,and interest to be allowed on said Two hundred dollars to the purchaser from said 1st.day of March,1916,until the ratification of said Sale;-the purchaser to receive the rent of said property from March 1st.1916;-all conveyancing and the costs of the revenue stamps to be born by the vendors.TEST! Clayton O.Keedy Jesse F.R.Heagey.

Filed March 13,1916.

EXHIBIT J.H.Y.

We hereby acknowledge that we have this 13th day of March in the year 1916,purchased of Joseph W.L.Carty and Charles C.Carty,Trustees in No.9415 Equity,the house and Lot No.234,on South Market Stree t in Frederick,Maryland,and fully described as Parcel No.2., on the plat and survey made by William C.Humm,Engineer,which plat is to be filed as part of the Trustees'2nd,Report in said Equity Cause,together with the buildings and improvements thereon,and at for the sum of Twenty five hundred dollars,cash,to be paid on the ratification of said sale by the Court,together with the right to the said purchasers,their heirs and assigns,to use jointly with the present and future owners of Parcels Nos.1.,and 3.,on said plat,the well and cesspool,located on said lot No.1.,on said plat,the owners of said three parcels,their heirs and assigns,to bear a proportionate part or share of the expenses of cleaning and maintaining said weell and cesspool, and subject to the right of the owners of Parcel No.3.,on said plat,to use jointly with the owners of the property hereby purchased,the six inch drain pipe,leading through the pillars in the celler of the property hereby purchased,out to the curb,All conveyancing and the cost of revenue stamps to be born by the vendor.

John H.Young
Jessie E.Young.

Filed March 13'1916.

Exhibit M.E.F.

I hereby acknowledge that I have this 7th day of March in the year 1916,purchased of Joseph W.L.Carty and Charles C.Carty,Trustees in No.9415 Equity,the house and lot known as No.232 South Market Street,in Frederick,maryland,and fully described as parcel No.1, on the plat and survey made by William C.Humm,Engineer,which plat is to be filed as pa part of the trustees 2nd,Report in said Equity Cause,together with the buildings and improvement thereon,at and for the sum of Twenty five hundred dollars,cash of which one $100.00 has been paid and the balance is to be paid on the ratification of said sale by the Court,subject to the right of the owners of the two adjacent properties on the South to use the well and cesspool on said Lot No.1.,as now used,upon their bearing their proportionate part of the expenses of cleaning and maintaining said well and cess pool,said property to be conveyed to me,Mary E.Fisher,for and during my natural life, with remainder at my death to my daughter,Ruth M Harner,wife of A.V.Horner,for and during her natural life,and at her death to her children,if any,at the time of her death or her decendants,if so living,but if my said daughter,Ruth M.Harner,shall die without leaving children child,or decendants,living at her death,then in remainder to all of my grandchildren and their decendants,living at the death of the said Ruth,per stirpes and not per capita,the vendors to bear the expenses of conveyancing and revenue stamps.

Filed March.13th.1916. Mary E.Fisher.

$EXHIBIT N.C.C.$

I hereby acknowledge that I have this 13th day of March in the year 1916,purchased of

Joseph W.L.Cartyand Clarence C.Carty,Trustees in No.9415 Equity,All that house and Lot of ground, situate on East Patrick Street,at the cornerof Middle Alley,fronting Twenty five feet,eight inches on sais Street,and fully described as Parcel No.2.,on the plat and survey made by William C.Hunn, Engineer,and filed herein as Exhibit No.1.,to said Trustees'First Report of Sale,at and for the sum of Four thousand dollars,to be paid on the ratification of this sale by the Court,All conveyancing and cost of revenue stamps to be paid by the Vendors.

Nannie C.Carty.

Filed March.13'1916.

ORDER NISI ON SALES

Joseph W.L.Carty and Charles C. Carty Trustee's under the last will of Clarence C.Carty,deceased.

ON.

PETITION.

No. 9415 EQUITY.
In the Circuit Court for Frederick County Sitting in Equity.March TERM,1916 In the Matter of the Report of Sales filed the 13th day of March 1916.

ORDERED,That on the 5th day of April 1916,the Court will proceed to Act upon the Second Report of Salesof Real Estate,reported to said Court by Joseph W.L.Carty and Charles C.Carty Trustees in the above cause,and filed therein as aforesaid,to finally ratifi 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 news paper published in Frederick County for three successive weeks prior to said day.

The report states the amount of salesto be $11500000

Dated this 13th day of March 1916.

Eli G.Haugh
Clerk of the Circuit Court for Frederick County.

"Daily News"

THE NEWS. Frederick,Md.,April 5th,1916.

THIS IS TO CERTIFY,That the Annexed Order Nisi on Sales was published in "THE DAILY NEWS",a newspaper published in Frederick County,once a week 3 successive weeks prior to the 5th day of April,1916.

THE NEWS
Per I.R.Fisher.

Filed April 8'1916.

FINAL RATIFICATION

Joseph W.L.Carty,and Charles C.Carty,Trustees under the last Will of Clarence C.Carty, deceased.

ON.

PETITION.

No. 9415 EQUITY.
In the Circuit Court for Frederick County,
in Equity.

The aforegoing Trustees'2d.Report of Sales and Exhibits filed therewith,having been read and considered,it is thereupon this Eighth day of April in the year Nineteen hundred and sixteen,by the Circuit Court for Frederick County,setting as a Court of Equity,ordered and adjudged,that the said Report of Sales,be and the same id hereby finally ratified and confirmed,no cause to the contrary having been shown,although due notice thereof has been given by advertisement as required by the proceeding order nisi.

Hammond Urner.

Filed April8'1916.

KNOW ALL MEN BY THESE PRESENTS,that We,Nannie C.Carty,widow of Clarence C.Carty,deceased,and Charles C.Carty,Harry E.Carty,Eleanor G.Carty,Ruth Carty and May Carty,children of said Clarence C.Carty,do hereby acknowledge to have received from Joseph W.L.Carty and Charles C.Carty,Trustees in No.9415 Equity,in the Circuit Court for Frederick County,the amounts allowed to us respectively in the audit finally ratified in said Cause,on June 10th.1916.,that is to say:-

The said Nannie C.Carty has received the sum of ----------$9188.16
The said Charles C.Carty has received the sum of ----------$2756.44
The said Harry E.Carty has received the sum of ----------$2756.44
The said Eleanor G.Carty has received the sum of----------$2756.44
The said Ruth Carty has received the sum of ----------$2756.44
And the said May Carty has received the sum of ----------$2756.44

And we,and each of us do hereby release,exonerate,acquit and forever discharge the said Joseph W.L.Carty and Charles C.Carty,Their Heirs and Executors and Administrators from all claim or demand whatsoever on account of the payment of the said sums of money,either at Law or in Equity.

Witness our hands and seals this tenth day of Jone in the year nineteen hundred and sixteen.

TEST:A.LeRoy McCardell

Nannie C.Carty (SEAL)
Charles C.Carty (SEAL)
Harry E.Carty (SEAL)
Eleanor G.Carty (SEAL)
Ruth Carty (SEAL)
May Carty (SEAL)

State of Maryland,Frederick County,To Wit.

I hereby certify that on this tenth day of June 1916.,before me,the subscriber,a Notary Public of the State of Maryland,in and for Frederick County,aforesaid,duly commissioned and qualified,personally appeared the aforenamed Nannie C.Carty,Charles C.Carty,Harry E. Carty,Eleanor C.Carty,Ruth Carty and May Carty,and did each acknowledge the aforegoing release to be their respretive act and deed.

NOTARY PUBLIC. SEAL

In testimony whereof I have hereunto set my hand and ### affixed my Notarial Seal the day and year first above written.

A.LeRoy McCardell.
Notary Public.

Filed June 14th,1916.

KNOW ALL MEN BY THESE PRESENTS,That I,Margaret Best Jones,of Washington City,in the Dist rict of Columbia,and one of the children of Clarence C.Carty,deceased,do hereby acknowledge to have received for Joseph W.L.Carty and Charles C.Carty,Trustees in No.9415 Equity,in the Circuit Court for Frederick County,the sum of Twenty seven hundred and fifty six dollars and forty four cents,($2756.44),being the amount allowed to me in the audit in said Equity Cause,finally retified on June 10th,1916,and I do hereby release,exonorate acquit and forever discharge the said Joseph W.L.Carty and Charles C.Carty,their heirs, Executors and Administrators from all claim or demand whatsoever,on account of the payment of the said sum of money,either in law or in Equity.

Witness my hand and seal this 12th day of June in the year Nineteen hundred and sixteen.

TEST:W.C.Strause

Margaret Best Jones (SEAL)

District of Columbia,Washington City,To Wit.

I herby certify that on this 12th day of June in the year 1916.,before me,the subscriber,a Notary Public,of the District of Columbia,in and for Washington City aforesaid,duly commissioned and qualified,personally appeared the aforenamed Margaret Best Jones,and did acknowledge the aforegoing release to be her act and deed.

Notarial. SEAL

In testimony whereof,I have hereunto set my hand and affixed my Notarial seal the day and year above written.

Filed June 14'1916.

Robert S.Stunz.
Notary Public.
My Commission Expires November 16th,1919.

KNOW ALL MEN BY THESE PRESENTS,that I,Arthur C.Carty,of the City and county of Philadelphia,State of Pennsylvania,and one of the children of Clarence C.Carty,deceased,do hereby acknowledge to have received of Joseph W.L.Carty and Charles C.Carty,Trustees in No. 9415 Equity,in the Circuit Court for Frederick County,the sum of Twenty seven hundred and Fifty six Dollars and forty four cents,($2756.44),being the amount allowed to me,in the audit in said Equity Cause,finally ratified on June 10th.1916.,and I do hereby release,exonorate,acquit and forever discharge the said Joseph W.L.Carty and Charles C.Carty their Heirs,Executors and Administrators from all claim or demand whatsoever,on account of the payment of the said sum of money,either at law or in Equity.

Witness my hand and seal this 12th day of June,in the year Nineteen hundred and Sixteen.

TEST.

Arthur C.Carty (SEAL)

State of Pennsylvania,Philadelphia County,To Wit.

I hereby certify that on this 12th day of June,in the year 1916,before me,the subscriber,a Notary Public of the State of Pennsylvania,in and for Philadelphia County aforesaid,duly Commissioned and qualified,personally appeared the said Arthur C.Carty,and did acknowledge the aforegoing release to be his act and deed.

In testimony whereof I have hereunto set my hand and affixed my Notarial seal the day and year first above written.

NOTARIAL.

Reba White
Notary Public.
March 23-19.

Filed June 14th,1916.

KNOW ALL MEN BY THESE PRESENTS,that I,Frank R.Carty,of Cook County,State of Illinois,one of the children of Clarence C.Carty,deceased,do hereby acknowledge to have received of Joseph W.L.Carty and Charles C.Carty,Trustees in No,9415 Equity,in the Circuit Court for Frederick County,Maryland,the sum of One thousand and sixty three dollars and ninety nine cents,($1063.99),being the amount allowed to me in the audit in said Equity Cause,finally ratified June 10th 1916.,which together with the sum of One thousand dollars,($1000.00),allowed in said Audit to William R.Murphy on my assignment to him for said amount,and the sum of six hundred and ninety two dollars and forty five cents,($692.45) allowed in sais audit to the firm of C.C.Carty on my order to said Trustees,makes a total of Twenty seven hundred and fifty six dollars and forty four cents,($2756.44),being the full amount of one child's share in said estate,and I do hereby release,exonorate,acquit and forever discharge the said Joseph W.L.Carty and Charles C.Carty,their Heirs,Executors and Administrators from all claim or demand whatsoever,on account of the payment of the said sum of money,eithes in law or in Equity.

Witness my hand and seal this 10th day of June,A.D.1916.

TEST.

Frank R.Carty. (SEAL)

State of Illinois,Cook County,To Wit.

I herby certify that on this 10th day of June,in the year 1916.,before me,the subscriber, a Notary Public in for the County and State aforesaid,personally appeared Frank R.Carty,known to me to be the person named in this release,and did acknowledge the said release to be his act and deed.

Witness my hand and Notarial seal on the day and date last above written.

PLACE NOTARY PUBLIC.

A.H.Limessurier
Notary Public.

Filed June 14' 1916.

KNOW ALL MEN BY THESE PRESENTS,that I,Josephine Lunden,acting by and through Amanda I.Carty,my duly appointed Attorney,by Virtue of the power of Attorney hereto annexed,do hereby acknowledge to have received form Joseph W.L.Carty and Charles C.Carty,Trustees,in No.9415 Equity,in the Circuit Court for Frederick County,the sum of Twenty seven hundred and fifty six dollars and forty four cents, ($2756.44),being the amount allowed me,in the audit in said equity Cause,finally ratified and confirmed on the 10th.day of June,1916,and I do hereby release,exonorate,acquit and forever discharge the said,Joseph W.L.Carty and Charles C.Carty,their Heirs,Executors,and Administrators from all claim or demand whatsoever,on account of the payment of the said sum of money,either at Law or in Equity;- And I,William A.carty,who assigned my interest to the said Josephine Lunden in said Trust Estate,do also join in this release for the purpose of ratififying and confirming said assignment and indetifing said Amanda I.Carty as the person,to whom the aforesaid sum of money in to be paid under the said annexed Power of Attorney,and also for the purpose of releasing any legal or Equitable interest that I may have in the money so assigned.

Witness our hands and seals this tenth day of June,in the year Nineteen hundred and sixteen.

TEST.A.LeRoy McCardell

Josephine Luden (SEAL)
By her Attorney
Amanda I.Carty (SEAL)
William A.Carty (SEAL)

State of Maryland,Frederick County,To Wit.

I hereby certify that on this tenth day of June in the year Nineteen hundred and sixteen, before me,the subscriber,a Notary Public of the State of Maryland,in and for Frederick County aforesaid,duly commissioned and qualified,personally appeared Amanda J.Carty,Attorney and did acknowledge the aforegoing repease to be her act and deed of the sale Josephine Lunden named in the annexed Power of Attorney,and at the same time also before me,personally the within named William A.Carty,

and did acknowledge the aforegoing release to be his act and deed.

In testimony whereof I have hereunto set my hand and affixed my Notarial seal the day and year first above written.

PLACE OF NOTARIAL. SEAL

A.LeRoy McCardell
Notary Public.

County of Clatsop.
State of Oregon : I,Josephine Lunden,of the aforesaid State and County,do hereby make,declare,constitute and appoint Mrs.Amanda I.Carty,now of 4923 Locust Street,City of Philadelphia,State of Pennsylvania,my true and lawful Attorneymagent and representative for me,and in my behalf,to collect,and give full,and complete receipts,and releases as fully and complete as I could,were I there present,any and all monies,surities Stocks,Bonds,or other assepte that I may be entitled to,out of the estate of Clarence C.Carty,deceased,late,of Frederick County,Maryland,which I am entitled to and in possession of under and by virtue,a certain bill of sale given to me on April 5'1912,by William A.Carty,son and heir of said deceased Clarence C.Carty,dated_____,and recorded in_____,a book records of said Frederick County,Maryland.

I hereby,declare this to be my full and unrevokable power of attorney, for the purchase therein set forth,to wit the final receiving of my interestes in said Estate and empowering my said attorney,Mrs.Amanda I.Carty,to give final and binding receipts in full.

Mrs.Josephine Lunden

Witnesses.
Jas.M.Waggener
A.R.Cyrus.

Filed June 14'1916.

STATE OF OREGON :
COUNTY OF CLATSOP: SS.

THIS CERTIFIES,That on this 25th,day of April 1916,before me,the undersigned,a Notary Public in and for the said County and State personally appeared the within named Mrs. Josephine Lunden a Widow to me known to be the induvidual described in and who executed the with in instrument,and acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein mentioned.

PLACE NOTARY PUBLIC. SEAL

IN TESTIMONY WHEREOF,I have hereunto set my hand and Notarial Seal the day and year last above written.

A.R.Cyrus
Notary Public for Oregon
My Commission Expires Nov,8'[illegible]
1916.

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B I L L O F C O M P L A I N T.

Arthur H.Cromwell,and Harriet E. Cromwell his wife,

VS.

Robert Cromwell and Emma Cromwell, his wife,Clark Cromwell and _____ Cromwell,his wife;Fannie Fink and Edward Fink,her husband;Virgie Houck and Charles Houck,her husband;Ira Snyder and _____Snyder his wife,Bessie Snyder_____ and_____her husband Clarence Holtz and _____Holtz,his wife; John Holtz and Berie Holtz his wife; William Holtz and _____Holtz his wife;Granville Holtz and _____ Holtz his wife;Emma Mort and Theodore Mort her husband;Laura V.Zimmerman and Lewis Zimmerman her husband.

D E F E N D A N T S.

No. 9395 · E Q U I T Y.

In the Circuit Court

for Frederick County

sitting as a Court of

Equity.

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To the Honorable the Judges of the Circuit Court for Frederick County,sitting as a

Court of Equity.The Bill of Complaint of Arthur H.Cromwell and Harriet E.Cromwell his wife respec-fully fepresents unto your Honorable Court!-

1. That a certain Susan Cromwell,late of Frederick County,departed this life in or about the year eightees hundred and eighty five,leaving a last will and testament,which has been duly admitted to probate by the Orphans'Court for Frederick County,a duly certified copy of said will being filed herewith marked Exhibit "A",which,together with all other Exhibits hereafter filed it is prayed may be taken and considered as a part of the Bill of Complaint.

2. That the said Susan Cromwell at the time of her death was seized and possessed of a certain piece or parcel of land with improvements thereon,situated in the town of Walkersville Frederick County,Maryland,the same having been conveyed to her by deed from S.W.Stauffer and wife,dated September 14th 1880,and is recorded in Liber A.F.No.9,Folio 316 one of the land records for Frederick County,a duly certified copy of said deed being filed herewith marked Exhibit "B".

3. That under the terms of the Will of the said Susan Cromwell (Exhibit"A")the property and premises described in Exhibit "B" was devised unto a daughter Amelia Cromwell,for and during her life,with a provision that a son,Zahariah Taylor Cromwell be permitted to remain in said property during his life or until he married,all of which will fully appear by reference to said Exhibit "A".

4. That the said Susan Crumwell made no disposition of the property mentioned in Exhibit "A" after h the term of the life tenancies created thereunder,and that the property and premises mentioned in Exhibit "B" desended to and vested in the Complainant and the Defendants hereinafter mentioned and set forth.

5. That the said Susan Cromwell,left surviving her at the time of ner death,the following children, Viz!-Your Complainant a son,Arthur H.Cromwell Amelia C.Cromwell (unmarried)Thomas Zachariah T.Cromwell (unmarried)Winfield Scott Cromwell,Philemon I_Cromwell,William H.Cromwell,and Mary E.Holtz,with the exception of your Complainant,all of said children are now dead.

6. That Winfield Scott Cromwell,Philemon I.Cromwell,Amelia C.Cromwell and Thomas Z.T.Cromwell,died intestate without leaving any heirs at lat ornext of kin,them surviving.

7. That William H.Cromwell,a son above mentined died leaving surviving him,the fillowing children,to wit!-Robert Cromwell,whose wifeś name is Emma Cromwell;Clark Cromwell whose wife's Name is_____ Cromwell;Fannie Fink whose husbands name is Edward Fink;Virgie Houck whose husbands name is Charles Houck and Florence Snyder,who is dead,and who left surviving her two children,to wit,Bessie Snyder, who is married but her husbands name is unknown to your Complainant and a son Tra Snyder,and his wife being unknown to your Complainant,all of the above live in Frederick County,and are all adults, except Bessie Snyder_____who was last heard from in the State of West Virginia and Ira Snyder last being heard from at Johnstown,in the State of Pennsylvania.

8. That Mary E.Holtz,a daughter above mentoned died leaving surviving her,the following children,to wit!-Clarence Holtz whose wifes name is_____Holtz,John Holtz,whose wifes name id Bertie Holtz William Holtz,whose wifes name is_____Holtz;Granville Holtz,whose wifes name is _____Holts; Emma Martz,whose husbands name is Theodore Mortz,Laura V.Zimmerman,whose husbands name is Lewis Zimmerman,all of whom are adults and reside in Frederick County,Maryland.

9. That the Real Estate mentioned in Exhibit "A" and "B" is not susceptible of division among the parties in interest without loss and injury and that it would be to the interest benefit and advantage of all the parties to this cause that said real estate be sold and the proceeds of sale after the payment of the costs and expenses,be divided among the parties hereto according to their respective rights and interests.

TO THE END THEREFORE!

(a) That a Decree may be passed directing that_the real estate mentioned in these proceedings may be sold and after the payment of the costs and expenses attending said sale,that the same may be divided among the parties to this cause according to their respective rights and interests.

(b) That your Complainants may have such other and further relief as the nature and Equity of their ease amy require .May your Honors grant unto this Complainant the writ of subpoena in the usual form directed against Robert Cromwell and Emma Cromwell his wife;Clark Cromwell and _____Cromwell his wife;Fannie Fink and Edward Fink her husband;Virgie Houck and Charles Houck her husband;Clarence Holtz and _____Holtz his wife;John Holtz and Bertie Holtz his wife;William Holtz and_____

Holtz his wife;Granville Holtz and _____Holtz his wife;Emma Martz and Theo. Martz her husband;Laura Zimmerman and Lewis Zimmerman her husband,and an order of publication directed against Bessie Snyder_____and husband who reside in the State of West Virginia and Ira Snyder and_____Snyder his wife,warning them of the object and substance of the Bill and commanding them and each of themto be and appear in your Honorable Court on some day certain to be named therein,to answerthe Bill of Complaint and to show cause if any they have,why a Decree should not be passed as prayed.

As in duty &c.

Chas.C.Waters
Solicitor for Complainant.

Filed Dec.20'1915.

EXHIBIT "A"

In the name of God,Amen.I,Susannah Cromwell,of Frederick County,in the State of Maryland,being weak in body,but of sound and disposing mind,memory and understanding,Considering the Certainty of death,and the uncertainty of the time thereof,and being desirous to settle my worldly affairs,and thereby be the better prepared to leave this world when it shall please God to call me hence,do therefore make and publish this,my last Will and testament,in manner and form following,that is to say!

First and principally,I commit my soul into the hands of Almighty God,and my body to the earth,to be decently buried at the descretion of my executor,hereinafter named.

After my debts and funeral charges are paid,I devise and bequeath as follows!

Item.I give and devise unto my daughter,Lucretia Amelia Cromwell,(in consideration of the care and attention I have received at her hands in my old age,as well as for the assistance I have rendered my other children in the past,) all of my estate,both personal andreal;that is to say,$-my house and lot situated in the town of Walkersville,together with all the furniture and other personal property of mine therein and thereon,to have and to hold so long as she shall live;The said premises to be the abode,also,of my son,Zachary Taylor Cromwell,so long as he shall remain unmarried.

And lastly,I do hereby constitute and appoint my son,Arthur H.Cromwell,to be sole executor of this my last will and testament,revolking and annuling all former wills by me heretofore made,ratifing and confirming this and none other,to be my last will and testament. In testimony whereof,I hereunto set my hand and seal,this 23rd day of May in the year Eighteen Hundred and eighty-five.

her
Susannah (X) Cromwell (SEAL)
mark

Signed,sealed,published and declared by the adoe named Susannah Cromwell as and for her last will and testament,in our presence,who,at her request,in her presenes and in presence of each other,have hereto,set our hands as witnesses hereto.

WITNESSES! C.Harry Anders,
E.M.Wachter, T.S.Albaugh,

MARYLAND,FREDERICK COUNTY,TO-WIT!

On this 12th day of October,1885,came Arthur H.Cromwell and made oath on the Holy Evangely of Almighty God,that the aforegoing instrument of writing is the true and whole Will and Testament of Susannah Cromwell,late of Frederick County,Maryland,deceased,that has come to his hands and possession,that he received the same from Lucretia Amelia Cromwell,and that he does not know of any other of a later date.

TEST! James P.Perry
Register of Wills for Frederick County,Md.

STATE OF MARYLAND,FREDERICK COUNTY,TO-WIT!

On the 17th day of October,1885,came Thomas S.Albaugh one of the subscribing Witnesses to the aforegoing last Will and Testament of Susannah Cromwell late of Frederick County, Maryland,deceased,and made oath on the Holy Evangely of Almighty God,that he did see Susannah Cromwell the Textatrix therein named,sign and seal this Will;that he heard her publish prenounce,and declare the same to be her last Will and Testament;that at the time of her so doing,she was to the best of his apprehention,of sound and disposing mind,

memory,and understanding,and capable of executing a valid deed or contract,and that he subscribed hi his names as Witness to said Will,in the presence of and at the request of the Testatrix and that he did also see each the other subscribing Witness sign his name as Witness to said Will at the request of the Testatrix in her presence,and all in the presence of each other.

TEST! James P.Perry
Register of Wills for Frederick County

STATE OF MARYLAND,FREDERICK COUNTY,TO-Wit!

On the 3rd day of December,1885,came Ellen M.Wachter and on Dec.28th 1885 came Harry Anders the Subscribing Witnesses to the aforegoing Will and Testament of Susannah Cromwell late of Frederick County,Maryland,deceased,and made oath on the Holy Evangely of Almighty God,that they did see Susannah Cromwell the Testarix therein named,sign and seal this Will;that they heard her publish pronounce,and declare the same to be her last Will and Testament;that at the time of her so doing she was to the best of their apprehention,of sound and disposing mind,memory,and understanding,and capable of executing a valid deed or contract,and that they respectfully subscribed their named as Witnesses to said Will,in the presence of and at the request of the Testatrix and that they did also see each the other subscribing Witness sign his name as Witness to said Will at the request of the Testatrix in her presence,and all in the presence of each other.

TEST! Hamilton Lindsay.
Register of Wills for Frederick County.

IN THE ORPHANS'COURT OF FREDERICK COUNTY!

The Court,after having carefully examined the above last Will and Testament of Susannah Cromwell, late of Frederick County,deceased,and also the evidence adduced as to its validity,Orders and Decrees,this 28th day of December,A.D.1885,that the same be admitted to probate in this Court as the genuine last Will and Testament and Codicil of the said Susannah Cromwell,deceased.

John T.Lowe
John H.Keller
Judges of the Orphans'Court.

STATE OF MARYLAND,Frederick County,Md.to-wit!-

I,Albert M.Patterson,Register of Wills for Frederick County,Maryland,do hereby certify that the aforegoing is a true copy of the last Will and Testament together with the probates thereon of Susannah Cromwell,late of Frederick County,deceased,As recorded in Liber J.P.P.No.2 Folio 162 one of the Records for Recording Wills in the Office of the Register of Wills for Frederick County,Maryland.

PLACE ORPHANS' COURT. SEAL

In Testimony whereof I hereunto subscribe my name and affix the seal of th the Orphans'Court for Frederick County,Maryland this 12th day of June.A.D. 1916.

Albert M.Patterson
Register of Wills for Frederick County,Maryland.

Filed Dec.20'1915

EXHIBIT "B"

At the Request of Susannah Cromwell the following Deed is Received for Record and Recorded July 11th.1884 at 10.20 A.M.

TEST! Adolphus Fearhake Jr.clk.

THIS DEED made this fourteenth day of September in the year Eighteen hundred and Eighty,by us Simon W.Stauffer and Ann R.Stauffer,his wife,

Witnesseth,that for and in consideration of One hundred and fifty dollars,and of the making and keeping in repair of a tight board fence not less than five and one half feet high on the West line of the lot herein described and conveyed.We the said Simon W.Stauffer & Ann R.Stauffer,his wife,do grant to Susan Cromwell the following described lot of ground lying in Mt Pleasant District Frederick County and State of Marylamd,being part of a tract of land called "Federal"Beginning for the same at a stone planted on the second line (Forty seven perches from the beginning of said line) of a deed from John L.Nicodemus and wife to Simon W.Stauffer dated the first day of April,in the year Eighteen hundred and sixty four,it being nearly in the middle of the road from Walkersville to Georgetown, thence Westwardly about One hundred and ninety three feet to a stone planted Three hundred and Fourty eight feet from the North West corner of Margaret Feiser's lot on a line running paralell with said road and one hundred and ninety two and one half feet from the middle of said road,measuring at

rights angles with said road,thence with said parellel line,Northwardly,One hundred and fourteen (114) feet to a stone thence Eastwardly about One hundred and ninety three fe feet to a stone planted (on the aforesaid second line of a deed from said Wicodemus to Stauffer) forty perchew seven & one half feet from the beginning of said second line, thence Southwardly,with said second line One hundred and fourteen feet to the beginning containing One half acre of land more or less

Witness our hands and seals - S.W.Stauffer (SEAL)
Ann R.Stauffet (SEAL)

TEST:
Josephus Long

State of Maryland County of Frederick to wit:

I herby certify that on the day of the date of the within deed,before me,the subscriber a Justice of the Peace of the County and State aforesaid,personally appeared Simon W.Stauffer and Ann R.Stauffer his wife,and severally acknowledged the aforegoing deed to be their respective act.'

Josephus Long J.P.

I hereby certify that the aforegoing is a true copy of the original deed from Simon W. Stauffer and Ann R.Stauffer,his wife,to Susan Cromwell,as recorded in Liber A.F.No.9, folio 316,one of the land Records of Frederick County,Maryland.

In Testimony Whereof,I hereunto dubscribe my name and affix the Seal of the Circuit court for Frederick County,at Frederick,Md,this 18th day of December 1915.

COURT.

Eli G.Haugh.
Clerk of the Circuit Court for Frederick County,Md.

Filed December 20'1915.

E Q U I T Y S U B P O N E A

STATE OF MARYLAND,FREDERICK COUNTY To-Wit:

THE STATE OF MARYLAND.

To Robert Cromwell and Emma Cromwell his wife,Clark Cromwell and Emma F.Crumwell his wife,Fannie Fink and Edward Fink her husband,Virgie Houck and Charles Houck her husband Clarence Holtz and Carrie C.Holtz his wife,John Holtz and Bertie Holtz his wife,William Holtz and Annie Holtz his wife,Granville Holtz and Ada Holtz his wife,Emma Martz and Theodore Martz her husband,Laura Zimmerman and Lewis Zimmerman her husband. of Frederick County,Greetings!YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday in January 1916,to answer the Bill of Complaint of Arthur H.Cromwell and Harriet H.Cromwell his wife(For Sale of Real Estate of Susan Cromwell,deceased.)against you and others in said Court exhibited,and so forth.

Herof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Urner,Chief Judge of said Court,the first day of November A.D.1915.

Issued the 20th day of December A.D.1915.

To the Sheriff of Frederick County. Eli G.Haugh Clerk

C.C.Waters Plffs.Attys. Filed December 24th,1915.

AMMENDED BILL OF COMPLAINT

Arthur H.Cromwell and Harriet E.Cromwell,his wife,
VS.
Robert Cromwell,et.al.

No. 9395 E Q U I T Y.
In the Circuit Court for Frederick County,in Equity.

To the Honorable the Judges of said Court:-

The Amended Bill of Complaint of Arthur H.Cromwell and Harriet E.Cromwell,his wife respectfully represents unto your Honors:-

1. That in the Bil of Complaint heretofore filed by yourComplainants in the abdve

entitled cause it was alleged that Zacharias T.Cromwell departed this life intestate,but it now appears that the said Zachariah T.Cromwell departed this life leaving a last will and testament,which has been filed for probate in the Orphans'Court for Frederick county,a duly certified copy of which will is herewith filed marked Exhibit "Will" and which is prayed may be taken and so considered as a part of this Amended Bill of Complaint.

2. That said Zachariah T.Cromwell having an interest in the real estate sought to be sold under a Decree of your Honorable Court,under the terms of his will (Exhibit Will) is directed to be sold by his Executor Jesse F.R.Heagy,and distributed as directed in said Exhibit.

WHEREFORE these Complainants pray:-

That a Subpoena in the usual form may be directed against the said Jesse F.R.Heagy,executor of the last will and testament of Zachariah T.Crumwell,deceased,commanding him to be and appear in your Honorable Court on some day certain to be named therein and to answer the allegations contained in the Original Bill of Complaint as well as the allegations contained in this Amended Bill of Complaint,and to show cause if any he has why a Decree should not be passed as prayed.

And as in duty &c.

Charles C.Waters
Solicitor for Complainants.

Filed December 31st,1915.

EXHIBIT WILL

I,Zachariah T.Cromwell,of Frederick County,in the State of Maryland,being of sound and disposing mind,memory and understanding,do hereby make and publish this my last will and testament,in the manner and form following,that is to say:I give and bequeath unto the Trustees of the United Brethren Church in Walkersville,Maryland,all my estate,real,personal and mixed,the same to be sold by my executors and the money received therefor to be invested by the said Trustees,and from the income of the same the sum of Ten Dollars to be paid annually for the support of the Pastor of said Church,and if the income should not be sufficient then to apply as much of the principal as necessary so as to make Ten Dollars.Should the income exceed Ten Dollars annually then the excess of income to be applied to the current expenses of the Church.

I hereby constitue and appoint Jesse F.R.Heagey to be the executor of this this my last will and testament,to serve without bond,hereby revolking and making null and void all former wills by me heretofore made,ratifying and confirming this and none pther as and for my last will and testament.

In testimony whereof I have hereunto affixed my hand and seal this 22nd day od December,A.D.1913

Zachariah T.Cromwell,(SEAL)

Signed,sealed,published and declared by the above named testator as and for his last will and testament,in our psesence,who at his request,in his presents of each other subscribe our names as witnesses hereto. Witness. Paul E.Holdcraft
Wm.C.Wachter

State of Maryland,Frederick County,to-wit:

I,Albert M.Patterson,Register of Wills for Frederick County,do hereby certify that the aforegoing is a true copy of the Last Will and Testament of Zachariah T.Crumwell,late of Frederick County,deceased as recorded in Liber S.D.T.No.2 Folio 136 one of the books of record in the office of the Register of Wills of Frederick County.

In Testimony whereof I hereunto subscribe my name and affix the seal of the Orphans' Court for Frederick County,this 29th day of December A.D.1915.

ORPHANS' COURT.

Albert M.Patterson
Register of Wills for Frederick Conty.

Filed Dec.31'1915.

EQUITY SUBPOENA

STATE OF MARYLAND,FREDERICK COUNTY To-Wit:

THE STATE OF MARYLAND.

To Jesse F.R.heagey Executor &c.of Frederick County,Greetings:YOU ARE HEREBY COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County, on the FIRST Monday of January 1916,to answer the Bill and Complaint of Arthur H.Cromwell and Harriet E.Cromwell (For Sale of Real Estate) against you in said Court exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at your peril.

Witness the Honorable Urner,Chief Judge of said Court,the First Monday of November A.D.1915

Issued the 31st day of December A.D.19-

Eli G.Haugh,Clerk.

PLACE OF COURT. SEAL

To the Sheriff of Frederick County.

Chas.C.Waters Solicitor.

Filed January 3'1916.

Arthur H.Cromwell,et al.

VS.

Robert E.Cromwell,et al.

No. 9395 EQUITY.

In the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity.

To Jacob Rohrback,Solicitor;-

We hereby authorize you to appear as our Solicitor in the above entitled cause.

February 5th,1916

Robert E.Cromwell
Ida L.Cromwell
Edward Fink
Fannie M.Fink
R.Clark Cromwell
Emma F.Cromwell
Clarence C.Holtz
Carrie C.Holtz
John A.Holtz
Bertie A.Holtz
Granville C.Holtz
Addie C.Holtz
William H.Holtz
Annie E.Holtz
Laura V.Zimmerman
Lewis F.Zimmerman
Virgie E.Houck
Chas.S.Houck
Emma E.Martz
Albert T.Martz

Filed February 7th,1916.

Arthur H.Cromwell,et al.

VS.

Robert E.Cromwell,et al.

No. 9395 Equity.
In the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity.

To the Honorable,the Judges of the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity!-

The answer of Robert E.Cromwell,Ida L.Cromwell,Edward Fink,Fannie M.Fink,R.Clark Cromwell,Emma F.Cromwell,Clarence Holtz,Carrie C.Holtz,John A.Holtz,Betie A.Holtz,Granville C.Holtz,Addie C.Hiltz,William H.Holtz,Annie E.Hiltz,Laura V.Zimmerman,Lewis F. Zimmerman,Virgie E.Houck,Charkes S.Houck,Emma E.Martz,and Albert T.Martz,to the Bill of Complaint,of Arthur E.Cromwell,et al.,filed against them and others in the above entitled cause,in your hoborable Court!-

These Defendants for Answer to the Bill of Complaint of Arthur H.Cromwell,et al.,filed against them and others in the above entitled cause,say,that they admit the matters and facts stated in the Bill of Complaint,and consent to the passage of a Decree as prayed therein. And as in duty bound,etc.,

Jacob Rohrback
Solicitor for above Defendants.

Arthur H.Cromwell and wife,

VS.

Robert Cromwell,et al.

No. 9395 EQUITY.
In the Circuit Court Court for Frederick County, in Equity.

To the Honorable,the Judges of the circuit Court for Frederick County,sitting as a Court of Equity. The Answer of Ira James Snyder and Ella Snyder,his wife,to the Bill of

Complaint filed in the Circuit Court for Frederick County,Maryland,by Arthur H.Cromwell,against them and others for the sale of the real estate of Susan Cronwell late of Frederick County,deceased,

These Defendants answering said Bill of Complaint say that tney admit the allegations in the Bill of Complaint so far as the same conserns a certain property situated in the Village of Walkersville,Frederick County,Maryland,in which these Respondants have an interest as alleged in said Bill of Complaint,and that they hereby consent that your Hohorable Court shall pass such Decree in the premises looking to a sale of said real estate and the distrobution of the funds to the parties who are legally entitled to share in the same,including a share to these respondents.

Ira J.Snyder.
Mrs.Ella Snyder

Witness. Edwars S.Wright. Filed February 7'1916.

Arthur H.Cromwell and wife,
VS.
Robert Cromwell,et al.

No. 9395 EQUITY.
In the Circuit Court for Frederick County in Equity.

To the Honorable the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity.

The Answer of Bessie Irene Stearn (nee Bessie Irene Snyder)and J.W.Stearn,her husband,to the Bill of Complaint filed in the Circuit Court for Frederick County,Maryland,by Arthur H.Cromwell,against them and ethers for the sale of the real estate of Susan Cromwell late of Frederick County,deceased!

These Defendants answering said Bill of Complaint say that they admit the allegations contained in the Bill of Complaint so far as the same conserns a certain property situated in the village of Walkersville,Frederick County,Maryland,in which these respondents have an interest as alleged in sad said Bill of Complaint,and that they hereby consent that your Honorable Court shall pass sich decree in the premises looking to a sale of said real estate and the distribution of the funds to the parties who are legally entitled to share in the same,including a share to these respondents.

Bessie Irene Stearn
J.W.Stearn

Witness!-J.Bernie Alt. Filed February 7'1916.

Arthur H.Cromwell,and wife.
VS.
Robert Cromwell,et al.

No. 9395 EQUITY.
In the Circuit Court for Frederick County,in Equity.

To the Honorable the Judges of said Court!-

The answer of Jesse F.R.Heagey,Executor of the Will of Zacharias T.Cromwell,late of Frederick County deceased,a defendent in the above entitled cause,to the original and the amended Bill of Complaint in this cause exhibited against him and others,respectfully shows!-

1.

That he admits the allegations as contained in the 1st.2nd.3rd.7th.and 8th.and 9th.paragraphs of said original Bill of Complaint.

2.

That he admits the allegations as contained in the 4th.paragraph of said original Bill of Complaint,except as those as contained in the last clause thereof,and avers that the property mentioned in said Exhibit "B" decended to and vested in the said Complainant,the defendants therein named,the sad said Amelia L.Cromwell,and the said Zacharias T.Cromwell,as tenants in common,as implied by said amended Bill of Complaint,subject to the life estate created therein by said Exhibit "A".

3.

That in answering the 6th.paragraph of said original Bill of Complaint,he avers that said Winfield Scott Cromwell,Philiman I.Cromwell,and Mary E.Holtz,died intestate,prior to the death of their mothr Susan Cromwell;that the said Amelia L.Cromwell survived her mother and died intestate about the month of January 1912,leaving her said brothers Arthur H.Cromwell,and Zacharias T.Cropwell,and the children and descendants of her said deceased brother William H.Cromwell,and sister mary E.Holtz,surviving her as her only heirs at law and next of kin,to whom her undivided (1/5)share of said real estate mentioned in said Exhibit "B" descended and vested,as tenants in common,subject to the life estate created by said exhibit "A";and that said Zacharias T.Cromwell,died on or about December 15th,1915, seized and possessed-of an undivided one fourth interest in said real estate,as tenant in common with the parties to this cause,leaving a last Will Testament duly admitted to probate,disposing of his estate,a certified copy of which Will is filed as exhibit "Will" to said amended Bill of Compla-

int. 4.

That he admits the allegations as contained in the 5th.paragraph of said original Bill of Complaint,except those alleging that sais Windfield Scott Cromwell,Philemon I.Cromwell,and Mary E.Holtz,survived their mother,and avers that all three of them predeceased their mother,and that both the said Winfield Scott Cromwell,and Philemon I.Cromwell were never married. 5.

That he admits all the allegations as contained in the said amended Bill of Complaint.

6.

And further answering said Bills of Complaint this defendant says that his testator, Zacharias T.Cromwell,in his lifetime,both by expending and laying out various large sum of his own money aggregating about $600.00,and by his own labor and services,made valuable and necessary improvements upon the said real estate mentioned in said Exhibit "B" consisting of an excellent well,part dug andwalled and part drilled and completed,and equipped with pumping outfit,a front porch to the dwelling house with foundation,## a summer kitchen,and an out house or summer kitchen with foundation and mason work,plastering and painting said dwelling house and other buildings,building a meat shop,a slaughter shop and carriage house,and stable,making and erecting fences,and other improvements thereon,wherby said real estate has been greatly enhanced to at least $600.00 in value;that it will be to the best interest and advantage of all parties in interest to have the said real estate and improvements sold as a whole,instead of removing such of the said improvemnts as are of a temporary structure,or are trade fixtures,and removable by law;and this defendant consents to the passage of a decree and the appointment of trustees for the sale thereof as prayed;provided he is paid for the said improvement out of the proceeds of such sale, And as in duty bound,&c.

J.F.R.Heagey
Solr.for Defendant.

Jesse F.R.Heagey
Executor of the Will of Zacharias T. Cromwell.

It is agreed by all the parties to these proceedings that whatsoever rights J.F.R.Heagey Executor may have with respect to the improvements alleged to have been made by Zacharias T.Cromwell in his life time on the premises mentioned in these proceedings if any shall be satisfied out of the proceeds of sale the amount if any to be determined by the Court after certain testimony in regard to the claim set up in the aforegoing answer .

Jessie F.R.Haeagey
Sol.for Jessie F.R.Heagey
Executor Deft.

Charles C.Waters
Sols.for Plff.

Jacob Rohrbaok
Sol.for residue of Defendants.

Filed February 7'1916.

GENERAL REPLICATION

Arthur H.Cromwell,and
Harriet E.Cromwell,his wife,
VS.
Robert Cromwell and Emma Cromwell
his wife,et al.

No. 9395 EQUITY.
In the Circuit Court for
Frederick County in Equity.

To the Honorable the Judges of said Court!-

The Plaintiff joines issue upon the matters alleged in the answers of the the varous defendants in the above entitled cause,so far as the same may be taken to deny or avoid the allegations of the Bill of Complaint.

Filed February 26'1916.

Chas.C.Waters
Solicitor for Complainants.

DECREE

Arthur H.Cromwell,et al.
VS.
Robert E.Cromwell,et al.

No. 9395 EQUITY.
In the Circuit Court for Frederick
County,sittinf as a Court of Equity.
February----------TERM,1916.

The above cause standing ready for a hearing,and being submitted,the Bill,answers, Exhibitsand all other proceedings were by the Court read and considered .

It is thereupon,this 28th day of February in the year eighteen hundred and sixteen by the Circuit Ciurt for Frederick County,as a Court of Equity,and by the authority of said Court,adjudged ordered,and decreed,that the land and premises mentioned in these proceedings be sold,at public sale and that Charles C.Waters,Jacob Rohrbaok,and Jessé F.R.Heagey of Frederick County,be,andthey are herby appointed Trustees to make the said sales,and that the course and manner of their proceedings shall be as follows:they shall first file in the Clerk's office of this Court,a BOND to the State of Maryland,executed by them with a surety,or sureties,to be approved by the Court,or the Clerk thereof in the penalty of five thousand Dollars,conditioned for the faithful performance of the trust reposd in them by this decree,or which may be reposed in them by any future prderor decree in the premises they shall then proceed to make sale of the said real estate,having at first given at least three weeks previous notice,inserted in seme newspaper printed in Frederick County,and such other notice as they shall think proper of the time,place,manner and terms of sale;which terms shall he as follows:One half of the purchase money to be paid in cash oj the day of sale,or on the retification thereof by the Court,and the residue in six months from the day of sale the purchaser or purchasers giving his,her,or their notes,with approved security and bearing interest from the day of sale,or all cash a the pption of the purchaser.and as soon as may be convenient after any such sale or sals the said Trustees shall return to this Court a full and particular account of the same,with an affidavit of the truth thereof,and of the fairness of such sale or sales annexed,and on the ratificatin of such sale or sales by the Court,and on the payment of the whole purchase money,and not before,the said Trustees by a good and sufficient deed to be executed and acknowledged agreeable to law,shall convey to the purchaser or purchasers of the said property,and to his,her or their heirs,the property to him,her or themsold free,clear,and discharged of all claimof the parties to this cause,and of any person or persons claiming by,from,or under them;and the said Trustees shall bring into this Court the money arising on such sale or sales,and the bonds or notes which may be taken for the same to be disposed of under the direction of this Court,after deducting therefrom the costs of this suit and such commision to the said Trustees as the court shall think proper to allow,on consideration of the skill,attention and fidelity wherewith they shall appear to have discharged their trust.

Filed February 26'1916. Glenn H.Worthington

REPORT OF SALES AND EXHIBITS

Arthur H.Crmwell and
Harriet E.Cromwell,his wife,
VS.
Robert Cromwell,et al.

No. 9395 EQUITY.
In the circuit Court for
Frederick Vounty,ine Equity.

To the Honorabl ethe Judges of said Court:-

The petition and report of sale sof Charles C.Waters,Jacob Rohrbaok and Jesse F.R.Heagey,Trusttes in the above entitled cause respectfully represents unto yoxy Honors:

That after having given bond as required by said decree passed in tne above entitled cause and after having given more than twenty dayd notice of the time,place,manner and terms of sale by advertisement in the "Weekly News" a newspaper published in Frederick County,for more than three successive weeks prior to the day of sale,a certificate of said advertisement being filed herewith marked Exhibit No.1 to the report,and also by hand bills extensively circulated in the neighborhood of the premises your trusteees excepting Jacob Rohrbaok did attend at the premises in Walkersville Frederick County,on Saturday April 8th,1916,at the hour of 12 o'clock noon being the time and place mentioned in said advertisement of sale,and did then and there orceed to sell the premises decreed to be sold as follows:-Your Petitioners and trustees offered all that house and lot in Walkersville,Maryland,and mentioned in these proceedings and sold the same to Thomas R.Saylor anD Dasie F.Saylor his wife,they being then and there the highest and best bidders therefor,at and for the sum of Twenty Four Hundred and FiFty Dlellars ($2450.00)and have taken their written acknowledgement of purchase which is filed herewith marled Exhibit No.2 to this report.The total amount of sales herein reported is $2450.00 all of which is respectfully submitted.

Chas C.Waters
Jacob Rohrbaok
Jesse F.R.Heagey
Petitioners and Trustees.

State of Maryland,Frederick County,to wit;

I herby certify that on this 11th day of April A.D.1916,before the subscriber Clerk of the Circuit Court for Frederick County,personally appeared Charles C.Waters,Jacob Rhrbback and Jesse F.R.heagey Trustees in the aforegoing cause and made oath in due form of law that the mattes and things stated in the aforegoing report of sales are true to the best of their knowledge and belief and that the sales therein reported were fairly made.

Eli G.Haugh Clerk

ORDER NISI ONSALES

Arthur H.Cromwell and
Harriet E.Cromwell,his wife.

VS.

Robert Cromwell and
Emma Cromwell his wife et al.

No. 9395 EQUITY.

In the Circuit Court for Frederick County sitting in Equity.
March TERM,1916 In the Matter of the Report of Sales filed the 11th day of April 1916.

ORDERED,That on the 4th day of May 1916,the Court will proceed to act upon the Report of Sales of Real Estate,reported to said Court by Charles C.Waters,Jacob Rohrback and Jesse F.R.Heagey Trustees in the above cause,and filed therein 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 $2450.00
Dated this 12th day of April1916.
"Daily News"

Eli G.Haugh
Clerk of the Circuit Court for Frederick County.

THE NEWS

Frederick,Md.,May 4th,1916.

THIS IS TO CERTIFY,That the annexed ORDER NISI on Sales was published in "The Daily News",a news paper published in Frederick County,once a week 3 successive weeks prior to the 4th day of May 1916.
FileD May 4th,1916.

THE NEWS
Per J.Roger Fisher.

TRUSTEES PUBLIC SALE
OF
VALUABLE REAL ESTATE.

By virtue of a decree of the Circuit Court for Frederick County,sitting as a Court of Equity,being No.9395 Equity on the Equity Docket of said Court,also in pursuance to an order of the Orphans'Court authorizing the executor of Zacharias T.Cromwell,deceased to sell,the undersigned Trustees appointed by said decree,will sell on the premises in Walkersville,Md.on SATURDAY,APRIL 8,1916,At hour of 12 o'clock noon,all the following described real estate,situated in the town of Walkersville,Frederick County,Maryland,Viz:
All that lot or parcel of ground situated as aforesaid,and improved with a substantial 2 story dwelling house,with necessary outbuildings,said lot being situated on Main Street in said town,and having dementions of 114 feet by 193 feet and is more fully described in a deed from S.W.Stauffer and wife to Susan Cromwell,said deed bearing date September 14th,1880,and is recorded in Liber A.F.No.9,Folio 316,one of the Land Records for Frederick County,by reference thereto it will more fully appear.This is a desirable property and well located in this thriving town of Walkersville.TERMS OF SALE.as prescribed by the Decree-One-half cash on the day of sale or ratification thereof by the court,the balance in six months from day of sale,the purchaser giving his obligation to the undersigned with good security for the defered payments,the same to bear inte est from day of sale or the purchaser may pay all cash at his option.A cash deposit of $200.00 will be required of the purchaser on the day of sale.All conveyancing,including payment of U.S. Revenue Stamps,required on the deed of conveyance to be born by the purchaser.Possession given at once.

Jesse F.R.Heagey
Executor Etc.
Charles C.Waters,Solicitor

Charles C.Waters,
Jacob Rohrback,
Jesse F.R.Heagey,Trustees.

THE NEWS Frederick,Md.,April 8th,1916.

THIS IS TO CERTIFY,That the annexed Trustees Public Sale was published in "The Daily News",a Newspaper published in Frederick County,once a week four successive weks prior to the 8th day of April 1916

The News
C.W.F.

Filed April 11th,1916.

We Thomas R.Saylor and Daisy F.Saylor,do hereby acknowledge that we have this day purchased from Charles C.Waters,Jacob Rohrback and Jesse F.R.Heagey Trustees and Jesse F.R.Heagey Executor &c,the property and premises described in the annexed advertisement of sale at and for the sum of Twenty Four Hundred & fifty Dollars,and we hereby bind and obligate myself to comply with the terms of sale as set forth in said advertisement of sale.

Witness our hands and seals this 8th day of April 1916.

Thomas R.Saylor (SEAL)
Daisy F.Saylor (SEAL)

Witness Wm.E.Danner Auct. Filed April 11th,1916.

ORDERED by the Circuit Court for Frederick County,sitting as a Court of Equity and by the authority thereof,this 4th day of May A.D.1916,that the report of sales filed by the trustees in the aforegoig case be and the same are hereby finally ratified and confirmed,no cause to the contrary having been shown,although due notice seems to have been given by the printers certificate herewith filed,and the papers are hereby refered to the auditer to state an account.

Glenn H.Worthington

Filed May 4th,1916.

Arthur Cromwell et al.
VS.
Robert Cromwell et al.

No. 9395 EQUITY.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

OPINION AND DECREE

Susannah Cromwell died in the year 1885 seized and possessed of a house and lot located at Walkersville in Frederick County,which said house and lot,by her last will and testament duly probated etc. she devised to her daughter,Lucretia Amelia,for and during her life,with the right of abode in the same house to her son,Zachariah T.,so long as he should remain unmarried.The fee in the property after the death of these two children was not disposed of by the will,and therefore reverted to the heirs of the testatrix at her death,subject to the rights for life of the two childnen above named.

These two childred are now dead and the property has been sold by trustees appointed by this Court,in the above entitled cause,for the purpose of pertition amongst the reversioners or heirs at law of the testatrix.it seems,however,that during the time that Lusretia Amelia and Zachariah T.occupied the premises under the provisions of the will of their mother,certain buildings and improvements were erected and made thereon at the expence of Zachariah T.Cromwell who,as above stated,was given an abode there so long as he remained unmarried.Zachariah T.Cromwell having never married,resided on the premises until his death in the year 1916,leaving a last will and testament by which he made disposition of his property and appointed Jesse F.R.Heagey to be his Executor.This Executor was made a party to the proceedings for the sale of the property,and in his answer set forth the improvements made by his testator as above mentioned,and claimed an allowance therefor out of the proceeds of sale.The buildings and improvements for which payment is demanded were specified in the answer as follows:- "Consisting of an excellent well,part dug and walled,and part drilled and completed,and equipped with pumping outfit;a front porch to the dwelling house with foundation,a summer kitchen, and an outhouse or summer kitchen with founfations and mason work;plastering and painting said dwelling house and other buildings,building a meat shop,a slaughter shop and carriage house,and stable, making and erecting fences and other improvements thereon whereby said real estate was greatly enhanced to at least $600. in value. "After the filing of this answer,an agreement was entered into by and between the parties interested,through their respective attorneys,whereby it was stipulated that the property should be sold as an entirety,including the buildings etc.mentioned,and that the executors rights,whatsoever they might be,should be satisfied out of the proceeds of sale as the Court shall determine after hearing testimony in regard to the claim set up in the answer.Evidence was accordingly taken before the Court as to the character and value of these improvements and buildings,and it was shown to the satisfaction of the Court that the same were made and erected in the main for the

more convenient user of the premises by the sister and brother whilst in possess-ion thereof under the provisions of the will of their mother,Susannah Cromwell.Zachariah T. Cromwell was in the livery business and also in the butcher business,and the stabling, meat shop,slaughter shop and carriage house were intended especially for his use and convenience in the carring on of these businesses .They were in a sence trade fixtures and therefore personal property which could be removed by him in his lifetime.or by his executors after his death.Where the terms are uncertain,as in the case of the life ten-ant,it would seem that the executor has the right to remove trade fixtures erected by hes testator. Ry,Co.vs.canton Co.30 Md.347,
Carlin vs.Ritte,6$ Md.482.

These buildings were appraised by two competent appraisers,and they testified that the same were worth,for the purposes of removal,$55.00.The value of the other improvements made by the life tenants was not satisfactorly shown,and besides they were made a great many years ago,chiefly and principally for the benefit of the life tenants or persons in possession.And the general rule is that the life.tenant cannot recover from the rem ainderman or reversioner for permanent improvements made by him on the premises,unless by agreement of the parties. 16 CYC,630.
Weber vs.Lauman,91 Md.90.

There are of course exceptons to thisgeneral rule but these need.not be noted here.For the reasons stated,this part of the Executors claim will be rejected.A claim is also made for taxes paid,$218.00,by Z.T.Cromwell in his life time for the years 1888 to 1905 inclusive.But it is the duty of the life tenant to pay the annual taxes,and if paid by Cromwell he was only doing what the law requires of him,or of his sister,Lucretia Amelá who was named in the will of her mother as the tenant of the premises for life,with the right of abode in Xachariah T.so long as he remained unmarried.I find no merit in this claim foe taxes against the reversioners'interest in the proceeds of sale,and the same will be rejected. Baltimore vs.Bond,64 Md.10.

In the ev dence there was evidence-reference made to the paper purporting to have been signed by several of the parties in interest wherein the sum of $600.00 was to be given or paid Zachariah T.Cromwell for the improvements which he had made on the property in question.But the paper was not produced and seems never to have been signed by all the heirs of Mrs.Susannah Cromwell,nor delivered to the one for whose benefit it was alleg-ed to have been prepared.The evidence in regard to this paper was entirely too vogue and unsatisfactory to base a judgement upon.The only sum,therefore,that I find the exec utor is entitled to be paid out of the proceeds of sale,as per the agreement entered into by the parties,is the sum of $55.00 for the trade fixtures erected by Z.T.Cromwell in his lifetime.I will pass a Decree in accordance with these views.

It is thereupon,this 8th day of June,A.D.1916,by the Circuit court for Frederick County sitting as a Court of Equity,and by the authority thereof,adjudged,ordered and decreed that there be allowed in the audit in this case the sum of Fifty-five Dollars($55.oo), out of the proceeds of the sale of the real estate sold herein,to J.F.R.Heagey,Executor of Zachariah T.Cromwell,deceased,in full satisfaction of his rights as such executor with respect to the improvements made by his testator on the premises mentioned and decreed to be sold in these proceedings,in accordance with the agrrment entered into by the parties to this cause;and that there also be allowed in the audit the costs of thes proceedings to determine the amount due.

Glenn H.Worthington.

Filed June 8'1916.

$$----------$$

Lewis S.Clingan,Surviving Executor of the last Will and Testament of Ann C.Kunkel,late of Frederick County,deceased,Mortgagee of John W.Weller and wife,

ON.

P E T T I O N.

No. 9 4 3 2 E Q U I T Y.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

To the Honorable,the Judges of said Court!-

The Petition and Report of Sales of Lewis S.Clingan Surviving Executor of the last Will and Testament of Ann C.Kunkel,late of Frederick county,deceased,Mortgagee of John W.Weller and Olivia M.Weller his wife,respectfully shows unto your Honors!$

1. That John W.Weller of said Cpunty being indebted unto a certain Ann C.Kunkle,your Petitioner's testatrix,in the sum of Two Thousand and Five Hundred Dollars upon his promissory note dated on the 3rd day of July,1902,payable three years after date to the said Ann C.Kunkel,or order,with interest thereon from date at the rate of four and a half per cent,per annum,did,for the purpose of securing the payment of said promissory note and interest,in conjunction with his wife.Olivia M.Weller,by their deed of Mortgage dated on the said third day of July,1902,convey to the said Ann C.Kunkel the following described lot or parcel of land,situated in the Second Election District in Frederick County,to-wit!-First,a part of a tract called "Locust Level" embracing Lots Nos.1.2.3.and 4.in Falconers subdivision of said tract,it being the same land conveyed to the said John W.Weller by Laura V.King by deed dated on the 21st day of September,1889,and recorded in Liber W.I.P.No.9.Folio 522.one of the Land Records of said County,and Second,all that adjoining piece or parcel of land containing and laid out for one-half acre of land,and being the same land which was conveyed to the said John W. Weller by George T.Cline by deed dated on the 26th day of June.1902,and recorded in Liber D.H.H.No.13 folio 745,one of the Land Records for said County,which parcels of lahd are more fully described in said deed of mortgage,and to which deed of mortgage there was a condition annexed that if default should be made in the payment of said promissory note or in any one installment of interest when the same should become due and payable by the terms thereof,it should then be lawful for the said Ann C. Kunkel,her Executors,administrators or assigns,to sell the said mortgaged premises at the Court House door in Frederick City,Frederick county,Maryland,at public auction for cash,first giving at least three weeks notice of the time,place,manner and terms of sale by advertisement inserted in some newspaper published in Frederick County once a week for three successive weeks prior to the day of sale and the the proceeds of sale should be applied as set forth in said deed of mortgage,all of which will fully appear by reference to a certified copy of said deed of mortgage herewith filed as part hereof,marked Exhibit No.1.

2. That the said Ann C.Kunkel having departed this life leaving a last will and testament,Letters Testamentary thereon were granted thereon to your Petitioner the surviving Exewutor namedtherein,as will appear from an Exemplification of said Letters herewith filed as part hereof marked Exhibit No2

3. And your Petitioner further reports that default having been made in the terms and conditions of said mortgage whereby your Petitioner became authorized to execute the power of sale in said mortgage and having first filed his duly approved Bond to the State of Maryland in the penalty of six thousand dollars in the Clerk's office of your Honorable Court,and having advertised the mortgaged premises in the "Daily News",a newspaper published in Frederick County once a week for more than three successive weeks prior to the day of sale (a oppy of which advertisement is herewith filed as part of the acknowledgement of purchase) giving notice of the time,place,manner and terms of sale as required by said mortgage,he did,pursuant to said advertisement,attend in front of the Court house door in Frederick City in Frederick County,on Saturday the 4th day of March,1916,at 11 o'clock A.M.and then and there offered the said mortgaged premises at public sale to the highest bidder on the terms set forth in said mortgage and advertisement,and then and there sold the same to P.Merle Hitesshew at and for the sum of Thirty Six Hundred and Sixty five Dollars ($3665.00)he being the highest and best bidder therefor.

4. That said purchaser has not yet complied with the said terms of sale,but promises to do so on the ratification of said sale by your Honorable Court,as will appear by his acknowledgement of purchase herewith filed as part hereof marked Exhibit No.3.

5. That there is due on account of said mortgage indebtedness the whole of the principal debt of Twenty-five Hundred Dollars and an arrearage of interest amounting on the day of sale to $323.34 and your Petitioner files herewith the promissory note mentioned in said mortgage marked No.4.

6. And your Petitioner prays that said sale may be ratified and report the gross amount of said sale at $3665.00 All of which is respectfully submitted.

Clayton O.Keedy Solo. Lewis S.Clingan

State of Maryland,Frederick County,to-wit!-

I hereby certify that on this 4th day of March in the year 1916,before me the Clerk of the Circuit Court for Frederick County,personally appeared Lewis S.Clingan Petitioner and mortgagee as mentioned in the aforegoing Petition and made oath in due form of law that the matters and things stated in the aforegoing Petition and Report of sale are true to the best of his knowledge and belief and that the sale therein reported was fair ly made.

Filed March 4'1916. Eli G.Haugh
Clerk.

EXHIBIT NO. 1

At the request of Ann C.Kunkel the following Mortgage is received for record and recorded July 3rd,1902,at 10,30 O'Clock A.M.
TEST!-Douglass H.Hargett,Clerk.

THIS MORTGAGE,made this third day of July in the year Nineteen Hundred and two,by us Joh John W.Weller and Olivia M.Weller his wife,both of Frederick county,State of Maryland, WITNESSETH!-Whereas I,the said John W.Weller by my promissory note bearing even date with these predents,and payable three years after date to Ann C.Kunkel or order for the sum of Two Thousand five Hundred Dollars,with interest from date at the rate of four and one half per cent per annum,payable semi annually,stand indebted unto the said Ann C.Kun kel in the amount of money in said promissory note recited,which I hereby acknowledge I have received and for the purpose of securing the payment of the above receipted promiss ory note at the maturity thereof,and of the payment of the interest thereon,as the same shall become due and payable,ye the said John W.Weller and Oliva M.Weller his wife,have agreed to execute these presents,now therefore in Consideration of the above recited premises,and the further consideration of the sum of five dollars,the receipt of whimh i is hereby acknowledged We the said John W.Weller and Olivia M.Weller his wife,do hereby grant in fee simple unto Ann C.Kunkel,first,all that lot or parcel of ground situated in the Second Election District of Frederick county,Maryland,being a part of a tract of land called "Locust Levil" and embracing Lots 1,2,3,and 4,of Falconer's Sub-division of said tract,it being the same tract of land conveyed to the said John W.Weller by Laura V King by deed bearing date on the 21st day of September in the year Nineteen hundred and Eighty Nine,and duly recordedin Liber W.I.P.No.9,folio 522 one of the Land Records of Frederick County,Secondly all that lot piece or parcel of land,situated lying and being in Frederick County,State of Maryland,which is described as follows,Beginning for the same at the South East corner of a lot sold by William H.Falconer to Annn E.Brengle by deed dated November 23'd A.D.1878,and recordedin Liber T.G.No.10 folio 491,One of the Land Records of Frederiwk County,and running thence South forty One degrees,west ten and seventy four one hundreths perches to a stake,thence North fifty two degrees West,Seven and forty five One hundreth pershes to a stake thence North forty One ddgrees East ten and seventy four One hundreths pershes to the South West Corner of the lot aforesaid, sold by the said William H.Falconer to Annie E.Brengle and with the south side thereof South fifty two degrees East seven and forty five one hundreths perches to the place of beginning,containing and laid out for One half an Acre of land,and being the same land

which was conveyed to the said John W.Weller by George T.Cline of the City of Chicago in Cook County State of Illinois,by deed bearing date on the 26th day of June in the year Nineteen hundred and Two, and intended to be recorded among the Land Records of Frederick county,Provided that if I the said John W.Weller my executors,administrators or assigns shall pay to the said Ann C.Kunkel her executos administraters or assigns the said sum of money in said promissory note recited together with all interest that may accrue thereon when the same shall become due and payable by the terms and conditions of the said promissory note,then this Mortgage shall be null and void,Provided that until defaul t shall be made in the payment of the said Promissory note or until____shall be made in the payment of any installment of interest thereon when the same shall become due as aforesaid the said John W. Weller shall occupy and possess the said Mortgaged premises as of his present estate therein,but if default shall be made in the payment of the promissory note at the maturity thereof,or if default shall be made in any one installment of interest when the same shall become due and payable by the terms thereof then it is hereby agreed that the whole mortgage debt shall become due and payable whether the same shall have matured by the terms thereof or not,and it shall then be lawful for the said Ann C.Kunkel,her executors,administrators or assigns to sell the said mortgaged premises at the Court House Door in Frederick City,Frederick County,Maryland,at Public sale for cash first given at least three weeks notice of the time place manner and terms of sale,by advertisement inserted in some newspaper published in Frederick County once a week for three successive weeks prior to the day of sale,and the proceeds of sale shall be applied as follows,First to the payment of all costs,charges and expenses of sale including reasonable council fees and such commissions to the person making such sale as are usually allowed Trustees for making sale of Real Estate in Equity Second to the payment in full of the said promissory note with all the interest thereon up to the time of payment, whether the same shall have matured by the terms thereof or not,and lastly the surpluss if any,shall be paid to the said John W.Weller or to his assigns and the said John W.Weller does hereby covenant that he will cause the buildings on said Mortgaged premises to be insured from loss by fire in some safe and reliable Insurance Company in a sum not less than Two Thousand Dollars will during the continuance of this mortgage,keep the same insured pay the premiums thereon and will assign the policy of Insurance to Ann C.Kunkel,as further and additional security for the payment of the said Promissory note. Witness our hands and seals

John W.Weller (SEAL)

TEST!-John Francis Smith. Olivia M.Weller(SEAL)

State of Maryland Frederick County.to-wit!-

I hereby certify that on this third day ofJuly in the year nineteen hundred and two before me the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County,personally appeared John W Weller and Olivia M.Weller his wife and did each acknowledge the aforegoing deed of Mortgage to be their respective act,and at the same time before me personally appeared Ann C.Kunkel the within named Mortgagee,and made oath in due form of law that the consideration stated in the aforegoing mortgage is true and bona fide as therein set forth,and the said Ann C.Kunkel Mortgagee as aforesaid,also made oath in due form of law that she has not required the mortgagors their agent or attorney or any person for the said Mortgagors to pay the tax levied upon the interest covenanted to be paid in advance nor will she require the same to be paid by the mortgagors or any person for them during the existance of this mortgage. John Francis Smith.J.P.

State of Maryland,Frederick County,Sct!-

I herby certify that the aforegoing mortgage from John WLWeller and Oliva M.Weller to Ann C.Kunkel is a true copy,as taken from Liber D.H.H.No.14,folio 682 &c.One of the Land Records of Frederick County,Maryland.

COURT.

In testimony whereof I hereunto subscribe my name and affix the seal of the Circuit Court this 2nd day of March,A.D.1916.at Frederick.Md.

Eli G.Haugh Clerk
of the Circuit Court for Frederick County,Md.

Filed March 4th,1916.

EXHIBIT NO. 2

STATE OF MARYLAND,FREDERICK COUNTY,SCT!

I,Albert M.Patterson,Register of Wills for Frederick county,do hereby certify and attest that on the 31st day of March,1915 Letters Testamentary were grantd by the Judges of the Orphans'Court,of Frederick County aforesaid,to Lewis S.Clingan surviving Executor of the Last Will and Testament of Ann C.Kunkel late of Frederick County,deceased,the said Lewis S.Clingan having given Bond with Frank M.Stevens and Richard Potts Sureties in the sum of Three Thousand Dollars,current money for the due performance of his said administrati on. ORPHANS' COURT. SEAL In Testimony Whereof,I hereunto set my hand and affix the seal of the Orphans'Court of Frederick county,this 3rd day of March,1916.

TEST:Albert M.Patterson
Register of Wills for Frederick County,Md.

Filed March4th,1916

PUBLIC SALE

By virtue of a power of sale contained in a mortgage from John W.Weiler and wife to Ann C.Kunkel,late of Frederick County,deceased,dated on the third day of July,1902,and Recorded in Liber D.H.H.No.14,Folios 682 &c,one of the Land Records for Frederick County,and in pursuance of an order of the Orphan's Court of said County,the undersigned surviving executor of the last will of said Ann C.Kunkel,deceased,will sell at public sale on Saturday,The 4th day of March,1916,at 11 o'clock A.M.at the Court House Door in Frederik City,Frederick County,Md.all that desirable property now occupied by the said John W. Weller,situated directly opposite to the Fair Grounds at the East end of said Frederick City,in said County,being the same land and premises described in said Mortgage,and being the same land which was conveyed to the said John W.Weller by Laura V.King by deed bearing date on the 21st day of September,in the year 1889,and recorded in Liber W.I.P. No.9,Folio 522,one of the Land Records of said County,and the adjoining piece or parcel in said County and State,containing and laid out for One-half Acre of land,and being the same piece or parcel which was conveyed to the said John W.Weller by George T.Cline,by deed dated June 26th,1902,and duly recorded in liber D.H.H.No.13,folio 745,one of the Land Records,as by reference to said two deeds will fully appear.The improvements consis of a good Two-Story Frame House,with slate roof on front building and a two story back building,with pooches to both front and back buildings,and all necessary outbuildings suc h as chicken house,wood shed and carriage house,and also one of the largest and most com plets stables in the State.100 feet long,covered with slate and fitted with box stalls . This property as a whole is most desirable and is located in a rapidly growing section of Frederick and destined to grow in value.

Terms of sale,as Prescribed by Mortgage.-Cash.A deposit of $200.will be required at the time of sale.Conveyancing and revenue stamps at costs of purchaser.

Lewis S.Clingang
Surviving Executor of the Last Will of Ann C. Kunkel,deceased,Mortgagee.

I hereby acknowledge that I have this 4th day of March in the year,1916,purchased at Public sale of Lewis S.Clingan surviving Executor of the Mortgagee the land and premises described int he annexed advertisement at and for the sum of Thirty six hundred and Sixty five Dollars ($3665.00)upon the terms set forth in said advertisemeht,which I here by promise to comply with.

TEST:Clayton O.Keedy Filed March 4th,1916. P.Merle Hiteshew

EXHIBIT NO 4

Frederick July 3rd,1902.

Three years after date I promise to pay Ann C.Kunkel or order the sum of Twenty five Hundred Dollars with interest from date at the rate of Four & One half per cent per annum the interest payable semi annually. John H.Weller

Secured by Mortgage.

1903 Jan,14 Ins to Jan 3,1903----------	$56.25
1903 July 11,Int to July 3,1903----------	56.25
1904 Jan 18,Int to Jan 3,1904,----------	56.25
1904 Aug, 15,Int to July 3,1904,----------	56.25

1905,May 24,Int,to Jan,3,1905---------- $56.25
1906,Jan,12,Ins,to July 3,1905,---------- 56.25
1906,July,9,Ins to Jan,3,1906,---------- 56.25
1907,Jan,4,Rec'd Credit on Ins,---------- 30.00
1907,Jan,18,Rec'd Bal,Ins,to Jan,3,1907,---------- 82.50
1908,May,4,Rec'd Ins,In the sum of---------- $125.00
1909,Jan 16,By Ints,from Lewis S.Clingan Trustee to Jan 3,1909.-------- $100.00
1909,Nov,12,By Int's from Lewis S.Clingan Agt,to Jan,3,1910.---------- $112.50.
1910,Nov,9,By Inst,from John W.Weller ---------- 25.50
1911,Oct,30th,By Inst,from Lewis S.Clingan Agt.---------- 70.00
1912,June 3,By Inst,from John W.Weller---------- 80.00
1912,June 15th,By Inst,from John W.Weller---------- 80.00
1913,Jan,9th, By Inst,from John W.Weller---------- $100.00
1914,June 5th,By Inst,from John W.Weller---------- $180.00

Filed March 4'1916.

O R D E R N I S I O N S A L E S

Lewis S.Clingan Surviving Executor of the last Will and Testament of Ann C.Kunkel,late of Frederick County,deceased,Mortgagee of John W.Weller and wife.

ON.

P E T I T I O N.

No. 9 4 3 2 E Q U I T Y.

In the Circuit Court for Frederick County sitting in Equity.March TERM,1916.In the Matter of the Report of Sales filed the 4th,day of March 191---

ORDERED,That on the 28th day of March 1916,the Court will proceed to act upon the report of Sales of Real Estate,reported to said Court by Lewis S.Clingan Petitioner in the above cause,and filed therein 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 $3665.00

Dated this 6th day of March 1916.

Eli G.Haugh.
Clerk of the Circuit Court for Frederick County.

"Daily News" Filed March,4th,1916.

Lewis S.Clingan,surviving Executor of the last Will and Testament of Ann C.Kunkel,late of Frederick County,deceased,Mortgagee of John W.Weller and wife.

O N

P E T I T I O N.

No. 9 4 3 2 E Q U I T Y.

In the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity.

To the Honorable,the Judges of the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity:-John W.Weller and Olivia M.Weller,his wife,Mortgagors,except to the ratification of the sale made by Lewis S.Clingan,surviving Executor,and reported unto your Honorable Court,and for the following reasons;-

1st. Because the advertisement of said foreclosure sale in the newspapers,and as appears from the Exhibits filed in the cause indicate and lead the public to believe that the real estate granted in and conveyed by the Mortgage from these Exceptants to the Mortgagee contained one-half acre of land, whereas the whole amount of land described in and conveyed by said Mortgage contained about one and one-quarter acres of land,and that the failure to set forth the exact amount of land and the manner in which sais sale was advertised and the prominence given to the statement of "one-half acre of land"as set forth in said advertisement was misleading and these Exceptants believe and so charge that a full and adequate market price was not obtained at said public sale by reason of the advertisement of said mortgaged real estate by the Petitioner,Lewis S.Clingan,Executor,as aforesaid.

2nd.--That these Expectants have information and,therefore,believe that the a higher and better price than the sum of $3,665,00 could have been obtained at the time of the foreclosure and sale of the mortgaged real estate had said mortgaged real estate been properly and fairly advertised.

3rd.-And for other good and sufficient reasons to be made known unto your Honors at the time of the hearing of these exceptions.Whereof these Exceptants pray that said sale as made and reported unto your Honorable Court will not be finally ratified and confirmed by your Honorable Court.

And as in duty bound,etc.,

John W.Weller
Olivia M.Weller
Mortgagors Exceptants.

Jacob Rohrback
Solicitor for Exceptants

Filed March 21st,1916.

Lewis S.Clingan Surviving Executer of the last Will of Ann C.Kunkel, dec'd.Mortgagee of John W.Weller and wife.

--O N

P E T I T I O N.

No. 9 4 3 2 E Q U I T Y.

In the Circuit Court for Frederick County,sitting as a Court of Equity.

The answer of Lewis S.Clingan Surviving Executor &c.,in the above entitled proceedings to the Exceptions to the ratifications of the sale reported in said proceedings says!-

1. That he denies each and every allegations of fact in the first paragraph of said Exceptions,and on the contrary avers that no one who read intelligently said advertisement of sale,was or could have been mislead as to the quantity of land advertised to be sold,because the reference to the conveyances contained in said advertisement had the effect of incorporationg their description as to the quantity of land in the published advertisement,and because the premises being advertised was a suburban property,the valu of which consisted largely,if not principally,in the improvements thereon,and was and is entirely enclosed by fencing visible to all,so that no one who took the trouble to look at the property could fail to see the size and extent of the land as a whole.

2.- That he denies that a higher and better price could have been obtained at the sale of said property and he avers that the sale was properly and fairly advertised.

3.- And further answering said Exceptions he says that by reason of the large amount of taxes and subsequent liens on said property sold,the Exceptance have no interest in the property or proceeds of sale,andthat if any person have a right to complain about the form of advertisement or the price which the property brought,it is the lien creditors and sureties of the Expectants,and not he Exceptants.

4.-That by virtue of execution issued in Nos.2.3.4.& 5,Judicials,february Term,1916,out of the Circuit Court for Frederick County,the Sheriff of said County has sold the person al property of the said John W.Weller and applied the proceeds so far as the same would extend,and yet there remains unsatisfied large amounts of taxes and Judgements on said mortgaged property,to-wit;- State and County taxes for the years 1912,1913,1914,and 1915 as per Bills rendered by Collector,----------$162.92
Four years water rent as per bills rendered---------- 36.00
Judgement in No.120 Trials,Sept Term,1908 (SeeJudgement Transcript S.T.H.p181$301.02
and some interest on the same.Judgement in No.168 Trials Dec.Term,1812,
(Judgt.Transcript H.W.B.p.263---------- 110.86
and interest from date and costs.Judgement in No.121 Trials Feb,Term,1914,
(Judgement Transcript H.W.B.p.449)---------- 113.29
and interest from date and costs.Judgement in no.131 Trials Sept.Term,1915,
(Judgement Transcript No.17.page 164)---------- 452.14
with interest from date and costs.Judgement in No.132 Trials Sept Term,1915,
(Judgement Transcript No.17,fol.164)---------- 76.12
with interest from date and costs.Judgement in No.106 Feb,Term,1916,
(Judgement Transcript No.17,fol 182)---------- 198.67
with interest from date and costs,which together with the amount of the mortgage debt and interest in this case and costs and expenses amount to the sum far beyond any possible price that could be hoped to be realized from the moergaged premises at any sale.

5.- And this Respondent believing that sais exceptions are entirely without merit,prays that the same may be set down for an early hearing. And as in duty &c.

Lewis Clinging
Executor &c.

Filed March 28th,1916.

ADDITIONAL EXCEPTIONS TO RATIFICATIONS OF SALE.

Lewis S.Clingan, surviving Executor of the last Will and Testament of Ann C.Kunkel, late of Frederick County, deceased, mortgagee of John W.Weller and wife.

O N.

P E T I T I O N.

No. 9 4 3 2 E Q U I T Y.

In the Circuit Court Court for Frederick County, Maryland, sitting as a Court of Equity.

.....

To the Honorable, the Judges of the Circuit Court for Frederick County, Maryland, sitting as a Court of Equity!-John M.Weller and wife, the above named Mortgagors, further except to the ratification of the sale made and reported unto your Honorable Court in the above entitled cause by Lewis S.Clingan, surviving Executor, and for the following reasons additional to those heretofore filed by these Exceptants in the first Exception filed by them in this cause in your Honorable Court;-

1st.-because the mortgaged real estate was offered only as a whole and so sold, whereas it was susceptible of division into smaller lots or parcels, and if so divided, the several lots or parcels could have been advantageously sold, and a much larger price realized.

2nd.-That more land was sold than was necessary to pay the mortgaged debt and all proper and necessary costs pertaining to said mortgage foreclosure.

Wherefore for said additional reasons these Exceptants pray that your Honors will not finally ratify and confirm the sale made and reported unto your Honorable Court in the above entitled cause.

Jacob Rohrback
Solicitor for John W.Weller and Olivia Weller his wife.

Filed April 1'1916.

State of Maryland, Frederick County, Sct!

By the Circuit Court for Frederick County February Term, 1916.

To the Sheriff of Frederick County!

You are Commanded to Summon J.Harry Grove (Farmer) Charles Moberly (Near Fair Ground) P.Mehrl Hiteshew (Near Fair Ground) Frederick County, Md. and them have you before the Judges of said Court, now sitting, to testify for John W.Weller in No.9432 Equity.

Returnable Saturday 8th, 1916 at 9.30 O'Clock A.M.

Issued April 6th, 1916 Eli G.Haugh Clerk.

O P I N I O N A N D D E C R E E

Lewis S.Clingan, Surviving Executor, &c., Mortgagee of John W.Weller and wife.

on.

P E T I T I O N.

No. 9 4 3 2 E Q U I T Y.

In the Circuit Couer for Frederick County, siting as a Court of Equity.

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Exceptions have been filed by John W.Welller and Olivia M.Weller, his wife, mortgagors, to the ratification of the sale of the property made by the surviving executor of the mortgagee, and reported to the Court in the above entitled cause. The grounds of the exceptions in substance are:-

1.-That the advertisement of sale was misleading to proble purchasers as to the quantity of land contained in the mortgaged premises, by stating that the lot contained but "one-half acre of land," whereas it in fact containes more than an acre.

2.-That the property would have brought a higher and better price if it had been properly advertise

3.-That the mortgaged property was susceptible of division into smaller lots which could have been sold separabely to advantage and a higher price realized.

4.-That more land was sold than necessary to pay the mortgage debt and the costs of sale.

Testimony was taken before the Court in regard to theses several grounds of exception, and the advertisement of sale was exhibited to the Court.

Dealing generally with these several objections, we think the advertisement is misleading as to the quantity of land covered by the mortgage. Not only is this so but neither the dimentions of the lot covered by the mortgage, nor its shape, nor its frontage, nor its depth, is satisfactorily set forth in the advertisement. Besides this it was shown in the evidence that the buildings on the mortgaged premises were so placed as to leave a vacant space on the West side of the lot, which might be out

off from the whole lot and sold separately to advantage.There were also evidence tending to show that one or two small lots could be laid off in the rear of the whlea lot and prehaps sold to advantage to persons owning shallow lots adjoining on the Southwest.It was also shown that the purchaser of the mortgage premises,at the sale thereof,had bargained to resell the same at a very considerable advance over the price bid by him at the sale,Inadequacy of price alone is seldom a sufficient reason for setting aside a sale, but in this case,as alreadt indicated,we are of opinion that the advertisement of sale was not as full,precise and definite as it should have been in describing the property to be sold.The ordinary reader would conclude that it contained but one-half an acre of land,when in fact it contained more than double that quantity.The lot fronts 120 or 122 feet,more or less,on the Baltimore turnpike or State road,and that fact ought properly t to have been mentioned in the advertisement,and also the depth of the lot whatever it may be,and the fact that it was susceptible of division into two or more lots.

It has been very truly said by Chancellor Kent,in speaking of the duties of trustees and of others acting in a like capacity,"that to sell in parcels or lots,tends to prevent odious speculations upon the distresses of others."Woods vs.Monell,1 Johns Ch.505.

Neither the mortgage nor the deeds conveying the property appear to accurately describe the same,and for thisreason we deem a survey necessary to be made in order that the outlines thereof may be clearly and accurately located;and at the same time we think the person making the sale should have the surveyor make such tentative sub-divisions of the whole lot as he deems proper and desirable in the exercise of the same reasonable judgement and discretion that a careful owner would adopt in the sale of his own property so as to sell it to the best advantage and for the most money that it will bring.

Thomas vs.Fewster,95 Md.446.

The property could then be offered in parcels and as a whole and sold to the best advantage.For the reasons assigned,we will sustain the exceptions filed,and order a release o of the premises.It is thereupon,this 1st day of April,A.D.2916,by the Circuit Court for Frederick County,sitting as a Court of Equity,and by authority thereof,adjudged,ordered and decreed that the first and third exceptions and objections,as above mentioned,to the ratification of the sale reported to the Court on March 4th,1916,in above entitled cause, be and the same are hereby sustained;and it is ordered by the authority aforesaid that a re-advertisement of the premises be made or that a sale be effected at private sale if practicable,after a survey in the manner above indicated,and that the premises be sold in parcels or as a whole to the best advantage and in the manner to realize the most money that may reasonably be obtained therefor.The costs of these exceptions to be paid out of the proceeds of sale.

Hammond Urner
Glenn H.Worthington

Filed May 1st,1916.

FINAL RATIFICATION OF SECOND REPORT OF SALE.

Lewis S.Clingan Surviving Executor of the last will and testament of Ann C.Kunkel,late of Frederick County,deceased,Mortgagee of John W.Weller and wife. O N. P E T I T I O N.	No. 9 4 3 2 E Q U I T Y. In the Circuit Court for Frederick County,sitting as a Court of E Q U I T Y.

To the Honorable,the Judges of said Court!-

The Petition and Report of Sale of Lewis S.Clingan Surviving Executor &c.in the above entitled matter respectfully shows unto your Honors!-

1. That since the passage of the Court's order herein on the 1st.day of April,1916, sustaining the exceptions to the sale heretofore reported by him and authorizing a sale at private sale of the mortgaged premises in these proceedings mentioned,your Petitioner

has had the said mortgagedpremises surveyed by Wm.C.Humm,a competent surveyor,in one general outline as follews!-Beginning for the whole lot at a large post in the south margin of the State Road leading from Frederick to Baltimore,said post being at the North-west corner of the property of George C.Smith and wife,and running thence (1) S.35 degrees 45 minutes W.424 feet;thence (2) N.57 deg.45 m, W.124.50 feet to the east margin of a 12 feet alley.and thence with the eastern margin thereof (3) N.36 deg.E.426.8 feet to the iron fence post at the north-west corner of the whole lot,said post being in the south margin of said State Road,andthence by and with the south margin thereof (4) S. 55 deg.36 min.E.121.8 feet to the first mentioned place of beginning,containing ane and one-fifth acres of land,more or less,together with the buildings and improvements thereon and the rights,ways &c,thereto belonging,and has sold the same to Dr Harry P.Fahrney and Bessie Y.Fahrney,his wife,at and for the sum of Four Thousand Dallars ($4000.00) upon the terms set forth in the advertisement of sale and that said purchasers have paid $200.00 on account of said purchase and promises to pay the balance upon the ratification of said sale by the Court,as will appear by their acknowledgement of purchase filed herewith marked "Exhibit H.P.F."

2. That your Petitioner is informed that the servises of W.N.Joliffe,a real estate agent,were enlisted in effecting said private sale and that said real estate agent claims a compensation of Fifty Dollars for his servises in that behalf and your Petitioner is willing that sais Joliffe be paid said sum of $50.out of the commissions in this case that will be coming to the Petitioner.

3. And your Petitioner sports the gross amount of said sales at $4000.00 and prays that the same ma may be ratified. And as in duty &c.

Lewis S.Clingan
Petitioner and Surviving Executor as aforesaid.

State of Maryland,Frederick County,to-wit!-

I hereby certify that on this 11th day of May.1916,before me,the subscriber,the Clerk of the Circuit Court for Frederick County,personally appeared Lewis S.Clingan,the Petitioner and Surviving Executor as named in the aforegoing Report of Sale,and made oath in due form of law that the matters and things stated in said report of Sales are true to the best of his knowledge and belief and that the sale therein reported were fairly made. Eli G.Haugh CLERK

Filed May 11th,1916.

We hereby acknowledge that we have this 10th day of May,1916,purchased from Lewis S.Clingan Surviving Executor of the last will of Ann C.Kunkel.deceased,Mortgagee of John W.Weller and wife,the persn authorised to make sale in No.9432 Equity in the Circuit Court for Frederick County,at private sale, the land and premises mentioned in said Equity proceedings and fully described by metes and bounds courses and distances,in a recent survey made by William C.Humm,Surveyor,in a general outline survyt with courses and distances are to be incerporated in the Report of Sale of which this is to form a part,together with the buildings and improvements thereon and the rightsways,&c,theretobelonging at and for the sum of Four Thousand Dollars ($4000.00)of which $200.00 is paid in cash on the execution of this memorandum of sale and the balance is to be paid in cash on the ratification of said sale by the Court,which terms we hereby promise to comply with;conveyancing and revenue stamps at the costs of the purchasers.

Harry P.Fahrney and
Bessie Y.Fahrney his wife.

TEST:C.O.Keedy. Filed May 11'1916.

ORDER NISI ON SALES.

Lewis S.Clingamm Surviving Executor of the last Will and Testament of Ann C.Kunkel,deceased,Mortgagee of John W.Weller and wife.

O N.

P E T I T I O N.

No. 9 4 3 2 E Q U I T Y.
In the Circuit Court for Frederick County, sitting in Equity,Mat Term,1916,In the Matter of the Second Report of Sales filed the 11th day of May 1916,

ORDERED,That on the Second day of June 1916,the Court will proceed to act upon the Second Report of Sales of Real Estate,reported to said Court,by Lewis S.Clingan Surviving Executor &c,in the above cause,and filed therein as aforesaid,to finally ratify 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 $4000.00.

Dated this 11th day of May 1916.

Eli G.Haugh
Clerk of the Circuit Court for Frederick County.

"Daily News"

THE NEWS

Frederick,Md.,June 1-1916.

THIS IS TO CERTIFY,that the annexed Order Nisi on Sales was published in "The Daily News" a newspaper published in Frederick County,once a week 3 successive weeks prior to the 2nd day of June 1916.

The News
Per I.R.Fisher.

Filed June 2nd,1916.

Lewis S.Clingan,Surviving Executor of the last Will and Testament of Ann C.Kunkel late of Frederick County. deceased,Mortgagee of John W.Weller, and wife.

O N.

P E T I T I O N.

No. 9 4 3 2 E Q U I T Y.

In the Circuit Court for Frederick County,sitting as a Court of Equity.

ORDERED,this 2nd day of June A.D.1916,by the Circuit Court for Frederick County,sitting as a Court of Equity,that the aforegoing Report of Sale be and the same is hereby finally ratified and confirmed,no cause to the contrary having been shown,although due notice appears to have been given as required by the proceeding Order Nisi.

Filed May 11th,1916.

Glenn H.Worthington

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B I L L O F C O M P L A I N T

No. 9416 EQUITY.

In the Circuit Court for Frederick County.

Christopher C.Stotelmyer,

Plaintiff,

V S.

Cora Idella (Marken) Barkdoll and George W.Barkdoll,her husband,Ora C.Marken and Mary Marken,his wife,Goldie Myrtle (Marken) Frey and Lewis C.Frey,her husband,Sadie Ray Marken infant,Samuel Milo Marken,infant,James Hector Marken,infant,and Clarence Alton Marken, infant,

Defendants.

To the Honorable,the Judges of said Court!

Your Orator,Christopher C.Stotelmyer,who,by his Solicitor,Frank C.Norwood,sues as well for himself as all other creditors of Georgianna Marken and James H.Marken,her husband, both late of Frederick County in the State of Maryland,deceased,who will come in and contribute to the expenses of this suit,complaining says,

1. That the said Georgianna Marken and James H_Marken,her husband,were in their lifetim indebted unto the Smithsburg Bank of Washington County,Maryland,in the sum of One hundred dollars by their promissory note bearing date January 15th.A.D.1910,payable ninety days after date,on which note the defendant Ora C.Marken and your Orator,Christopher C.Stotelmyer appears as co-makers,although in truth and fact they were and are sureties,they not having received any of the proceeds of said note;that the said makers of said note did nt not pay the same at maturity,although they did pay part thereof;that being obligated to pay the balance of said note Your Orator paid the same,which,together with interest due to February 8th,instant,and protest charges,amounting to the sum of sixty-five dollars and eighteen cents ($65.18) whereupon said Bank duly assigned said note to Your Orator, which note is filed herewith as exhibit No.1 and,with other exhibits herewith filed,as prayed may be considered a part of this Bill!

2. That said Georgianna Marken and James H.Marken,being indebted as alleged unto Your Orator and divers other persons,each departing this life,the former in the year 1913 and the latter in the month of January in this year,1916,intestate,leaving surviving them the following,who are the children of both of them,as theironly heirs at law,namely!

(1) A daughter,Cora Idella,an adult,who intermarried with George W.Barkdoll,with whom she lives in Frederick County;

(2) A son,Ora C.Marlen,an adult,who intermarried with Mary Gordon,with whom he lives in Washington County;

(3) A daughter,Goldie Myrtle,an adult,who intermarried with Lewis C.Frey,with whom she lives in Frederick County;

(4) A daughter,Saddie Ray Marken,an infant under twenty-one years of age,who lives in Frederick County;

(5) A son,Samuel Milo Marken,an infant under twenty-one years of age who lives in Frederick County;

(6) A son,James hector Marken,an infant,under twenty-one years of age,who lives in Frederick County; and (7) A son,Clarence Alton Marken,an infant under twenty-one years of age,who lives in Frederick County.

3. That the said Georgianna Marken and James H.Marken died possessed of little,if any,personal property,certainly not enough to pay their debts and hardly enough to justify the expence of an administration,and the only real estate of which they,or either of them,died seized and possessed consists of a lot or parcel of two acres,two roods and thirty-two square perches,more or less,situated in Catocti n election district in said Frederick County,which was conveyed to the said Georgianna Marken by a certain Abam N.Warrenfeltz and Clara R.Warrenfeltz,his wife,by a deed bearing date April 2nd,A.D. 1902,but which has never been recorded among the Land Records for Frederick County,which original deed is filed herewith as exhibit No.2.And Your Orator futhershows unto Your Honors that after the execution and delivery of said deed,to-wit,on the 24th,day of September A.D.1913,the said Adam N.Warrenfeltz and Clara R.Warrenfeltz,his wife,executed another deed of said Property purporting to convey the same to the said James H Marken,which deed likewise has never has been recorded among the Land Records,but which original is filed herewith as exhibit No.3.That whichever of said deeds be taken and considered by Your Honorable Court as the true conveyance of said real estate,upon the death of the said Georgeianna Marken and James H.Marken,intestate,the title thereto decended and vested in the several heirs at law above mentioned.

4. That your Orator is advised that he is entitled to have said real estate sold and the proceeds, after payment of the expenses of sale,applied to the payment of the debts of said deceased!

To the end,therefore,,-

1st.the the real estate of which the said Georgianna Marken and James H.Marken,deceased,died seized and possessed may be sold for the payment of their debts;and

2nd. That Your Orator may such other and further relief as his case may require,-

May it please Your Honors to grant unto Your Orator the writ of Subpoena directed to the said Cora Idella Barkdoll and George W.Barkdoll,her husband,Goldie Myrtle Frey and Lewis C.Frey,her husband, Saddie Ray Marken,infant,Samuel Milo marken,infant,James Hector Marken,infant,and Clrance Alton Marken,infant,all residing in Frederick County,and Ora C.Marken and Mary Marken,his wife,residihg in Washington County,commanding them and each of them,to be and appear in this Court on some certain day to be named therein and answer the premises and abide by and perform such decree as may be passed therein. And as in duty bound &c.,

Frank C.Norwood.
Sloicitor for Plaintiff.

Filed Feby.12th,1916.

EXHIBIT NO. 1

No.1024 $100.00 Jan,15th, 1910.

Ninety days after date we jointly and severally promise to pay to The Smithsburg Bank of Washington County,Maryland,or order,the sum of One Hundred Dollars for value received,Negotiable and payable at The Smithsburg Bank of Washington County,Md.And I do hereby expressely waive the benefit of any and all exemptions form execution to which I may be entitled under any leagal Act of Assembly of Maryland.or any other State,hereby fully authorizing any offer to sell under any judgement or proceeding

on this note,any and all property belonging to me and necessary to satisfy such judgement or demand on this note,and the above waiver is a part of this condition of this note.

Due Apr,15th,"10.

Georgainna Marken
James H.Marken
Ora C.Marken
C.C.Stotelmyer

Reod.Aug,29-2000and Intto Sept 1st.19.10
Rec'd Int,to March 1st,"11,$2,40
" " " April 2 "12 $5.33
" " " April 1'13' $4.92
" " " April 1'14' $3.72
Loan Pd,on Mar,30'14' 20.-00
Received Int,to April 1st,15,$3.72.

The Smithsburg Bank of Washington County,a body corporate,hereby assigns the within note to Christopher C.Stottlemyer,without recourse.

Witness the hand of the President of said Bank,attested by its corporate seal,this 8th, day of February A.D.1916.

Reuben B.Brown,President

(SEAL)
CORPORATE

No.1024
$100.00 January 15th,1910.

Ninety daysafter date We jointly and severly promise to pay to the Smithsburg Bank of Washington County or order,the sum of One hundred Dollars for value received,negociable and payable at the Smithsburg Bank of Washington Co,Md.

#Exceptions waived"

Due April 15'10.

Georgania Marken
James H.Marken
Ora E.Marken
C.C.Stottlemyer

UNITED STATE OF AMERICA,

STATE OF MARYLAND,To Wit:

NOTARY. PUBLIC.

ON THIS DAY,the 17th day of August,in the year of Our Lord,Nineteen Hundred Ten at the request of the Smithsburg Bank of Washington Co,bearer of the original note whereof a true copy is above written,I Walter D.Brenner Notary Public by Letters Patent,under the Great Seal of the State of Maryland,commissioned and duly qualified,residing in Smithsburg in the State aforesaid,present the said note,and demanded payment,and was answered "No Funds"

WHEREOF,I,the said Notary,at the request aforesaid,HAVE PROTESTED and by these presents DO SOLEMNLY PROTEST as well against the Maker and Endorser of the said Note as all others whom it may consern,for Exchange,Reexchange,and all costs,charges,damages and interests suffered and to be suffered for want of payment of the said note .

Thus done and Protested,at the request of the aforesaid,and on the same day I addressed written notices to the maker and endorser of the said note informing them that it had not been paid,payment thereof having been demanded and refused,and that they would be held responsible for the payment thereof Georgania Marken R.D.Smithsburg Md.James H. Markin Smithsburg Md,R.D.Ora E.Markin R.D.Smithsburg Md.C.C.Stottlemyer R.D.Smithsburg Md, IN TESTIMONY WHEREOF,I have hereunto set my hand and affixed my Notarial Seal the day and year aforesaid.

Protest-------$2.00
Notice and Postage, .08
$2.08

Filed July 12,1916.

W.D.Brenner Notary Public

EXHIBIT NO 2

This deed made this 2nd day of April in the year of our lord Nineteen hundred and Three by Adam N.Warrenfeltz and his wife Clara R.Warrenfeltz of Frederick county in the State of Marykand,Witnesseth that in consideration of fifty dollars($50)the said Adam N.

Warrenfeltzand his wife Clara R.Warrenfeltz do grant unto Geore Ann Marken of Frederick County Maryland all of the following described piece of land being part of an original tract of land called "Tied together" and being situated in Frederick County Maryland and contained in the following metes and bounds,Beginning for the same at the beginning of the 4th line of a deed from David Eostine Flora A.Eos tine and Charles E.Eostine to Adam N.Warrenfeltz for 5 153/160 Acres of land more or less,said deed dated June 26th,1896,and Recorded January 10th,1898 in Liber D.H.H.No.1 Folio 119 One of the Land Records of Frederick County,Maryland,and running thence from the beginning of said 4th line East 8 ps to point in public road thence with said road South 20°¾ West 40 perches thence leaving said road North 78° West 12.68 ps to corner of H.Harps timber land thence North 26½°East 39.76 ps to the place of beginning,containing 2 acres 2 roods and 32 S.perches of land more or less.

TEST — Adam N.Warrenfeltz (SEAL)

John W.Hoover — Clara R.Warrenfeltz (SEAL)

State of Maryland,Frederick County to-wit!

I hereby certify that on this 2nd day of April in the year of our Lord Nineteen Hundred and Two before me the subscriber a Justice of the Peace in and for Frederick County and State aforesaid personally appeared Adam N.Warrenfeltz and his wife,Clara R.Warrenfeltz and did each acknowledge the foregoing deed to be theirrespective act and deed

John W.Hoover
Justice of the Peace.

Filed Feby.12'1916.

EXHIBIT NO. 3

This Deed made this 24th day of September in the year of Our Lord Nineteen Hundred and Thirteen by Adam N.Warrenfeltz and his wife Clara R.Warrenfeltz of Washington County in the State of Maryland, Witnesseth that in consideration of fifty dollars ($50)the said Adam N.Warrenfeltz and his wife Clara R.Warrenfeltz do grant unto James H.[illegible] Marken of Frederick County Maryland,all of the following described piece of land being part of an original tract of land called "Tied Together" and being situated in Frederick County,Maryland,and containing in the following metes and bounds, Beginning for the same at the beginnning of the 4th linne of a Deed from David Eostine Flora A Eostine and Charles E.Eostine to Adam N.Warrenfeltz for 5 153/160 acres of land more or less,said deed dated June 26th,1896,and recorded January 10th, 1898 in Liber D.H.H.No.7 Folio 119 one of the land records of Frederick County Maryland,and running thence from the beginning of said 4th, line East 8ps to points in public road thence with said road South 20°¾ West 40 perches thence leaving said road North 78° West 12.68 ps to corner of H.Harps Timber land thence North 26 ½ East 39.76 ps to the place of beginning containing 2 acres 2 roods and 8 perches of land more or less,

Adam N.Warrenfeltz (SEAL)
Clara R.Warrenfeltz (SEAL)

TEST! J.D.Wolfinger

State of Maryland,County of Washington to-wit!

I hereby certify that on this 24th, day of September in the year of our Lord One thousand Nine hundred and thirteen before me the subscriber a Notary Public in and for Washington County and State of Maryland,personally came Adam N.Warrenfeltz and Clara R.Warrenfeltz his wife and each acknowledge the aforegoing deed to be their respective act and deed.

Witness my hand and Notarial Seal.

J.D.Wolfinger
Notary Lublic
My commission expires May 1914.

NOTARIAL

Filed Feb'y 12th,1916.

EQUITY SUBPONEA

State of Maryland,Frederick County,to-wit!

The State of Maryland.

To Cora Idella Barkdoll &.George W.Barkdoll her husband,Goldie Myrtle Frey & Lewis C.Frey,her husband,Sadie Ray Marken,infant,Samuel Milo marken,infant,James Hector Markeh,infant,and Clarence Alton Marken,infant,(All of Frederick County),of Frederick County,Greetings!

YOU ARE COMMANDED,That all excuses set apart,you personally appear before the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity,to be held at the Court House in Frederick, in and for Frederiwk County,on the FIRST Monday of March 1916,to answer the Bill and Complaint of Christopher C.Stottlemyer (For sale of Real Estate of Georgianna Marken)against you and others in said Court Exhibited,and so forth.

Hereof fail you not,as you will answer the contrary at you peril.

Witness the Honorable Urner,Chief Judge of said Court,the Third day of January A.D.1916.

Issued the 12th day of February A.D.1916

To the Sheriff of Frederick County. Eli G.Haugh Clerk

Frank C.Norwood Solicitor Filed Feb'y 21.1916.

E Q U I Y S U B P O N E A

State of Maryland,Frederick County to-wit!

The State of Maryland.

To Ora C.Marken and Mary Marken,his wife,(said to be living in hagerstown)Washington County,Greetings!

YOU ARE HEREBY COMMANDED,That all excueses apart,you personally appear before the Judge of the Circuit Câurt for Frederick County;sitting as a Court of Equity,to be held at the Court House in Frederick,in and for Frederick County,on the FIRST Monday of March 1916,to answer the Bill and Complaint pf Christopher C.Stottlemyer (For the sale of Real Estate of Georgianna Marken)against you and others in said Court exhibited,and so forth.Hereof fail you not,as you will answer the contrary at your peril.

CIRCUIT COURT.

Witness the Honorable Urner,Chief Judge of said Court,the Third day of January A.D.1916

Issued the 12th day of February A.D.1916

Eli G.Haugh Clerk

To the Sheriff of Washington County. Filed March 6'1916.

Frank C.Norwood Solicitor.

Summoned Mar,6'1916.
I.S.Long,Sheriff.

Christopher C.Stotelmyer

Vs.

Cora Idella barkdoll and others.

No. 9416 E Q U I T Y.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

Rge Defendants Ora C.marken and mary Marken,his wife,for answer to the Bill of Complain filed against them and other Defendants say,-

That they hereby admit the truth of all the allegations of said Bill and of every paragraph thereof,and that they hereby consent to the passage pf a decree for the sale of the real estate mentioned in said Bill.

Ora C.Marken
Mary A.Marken

Filed March 7th,1916.

Christopher C.Stotelmyer

VS.

Cora Idella Barkdoll and others.

No. 9416 E Q U I T Y.
In the Circuit Court for Frederick County,sitting as a Court of Equity.

The Defendants,Cora Idella Barkdoll and George W.Barkdoll,her husband,and Goldie Myrtle Frey and Lewis C.Frey,her husband,for answer to the Bill filed against them and others Defendants say,-

That they are hereby admitted the truth of all the allegaitons of said Bill and every paragraph thereof,and that they hereby consent to the passage of a decree for the sale of the real estate mentioned in said Bill.

Cora Idella Barkdoll
George W.Barkdoll
Goldie M.Frey
Lewis S.Frey

Filed March,7'1916.

Christopher C.Stophàsmyer, Plaintiff.

Vs.

Cora Idella Barkdoll et al.

No. 9416 E Q U I T Y.
In the Circuit Court for Frederick County, sitting as a Court of Equity.

To the Honorable,the Judges of said Court!

the petition of Christopher C.Stottlemyer.plaintiff in this cause,respectfully shows unto your Honors,

1. That the Sadie Ray Marken,Samuel Milo marken,James Hector Marken and Clarence Alton marken,infant defendant in this cause,have been duly summoned,but being infants they cannot answer and defend thei suit for themselves;

2. That it is necessary that some suitable person be appointed by Your Honorable Courtas guardian ad litem for them to answer and defend on their behalf.

Wherefore,Your said petitioner prays Your Honors to appoint some suitable person guardian ad litem to appear and answer for said infant defendants. And as in duty bound &c.

Frank C.Norwood
Solicitor for petitioner.

The above petition of Christopher C.Stottlemyer,the plaintiff in this cause,having been read and considered it is,this 7th day of MarchA.D.1916 by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority of said Court,ordered that John H.Martz,of Frederick County, be,and he is hereby,appointed grarduan ad litem to appear and answer for Sadie Ray Marken,Samuel Milo Marken,James Hector Marken and Clarence Alton Marken,the infant Defendants in this cause.

Glenn H.Worthington
Judge of the Circuit Court.

Filed March 7' 1916.

Christopher C.Stottlemyer ,
Plaintiff.
VS.
Cora Idella Barkdoll et al
Defendants.

No. 9416 EQUITY.
In the circuit Court for Frederick County,
sitting as a Court of Equity.

The joint and several answer of Sadie Ray Marken,Samuel Milo marken,James Hector Marken and Clarence Alton Marken,the infant defendants in this cause,by John H.Martz,their guardian ad litem duly appointed by an order of this Court,to the Bill of Complaint filed against them by Christopher C.Stottlemyer,the plaintiff in this cause,says,-That,being infants,said defendants cannot admit nor deny the matters and things alleged in said Bill,and thatvthey submit their rights thereunder to the protectia ion of this Court.And as in duty bound &c.

John H.Martz
Guardian ad litem.

Filed March 7'1916.

Christopher C.Stottlemyer,
Plaintiff,
VS.
Cora Idella Barkdoll et al
Defendants.

No. 9416 EQUITY.
In the Circuit Court for Frederick County,
sitting as a Court of Equity.

The plaintiff joines issue on the matters and things alleged in the answer the adult defendants and John H.Martz,the guardian ad litem of Sadie Ray Marken,Samuel Milo Marken,James Hector Marken,and Clarence Alton Marken,the infant defendants in this cause,so far as the same may be taken to deny or avoid the allegations of the Bill.

Filed March,7th,1916.

Frank C.Norwood.
Solicitor for the Plaintiff.

TESTIMONY

Christopher C.Stottlemyer,
Plaintiff,
VS.
Cora Idella Barkdoll et al.
Defendants.

No. 9416 EQUITY.
In the Circuit Court for Frederick County,
sitting as a Court of Equity.

To the Honorable,the Judges of said Court!

The petition of Christopher C.Stottlemyer,the plaintiff in this cause,respectfully shows unto your Honors,-That thid cause now standing at issue it will be necessary to take testimony to prove the allegations of the Bill,Wherefore your said petitioner orays Your Honors to grant leave to take the testimony necessary and for said purpose to refer this cause to one of the standing examiners of this Court. And as in duty bound &c.

Frank C.Norwood.
Solicitor for Petitioner.

The aforegoing petition of Christopher C.Stottlemyer,the plaintiff in this cause,having been read and considered,it is,thereupon,this 7th day of March in the year 1916 by the Circuit Couer for Frederick County,sitting as a Court of Equity,and by the authority of said Court,ordered that leave be granted to the parties to this cause to take testimony as prayed before one of the standing examiners of this Court.

Glenn H.Worthington
Judge of the Circuit Court.

Filed March 7'1916.

Christopher C.Stottlemyer

VS.

Cora Idella (Marken)Barkdoll and George W.Barkdoll,her husband,and others.

No. 9416 EQUITY.

In the Circuit Court for Frederick County,sitting as a Court of Equity.

In pursuance of the annexed order of the Court and notice given me by the solicitor for the Plaintiff in the above entitled cause,I Clayton O.Keedy,one of the standing Examiners of said Court duly appointed,qualified and sworn,having assigned the 8th day of March 1916,at my office in Frederick Maryland,as the time and place for taking the testimony in said cause and having given due notice thereof,did, at the appointed time and place proceed to take the following testimony to wit!-

The Plaintiff filed with the Examiner as evidence Exhibits Nos,1,2 & 3,which are herewih returned by the said Examiner.-

Christopher C.Stottlemyer a witness of lawful age produced on the part of the plaintiff being duly sworn and examined viva voce deposes and says as follows!-

My name is Christopher C.Stottlemyer,my age is 58 years I reside Catoctin District in Frederick County,I know all the parties to this suit and have known them for many years. I look at Exhibit No.1 to the Bill now shown me and it is a note made by Georgannia Marken and Jame s H.Marken her husband,Ora E.Marken and myself to the Smithsburg Bank of Washington County, Maryland,for One hundred Dollars,Georgainna Marken was the principal on the note an , got the money the other co-makers were the sureties after the death of her and her husband I had to lift the note and pay the balance that was then due on it which was the sum of $65.18 which I paid on Feby,8,1916,and took possession of the note. The said Georianna Marken died about theeyears ago about the yrar 1913,and her husband died in January 1916,they Both died intestate,leaving the real estate mentioned in Exhib it No.2 and personal property consisting of household goods worth not more than $50,and no administration was taken out on sais personal property.

Their only real estate consists of that property described in Exhibit No.2,Containing 2 A 2 R and 32 sq,per,more or less,improved by a dwelling house and a few minor outbuildings Mr.Adam N.Warrenfeltz and his wife conveyed this property to Mrs.Georgianna Marken by the deed marked Exhibit No.2 which was never recorded and after her death the said grantors undertook to convey the same property to her husband James H.Marken by the deed Exhibit No.3 which was also never recorded.These Deedd remained in the Marken family and after the death of Mr Marken were delivered to me by George W.Barkdoll,the husband of the oldest daughter who requested him to do so,and I delivered them to my Solicitor before the Bill was filed.In my opinion the property is worth $250. to $300.The said Georgianna Marken and her husband left the following children as their only heirs at law!-

(1) A daughter Cora Idella an adult,married to George W.Barkdoll,both of whom live in Frederick County,(2) A son,Ora C.Marken,married to Mary Gordan,both of whom are adults residing in Washington County,(3)A daughter,Goldie Mrytle married to Lewis Frey ,both of whome are adults residing in Frederick County-(4) A daughter Goldie ray Marken (5) A Son Samuel Milo Marken,(6) A Son James Hector Marken,and (7) A Son,Clarence Alton Marken, which last four named are all infants under 21 years,residing in Frederick County.

The funeral expenses are mostly unpaid and of Mr.Marken are untirely unpaid and their are also unpaid bills of said decendant.

To the Gen.Int,by the Examiner.

Ans. Nothing furtherthat I know of.

C.C.Stottelmyer.

Emory Frey a witness of lawful age produced on the part of the Plaintiff being duly sworn and Examined viva voce deposes and says as follows-

My name is Emory Frey my age is 45 years I reside in Catoctin District in Frederick County,I know all of the parties to this suit.I knew Georgianna Marken and James H.Marken her husband,They are both dead,She died in the year 1913.and he died in January of this year,They both died without wills from what the family tell me they left very little personal property,not over $45 or $50.and no one has administered on it,They left the real estate described in Exhibit Nos.2 & 3 and that was their only real estate.They left seven children,whose names ages,condition in life and residence are correctly given in the testimony of the proceeding witness Mr.Stottelmyer whose evidence I have heard .

To the Gen,Int.by the Examiner

Ans. Nothing further.

Emory Frey

Whereupon there being no other witnesses to be examined and no further time being required for the production of evidence the said Examiner hereby certifies that the aforegoing are the original depositions in this cause as the same were read over to the witnesses and signed by them respectfully, and I herewith return the same enclosed to the Court.

Witness my hand the 8th day of March in the year 1916. Clayton O.Keedy.
Examiner

Costs of the aforegoing testimony

C.O.Keedy Examiner (1 day)	$4.00
C.C.Stottelmyer Witness,milage & Attend.	$2.55
Emory Frey " " " "	$2.25
	$8.80

Certified to:-

Clayton O.Keedy.
Examiner.

Filed March,8'1916.

Christopher C.Stottelmyer

VS.

Cora Idella barkdoll et al.

No. 9416 EQUITY.

In the Circuit Court for Frederick County,sitting as a Court of Equity.March TERM,1916.

The above cause standing ready for a hearing,and being sibmitted,the Bill,Answer,Exhibits and testimony and all other proceedings were by the Court read and considered.

It thereupon,this 21st day of March in the year Nineteen hundred and Sixteen by the Circuit Court for Frederick County,as a Court of Equity,and by the authority of said Court,adjudged,ordered,and decreed,that the land and premises mentioned in these proceedings be sold,and that Christopher C. Stottelmyer of Frederick County,be,and he is hereby appointed Trustee to make the said sales,and that the course and manner of his proceedings shall be as follows! he shall first file in the Clerk's office of this Court,a BOND to the State of Maryland,executed by him with a surety,or sueties,to be approved by the Court,or the Clerk thereof,in the penalty thereof of six hundred Dollars,conditioned for the faithful performance of the trust reposed in him by this decree,or which may be reposed in him by any future order,or decree in the premises.He shall then proceed to make sale of the Real Estate,having at first given at least three weeks previous notice,inserted in some newspaper printed in Frederick County,and such other notice as he may think proper of the time,place,manner and terms of sale;which terms shall be as follows!All of the purchase money to be paid in cash on the day of sale,or on the ratification thereof by the Court,and as soon as may be convenient after any such sale or sales,the said Trustee shall return to this Court a full and particular account of the same, with an affidavit of the truth thereof,and of the fairness of such sale or sales annexed,and on the ratification of such sale or sales,by the Court,and on payment of the whole purchase money,and not before,the said Trustee,by a good and sufficient deed to be executed and acknowledged agreeably to law,shall convey to the purchaser or purchasers of the said property,and to his,her or their heirs, the property to him,her or them sold,free,clear,and discharged of all claim of the parties to this

pause,and of any person or persons olqiming by,from,or under them;and the said Trustee shall bring into this Court the money arising on such sale or sales,and the bonds or notes which may be taken for the same,to be disposed of under the direction of this Cou rt,and after deducting therefrom the costs of this suit and such commission to the said Trustee as the Court shall think proper to allow,on consideration of the skill,attenti-on and fidelity wherewith he shall appear to have discharged his trust.

Filed March,21st,1916. Hammond Urner.

F I N A L R A T I F I C A T I O N O F S A L E

Christopher C.Stottelmyer

VS.

Cora Idella barkdoll and others.

NO. 9 4 1 6 E Q U I T Y.

In the Circuit Court for Frederick County sitting as a Court of Equity.

March Term,1916.

To the Honorable,the Judges of said Court!

The report of Christopher C.Stottelmyer,the trustee appointed by decree of this Court, passed in the above entitled cause,bearing date March 21st.A.D.1916,to make sale of certain real estate therein mentioned,respectfully shows!-

1. That after having given Bond with sufficient security for the faithful performance of his trust,and after having complied with all the other requirements of the law and of said decree,and after having given the notice of the time,place,manner and terms of said sale required by said decree by advertisement in the Valley Register,a newspaper published in Frederick County,once a week in each of four successive weeks prior to the day of sale,as shown by the certificate of the publisher of said newspaper filed Here-with as exhibit No.1,he did,pursuant to said notice,attend on the premises on Saturday, the 15th.day of April A.D.1916 at the hour of 2 o'clock,P.M.and offered said real estat for sale at public sale to the highest bidder on the terms mentioned in said advertisem ent and then and there sold the same to a certain Carrie C_Frey at and for the price of two hundred and ninety dollars,she,the said Carrie C.Frey,being the highest bidder ther efor,as shown by the memorandum of purchase filed herewith as exhibit No.2.

2. That the gross amount of sales is the sum of two hundred and ninety dollars ($290.-)

Respectfully submitted.

Christopher C.Stottelmyer Trustee.

State of Maryland,Frederick County,to-wit!

I hereby certify that on this 18th,day of April in the year 1916 before me,the sibscri-ber,the Clerk of the Circuit Court for Frederick County,personally appeared Christopher C.Stottelmyer,trustee,and made oath in due form of law that the matters andthings set forth in the aforegoing report of sales are just and true as therein stated,to the best of his knowledge and belief,and that the sales therein reported were fairly made.

Eli G.Haugh. Clerk

T R U S T E E S S A L E.

By virtue of a decree of the Circuit Court for Frederick County,sitting as a Court of Equity,passed in a cause entitled Christopher C.Stottelmyer,plaintiff,Vs,Cora Idella Barkdoll and others,defendants,the same being cause No.9416 on the equity docket of said Court,the undersigned,as trustee,will sell at public sale on Saturday April 15th, 1916,at the hour of 2 o'clock P.M.on the premises,all that lot or parcel of land contai ning Two Acres,2 Roods and 32 Square Perches,more or less,situated in Catoctin District No.6.in said Frederick County,Maryland,on the West side of the public road leading from Pleasant Walk to Smithsburg,adjoining the lands of Lloyd Wolfe,Elmer C.Brandenburg and Arthur Smith,which was conveyed to a certain George Ann Marken by Adam N.Warrenfeltz and Clara R.Warrenfeltz,his wife,by deed bearing date April 2nd,A.D.1903,which deed is filed as exhibit No.2 to the Bill of Complaint filed in sais Equity cause.The improvem-ents consists of a Two-Story Log House and necessary outbuildings,Apple peach pear and

other fruit trees in plenty,Well near door with supply of good water.convenient to markets,churches and schools.A desirable home for man with modern family.Terms of sale as prescribed by the Court, Cash on day of sale or ratifiwation thereof by Court.Purchaser at all cost of conveyancing.

Christopher C.Stottelmyer.
Trustee.

Preston C.Frey,Auct.

Valley Register Office
Middletown,Md.April 17th,1916.

I hereby certify that the annexed Trustee's Sale was published in THE VALLEY REGISTER (a Newspaper published in Frederick County,Md.)for three successive weeks four issues prior to the 15th,day of April 1916.

Geo.C.& Chas.K.Rhoderick
PUBLISHERS

Filed April 18'1916.

I hereby acknowledge that I have this 15th day of April A.D.1916 purchased for Christopher C.Stottelmyer,trustee,the property mentioned in the annexed advertisement at and for the price of Two hundred and ninety 00/100 Dollars and I hereby obligate myself to comply with the terms od sale as set forth in said advertisement;

Carrie C.Frey
Benjamin P.Frey

TEST.Loy N.Wolf. Filed April 18'1916.

ORDER NISI ON SALES.

Christopher C.Stottelmyer
Plaintiff
VS.
Cora Idella (Marken)Barkdoll
andGeorge Barkdoll,her husband,
et al.

No. 9416 EQUITY.
In the Circuit Court for Frederick County,
sitting in Equity.March Term,1916,In the Matter of the Report of Sales filed the 18th day of April 1916.

ORDERED,That on the 13th day of May 1916,the Court will proceed to act upon the Report of Sales of Real Estate,reported to said Court by Christopher C.Stottelmyer Trustee in the above cause,and filed therein as aforesaid to finally ratify and confirm the same,unless causeto 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 $290.00

Dated this 18th day of April 1916.

Eli G.Haugh
Clerk of the Circuit Court for Frederick County.

"Valley Register"

Valley Register Office
Middletown,Md. May 13th 1916.

I hereby certify that the annexed Order Nisi on Sales 9416 Equity was published in THE VALLEY REGISTER (a newspaper published in Frederick County,Md.) for three successive weeks four issues prior to the 13th day of May 1916.

Geo.C.& Chas.K.Rhoderick
Publishers.

Filed May 15th,1916.

Christopher C.Stottelmyer,
Plaintiff.
VS.
Cora Idella Barkdoll et al.
Defendants.

No. 9416 EQUITY.
In the Circuit Court for Frederick County,
sitting as a Court of Equity.

ORDERED this 15th day of May in the year nineteen hundred and sixteen by the Circuit Court for Frederick County,sitting as a Court of Equity,and by the authority of said Court,that the sale of real estate made by Christopher C.Stottelmyer,trustee,under the decree passed by this Court,as reported in the aforegoing report of sales be,and the same are,hereby,finally ratified and confirmed,no cause to the contrary thereof having been shown,although due notice appears to have been given as required by the previous order of this Court by the publication of a copy of said previous order in the Valley Register,a newspaper published in Frederick County,for three successive weeks prior to the 13th day of May,A.D.1916,as shown by the certificate of the publishers of said newspaper filed herewith.And it is hereby further ordered that the papers in this cause be,andthey are hereby,refered to the Auditor of this Court with instructions to said Auditor,after the expiration of the notice to creditors heretofore ordered,to state an account between the trustee and the creditors of the said Georgianna Marken and James H.Marken deceased. Glenn H.Worthington. Filed May 15'1916.

Christopher C.Stottelmyer

VS.

Cora Idella (Marken)Barkdoll et al.

No. 9416 EQUITY.

In the Circuit Court for Frederick County,sitting as a Court of Equity.

To the Honorable,the Judges of said Court!

The Trustees in this cause,Christopher C.Stottelmyer,by Frank C.Norwood,his solicitor, respectfully shows unto Your Honors!

1. That the Bill in this cause was filed foe and in behalf of all the creditors of Geo rgianna Marken and James H.Marken;that the property decreed to be sold has been sold in accordance with the decree and thesale thereof has been duly reported to this Court for ratification,andthat the purchaser has signified his intention of paying cash for the same upon the ratification of the said sale.

2. That said trustee knows of the existance of some of the claims against the trust estate,but is not advised of all that may be outstanding,He,therefore,prays Your Honors to pass an order authorizing him to give a notice to the creditors of the said Georgia- na Marken to file their claims in this Court on or before some certain day to be named in said order. And as in duty bound &c.

Frank C.Norwood.
Solicitor for trustee.

No. 9416 Equity.

The aforegoing petition of Christopher C.Stottelmyer,the trustees in this cause,having been read and considered,it is,thereupon,this 27th day of April A.D.1916,by the Circuit Court for Frederick County,sitting as a Court of Equity,ordered that the said trustee give notice by advertisement once a week in each of the three successive weeks in the Valley Register,a newspaper published in said County,to all persons having claims agai- nst the said Georgianna Marken and James H.Marken,both deceased,to file their said clai ms,properly authenticated and proven,with the Clerk of this Court on or before the 29th day of next May.

Filed April 27th,1916. Glenn H.Worthington

NOTICE TO CREDITORS.

No 9416 EQUITY.

In the Circuit Court for Frederick County,sitting as a Court of Equity,March Term,1916.

Christopher C.Stottelmyer,Plaintiff,Vs,Cora Idella Barkdoll and others,Defendants.

Notice id hereby given to all the creditors of Georgianna Marken and James H.Marken, both deceased,to file their claims against the trust estate in my hands,properly authen ticated and proven,with the Clerk of the circuit Court for Frederick County,on or befos the 29th day of May,A.D.1916.

Christopher C.Stottelmyer.
Trustee.

Valley Register Office.

Middletown,Md.May 20th,1916.

I herebyc vertify that the annexed Notice to Creditors was published in THE VALLEY REGS TER(a newspapwr published in Frederick County,Md.)for two successive weeks three issues prior to the 20th day of May 1916.

Geo.C.& Chas:K.Rhoderick

Filed May 29th,1916.

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Reno S.Harp and George D.Lease,
Trustee,of Henry P.Long,and
Florence M.Long,his wife,

O N.

P E T I T I O N.

No. 9 4 4 0 E Q U I T Y.
In the Circuit Court for Frederick
County,sitting as a Court
of Equity.

To the Honorable,the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity!-
The petition of Reno S.Harp and George D.Lease,Trustees in the above entitled cause,respectfully represents unto your Honors!-

FIRST. That on the 27th day of March,in the year Nineteen Hundred and Sixteen,Henry P.Long,and Florence M.Long,his wife,executed a deed of trust conveying all theirproperty and estate of every nature kind and description,real and personal,in possession or expectancy,andwheresoever situated unto your petitioners,the said Reno S.Harp and George D.Lease,in trust,for certain definite uses and purposes in said deed described and set forth,which will appear by reference to a certified copy of said deed of trust herewith filed and marked exhibit No.1,to this petition.

SECOND. That your Petitioners have agreed to accept the aforegoing trust and desire your Honorable Court to assume jurisdiction of the trust as created by said deed of trust.

Wherefore your petitioners pray your Honors that your Honorable Court will assume jurisdiction of said trust,that the same may be administered under the jurisdiction and direction of youe Honorable Court.That your Honorable Court may fix the bond to be given and entered into by your petitioners. And for such other and further relief as the nature of this cause may require.

And as in duty bound will ever pray etc .

Reno S.Harp
George D.Lease
Trustees.

Reno S.Harp
Solicitor.

Filed March 28th,1916.

THIS DEED,made this 27th,day of March,in the year Nineteen hundred and Sixteen,bu us,Henry P.Long and Florence M.Long,his wife,of Frederick County,State of Mryland,Witnesseth! Whereas the said Henry P.Long and Florence M.Long,his wife,are indebted unto sundry persons in various sums of money which they areunable to pay in full,and desirous to pamvey and assign all their property and estate to Reno S.Harp and George D.Lease of Frederick County,State of Maryland,in trust for the benefit of their creditors as hereinafter set forth,NOW THEREFORE,this deed Witnesseth that in consideration of the premises and the sum of five Dollars,the said Henry P.Long and Florence M.Long,his wife,do hereby grant and convey and assign unto the said Reno S.Harp and George D.Lease,all their,the said Henry P. Long's and Florence M.Long's his wife's estate and property of every Nature kind and description, real and personal,in possession or expectancy,and wheresoever situated,reserving to themselves however all the rights and benefits under the Laws of Maryland,exempting property from execution .

To have and to hold the same unto the said Reno S.Harp and George D.Lease,their heirs,personal representatives and assigns,in trust and confidence nevertheless,for the following purposes,to wit!-

FIRST to take possession of said estate and property,and without unnecessary delay to convert the same into money by sale or so much thereof as is saleable and the collection of so much thereof as is Collesctable,and to apply the proceeds,after the payment of the expenses of this trust,including a reasonable commission to the trustees for their services according to the law in such sases,to pay in full of all debts due and owing by said Henry P.Long and Florence M.Long,his wife,without preference or priority,except as the law provided,if the net proceeds shall be sufficient therefor,and,if insufficient,then to the payment of the aforesaid debts pro-rata,without preference or priority except as aforesaid.SECONDLY,after the payment in full of all debts aforesaid,and all claims and demands whatsoever against the said Henry P.Long and Florence M.Long,his wife,for which they may be liable, in trust to pay the surplus,if any there be to the said Henry P.Long and Florence M.Long his wife, their proper representatives or assigns.And the said Henry P.Long and Florence M.Long,his wife,for the purposes aforesaid,do hereby make,constitute and appoint the said Reno S.Harp and George D.Lease, their true and lawful attorneys irrevocable in their names or otherwise,to ask,demand,sue for,recover and receive of and from all and every person or persons all the property,goods and chattles,wares, merchandise,debts,or sums of money,due owing or belonging to the said Henry P.Long and Florence M.

Long,his wife,and for all receipts and deliveries to make,execute and acknowledge due acquitances and to compound foe any doubtful debts;and further to do all other acts required to be done in the premises as fully and effectually as they the said Henry P.Long and Florence Long his wife,might or could have done if these presents had not been executed. Witness our hands and seals

Henry P.Long (SEAL)
Florence M.Long (SEAL)

Witness!Francis E.Sweadner.

State of Maryland Frederick County,to wit!-

I hereby certify that on this 27th day of March A.D.1916.before me the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County,personally appeared,Henry P.Long and Florence M.Long his wife,and acknowledged the aforegoing deed to be their act and deed.

Francis E.Sweadner,J.P.

PLACE OF COURT. SEAL

True Copy Test!- Eli G.Haugh, Clerk

Filed March 28th,1916.

Reno S.Harp and George D.Lease, Trustees of Henry P.Long and Florence.M.Long,his wife,

ON.

P E T I T I O N.

No. 9 4 4 0 E Q U I T Y.

In the Circuit Court for Frederick County,sitting as a Court pf Equity.

To the Honorable,the Judges of said Court!

The petition of Reno S.Harp and George D.Lease,Trustees of Henry P.Long and Florence M. Long,his wife,respectfully represents unto your Honors!-

FIRST.That under the provisions of the deed of trust filed in this case,your petitioners are authorized and empowered to take possession of the estate and property of the said Henry P.Long and Florence M.Long,his wife,to convert the same into money by the sale of so much thereof as is saleable etc.

SECOND.That your petitioners desire to sell the real estate of the said Henry P.Long and Florence M.Long,his wife,at as early a date as possible,and also the personal property and estate of the said Henry P.Long and Florence M.Long,his wife,at public sale after giving at least_____days notice of the time,place,manner and terms of sale.

And your Petitioners would therefore pray your Honors to pass an order directing the said sale of said real estate according to the provisions of said deed of trust,and also the personal property of the said Henry P.Long and Florence M.Long,his wife.

And as in duty etc.,

Reno S.Harp
Solicitors for Petitioners.

Ordered by the Circuit Court for Frederick County,sitting as a Court of Equity,this 28th day of March,A.D.1916,that the petitioners be and they are hereby directed to sell the real estate of the said Henry P.Long and Florence M.Long,his wife,at public sale and according to the provisions of the said deed of trust,and also made public sale of the personal property of the said Haenry P.Long and Florence M.Long,his wife,after giving at least 20 days public notice of the time,place,manner and terms of sale.and to report said sales to this Court with an affidavit of the truth thereof,and of the fairness of such sales annexed,and on the ratification of the sales and on the payment of the whole purchase money,and not before,the said petitioners by a good and sufficient deed to be executed and acknowledged agreeably to law,shall convey the real estate of the said Henry P.Long and Florence M.Long,his wife to the purchaser or purchasers thereof.

Glenn H.Worthington
Judge of the Circuit Court for Frederick County.

Filed March 28,1916.

FINAL RATIFICATION OF SALES

Of Sales of the Real Estate and Personal Property of Henry P.Long and Florence M.Long. his Wife.----------

Reno S.Harp and George D.Lease, Trustees of Henry P.Long and Florence M.Long,his wife,

ON.

P E T I T I O N,

No. 9 4 4 0 E Q U I T Y.

In the Circuit Court for Frederick County,sitting as a Court of Equity.

To the Honorable the Judges of said Court!-

The report of sales of Reno S.Harp and George D.Lease,trustees in this cause,respectfully shows!

1. That on the 27th day of March A.D.1916 the said Henry P.Long and Florence M.Long,his wife executed a deed of trus of all their property,real and personal to the said Reno S.Harp and George D. Lease,Trustees for the benefit of their creditors as will more fully appear from the duly certified copy of said deed of trust filed in this cause.

2. That the said Trustees gave bond for the faithful discharge of their duties as such,which was duly approved and filed in your Honorable Court on the 28th day of March,A.D.1916.

3.That thereafter they proceedad to advertise for sale the real estate conveyed by said deed of trus t and also the personal property,as will appear from a printers copy of said advertisement filed with the written acknowledgement of purchase mentioned.

4. That they advertised for sale the real estate mentioned in said advertisement,situated in Liberty Election District,Frederick County,State of Maryland,for three successive weeks in the Daily and Weekly News,a newspaper printed in Frederick City,Frederick County,Maryland,and on Saturday the 22-day of April,A.D.1916,at the hour of 10 o'clock,A.M.they attended on the premises to be sold and offered for sale the said real estate described im saisd advertisement at public auction and upon the terms of sale stated in the same,to the highest bidder and sold the same to David J.Burrier and Florence M.Burrier,his wife at and for the sum of Thirty Six Hundred Dollars,they being then and t there the highest and best bidders therefor,and and took their written acknowledgement of purchase filed herewith as part hereof,marked "Exhibit D.J.B."

5. That the said purchasers have not complied yet with the terms of said sale but expects to do so upon the ratification thereof by your Honorable Court.

6. That after the sale of the real estate before mentioned,said trustees then and there offered for sale by public auction the personal property so advertised to be sold and then and there sold the same to divers persons under the terms so advertised,and your petitioners file herewith a list of the several purchasers together with a description of the articles sold and the amount paid for each the aggregate amount of said sales of the personal property being Seven Hundred and Twenty Nine and Seventy Six Cents.

7. That the aggregate amount of said sales herein reported are $4329.76.,all of which are herewith submitted for the action of your Honorable Court.And your trustees pray that said sales may be ratified and comfirmed.

Reno S.Harp .
Geo.D.Lease.

State of Maryland,Frederick County,Sot!-

I hereby vertify that on this 24th day of April A.D.1916,before me, the subscriber,Clerk of Circuit Court for Frederick County,perwonally appeared Reno S.Harp,one of the above mentioned trustees and made oath that the matters and things set forth in the aforegoing report of sales are true and boni fied as therein stated to the best of his knowledge,information and belief.

Eli G.Haugh.
Clerk.

P U B L I C S A L E O F V A L U A B L E R E A L E S T A T E AND PERSONAL PROPERTY.By virtue of a Deed of trust from Henry P.Long and Florence M.Long his wife, dated March 27th,1916,and filed for record in the office of the Clerk of the Circuit Court for Frederick County the 27th day of March 1916,and also by virtue of an order of the Circuit Court for Frederick County,sitting as a Court of Equity,in No.9440 Equity in said Court,the undersigned Trustees named in said deed of Trust will sell at public sale,on the premises near Daysville,on the road leading from Daysville to Libertytown,in Frederick County,Maryland,where the said Henry P.Long and Florence M.Long now reside,on SATURDAY,APRIL 22,1916,at 10 o'clock a.m.all that real estate situated

lying and being on the Middle Road leading from Daysville to Libertytown,four miles east of Walkersville and two miles west of Libertytown,in Frederick County,Maryland, being a farm containing 37 acres,3 Roods and 9 1/3 Square Perches of land,more or less and being the same real estate which was conveyed to the said Henry P.Long by Albert C Valentine and Laminia K.Valentine,his wife, by deed dated April 1,1899,and recorded in Liber D.H.H.No.3.Folios 518 and 519,one of the Land Records of Frederick County,said real estate being improved with a Two-Story Eight-Room House Frame barn buggy shed,lar ge hen house with glass front,and all necessary outbuildings and all practilly new buildings on said property,and an apple orchard and a well of water and sistern on the place.The undersigned Trustees will also sell at the same time and place the following personal property,to-wit:One black mare.one bay horse,one black colt one Jersey cow, one red cow,one Jersey calf two sets yankee harness two sets plow gears,one pair check lines,one set of wagon harness,three sets buggy harness,four shotes,weighing about fifty pounds each,one sow,10 barrels of corn,one-two horse wagon and bed,one pair of hay carriages,two falling-top buggies,one spring wagon,new empire wheat fan,one new Holland Gasoline Engine with truck and saw complete,lot of belts,No.10 New Holland Crusher one cutter,one sled,one Buckeye grain drill,one Buckeye mower,one Black Hawk Corn planter,one grain rake,one two horse Oliver Chilled plow,one South Bend plow,two three shovel plows drag,one 5 shovel drag,one double shovel plow,one corn cover,one single shovel plow,two 15 teeth steel frame harrows,onw roller,lot of forks,shovels,tools,one set of carpenter tools,lot of lumber,two cords of wood,grain cradel,2 ladders,three step ladders,one grindstone.HOUSE HOLD AND KITCHEN FURNITURE.and utensils and many articles too numerous to mention.

Terms of Sale--One-half of the purchase money cash on the day of sale,or ratification thereof,by the Court,the residue in six months from the day of sale,the purchaser or purchasers giving his,her or their notes with approved security for the deferred payments and bearing interest from day of sale,or all cash,at the option of the purchaser or purchasers,All the expence of conveyancing including revenue stamps for the deed to be paid by the purchaser,A deposit of $200.00 will be required of the purchaser on the day of sale.When the purchase money is paid,a deed will be executed,clear of all liens and incumberances .

Terms of Sale,as to the personal property.-A credit of six months will be given on all sums above $10.00,the purchaser or purchasers to give his,her or their notes with aprc ved security,satisfactory to the undersighed,bearing interest from the day of sale.On all sums of $10.00 and under,the cash will be required.No property to be removed until the terms of the sale are complied with.

Reno S.Harp
George D.Lease.
Trustees.

MEMORANDUM OF PURCHASE

I hereby certify that we have purchased the real estate advertised in the annexed advertisement containing 37 acres ,3 roods and 9 1/3 square perches of land more or les s,on Saturday April 22nd,1916,at and for the sum of Thirty Six Hundred Dollars($3600.0 and we hereby agree to comply with the terms of sale.Witness our hand and seal this 22nd day of April,1916.

David J.Burrier (SEAL)
Florence M.Burrier (SEAL)

Filed April 24th,1916.

ORDER NISI ON SALES

No.9440 Equity,In the Circuit Court for Frederick County,sitting in Equity.

Reno S.Harp and George D.Lease Trustees of Henry P.Long and Florence M.Long,his wife,on Petition. March Term,1916.

In the Matter of the Report of Sales filed the 24th day of April,1916,

ORDERED,That on the 17th day of May,1916,theCourt will proceed to act upon the Report of

Sales of Real Estate reported to said Court by Reno S.Harp and George D.lease,Trustees in the above above cause,and filed therein 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 $4.329.76.

Dated this 24th day of April,1916. Eli G.Haugh

Clerk of the Cirouit Court for Frederick County.

"Daily News"

THE NEWS

Frederick Maryland,May 17th,1916.

THIS IS TO CERTIFY,That the annexed order Nisi on Sales was published in "THE DAILY NEWS",a Newspaper published in Frederick County,once a week 3 successive weeks prior to the 17th day of May,1916.

THE NEWS

Per J.R.Fisher

Filed May 17th,1916.

Ordered by the Circuit Court for Frederick County,sitting as a Court of Equity,this 17th day of May, A.D.1916,that the sale of real estate and personal property made and reported in this cause by Reno S.Harp and George D.Lease,Trustees,be and the same is hereby ratified and confirmed,no cause to the contrary having been shown although due notice appears to have been given as required by the proceeding order Nisi passed in said cause,and it is hereby further ordered that said Trustees give the usual notice to all persons having claims against the said Henry P.Long and Florence M.Long,his wife to file their claims properly authenticated with the Clerk of this Court on or before the 18th,day of June,A.D.1916,by causing such notice to be published in some newspaper published in Frederick County,once a week for four successive weeks before the said 18th day of June,A.D.1916.

Glenn H.Worthington

Filed May 17th,1916. Judge of the Circuit Court for Frederick County.

BILL OF COMPLAINT

Charles W.Wolf and Lydia Wolf, his wife;Jesse Wlof and Libby Wolf, his wife;Ross Wolf and Florrie Wolf,his wife;Chester Wlof and Nellie Wolf,his wife;Dozie Shuff,Widow.

VS.

Hallie Geasey and John Geasey, her husband,and Jerry Ridge, infant.

No. 9350 EQUITY.

In the Circuit Court for Frederick County,sitting as a Court of EQUITY.

The Bill of Complaint of Charles W.Wlof and Lydia Wolf,his wife;Jesse Wolf and Libby Wolf,his wife; Ross Wolf and Florrie Wolf,his wife;Chester Wolf and Nellie Wolf,his wife;and Dozie Shuff,WiDow, respectfully shows unto your Honors:-

1. That Cordelia A.S.Fitez,late of Frederick County,but now deceased,departed this life intestate on or about the_____day of April,1915,seized and possessed of all that piece or parcel of land situate,lying and being in Frederick County,Maryland,and more particularly described in a deed from Jesse Roberts and Elizabeth Roberts,his wife,to the said Cordelia A.S.Fitez,bearing date the 25th day of March A.D.1905,and intended to be recorded among the Land Records of Frederick County,a certified copy of which said deed is filed herewith marked Exhibit A,which it is prayed may be taken and considered along with the other Exhibits filed in this cause as a part of this Bill of Complaint,and being seized and possessed as aforesaid,said Cordelia A.S.Fitez departed this life as hereinbefore set forth and left surviving her as children and heirs at law the following: Charles W.Wolf,a son, whose wife's name is Lydia Wolf;Jesse Wolf,a son,whose wife's name is Libby Wolf;Ross Wolf,whose wife's name is Florrie Wolf; Chester Wolf,a son,whose wife's name is Nellie Wolf; Halley Geasey,a daughter,who intermarried with John Geasey,and all of whom live in Frederick County,State of Maryland; Dozie Shuff,a daughter,who lives in the City of Baltimore,State of Maryland,who intermarried with one_____Shuff,who has since died,and Jerry Ridge,the son of a deceased daughter,Mary Ridge, who lives with his father,Grant Ridge,in Frederick County,State of Maryland.

2. That the real estate described in Exhibit A is not susceptible of division among the parties entitled thereto without great loss and injury,and that it would be for the benefit and advantage of all the parties conserned and especially the infant defendant that said real estate be sold by a Trustee to be appointed by Your Honorable Court and the proceeds divided among the parties thereunto entitled under the direction and supervision of your Honorable Court.

W H E R E F O R E your Oetitioners pray that your Honorable Court may pass a decree directing that said real estate be sold by a Trustee to be appointed by your Honorable Court and the proceeds thereof distributed among the parties thereunto entitled under the direction and supervision of your Honorable Court;and for such other and further relief as the nature and Equity of the case may require.

M A Y it please your Honors to grant unto your Complainants a writ of subpoena in the usual form against the said Hallie and John Geasey,her husband,and Jerry Ridge,infant, who reside in the neighborhood of Thurmont,Frederick County,Maryland,commanding them and each of them to be and appear in your Honorable Court on some day certain to be named therein,either in person or by solicitor,to answer the premises and abide by and perform such decree as may be passed therein.And as in duty bound,etc.,

Charles Mc.C.Mathias
Solicitor for Complainants

Filed July 26th,1915.

E X H I B I T N O."A"

At the request of Cordelia A.S.Fites the following Deed was received for record July 24th.,1915 at 9.20 O'Clock A.M.

TEST:Harry W.Bowers,Clerk.

This Deed,made this 25th day of March A.D.1905,by Jesse Roberts and Elizabeth Roberts, his wife,of the County of Montgomery and State of Maryland,Witnesseth,that for and in consideration of the natural love and affection which we have and bear for our daughter Cprdelia A.S.Fites,of the County of Frederick in said State,we,the said Jesse Roberts and Elizabeth Roberts do hereby grant,release and convey to her,the said Cordelia A.S. Fites all of that lot or parcel of ground situate,lying and being in said Frederick County containing two and three eighths acres of land,more or less,which was conveyed to the said Jesse Roberts by Margaret Smith by deed dated the ninth day of December A.D.1875,and recorded among the land records of said last mentioned County in Liber T.G.No.6, folio 537,to which deed and the deeds therein referred to reference is made for a more full and particular description of the Land hereby intended to be conveyed,Together with the improvements thereon and the rights and appurtenances thereunto belonging or in any wise appertaining.To have and to hold unto the said Cordelia A.S.Fites,her heirs and assigns forever,in fee simple.As witness our hands and seals the day and year first above written.

Jesse Roberts (SEAL)
Elizabeth Roberts (SEAL)

TEST: William C.Maulden

State of Maryland,Montgomery County,to wit:

I hereby certify,that,on this 25 day of March A.D.1905,before the subscriber,a Notary Public of the said State in and for the County aforesaid,personally appeared Jesse Roberts and Elizabeth Roberts,his wife,and did each acknowledge the aforegoing deed to be their respective act.

PLACE OF NOTARIAL SEAL

As Witness my hand and Notarial Seal this 25th day of March A.D.1905.

David H.Warfield
Notary Public.

State of Maryland,Frederick County,to-wit:-

I hereby certify that the aforegoing is a true copy of the Original Deed fron Jesse Roberts and Elizabeth Roberts his wife,to Cordelia A.S.Fites,as filed for record in the office of the Clerk of the Circuit Court for Frederick County,Maryland.

PLACE CIRCUIT OF COURT. SEAL

In Testimony Whereof, I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County, at Frederick, Maryland, this 24th day of July A.D. 1915.

Harry W. Bowers
Clerk of the Circuit Court for Frederick County, Maryland.

Filed July 26th, 1915.

EQUITY SUBPONEA

STATE OF MARYLAND, FREDERICK COUNTY to-wit!

The State of Maryland.

To Hallie Geasey and John Geasey, her husband, Near Thurmont, Md. of Frederick County, Greetings!

YOU ARE HEREBY COMMANDED, That all excuses set apart, you personally appear before the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity, to be held at the Court House in Frederick, in and for Frederick County, on the First Monday of August 1915, to answer the Bill and Complaint of Charles W. Wolf, et al, vs, Hallie Geasey et al., (Bill for sale of Real Estate of Cordelia A. S. Fitez. deceased) against you in said Court exhibited, and so forth. Hereof fail you not, as you will answer the contrary at your peril.

PLACE CIRCUIT OF COURT. SEAL

Witness the Honorable Hammond Urner, Chief Judge of said Court, the 5th day of July A.D. 1915 Issued the 26th day of July A.D. 1915.

Harry W. Bowers Clerk

To the Sheriff of Frederick County.

Filed July 29'1915.

Summoned Ambo.
John D. Conard Jr. Sheriff.

Charles McC. Mathias, Solicitor.

EQUITY SUBPONEA

State of Maryland, Frederick County to-wit!

The State of Maryland.

To Jerry Ridge, Infant., Near Thurmont, Md., of Frederick county, Greetings!

YOU ARE HEREBY COMMANDED, That all excuses set apart, you personally appear before the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity, to be held at the Court House in Frederick, in and for Frederick county, on the First Monday of August 1915, to answer the Bill and Complaint of Charles W. Wolf et al., Vs. Halle Geasey et al., (Bill for sale of Real Estate of Cordelia A. S. Fitez, deceased) against you in said Court exhibited, and so forth.

PLACE Circuit OF Court. SEAL

Hereof fail you not, as you will answer the contrary at your peril.

Witness the Honorable Urner, Chief Judge of said Court, the 5th day of July A.D. 1915.

Issued the 26th day of July A.D1915.

Harry W. Bowers Clerk.

To the Sheriff of Frederick County.

Summoned and copy of writ of Subponea left with Grant Ridge father of said infant John D. Conard Jr. Sheriff.

Charles McCMathias. Solicitor.

Filed July 29th, 1916.

ANSWER

Charles W. Wolf, et al.
Vs.
Hallie Geasey, et al.

No. 9350 EQUITY.
In the Circuit Court for Frederick County, Maryland, In Equity

To the Honorable, the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity!-

The Answer of Hallie Geasey and John Geasey, her husband, to the Bill of Complaint filed in the above entitled matter respectfully represents unto your Honorable Court!-

That they admit the allegations as set forth in the Bill of Complaint and consent to the passage of a decree as prayed.

Hallie Geesie
John Geesie

Filed Aug. 5'1915. Wit. D. F. Roddy.

Charles W. Wolf et al.
VS.
Hallie Geasey et al.

No. 9350 EQUITY.
In the Circuit Court for Frederick County, Maryland, In Equity.

To the Honorable the judges of said Court!-

The Plaintiff in the above entitled cause pray your Honors to pass an order appointing a Guardian ad litem to answer the Bill of Complaint filed in the above entitled cause on behalf of Jerry Ridge.

the infant defendant in said cause upon whom process has been returned as served.

And as in duty bound etc.

Charles McCMathias
Solicitor.

The aforegoing petition having been read and considered it is thereupon this 18th day of Feby,1916,by the Circuit Court for Frederick County,sitting as a Court of Equity and by the authority thereof adjudged ordered and decreed that John H.martz be and he is hereby appointed guardian ad litem to answer the Bill of Complaint filed in the above cause on behlf od Jerry Ridge,the infant and herein upon proce ss has been returned as serfed.

Filed Feby,18th,1916. Gleenn H.Worthington.

Charles W.Wolf et al.
VS.
Hallie Geasey et al.

No. 9360 EQUITY.
In the Circuit Court for Frederick County,sitting in Equity.

THE ANSWER OF Jerry Ridge infant under the age of twenty-one years,by John H.Martz Guardian ad Litem,to the Bill of Complaint of Charles W.Wolf et al against Hallie Geasey in the Circuit Court for Frederick County,sitting as a Court of Equity Exhibited.

The Defendant cannot admit any of the matters and things alleged in the Bill,and being infant of tender years,submits his rights to the protectio_of This Court.

John H.Martz
Guardian ad Litem.

Filed Feby,18-1916.

Charles W.Walf et al.
Vs.
Hallie Geasey,et al.

No. 9350 EQUITY.
In the Circuit Court for Frederick County,Maryland,In Equity.

The answer of the Defendants in the above entitled matter having been filed,the Plaintiffs join issue thereon in so far as the same may be taken to avoid or deny the allegations in the Bill of Complaint.

Chas.McC.Mathias
Solicitor for Complainants.

Filed Feby,18th 1916.

PETITION AND COURT'S ORDER TO TAKE TESTIMONY.

Charles W.Wlof,et al.
VS.
Hallie Geasey,et al.

No. 9350 EQUITY.
In the Circuit Court for Frederick County,Maryland,in Equity.

To the Honorable,the Judges of the Circuit Court for Frederick County,sitting as a Court of Equity!- The above entitled matter being at issue on Bill and Answer filed,the Plaintiffs pray your Honors that said cause may be referred to one of the standing Examiners of your Honorable Court for the purpose of takinf testimony in support of the Allegations in the Bill of Complaint.

Chas.McC.Mathias
Solicitor.

The aforegoing petition having been read and considered,it is thereupon,this 18th day of February,in the year 1916,by the Circuit Court for Frederick County,and by the authority thereof adjudged,ordered and decreed that the above entitled matter be and the same id hereby refered to one of the standing examiners of this Court,for the purpose of taking testimony in support of the allegations contained in the Bill of Complaint.

Filed Feb,y 18-1916. Glenn H.Worthington.

Charles W.Walf et al.
VS.
Hallie Geasey,et al.

No. 9350 EQUITY.
In the Circuit Court for Frederick County,
sitting as a Court of Equity,Maroh Term,1916

The above cause standing ready for a hearing,and being submitted,the Bill,Answer,Exhibits and testimony and all other proceedings were by the Court read and considered .

It is thereupon,this 29th day of february in the year nineteen hundred and sixteen by the Circuit Court for Frederick County,as a Court of Equity,and by the authority of said Court,adjudged,ordered, and decreed,that the land and premises mentioned in these proceedings be sold,and that Charles McC. Mathias of Frederick County,be,and he is hereby hereby appointed Trustee to make the said sales,and that the course and manner of his proceedings shall be as follows! He shall first file in the Clerks office of this Court,a Bond to the State of Maryland,executed by him with a surety,or sureties,to be approved by the Court,or the Clerk thereof,in the penalty thereof of Four Hundred Dollars,conditiond for the faithful performance of the trust reposed in him by this decree,or which may be reposed in him by any future order,or decree in the premises.He shall then proceed to make sale of the Real Est ate,having at first given at least three weeks previous notice,inserted in some newspaper printed in Frederick County,and such other notice as he may think proper of the time,place,manner and terms of sale;which terms shall be as follows!One half of the purchase money to be paid in cash on the day of sale,or on the ratification thereof,by the Court,the residue in six months the purchaser or purchasers giving his,her,or their notes,with approved security and bearing interest from the day of sale,or all cash at the option of the purchaser and as soon as may be convenient after any such sale or sales,the said trustees shall return to this Court a full and particular account of the same,with an affidavit of the truth thereof,and of the fairness of such sale or sales annexed,and on the ratification of such sale or sales by the Court,and on payment of the whole purchase money,and not before,the said Trustee,by a good and sufficient deed to be executed and acknowledged agreeably to law, shall convey to the purchaser or purchasers of the said property,and to his,her or their heirs,the property to him,her or them sold,free, clear,and discharged of all claim of the parties to this caus and of any person or persons claiming by,from,or under them;and the said Trustee shall bring into this Court the money arising on such sale or sales,and the bonds or notes which may be taken for the same,to be disposed of under the direction of this Court,after deducting therefrom the costs of this suit,and such commissions to the said Trustee as the Court shall think proper to allow,on consideration of the skill,attention and fidelity wherewith he shall appear to have discharged his trust.

Filed March,1st,1916. Glenn H.Worthington

T E S T I M O N Y

Charles W.Wolf,et al. VS. Hallie Geasey,et al. | No. 9350 EQUITY. In the Circuit Court for Frederick County, In Equity.

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To the Honorable,the Judges of said Court!-

In;pursuance of said order of the Court and a notice given me by the solicitor for the Plaintiffs in the above entitled cause,I,Albert S.Brown,one of the standing Examiners,of your Honorable Court, duly commissioned and qualified,did,on the 18th day of February,A.D.1916,at the law office of the Examiner in the City of Frederick,State of Maryland,at the hour of one o'clock P.M.proceed to take the following depositions of the witnesses in this cause then and there produced before me,that is to say!-Present.Charles McC.Mathias,Solicitor for the Plaintiffs.Exhibit A filed with the Examiner a as evidence and is so marked.

Charles W.Wolf,et al. VS. Hallie Geasey,et al. | No. 9350 EQUITY. In the Circuit Court For Frederick County,sitting as a Court of Equity.

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FRANKLIN H.RICE,a witness of lawful age,produced on the part of the plaintiffs,being first duly sworn and examined,viva voce,deposes and says as follows!-My name is Franklin H.Rice.I live near Catoctin Furnace.I am a farmer about 42 years old.I know all the parties to this suit,and the land in question.I knew Mrs.Fitez during her lifetime.She is dead,having passed away in the spring of 1915. She was married a second time to John D.Fitez,who died before she did.She left no will that I know

of,and she left surviving her the following children;Charles W.Wlof,a son,Jessie Wolf a son,Ross wolf,Chester Wolf,and Hallie Geasey.These are all married,and their hesbands and wives are living.There is a daughter living in Baltimore,whose name id Dozie Shuff, and whose husband is dead.There is another daughter who married Grant Ridge,but has been dead some years.She left a son surviving her,whose name is Jerry Ridge,To the best of my knowledge he is about 14 or 15 years of age.I look at the "Exhibit A"who is now handed me.It describes the property of which Mrs.Fitez died,seized and possessed.This property is not capable of division among the children as it stands,and I believe it would be for the best interest of everybody consirned that it be sold under the direction of the Coun and the proceeds be divided among the parties entitled.In my judgement,the property is worth somewhere around $200.00.To the General Interrogatory!-Nothing further.

Charles W.Wolf,a witness of lawful age,produced on the part of the plaintiffs,being first duly sworn and examined,viva voce,deposes and says as follows!- My name is Charles W. Wolf.I reside at Catoctin Furnace,near Thurmont,in Frederick County,Maryland,I am a Farmer,and 46 years old.I know all the parties to this cause,and I am one of the plaintiffs My mother was Cordelia A.S.Fitez.She was married a second time to John D.Fitez,but had no children by the second marriage.She died without any will in or about the middle of April,1915,and at the time of her death she was seized and possessed of a small piece of property situated adjoining the farms of Alvey Isanogle and Buck McPherson,near Catoctin Furnace.I look at "EXHIBIT A" which is now handed me.It is a certified copy of the Deed which conveyed this property to my mother.As I said above,my mother died in April,1915, and left surviving her no husband,but the following children and heirs-at-law!-
I,Charles W.Wolf,am the oldest son;my wife's name is Lydia Wolf;another son,Jessie Wolf, whose wife's name is Libby Wolf;Ross Wolf,another son,whose wife's anme is Florrie Wolf; Chester Wolf,another son,whose wife's name is Nellie Wolf;Hallie Geasey,daughter,who int ermarried with John Geasey.All of these live in Frederick County,Maryland.Dozie Shuff is another daughter who lives in the City of Baltimore;her husband is dead;and Jerry Ridge, infant son of another daughter,Mary Ridge,who lives with her father,Grant Ridge,in Frederick County,Maryland.Jerry Ridge,the infant,is about 14 or 15 years of age.The property which my mother owned at the time od her death is a small house and lot,which is not susceptible of being divided among the parties entitled thereto without great loss and injury,and I believe it would be for the benefit and advantage od everybody consirned, and especially the infant,Jerry Ridge,if the real estate be sold by a Trustee to be appointed by the Court,and the proceeds be divided among the parties entitled thereto under the direction and supervision of the Court.In my judgement,the property is worth in the neighborhood of $200.00.TO THE GENERAL INTERROGATORY!-Nothing further.

Charles W.Wolf.

CHARLES FRALEY,a witness of lawful age,produced on the part of the plaintiffs,being first duly sworn and examined,viva voce,deposes and says as follows!-My name is Charles Fraley.I live at Catoctin Furnace,near Thurmont.I am 58 years old.I know all the parties to this cause,and have known them all their lives.I knew Mrs.Fitez during her lifetime. She had married a second time to John D.Fitez,who died before her,She deprted this life in the spring of last year,and she had no will that I ever heard of.She had a number of sons and daughters,whom I will try to name.Charles W.Wolf is the oldest son.There were three other boys,Jesse,Ross and Chester,Hallie Geasey is a daughter,who married John Geasey.All these parties live in Frederick County,and all are married,Dozie Shuff is a daughter,who lives in Baltimore,Her husband is dead.Thats was one daughter,Mary,who married Grant Ridge.She Died some years ago,and left an infant son,whose name is Jerry,and I believe he is about 14 or 15 years of age.I know the property mentioned in this cause, and "Exhibit A" which is handed me correctly describes the same.It is a little tract of land with a house on it,and contains about 2-3/8 acres of land,and it lies adjacent to the farms

the farms of Messers.Isanogle and McPherson.It could not be divided up among the children as it stands,and I believe it would be to the best interests of everybody conserned that this property be sold and the proceeds divided among the parties entitled under the direction of the Court,I think the property is worth in the neighborhood of $200.00,probably a little bit more.

TO THE GENERAL INTERROGATORY.Nothing further.

Witness,Chas.McC.Mathias.

his
Charles X Fraley.
mark

Whereupon,there being no other witnesses to examine and no further time being required for the production of testimony,the said Examiner at the request of the Solicitor for the Plaintiffs closes the taking of testimony,and the said Examiner hereby certifies that the aforegoing are the true and original depositions of witnesses in this cause as the same were taken down in stenographic notes and subsequently typewritten by Roy S.Schroder,the Examiners sworn Clerk;(and the same was read over to said witnesses);and the said Examiner herewith encloses the said testimony to your Honorable Court.

Witness my hand and seal this 19th,day of February,1916.

Albert S.Brown
Examiner.

COSTS OF THE AFOREGOING TESTIMONY.

Albert S.Brown,Examiner,1 day,	$4.00
Charles W.Wolf,1 day and 11 miles	1.85
Charles Fraley,1 day and 11 miles	1.85
Franklin H.Rice,1 day and 11 miles	1.85
	$9.55

CERTIFIES TO:-

Filed Feb,y 19th,1916.

Albert S.Brown
Examiner.

REPORT OF SALE.

Charles W.Wolf,et al.

VS.

Hallie Geasey,et al.

No. 9350 EQUITY.

In the Circuit Court for Frederick County,in Equity.

To the Honorable,the Judges of said Court:-

The Report of Charles McC.Mathias,Trustee in the above entitled cause,respectfully shows:-

1. That pursuant to the requirements of a decredal order passed in this case on the first day of March,1916,the subscriber,the Trustee in said order named,gave bond to the State of Maryland in the penalty designated in said order,conditioned in the usual form for the faithful discharge of the duties reposed in him by said order,which bond was duly approved by the clerk of this Court,as required by law.

2. That after giving bond,the said Trustee advertised said property to be sold at public auction,as appears by a copy of said advertisement appended to the certificate of purchase hereinafter referred to.

3. That said advertisement was published in the Catoctin Clarion,a newspaper printed and circulated in Frederick County aforesaid,and that said advertisement was inserted for the first time on the 2nd day of March,1916,and once in each week thereafter,giving three week's public notice of the time, place and terms of sale,as directed by said decree.

4. That on Saturday,March 25th,1916,the subscriber,the said Trustee,attended in front of Frank W. Fraley's store at Catoctin Furnace in Frederick County,Maryland,at 2.30 P.M.that being the place,day day and hour named in said advertisement,and then and there offered the property described in the proceedings in this cause at public auction,and then and there sold the same to Alvey M.Isanogle at and for the sum of Three Hundred Dollars($300)cash to be paid on the ratification of the sale;he,the said Alvey M.Isanogle,being the best and highest bidder therefor,and he files herewith his certificate of purchase,marked "Exhibit A",which it is prayed may be taken and consideredas a part of this report of sale as fully as if the same were incorporated herein;and the said Trustee reports Three Hundred Dollars ($300.00) as the total amount of said sale.And as in duty bound,etc.

Charles McC.Mathias.
TRUSTEE.

STATE OF MARYLAND,FREDERICK COUNTY,TO-WIT:-

I hereby certify that on this_____day of March,before the subscriber,the Clerk of the Circuit Court for Frederick County,personally appeared the above named Charles McC. Mathias,Trustee,and made oath in due form of law that the matters and things stated in the aforegoing report of sale are true to the best of his knowledge,information and belief,and that the sale therein reported was fairly made.

Eli G.Haugh
Clerk of the Circuit Court for Frederick County.

P U B L I C S A L E

By virtue of an order of the Circuit Court for Frederick County,sitting as a Court of Equity,passed on the first day of march 1916,in No.9350 Equity on the Docket of said Court,wherein Charles W.Wolf,et al,are Complainants,and Hallie Geasey,et al are Defendants,the under signed Trustee will sell at public sale,on Saturday March 25,1916,At 2,30 P.M.in front of Fraley's store at Catoctin Furnace,Frederick County,Maryland,All that lt lot or parcel of ground containing 2 3/8 acres of Land,more or less,situate,lying and being in Frederick County,Maryland,and adjouning the lands of Alvey M.Isanogle and T. Buchanan McPherson.The property is improved by a Dwelling House,and all necessary outbuildings,The property containes a well of good water,and a number of fruitt trees,and will make the purchaser a splendid home.TERMS of sale as prescribed by the Decree:-Onehalf Cash upon the ratificatdon of the sale by the Court,and the balance in six months;the purchaer or purchasers giving his,her or their notes with approved security,bearing interest from the day of sale,or all cash at the option of the purchaser.

A deposit of $50.00 will be required on day of sale.All conveyancing,including revenue stamps,to be at the expense of the purchaser.

Chas.McC.Mathias,
Trustee.

I hereby acknowledge to have purchased from Charles McC.Mathias,Trustee in Number 9350 Equirt,all that piece or parcel of land containing 2-3/8 acres of land,more or less, situated in Frederick County,Maryland,and more particulayly described in the annexed advertisement,at and for the sum of Three Hundred Dollars,and hereby agree to comply with the terms of sale as set forth in said annexed advertisement.Dated this 25th day ofMarch in the year Nineteen Hundred and Sixteen.

A.M.Isanogle (SEAL)

Witness:
Chas.McC.Mathias. Filed March 28th,1916.

Offis of the Clarion Publishing Co.Thurmont,Md.March 27th 1916.

This is to certify that the annexed advertisement Public Sale No.9350,Equity,was published three consecutive weeks prior to Saturday March 25th,1916,in the Catoctin Clarion,a newspaper published in Frederick County,Md.

Filed March 28th 1916.

Clarion Pub.Co.
Per.J.H.F.

O R D E R N I S I O N S A L E S.

No.9350 Equity.In the Corsuit Court for Frederick Countysitting in Equity.March Term,196 1916.In the matter of the Report of Sales filed the 28th day of March,1916.Charles W. Wolf and Lydia Wolf,his wife et al. Vs.Hallie Geasey and John Geasey,her husband.

ORDERED,That on the 21st day of April,1916,the Court will proceed to act upon the report of Sales of Real Estate,reported to said Court by Charles McC.Mathias,Trustee,in the abOve cause,and filed therein 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 inserted publishedin Frederick County for three successive weks prior to said day.The report states the amount of sales to be $300.00 Dated this 28th day of March,1916.

Eli G.Haugh,
Clerk of the Circuit Court for Frederick County.

Charles McC.Mathias,Solicitor.

Office of the Clarion Publishing Co.Thurmont,Md.April 20th 1916,
This is to certify that the annexed advertisement Order Nisi on Sales No.9350 Equity was published 3 consecutive weeks prior to Apr.21 1916 in the Catoctin Clarion,a newspaper published in Frederick County,Md.

Filed April 21'1916

Clarion Publishing Co.
J.H.F.

O R D E R E D by the Circuit Court for Frederick County, sitting as a Court of Equity, this 21st day of April, in the year 1916, that the aforegoing report of sale be and the same is hereby finallyr ratified and confirmed, no cause to the contrary having been shown, although due notice appears to have been given, as required by the annexed "Order Nisi", and upon receipt of the purchase money, the Trustee is directed to make distribution thereof to the parties entitled thereto.

Filed April 21st, 1916 — Glenn H. Worthington

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O R D E R T O D O C K E T C A S E

George L. Stocksdale, Attorney, Assignee of Mortgage.

VS.

Orville R. Lescalleet and Katherine M. Lescalleet, Mortgagors.

In the Circuit Court for Frederick County, sitting as a Court of Equity.

No. 9496 E Q U I T Y.

To Mr. Clerk Circuit Court, Frederick County, Md.

Please file promissory note dated Union Bridge, Maryland, February 26th, 1910, drawn by orville R. Lescalleet and katherine M. Lescalleet, his wife, payable to the Union Bridge banking and Trust Company a body corporate of the State of Maryland, for the sum of $525.00, with interest from datd, interest paid to February 26th, 1915, marked Exhibit A. which said note has been duly assigned to George L. Stocksdale, Attorney, May 6th, 1916. Also original Mortgage from Orville R. Lescalleet and Katherine M. Lescalleet, his wife, to Union Bridge Banking and Trust Company, bearing date February 26th, 1910, and recorded in Liber H.W.B. No. 291, Folio 224 etc., one of the land records of Frederick County, marked Exhibit B which said Mortgage was duly assigned to George L. Stocksdale Attorney, May 6th, 1916, which said assignment has been recorded among the land records aforesaid and docket------case under the provisions of the Code of Public General Laws of the State of Maryland, relating to Mortgages.

George L. Stocksdale Atty.
Assignee of Mortgagee.

Geo. L. Stocksdale
Sol. for Assignee.
of Mortgagee.

Filed May 11th, 1916.

"E X H I B I T A"

$525.00 — Union Bridge, Maryland. February 26th, 1910.

Twelve months after date we jointly and severly promised to pay to The Union Bridge Banking and Trust Company a body corporate of Union Bridge, Carroll County, Maryland, Or order the sum of Five Hundred and Twenty Five Dollars ($525.00) for value received with interest from date at the rate of Six per cent payable semiannually .

Witness; S. D. Senseney — Orville R. Lescalleet, Katherine M. Lescalleet

This note is secured by mortgage of even date herewith.

Union Bridge, Carroll County, Maryland. May 6th, 1916.

Hereby assign the attached Promissory note untoGeo. L. Stocksdale Atty, for the purpose of collection, being secured by mortgage of even date. As witness the hand of the President, and the corporate seal of the said Union Bridge Banking & Trust Company, a body Corporate of the State of Maryland.

Attest; W. H. B. Anders
S. Raymond Senseney
TREASURER.

PLACE OF CORPORATE SEAL

Union Bridge banking and Trust Company a body corporate of the State of Maryland.
By Silas D. Senseney
President.

Filed May 11th, 1916.

"E X H I B I T B"

This Mortgage made this 26th day of February in the year Nineteen Hundred and ten, by us Orville Ray Luscaleet and Catherine Montriee Lescaleet his wife Witnesseth; whereas we the said Orville Ray Lescaleet and Catherine Montie Lescaleet his wife being now indebted unto the Union Bridge Banking and Trust Company, of Union Bridge Carroll County, Md, and a body Corporate of the State of Maryland, County of Carroll, in the full and just sum of Five Hundred and Twenty Five Dollars ($525.00), by our promissory note of even date herewith, payable one year after date, to the said Union Bridge Banking and

Trust Company or its assignee with interest from date at the rate of Six per cent,payable semiannually,and for the purpose of securing the payment of the said promissory note at the maturity thereof,together with all the interest that may accrue thereon,we the said Orville R.Luscaleet and Catherine M.Luscaleet his wifehave agreed to execute these presents!--Now therefore in the consideration of the sum of Five hundred and twenty five dollars,we the said Orville R.Lescaleet and Catherine M.Lescaleet his wife do grant and convey unto the said Union Bridge Banking and Trust Company,all those tracts and parcels of land,situate,lying and being in Woodsboro District,Frederick County,Md.being two smal tracts of land and containing in the aggregate four acres of land more or less,and being the same tracts of land that was conveyed by George M.Mentzer and Clara S.Mentzer his wife to said Orville R.Lescaleet and Catherine M.Lescaleet his wife by deed bearing date February 19th,1910 and duly recorded in Liber H.W.B.No._____Folio_____as by reference thereto will more fully appear,Together with all the buildings and improvements thereon;and appurtenances and advantages,theretobelonging or in any wise appertaining. Provided,that if we the said Orville R.Lescaleet and Catherine M.Lescaleet his wife,our Executors,Administrators and assigns,shall pay or cause to be paid to the said Union Bridge banking and Trust Company of Carroll County,Md.or its assignee,the said promissory note,at the maturity thereof,together with all the interest that may accrue thereon according to the tenor and the effect thereof,then this mortgage shall be void. Provided that until default be made in the payment of the said promissory note as aforesaid,or of the interest due thereon,the said Orville R.Lescaleet and Catherine M.Lescaleet his wife,shall possess the mortgaged premises as of their present estate therein. But if default be made in the payment of said note,at the maturity thereof,or in the payment or in the payment of any one installment of interest theron when due and payable by the terms and conditions thereof,then it is hereby agreed that the whole mortgage debt shall become due and payable whether the same shall have matured by the terms thereof or not,and it shall be lawful for the said Union Bridge Banking and Trust Company,of Union Bridge Carroll County,Maryland,or its assignee or for Silas D.Senseney or his duly constituted Attorney,to sell the said Mortgaged premises at the Court House in Frederick City,Md.by public sale for cash,after giving at least Twenty days notice of the time place manner and terms of sale in some newspaper published in Frederick County,for three successive weeks prior to the day of sale;and shall apply proceeds of sale,including,first,to the payment of all expenses,costs,charges of sale,including a commission to the party making sale of said property equal to the commision allowed trustees for making sale of property by virtue of a decree of a Court of Equity having jurisdiction in the State of Maryland,and also including reasonable council fees,and then to the payment in full of said note,and all the interest due thereon up to the time of payment and lastly the surpluss if any shall be paid to the said Orville R.Lescaleet and Catherine M.Lescaleet his wife or their assigns.And the said Orville R.Lescaleet and Catherine M.Lescaleet his wife hereby covenants with the said Union Bridge Banking and Trust Company of Union BridgeMaryland,that they will cause the buildings on the said mortgaged premises to be insured from loss by fire,in some safe insurance Company in a sum not less than Five Hundred Dollars.Will during the continuance of this mortgage keep the same insured pay the premiums thereon and assign the policy of Insurance over to the said Union Bridge Banking and Trust Company as a further security for the payment of said Mortgaged deb debt. Witness our hands and seals.

Orville R.Lescalleet (SEAL)

TEST!Frank J.Shriver. Katherine Montriet Lescleet (SEAL)

State of Maryland,Carroll County,to-wit!-

I hereby certify that on this 26th day of February in the year Nineteen Hundred and ten before me a Notary Public of the said State and county aforesaid personally appeared Orville R.Lescaleet and Catherine M.Lescaleet his wife and did each acknowledge the

aforegoing mortgage to be their respective act;and at the same time before me personally appeared Silas D.Senseney,Treasurer Union Brideg Banking and Trust Company,a body corporate of the State of Maryland,county of Carroll,the within named mortgagee,and made oath in due form of law that the consideration set forth in the aforegoing mortgage is true and boni-fide as therein set forth; And also made affirmation in due form of law that the Union Bridge Banking and Trust Company,by its treasurer S.D.Senseney,its agent and attorney,has not required the mortgagors their agent or attorney or any person for said mortgagors to pay the tax levied upon the interest covenanted to be paid,in advance,nor will he require the same to be paid by the mortgagor,or any person for him during the existance of this mortgage.

Frank J.Shriner
Notary Public

PLACE NOTARY OF PUBLIC. SEAL

Union Bridge,Carroll County,Maryland. May 6th,1916.

Union Bridge banking and Trust Company,a body corporate of the State of Maryland,Mortgagee in the aforegoing Mortgage from Orville R.Lescalleet and wife,to-wit! bearing date February 26th,1910 and recorded in Liber H.W.B.No.291,Folio 224 etc.,doth hereby assign said mortgage to Geo.T.Stocksdale Atty,for collection under the provisions for the Maryland Code.As Witness the hand of the President, and the corporate seal of the said Union Bridge banking and Trust Company,a body Corporate of the State of Maryland.

ATTEST!W.H.Anders.
S.Raymond Senseney
T R E A S U R E R.

PLACE OF Corporate SEAL

Union Bridge Banking and Trust Company a body corporate of the State of Maryland.
By Silas D.Senseney
P R E S I D E N T.

Filed May 11,1916

Assignment recorded May 11th,1916.
TEST!Eli G.Haugh Clerk.

Statement of Assignee of Mortgagee's Claim.

George L.Stocksdale,Attorney.
Assignee of Mortgage.
VS.
Orville R.Lescalleet and
Katherine M.Lescalleet,
Mortgagors.

No. 9463 E Q U I T Y.
In the Circuit Court for
Frederick county,sitting
as a Court of Equity.

Statement of assignees of Mortgagee's claim.

Orville R.lescalleet and Katherine M.Lescalleet,his wife,to George L.Stocksdale,Attorney,assignee of Mortgagee,on promissory note bearing date February 26th,1910,secured by deed of Mortgage bearing daye February 26th,1910,forthe sum of ----------$525.00
By credit----------$125.00
1915 February 26th,balance due----------$400.00
To interest due thereon from February 26th,1915 until paid the sum of----------$

George L.Stocksdale Atty.
Assignee of Mortgage

Filed May 11th,1916.

REPORT OF SALE

George L.Stocksdale,Attorney,
Assignee of Mortgagee.
Plaintiff.
VS.
Orville R.Lescalleet and
Katherine M.Lescalleet,his
wife, Mortgagors.
Defendants.

No. 9563 E Q U I T Y.
In the Circuit Court for
Frederick County,Maryland,
In Equity.

To the Honorable the Judges of said Court.

The report of Sale of George L.Stocksdale,Attorney,Assignee of Mortgagee,as hereinafter set forth respectfully shows unto your Honorable Court.
That after default in the apyment of the principal and interest,secured by the mortgage from Orville R.Lescalleet and Katherine M.Lescalleet,his wife,to Union Bridge Banking and Trust Company,bearing

date Febauary 26th,1910,and recorded among the land records of Frederick County,Maryland, in Liber H.W.B.No.291,Folio 224 etc.,which said mortgage was duly assigned to George L. Stocksdale,Attorney,The undersigned pursuantce of the power and authority of sale in said mortgage contained after having given notice of the time,place,manner and terms of sale by advertisement inserted in THE POST,a newspaper published in Frederick City,Maryland, for four times prior to the day of sale,as well as,by advertisement in THE AMERICAN SENTINEL,a newspaper published in Westminister,Maryland,for four times before the day of SALE,as well as hand-bills extensively circulated in the neighborhood of said property, the said George L.Stocksdale,Attorney,Assignee of said Mortgagee,attended upon the premises situate near Ladiesburg,near road leading from Keymar to Laidesburg,in Frederick County,Maryland,on Wednesday June 7th,1916,at 2 O'Clock P.M.andthen and there offered at Public Sale all those two pieces or parcels of land lying contigous to each other,and containing 4 Acres and 12 square perches of laned more or less,and then andthere sold said real estate described in and conveyed by said mortgage Unto Union Bridge Banking and Trust Company,a body corporate etc,----at and for the sum of F I V E HUNDRED and , Dollarsand oo/100 Cents,being the same two parcels of land which was conveyed by George A.Mentzer and wife to said Orville R.lescalleet and Katherine M.Lescalleet,his wife,by their deed bearing date 19th day of February,A.D.1910,and recorded among the land records of Frederick County,Maryland,in Liber H.W.B.No.290,Folio 426 etc.,it the said Union Bridge Banking and Trust Company,a body corporate etc.being then and there the highest bidder therefore.Your Assignee of Mortgagee further reports that every effort was made on the day of sale,to sell the property to some other person than he did,but was unable to purswade any one to become the purchaser at the time of sale.The aforesaid purchaser elects to pay the full purchase money for said property upon ratification of said sa sale, by your Honorable Court.All of which is respectfully submitted.

George L.Stocksdale. George L.Stocksdale Attorney.
Assignee of Mortgagee.

Solicitor for Assignee
of Mortgagee.

STATE OF MARYLAND,CARROLL COUNTY TO WIT;-

I hereby certify,That on this 12th day of June,in the year Ninetee n Hundred and Sixteen, before me,the subscriber,a Notary Public,of the State of Maryland,in and for Carroll County aforesaid,personall appeared,George L.Stocksdale,Attorney,Assignee of Mortgagee,and made oath in due form of law that the matters facts and things set forth in the above or aforegoing report of sales are true as therein set forth,and that the sale therein reported was bonified and fairly made.

PLACE NOTARY OF PUBLIC. SEAL

Violet M.Turfle
Notary Public.

ORDER NISI ON SALES.

George L.Stocksdale,Attorney,
Assignee of Mortgagee.

VS.

Orville R.lescalleet and
Katherine M.Lescalleet,
Mortgagor's

No. 9463 E Q U I T Y.
In the Circuit Court for Frederk County sitting as a Court of Equity.Mat Term,1916.In the Matter of the Report of Sales filed the 13th day of June 1916.

ORDERED,That on the 6th day of July 1916,the Court will proceed to act upon the Report of Sales of Real Estate,reported to said Court by George L.Stocksdale Assignee of Mortgagee in the above cause,and filed therein 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 $500.00Dated this 13th, day of June 1916.

"THE POST"

PLACE OF COURT. SEAL

Eli G.Haugh
Clerk of the Circuit Court for Frederick County.

CERTIFICATE OF PUBLICATION.

Frederick,Md,July 7th,1916.

This is to certify,That the annexed Order Nisi on Sales No.9463 was published in "THE FREDERICK POST"a newspaper published in Frederick County,once a week for three successive weeks prior to the Sixth day of July 1916.

THE POST PUBLISHING CO.
Leonard Ekelman

Filed July 7th,1916.

Ordered this seventh day of July in the year Nineteen Hundred and Sixteen,by the Circuit Court for Frederick County,sitting as a Court of Equity,That the above sale of Real Estate be and the same is hereby finally ratified and confirmed.no cause to the contrary thereof having been shown,although due notice appears to have been given in accordenance with the proceeding order Nisi .the report is hereby refered to the Auditor of this Court to state an account of the trust funds in this cause, allowing the assignss of Mortgagee the usual commissions attorneys fees costs and and all lawful expenses,incident upon the production of vouchers for same.

Filed June 13th 1916.

Glennn H.Worthington

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Albert W.Ecker and Allen D.Hoover,Trustees for John S.Weybright and Annie E. Weybright,his wife,

ON.

PETITION.

No. 9327 EQUITY.

In the Circuit Court for Frederick County,sitting as a Court of Equity.

To the Honorable the Judges of said Court!-

The Petition of Albert W.Eckerand Allan D.Hoover,Trustees,respectfully shows unto your Honors! FIRST!That John S.Weybright and Annie E.Weybright,his wife,by their deed of trust being dated the 4th day of June A.D.1915,and recorded in Liber H.W.B.No.312,folio 454,one of the land records of Frederick County,conveyed to your petitioners all the property and estate of them and each of them in trust,to sell so much as is saleable and collect so much as is colectable and apply the proceeds thereof to the payment of the debts of them,said John S.Weybright and Annie E.Weybright,respectfully as in said deed of trust is provided,as will more fully appear by a copy of said deed trust filed herewith marked Exhibit No.1 and prayed to be taken and considered as part of this petition as fully as if here inserted in words and figures.

SECOND! That your petitioners have excepted the trusts created by said deed and have filed their bon bond with approved security,conditioned for their faithful performance of said trusts,in the panal sum of $35,000.being as nearly as can be ascertained double the amount of the whole trust estate.

THIRD! That a portion of the property conveyed to your trustees is a stock of goods,in a store situated in Thurmont in Frederick County conducted by said John S.Weybright,consisting of hardware,groceries,countyy produce,agricultural implements,&c.and which store was being conducted by said John S. Weybright at the time of the execution of said deed of trust,and your petitioners believe it would be to the interest of said trust estate and of the creditors of said John S.Weybright and Annie E. Weybright for said store to be kept open and the articles of merchandise to be sold at retail until they can have an opportunity and shall be able to sell the stock in bulk,and for your petitioners to be authorized to replenish staple and necessary articles of groceries,&c.,to assist in retaining the trade of the store and in the sale of the remaining articles.And your petitioners pray for the followingrelief!1st! That your Honorable Court will assume jurisdiction of said trusts created by said deed of trust and grant your petitioners the aid and protection of your Honorable Court in administering and executing said trusts.

2. That your Petitioners as Trustees may be authorized to sell said stock in trade by retail and to employ such help as may be nesessary therefor,and to puchase,in small quantities from time to time, such staple articles as they may find necessary to assist in selling the remaining stock of merchandise.3.That your Petitioners may have such other and further relief to which they may be entitled; and they will ever pray,&c.

Urner & Urner
Solicitors for Petitioners.

Albert W.Ecker and Allan D. Hoover,Trustees for John S. Weybright and Annie E.Weybright, his wife,

ON.

P E T I T I O N.

No. 9327 E Q U I T Y.

In the Circuit Court for Frederick County, sitting as a Court of

E Q U I T Y.

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Upon the aforegoing Petition,It is Ordered by the Circuit Court this 5th,day of June A.D 1915,that this Court does hereby assume jurisdiction of the trust mentioned in said Petition,as prayed,And it is further ORDERED by the Court that Albert W.Ecker and Allan D. Hoover,Trustees,be and they are hereby authorized and empowered to proceed to sell the stock in trade and merchandise in the store mentioned in said Petition at retail and to employ such help as may be necessary therefor and to purchase,in small quantities from time to time,such staple articles as they may find necessary to assist in selling the remainding stock of merchandise,subject to the further order of the Court.

Filed June 5th,1915. Hammond Urner.

"E X H I B I T No. 1"

At the request of Albert W.Ecker and Allan D.Hoover the following Deed was received for record and Recorded June 4th,1915,at 4 O'Clock P.M.

TEST:-Harry W.Bowers,Clerk:-

THIS DEED,made this fourth day of June,in the year nineteen hundred and fifteen,by us, John S.Weybright and Annie E.Weybright,his wife,of Frederick County,in the State of Maryland, WITNESSETH:Whereas,the said John S.Weybright is indebted unto sundry persons in various sums of money which he desires and intends to pay in full and the better to secure the payment of his said indebtedness has agreed to convey and assign all of his property and estate to Albert W.Ecker,and Allan D.Hoover,in trust for the benefit of his creditors as hereinafter set forth,and WHEREAS,said Annie E.Weybright also has estate of her own and has an Mortgage indebtedness thereon and is also bound as surety for said John S.Weybright in judgements and upon notes,which she also desires shall be paid in full,and to that end has agreed to unite with said John S.WEybright in conveying all of her property and estate as well as her interest in the estate of her said husband,the said John S.Weybright,to the said Albert W.Ecker,and Allan D.Hoover,in trust for the benefit of her creditors as hereinafter set forth.NOW THEREFORE,this deed witnesseth,that in consideration of the premises and the sum of five dollars,we,the said John S.Weybright and Annie E.Weybright,his wife,do hereby grant,convey and assign unto the said Albert W.Ecker and Allan D.Hoover,all the property and estate of us,the said John S.Weybright and Annie E.Weybright,in and to all that lot or parcel of land,with the improvements thereon situated in the town of Thurmont in Frederick County,Maryland,conveyed to the said John S.Weybright and Annie E.WEybright by Jesse P.Weybright and wife by deed dated the 3rd day of March A.D.1910,and recorded in Liber H.W.B.No.290,folio 434,one of the Land Records of Frederick County;also all that farm situated in Carroll County in the State of Maryland,conveyed to said Annie E.Weybright by John S.Weybright,Administrator with the will annexed of Daniel R.Saylor,deceased,by deed dated the 1st day of April A.D.1903 and Recorded in Liber J.H.B.No.97 folio 299,one of the landrecords for Carroll County; also all the stock in trade,personal property,books of account and choses in action of him the said John S.Weybright,and also all the property and estate of them the said John S.Weybright and Annie E.Weybright andeach of them,of every kind and nature and description,real and personal and wherescoever situated,except as such as may be exempt from execution by law.To have and to hold the same unto the said Albert W.Ecker and Allan D.Hoover,and the survivor of them,in trust for the following purposes,to-wit: FIRST,to take possession of the said property and estate of the said John S.Weybright including the said property owned jointly by him and said Annie E.Weybright,and without unnecessary

delay to convert the same into money by the sale of so much thereof as is saleable,and the collection as is Collectiable ,and to apply the proceeds,after the payment of its just proportion of the expence of this trust,including a commission of five per cent,to said Trustees for their servises,to the payment of full of all the debts due and owing by the said John S.Weybright,including all mortgages and judgement liens upon the property of the said John S.Weybright and the said property owned jointly by him and the said Annie E.Weybright,in the order of their priority and without any other preference or priority whatever,except as by law provided,if the net proceeds shall be sufficient therefor,and if insufficient,then to the payment of the aforesaid debts pro rata,without preference or priority except as aforesaid.-

SECOND,-to take posession of the aforesaid property and estate of said Annie Weybright,and without unecessary delay to convert the same or so much thereof as may be necessary into money by the sale of so much thereof as is saleable and to collect of so much thereof as is collectible,and to apply the proceeds,after the paymeny of its just proportion of the expenses of this trust,including a commission of five percent,to the said Trustees for their servises,to the payment in full of all the debts due and owing by the said Annie E.Weybright,including all mortgage and judgement liens upon the property of said Annie E.Weybright in the order of their priority,and without any preference or priority whatever,except as by law provided,if the net proceeds shall be sufficient therefor,and if insufficient,then to the payment of the aforesaid debts of said Annie E.Weybright pro rata,without preference or priority except as aforesaid.

THIRD,after the payment in full of all debts aforesaid of said John S.WEybright and all claims and demands whatsoever against him,for which he may be liable,out of the proceeds of the sales and collections from his estate as aforesaid including the proceeds of the sale of the said property owned jointly by him and the said Annie E.Weybright,in trust to pay the surpluss,if any there be,to the said John S.Weybright,and after the payment in full of all debts aforesaid of said Annie E.Weybright and all claims and demands whatsoever against her,for which she may be liable,including any balance that may remain unpaid upon the debts of John S.Weybright for which she is bound as surety after the application of the proceeds of his estate.out of the proceeds of the Sale and collectioh from her estate as aforesaid,then in trust to pay the surpluss,if any there be,to said Annie E.Weybright,It being the purpose and intention of this deed to have the proceeds of the sales and collections from the estate of said John S.Weybright,including the proceeds from said joint property,to be applied to the payment of the debts of said John S.Weybright and the proceeds from sales and collection of the estate of said Anniw E.Weybright to be applied to the payment of her debts as aforesaid,-

And the said John S.Weybright and Annie E.Weybright,for the purposes aforesaid,do each hereby make, constitute and appont the said Albert W.Ecker and Allan D.Hoover,and the survivor of them,their true and lawful Attorneys,irrevocable,in theirrespective names or otherwise to ask,demand,sue for,recover and receive of and from all and every person or persons all the property,goods,debts or sums of money belonging or owing to said John S.WEybright and Annie E.Weybright or either of them,and to execute all necessary deeds,releases and acquitances,and to compound for any doubtful debts;and further to do all other acts in the premises as fully and effectually as they,said John S.Weybright and Anne E.Weybright,or either of them,Could have done if these premises had not been executed.

Witness our hands and seals. John S.Weybright (SEAL)

TEST:Richard Potts. Annie E.Weybright (SEAL)

State of Maryland Frederiwk County,to wit!--

I HEREBY CERTIFY,That on thid 4th day of June A.D.1915,before me,the subscriber,a Notary Public of the State of Maryland,in and for Frederick County,personally appeared John S.Weybright and Annie E. Weybright,his wife,and each acknowledged the aforegoing deed of trust to be their respective act .

Witness my hand and Notarial Seal

Richard Potts
Notary Public.

(Place of Seal)

Stateof Maryland,Frederick County,to-wit!-

I hereby certify that the aforegoing is a true copy of the original Deed of Trust from John S.Weybright and Annie E.Weybright his wife to Albert W.Ecker and Allan D.Hoover,Trustees,as Recorded in Liber H.W.B.NO.312,Folio 454 &c.one of the Land Records of Frederick County Maryland.

PLACE CIRCUIT OF COURT. SEAL

In Testimony Whereof, I hereunto subscribe my name and affix the Seal of the Circuit Court for Frederick County, at Frederick, Maryland, this 5th day of May A.D. 1915.

Filed June 5th, 1915.

Harry W. Bowers.

Clerk of the Circuit Court for Frederick County, Maryland.

FINAL RATIFICATION AND REPORT OF SALES

Albert W. Ecker and Allan D. Hoover, Trustees for John S. Weybright and Annie E. Weybright, his wife.

ON.

PETITION.

No. 9327 EQUITY.

In the Circuit Court for Frederick County, sitting as a Court of Equity.

To the Honorable the Judges of said Court!

The report of sales and petition of Albert W. Ecker and Allan D. Hoover, Trustees, respectfully shews unto your Honors!

That in pursuance of the power of sale contained in the deed of trust from John S. WEybright and wife, a copy of which is filed in the above case marked Exhibit No. 1; and after having given at least three weeks previous notice of the time, place, manner, and terms of sale, by publication in the Catoctin Clarion, a newspaper published in Frederick County, and after having given previous notice thereof by advertisement in the Carroll Record a newspaper published in Carrolll County; and by hand Bills extensively circulated; they did in pursuance of said notice attend, in front of Weybright's store, in Thurmont, Frederick County, Maryland, on Saturday, the 31st day of July, A.D. 1915, at 1.00 o'clock P.M. And then there offered at Public sale to the highest bidder!

FIRST. All that real estate described in a deed from Jesse P. Weybright and wife to John S Weybright and wife, recorded in liber H.W.B. No. 290, folio 434, one of the land records for Frederick County, being the real estate first described in the advertisement annexed to the acknowledgement of purchase herewith filed, and sold the same to D. Saylor Weybright, he being the highest and best bidder therefor, at and for the sum of Twenty-four Hundred and Ninety Dollars ($2490.00). And the said D. Saylor Weybright has obligated himself to comply with the terms of sale as specified in said advertisement, as will appear by his acknowledgement of purchase filed herewith as part of this report marked Exhibit D.S.W.

SECOND! Your Trustees next offered at public sale to the highest bidder, the farm containing one hundred and forty acres and fifty-six perches of land, more or less, situated in Carroll County, and being the second property described in said advertisement, and slod th the same to Tilghman L. Grossnickle, he being the highest and best bidder therefor, at and for the sum of Forty-five Dollars ($45.00) per acre, aggregating the sum of Sixty-three Hundred and Fifteen Dollars and Seventy-five Cents ($6,315.75); and the said Tilghman L. Grossnickle has obligated himself to comply with the terms of sale as specified in said advertisement, as will appear by his acknowledgement filed herewith as part of said Exhib it D.S.W. The growing crops upon said farm were reserved from said sale. The whole amount of said sales is the sum of eight Thousand, Eight Hundred and Five Dollars and Seventy-five Cents ($8,805.75); all of which is respectfully submitted.

And your Trustees pray your Honors to ratify and confirm said sales, and grant them such other and furtherrelief to which they may be entitled.

Albert W. Ecker
Allen D. Hoover

WITNESS! Rudolph O. Eyler

State of Maryland, Frederick County, } to wit!

I HEREBY CERTIFY, That on this 5th day of August, A.D. 1915, before me, a Notary Public of th the State of Maryland in and for Frederick County, personally appeared Allan D. Hoover, one of the Trustees named in the foregoing report and petition; and in due form of law did

solemnly,sincerely,and truely declare and affirm that the matters and things stated in the aforegoing report and petition are true to the best of his knowledge and belief;and that the sales therein reported were fairly made. Witness my hand and Notarial Seal. Rudolph O.Eyler
Notary Public.

PEACE OF NOTARY. SEAL

State of Maryland,Frederick County,to wit!

I HEREBY CERTIFY,that on this 5th day of August,A.D.1915,before me,Clerk of the Circuit Court for Frederick County,personally appeared Albert W.Ecker,one of the Trustees named in the aforegoing report and petition;and in due form of law did solonenly,sincerely,and truely declare and affirm that the matters and things stated in the foregoing report and petition aretrue to the best of his knowledge and belief;and that the sales therein reported were fairly made. Harry W.Bowers Clerk.

T R U S T E E S' S A L E

O F V A L U A B L E R E A L E S T A T E.

By virtue of a power of sale contained in a deed of Trust executed June 4,1915,by John S.Weybright and Annie E.Weybright,his wife,recorded in liber H.W.B.No.312,folio 454,one of the land records of Frederick county,the undersigned Trustees named therein,will sell at public sale in front of Weybright's store in Thurmont,Frederick County,Maryland,on Saturday,July 31st,1915.at 1 o'clock P.M.

FIRST.All that real estate described in a deed from Jesse P.Weybright and wife to John S.Weybright and wife,recorded in liber H.W.B.No.290,folio 434,one of the land records of Frederick Cunty,situated on the west side of Water Street,Thurmont,Md.consisting of a lot improved with a Two-Story Frame House with Store room attached.Also a summer kitchen,new Stable and other buildings,This is a valuable property and a fine business is being done here.

SECOND.VALUABLE FARM containing 140 acres and 56 perches of Land,more or less,it being the same land conveyed by John S.Weybright,adm'r of Daiel R.Saylor,to Annie E.Weybright; situated two miles east of Detour,Carroll County,Md.along the W.M.Railroad,adjoining the lands of Ernest Dutrow,Martin Flohr Dr.Chas.Diller and others.This farm is in a high state of cultivation,is improved with a TWO-STORY BRICK HOUSE,a fine bank barn and other necessary outbuildings,a good spring of water,also water through the house,barn and hogpen.The fencing is in good repair.The growing crops will be reserved.

TERMS of Sale as Prescribed by the Court on these properties,CASH.A deposit of $300.00 will be required of the purchaser of the Thurmont property and a deposit of $500.00 required of the purchaser of the farm near Detour on the day of sale,the balance on ratification of the sale by the Court.All conveyancing of every description at the expence of the purchaser or purchasers.

Albert W.Ecker
Allen D.Hoover
Trustees.

Test.Stitley Auct.

I hereby acknowledge that I have this 31st day of July A.D.1915,bought at Public Sale of Albert W. Ecker and Allan D.Hoover,Trustees,the real estate First described in the annexed advertisement,situated in Thurmont,Frederick County,Maryland,at and for the sum of Twenty Four Hundred & Ninety Dollars,and I obligate myself to comply with the terms of sale as specified in said advertidement.

TEst:Jesse P.Weybright. D.S.Weybright

I hereby acknowledge that I have this 31st day of July A.D.1915,bought at public sale of Albert W. Ecker and Allan D.Hoover,Trustees,the real estate Second described in the annexed advertisement, being the Farm containing 140 Acres and 56 perches of land,more or less,at and for the sum of 45 Dollars Dollars per acre,and I obligate myself to comply with the terms of sale as specified in said advertisement.The growing crops are reserved.

T.L.Grossnickle

TEST:Jesse P.Weybright. Filed August 5'1915.

O R D E R N I S I O N S A L E S

Albert W.Ecker and Allan D.Hoover
Trustees,for John S.Weybright and
Annie E.Weybright,his wife.

ON.

P E T I T I O N.

No. 9327 E Q U I T Y.
In the Circuit Ciurt for
Frederick County sitting
as a Court of Equity.
July TERM,1915.

In the Matters and of the Report of Sales filed the 5th day of August 1915.

ORDERED, That on the 3rd day of September 1915, the Court will proceed to act upon the Report of Sales of Real Estate, reported to said Court by Albert W. Ecker and Allan D. Hoover Trustees in the above cause, and filed therein 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 $8.805.75

DateD this 5th day of August 1915.

Harry W. Bowers
Clerk of the Circuit Court for Frederick County.

"CATOCTIN CLARIAN"

Office of the Clarion Publishing Co.

Thurmont, Md. Sept, 2nd, 1915.

This is to certify that the annexed advertisement Order Nisi on Sales No. 9327 was published three consecutive weeks prior to the 3rd, day of September 1915. in The Catoctin Clarion a news paper published in Frederick County, Md.

Clarein Pub. Co.
Per J.H.F.

Filed Sept. 4th, 1915.

ORDERED by the Circuit Court for Frederick County, in Equity, this 4th day of September, A. D, 1915, that the foregoing Report of Sale and the sale therein reported be and the same are hereby ratified and confirmed, no cause to the contrary being shown, although due notice appears to have been given as required by the annexed Order Nisi, as shown by the printer's certificate herewith filed.

Hammond Urner

Filed August 5th, 1915.

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THE E N D.