

Alley, and your Petitioners are anxious that the same should be sold and the proceeds thereof distributed.

6. That on the 23^d day of April, in the year Eighteen hundred and ninety five, John E.R. Wood Esq., resigned the position of Trustee under the decree of the Court and declined to discharge the duties of such trusteeship.

7. That your Petitioners respectfully show unto your Honors that there exists a necessity for the immediate appointment of a Trustee to sell the property and distribute the proceeds among those entitled.

8. That Trustees have been appointed in No. 6240 to sell the other real estate in which your petitioners have an interest, and it would be to the interest and advantage of all, especially the infants to have both properties sold at once and the same time.

Your petitioners therefore pray your Honors to pass an order or decree appointing Frank L. Stoner, and J. Roger McSherry, Trustees in the place and stead of John E.R. Wood, Esq., who has resigned and declined to serve any longer, and also to pass an order requiring the former Trustee to bring into Court the trust funds and state an audit distributing the proceeds of sale of said real estate.

And as in duty bound.

Filed April 24th, 1895.

J. Roger McSherry
Solicitor for Petitioners.

The foregoing petition having been read and considered, it is thereupon this 24th day of April, in the year Eighteen hundred and ninety five, adjudged, ordered and decreed by the Circuit court for Frederick County, sitting as a Court of Equity, that Frank L. Stoner and J. Roger McSherry, be and they are hereby appointed Trustees to sell the remaining portion of the real estate decreed to be sold in the above entitled cause, in the place and stead of John E.R. Wood, Esq., who has declined the Trusteeship and refused to act, expressly reserving all rights against the said John E.R. Wood, Esq., and the sureties on his bond, for any mismanagement or other liabilities that may have arisen in the discharge of such trusteeship; and with authority to said Frank L. Stoner and J. Roger McSherry, to make sale of the property not heretofore sold by the former Trustee, after having given at least three weeks public notice by advertisement inserted in some newspaper published in Frederick County of the time and place and terms of sale; which terms shall be as follows; one half of the purchase money in cash on the day of sale or on the ratification thereof by the Court the residue in one year, or all cash at the option of the purchaser or purchasers, the purchaser or purchasers giving his, her or their notes with approved security and bearing interest from the day of sale, and as soon thereafter as may be convenient after 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 parties to this cause, and of any person or persons claiming by, from, or under them, and the said Trustees shall bring into Court the money arising from such sale, 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 they shall appear to have discharged their trust. Provided however that the said Frank L. Stoner and J. Roger McSherry, shall file with the Clerk of this Court a bond to be approved by the Clerk or the Court in the penalty of One Thousand Dollars conditioned for the faithful discharge of their duties under this order or decree or under any other order or decree which may be passed in the premises by this Court.

John A. Lynch
Judge of the Cir. Court.

The foregoing Petition having been read and considered it is thereupon this 24th day of April, A.D. 1895, ordered by the Circuit Court for Frederick County, sitting as a Court of Equity, that the former Trustee in this case John E.R. Wood, Esq., bring into Court the trust funds of this cause if