June Term 1827.

Richard Grahame
vs
Joseph David, Elizabeth David, Eleanor David, Margaret David, Catharine David, Maria David & Ann Whittington

Bill to foreclose mortgage - In Calvert County Court sitting as a Court of Equity - This Cause being ready for decision the Bill answer and exhibit were read examined and Considered and it being just and right that the property in the proceedings mentioned should be sold for the purpose of paying the money to secure which the same was mortgaged together with the interest due and to become due thereon - It is thereupon this fifth day of December in the year of our Lord one thousand eight hundred and twenty five by Calvert County Court sitting as a Court of Equity and by the Authority thereof - that the property in the proceedings mentioned be sold and that John Parran be and is hereby appointed the trustee for the purpose of making the said sale and that the Course and manner of his proceeding shall be as follows, that is to say he shall first lodge with the Clerk of this Court a bond to the State of Maryland executed by himself with good and sufficient security to be approved by this Court in the penalty of one thousand dollars Current money Conditioned for the true execution of the trust Committed by this decree or to be Committed by any further order or decree in the premises - He shall then proceed to make the said sale having first given six weeks notice to be inserted in some newspaper published at Annapolis and by advertisement set up at Lower Marlborough and in such other public places in the County as he may deem advisable of the time, place and manner and terms of sale, which shall be on a credit of twelve months to be secured by bond and good security, with interest from the day of sale and as soon as Convenient after the said sale the said trustee shall return to this Court a full and particular account of his proceedings relative to the said sale with an affidavit of the truth thereof and of the fairness of the sale annexed and on obtaining this Courts ratification of said sale and on payment of the whole purchase money and not before, the trustee shall by a good and sufficient deed executed and acknowledged according to law Convey to the purchaser or purchasers his her or their heirs, the property to him her or them sold, free Clear and discharged from all manner of Claim of the Complainant and defendants and their right title and interest in and to the same both at law and in equity and that after deducting the expences attendant upon the proceedings and such Commission as this Court shall think proper to allow him upon Consideration of the skill and fidelity with which he shall appear to have discharged his trust, he shall pay over to the Complainant so much as by the auditor of this Court shall be ascertained and repated to be due to the Complainant, if there be so much arising from the said sale and the balance if any to bring into this Court to be subject to its further order and decree - And it is hereby further ordered adjudged and decreed that the Auditor of this Court ascertain and report to this Court with all Convenient speed the amount of principal and interest due to the Complainant secured by said mortgage.

T. H. Wilkinson.

And the said John Parran being so appointed trustee in Compliance with the order of the decree aforesaid files in Court here his bond, which is approved of and is in the words following, that is to say. Know all men by these presents that we

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John Parran, William C. Hodgkin and John J. Brooke of Calvert County and State of Maryland are held and firmly bound unto the State of Maryland in the full and just sum of one thousand dollars Current money to be paid to the said state or its Certain Attorney to the which payment well and truly to be made and done, we bind ourselves and every of us our and each of our heirs executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this fifth day of December eighteen hundred and twenty five - Whereas the above named John Parran by virtue of a decree of the honourable Court of Calvert County sitting as a Court of equity hath been appointed trustee for the sale of the house and lots in Lower Marlborough the property of Joseph David late of Calvert County deceased for the purpose of paying to Richard Grahame of said County a sum of money due to him by the said Joseph David and secured by a mortgage of the said house and lots. Now the condition of the above obligation is such that if the above bounden John Parran do and shall well and faithfully perform the trust reposed in him as trustee as aforesaid by the said decree or that may be reposed in him by any future order or decree in the premises, then the above obligation to be void otherwise to remain in full force and effect.

Signed Sealed and delivered in the presence of John B. C. Chesly — John Parran (Seal), Wm. C. Hodgkin (Seal), J. J. Brooke (Seal)

And now here at this day to wit the thirteenth day of January eighteen hundred and twenty six Comes here the said Joseph David, Elizabeth David, Eleanor David, Margaret David, Catharine David, Maria David and Ann Whittington by Alexander C. Magruder Esq. their Attorney and prays an appeal from the decision of the Court aforesaid of and upon the premises aforesaid to the high Court of appeals and to them it is granted - And thereupon it is ordered and directed that the proceedings aforesaid together with all things Concerning the premises be transmitted to the high Court of Appeals and the same is hereby done accordingly.

In Testimony that the aforegoing is truly taken from the record of proceedings of Calvert County Court sitting as a Court of Equity - I have hereunto set my hand (Seal) and seal of office this sixteenth day of January eighteen hundred and twenty six.

Wm. T. Mascll Clk of Calvert Co.

And now come into the Court of Appeals here, as well the said appellants by Alexander C. Magruder their attorney, as the said Appellee by John B. C. Chesly his Attorney; and thereupon, on motion of the said Appellee by his Attorney aforesaid it is ruled by the Court here, that the said Appellants assign the errors in the record of proceedings aforesaid, or in the giving the decree aforesaid so as aforesaid brought before the Court of Appeals here, for Correcting the errors supposed to be therein or judgment by the Court of Appeals here will be entered against them in default thereof. And the said Appellants by their Attorney aforesaid, say, that in the record of proceedings aforesaid and also in the giving of the decree aforesaid, there is manifest error in this, to wit, that by the record aforesaid it appears that the decree aforesaid, was given for the said Appellee against the said appellants when by the law of the land that decree ought to have been given for the said appellants against the said Appellee therefore in that there is manifest error; and they pray that the decree aforesaid for that error, and others, being in the