

and also because Lot No. 61 was not divided, and because it sold far below its value; and for other reasons which the Court does not consider very materially. The property brought very nearly the same price at each of these sales, This fact tends very strongly to show that the property did not sell for a price far below its value. The rule is that a judicial sale "will not be set aside because of some diversity of opinion among witnesses as to the value of the property sold, unless it is shown that the price reported is so grossly inadequate, as to do injury to parties not in default" "It is well settled xxx that where inadequacy of price, standing by itself, is not sufficient to vacate a sale, unless it is so gross and inordinate, as to indicate fraud and misconduct on the part of the trustee or purchaser" Garritee et al. vs. Popplein 73 Md. 325.

From the testimony and all the surroundings facts, the Court is of the opinion that Mr. Brez's undivided half interest in the property sold for as much at this sale, as it is likely to bring at any sale in the near future. There is nothing in the record to show any fraud or misconduct on the part of the assignee or purchaser, in making the sales reported on August the 7th 1895.

As to dividing the Lots, the Court is convinced, that as between two tenants in common, one tenant, now his mortgagee, has any right to set off one specific part of the common property, as his own and dispose of it, either by sale or mortgage. Jones on Mortgage Sec's 705-706.

It is, thereupon, this 31st day of October A.D. 1895. by the Circuit Court for Frederick County, as a Court of Equity, and by the authority thereof, adjudged ordered and decreed that the objections to the sales made on July 27th 1895, be and the same are hereby overruled; And it is further ordered and decreed, by the authority aforesaid, that said sales be, and the same are hereby ratified and confirmed.

John A. Lynch
Judge of the Circuit Court.

Filed October 31st, 1895.

RECORD OF THE CLERK OF THE CIRCUIT COURT FOR BALTIMORE COUNTY.

ORIGINAL PETITION.
(FILED OCTOBER 13, 1909)

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| ELIZABETH LEE HORSEY, | " | IN THE CIRCUIT COURT |
| MARY H. MONTGOMERY, ANNA C. | " | |
| HORSEY, OUTERBRIDGE HORSEY AND | " | FOR |
| THOMAS S. L. HORSEY. | " | |
| | " | BALTIMORE COUNTY, |
| VS. | " | IN EQUITY. |
| CHARLES C. L. HORSEY. | " | |
| | " | |

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To the Honorable the Judges of said Court:-
The petition of Elizabeth Lee Horsey, Mary H. Montgomery, Anna C. Horsey, Outerbridge Horsey and Thomas S. L. Horsey respectfully represents:-

FIRST:- That your petitioners are all the living sisters and brothers of Charles C. L. Horsey, except Ann Caroline Horsey, who is a member of the order of the Sacred Heart of the Roman Catholic Church.

SECOND:- That the said Charles C. L. Horsey, who is at present undergoing treatment at the Sheppard and Enoch Pratt Hospital in Baltimore County, is now and has been since about January last past of unsound mind and a lunatic, and that he is neither capable of the government of himself or the management of his estate, and your petitioners file herewith the affidavit of Doctor Edward N. Brush, Superintendent of the said Sheppard and Enoch Pratt Hospital, marked Petitioners' Exhibit No. 1, deposing as to the insanity of the said Charles C. L. Horsey which they pray may be read as a part of this petition.

THIRD:- That while the said Charles C. L. Horsey is now undergoing treatment of the said Hospital upon the certificates of two physicians, his unfortunate affliction has made him very restless and discontented, and induced him to try to escape from the hospital treatment, and your petitioners are advised that it would not be safe for the said Charles C. L. Horsey to be at liberty, and that there should be some one clothed with him the authority to restrain him so that he might be properly protected in his person and receive such medical and other attention as his unfortunate condition