this Court a full and particular account of the same with an affidavit of the truth thereof and of the fairness of such sale annexed and on the ratification of such sale by the Chancellor 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 according to law shall convey to the purchaser or purchasers of said property and to his her or their heirs or assigns the property to him her or them sold fee clear and discharged of all claim of the parties to this case, and of any person or persons claiming by from or under them or any of them. And the said trustee shall bring into this court the money arising on such sale 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 Chancellor shall think proper to allow on consideration of the skill attention and fidelity wherewith he shall appear to have discharged his trust.

Theodorick Bland, Clk.

Jacob Horn vs. John W Watkins and others. — In Chancery, 26 February 1844. The said decree of this day in this case having been passed upon oral argument by the solicitors of the parties this Court doth therefore according to the act of assembly in such case made and provided set down and file the following opinion for and in respect of the said decree, It is the opinion of this Court that there is no competent proof of any taint of usury applied on by the defendant Nathaniel Warfield.

Theodorick Bland Clk.

And afterwards to wit on the 29th day of February 1844 the complainant by his solicitor aforesaid filed in the said cause the refusal of the Trustee named in the said Decree to act as Trustee in the words following to wit.

Jacob Horn, vs. John W Watkins and others. — In Chancery. To the Honorable the Chancellor. I respectfully decline serving as Trustee in this cause and in behalf of the plaintiff I beg to recommend for the trust Randle H. Moale Esquire.

Charles F. Mayer, Solr. of Plff.

And thereupon the Chancellor passed the following order.

In Chancery 29th February 1844.

Ordered that Charles F. Mayer having declined acting as Trustee under the Decree in the above cause Randle H. Moale be and he is hereby appointed Trustee in place of said Mayer, subject to all the requirements of said Decree as to said Mayer.

Theodorick Bland, Clk.

And afterwards to wit, on the 1st day of March 1844 the Trustee named in the aforegoing order filed in the said cause his Trust Bond duly approved by the Chancellor in the words following to wit.

Know all men by these presents that we Randle H. Moale and Samuel Moale of the City of Baltimore and State of Maryland are held and firmly bound unto the State of Maryland in the full and just sum of ten thousand dollars to be paid to the said State or its certain attorney,

to which payment well and truly to be made we bind ourselves and each 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 twenty ninth day of February eighteen hundred and forty four. Whereas the above bounden Randle H. Moale by virtue of a decree and order thereafter of the Honorable the Court of Chancery passed in the cause between Jacob Horn plaintiff and John W Watkins and others defendants has been appointed Trustee to sell the mortgaged property in the proceedings in said cause mentioned. Now the condition of the above obligation is such, That if the above bounden Randle H. Moale do and shall well and faithfully perform the trust reposed in him by said decree or that may be reposed in him by any future decree or order in the premises then the above obligation to be void otherwise to be and remain in full force and virtue in law.

Signed Sealed and delivered in the presence of. The words "and order thereafter" first interlined. F. M. Fowler.

R. H. Moale, (Seal) Saml. Moale, (Seal)

"Approved 2d March 1844.

Theodorick Bland, Clk.

And afterwards to wit on the 31st day of October 1844 the Defendant Nathaniel Warfield by his counsel St Geo. W. Teackle Esquire prayed an appeal from the said Decree to the next Court of Appeals to be holden for the Western Shore of Maryland in the words following to wit.

Baltimore Oct. 30th 1844.

My Dear Sir.

Please enter an Appeal in the case of Horn vs Warfield decided in the Court of Chancery in February last, the nine months have nearly expired.

Most truly yours &c.
St Geo. W. Teackle, Solr. for Warfield.

To Louis Gassaway Esqr.
Reg. Cur. Can.
Annapolis Md.

And the said Appeal was granted and the proceedings ordered to be transmitted and the same are hereby transmitted accordingly.

Maryland Sc.

I hereby certify that the aforegoing is a true copy from the original proceedings in the said cause now remaining in the Court of Chancery of the said State.

In Testimony whereof I have hereto set my hand and affixed the Great Seal of the said State this 5th day of April in the year of our Lord one thousand eight hundred and forty five.

(Seal)

Louis Gassaway Reg. Cur. Can.

Compltt. Costs, $55.21.
Deft. Costs, — 50.64.

And now come into the Court of Appeals here, as well the said Nathaniel Warfield by John Mick Watkins his attorney, as the said Jacob Horn by Randle H. Moale & Charles F. Mayer his attorneys, and thereupon, on motion of the said Jacob Horn by his attorneys aforesaid